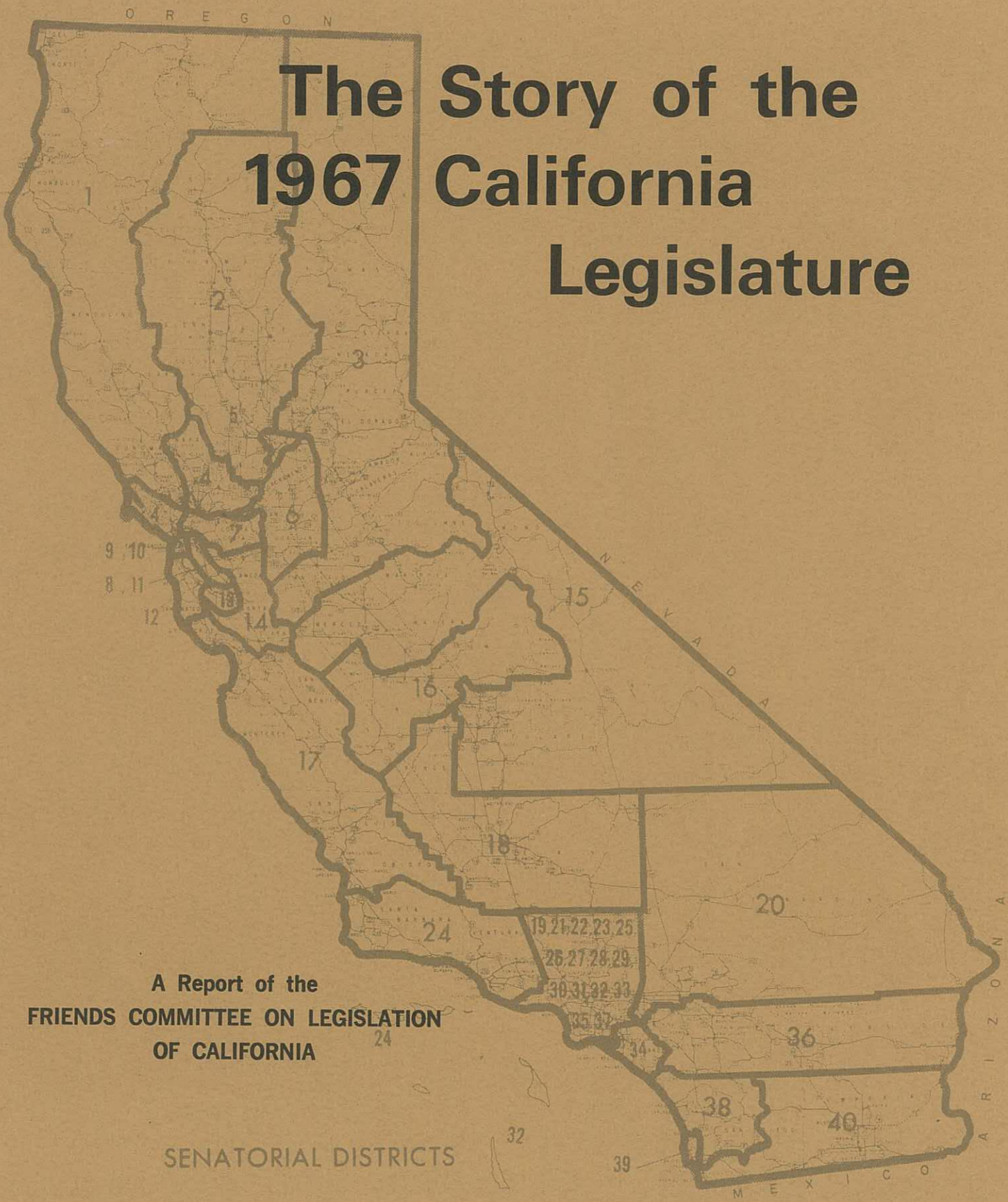


The Story of the 1967 California Legislature



A Report of the
FRIENDS COMMITTEE ON LEGISLATION
OF CALIFORNIA

SENATORIAL DISTRICTS

EQUAL RIGHTS

FAIR HOUSING

Undoubtedly one of the most mixed-up situations that ever occurred in the California legislature happened during this year's battle over the state's fair housing laws.

The session started poorly from the standpoint of fair housing advocates. They had not yet established their own, positive, program for the session, and the opponents of fair housing got the jump on them. The first bill introduced in the Assembly was **AB 1** (Badham, R., Newport Beach), for repeal of the Rumford Act; opponents in the Senate were only a little bit slower with an identical measure, **SB 9** (Schmitz, R., Tustin).

Certainly the general atmosphere around the Capitol was such that there appeared to be absolutely no chance of strengthening the fair housing laws in this session. It appeared doubtful whether minority groups and their allies even could hold the line on what they had. Part of the fair housing supporters' delay in developing a positive legislative program in the area of housing discrimination resulted from disagreement among them as to whether to take a defensive or aggressive stance in the legislature.

GOVERNOR'S COMMISSION

Also, equal rights leaders were awaiting the report of the Governor's Commission on the Rumford Act.

The Commission was appointed by Governor Brown in September, 1966, after the California Supreme Court had declared Proposition 14 invalid. The Commission, representing a cross-section of public opinion in California, was asked to examine the operation of the Rumford Act and to "examine this material in the broader context of the national commitment to an open society and the need to reduce racial tensions, frustrations, and fears."

Governor Reagan asked the Commission to continue its work and appointed a representative to attend its meetings as an observer. The Commission made its final report and recommendations to the Governor on April 6.

ECHOES OF PROP. 14

Opponents of fair housing hammered away on the theme that the vote for Proposition 14, a 1964 ballot proposal to write into the State constitution a prohibition against state action in the field of housing discrimination, constituted a mandate for repeal of the Rumford Act, the state's chief fair housing law.*

The fight against the Rumford Act was led by the California Real Estate Assn. In fact, throughout the whole session it was almost a lone lobbying group against the housing discrimination law. Groups and individual citizens coming to the defense of the Rumford Act, on the other hand, were numerous and active.

The Governor was opposed to the Rumford Act but said that he would await the decision on a challenge to the constitutionality of Proposition 14, then before the U.S. Supreme Court, before taking a position on legislation in this area.

*The FCL pointed out that 41 of the 63 Assemblymen who voted for the Rumford Act in 1963 had survived two elections since then, three of them having gone on to higher elective office. Of the 20 "yes" voters not in elective office in 1967, three did not run for re-election, four were appointed to the bench. Of the 14 defeated at the polls, some have been replaced by legislators who also support fair housing laws, some clearly suffered from political disabilities in their campaigns that had nothing to do with their fair housing votes. It is not certain that the Rumford Act vote played a major role in any of the 13 defeats suffered by 1963 Assemblymen.

The Senate was reappointed in 1966, so that a similar 1963-1967 comparison cannot be made.

FIRST HEARING

The first hearing on anti-Rumford Act legislation came on March 15, when the Senate Committee on Governmental Efficiency took up **SB 9** and Schmitz' **SB 14**, to repeal those sections of the Unruh Civil Rights Act which deal with discrimination in the real estate industry. Debate was limited to 10 minutes each for proponents and opponents. Former Assemblyman Byron Rumford presented the case against both bills.

Committee members raised constitutional questions in regard to **SB 14** because of the similarity of its wording to language in Proposition 14, then still before the court. On a motion by Senator Alan Short (D., Stockton), **SB 14** was held in committee.

SB 9 was taken under submission on a motion by Senator Walter Stiern (D., Bakersfield). Taken under submission, the bill could be taken up again at a later date by the committee. Before the voice vote on this motion was taken, Senator Hugh Burns (D., Fresno) said that he was in favor of repealing the Rumford Act, but that the committee should take a look at other bills on fair housing then before the Assembly before making its decision.

TAKEN BY SURPRISE

These remarks led fair housing supporters to believe that the Senate Governmental Efficiency Committee would not act on **SB 9** until it had the Assembly bills before it. They were taken by surprise when, on April 5, without further notice, and on a day of otherwise routine business, Senator Burns was amended in as author of **SB 9** in place of Schmitz, the legislature's only avowed member of the John Birch Society and the bill was then sent to the Senate floor with a "do pass" recommendation.

When **SB 9** was brought up for a vote in the Senate, the report of the Governor's Commission on the Rumford Act had been before the Governor for a week. No public mention was made of this, however, and few if any legislators knew that the document existed.

Fair housing supporters secured copies of the report, which upheld the need for fair housing laws and made recommendations, many of which fair housing proponents felt they could live with. These copies were distributed to legislators who would carry the debate against **SB 9**.

On the Senate floor on April 13, Senator Burns based his arguments for **SB 9** squarely on the 2-1 margin for Proposition 14 in the November, 1964 election. Every county but one, and most legislative districts, supported Proposition 14, he pointed out. He said that there already were adequate laws against racial discrimination "when we went on this racial kick."

Opponents of **SB 9** angrily protested against the "racial kick" remark. "The racial kick started 350 years ago when the Negroes were landed at Jamestown in chains," Senator Nicholas Petris (D., Oakland) said.

After an hour and a half of debate, the Senators voted 23-15 for the bill (see voting record). **SB 9** then went to the Assembly where it was assigned to the Committee on Governmental Efficiency and Economy.

SIX BILLS

Already before Assembly GEE were **AB 1** and five other bills having to do with discrimination in housing. These were **AB 729** (Bagley, R., San Rafael), **AB 2249** (Miller, D., Berke-