

# THE CALIFORNIA POLL

THE INDEPENDENT AND IMPARTIAL STATEWIDE SURVEY OF PUBLIC OPINION  
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**San Francisco** Headquarters  
145 Montgomery Street  
San Francisco 94104  
392-5766

**Los Angeles** Office  
3142 Wilshire Boulevard  
Los Angeles 90005  
385-5259

Mervin D. Field, Director  
Robert Heyer, Editor

**Library**  
**Survey Research Center**  
**University of California**  
**Berkeley, California 94720**

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**MAJORITY FAVOR TESTING CONSTITUTIONALITY OF PROPOSITION 14  
IN HIGHER COURT; OPPOSE RUMFORD ACT**

by Mervin D. Field

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A majority of the California public today is in favor of appealing the recent decision of the California Supreme Court, which declared Proposition 14 unconstitutional, to the U.S. Supreme Court.

Furthermore, even if the state court ruling on the controversial measure, approved by the voters in 1964, is upheld, and the law is removed from the books, the public is opposed to the idea of keeping the Rumford Act, which becomes operative again in the absence of Proposition 14.

The Proposition 14 law gives property owners the right to refuse to sell or rent to anyone they don't wish to deal with. A key point in the campaign to pass Proposition 14 was that it would nullify the Rumford Act, passed earlier by the legislature, which makes it illegal for apartment house owners or real estate brokers to refuse to rent or sell to anyone because of race, color, or religion.

The California Poll conducted a survey among a cross section of the public throughout the state earlier this month to sound out public feeling today on the "fair housing" issue posed by the State Court's ruling. In the survey, a margin of better than two-to-one was found in favor of appealing the ruling that it is unconstitutional. The figures:

<u>Proposition 14</u>	
Appeal ruling to U.S. Supreme Court	58%
Take it off the books now	25
Undecided, no opinion	17

## Question

(In asking this question, the Poll's interviewers first showed each respondent a copy of the 1964 measure as it appeared on the ballot and then said: "As you may know, the California State Supreme Court recently ruled that the Proposition 14 law is unconstitutional. Some people have said we should now take the law off the books while others have said we should test it further to see if it will be found constitutional by a higher court. Would you be in favor of taking the Proposition 14 law off the books now, or would you favor testing it further in a higher court?")

**MORE**

*The California Poll was founded in 1946 as a medium for promoting public opinion research. The California Poll is completely independent of all political parties and candidates. Its sole purpose is to report public opinion accurately and objectively. Financial support for the Poll comes from newspapers and television stations that have exclusive rights within the city of publication. The Poll utilizes accepted scientific sampling and questioning procedures in obtaining the data reported in its releases. Representative samples of adults are interviewed at periodic intervals on election issues and other socially important questions of the day. Proportionate numbers of people of both sexes, from all parts of the state, from different sized communities, and of all age, economic, political, and occupation groups are included in the samples. Major surveys are made with samples of 1,000 or more respondents. Interim surveys sometimes are made with smaller samples of not less than 600 interviews.*

In their reaction to this question, people who want to see the constitutionality tested further leave little doubt that they would like to see Proposition 14, or something like it, retained. The predominant feeling is opposition to the idea that "the state can tell a property owner what he can and cannot do." Many people also voice the sentiment that the state court "has no right to overrule the will of the people." About one in four of those who feel the law should be tested in the higher court seem to feel it is an important enough issue that the highest court in the land should rule on it "to settle the question once and for all."

Reinforcing the conclusion that the major part of the public today is not in favor of restrictive housing legislation to benefit minority groups if it interferes with private property rights, is their rejection of the Rumford Act. This question was posed this way:

"If Proposition 14 is removed from the books, then the Rumford Act becomes law again. This is the law that was passed earlier by the state legislature which makes it illegal for apartment house owners or real estate brokers to refuse to rent or sell to anyone because of race, color, or religion. Do you favor or oppose the idea of keeping the Rumford Act as a law?"

Oppose	54%
Favor	28
Undecided, no opinion	18

Even among those who favored taking Proposition 14 off the books now without further testing, 39 percent registered opposition to the Rumford Act.

#### Implications

Does today's expression of opinion mean that a majority of Californians are in favor of racial discrimination? Probably not, since in other California Poll measurements they have shown sympathy for the basic goals of the civil rights movement. What seems to be at issue is the collision of two opposing philosophies -- the rights of private citizens to dispose of their property as they see fit without interference from the government versus the rights of minority groups, especially those of non-white color, to a fair chance to obtain housing of their choice. So far at least, the majority of Californians seem to feel that property rights must be protected from any encroachment, even though many of them may also deplore discrimination.

On the other hand, the trend in Congress, in the U.S. Supreme Court, and the Federal Executive branch is clearly in the direction of support for moves to accelerate the drive of Negroes and other racial minorities toward equality of opportunity in housing, education, jobs public accommodations and public transportation. Rising protest in all parts of the country and outbreaks of racial violence in Watts and other ghettoized areas has made this a national issue of first magnitude.

Whatever the ultimate fate of Proposition 14 in the courts, it, and the Rumford Act, are sure to have an important impact on this year's political campaigns for statewide offices and seats in the state legislature.