

0:00 – Man: Your state Senator Fred Farr reports to Monterey County. This, the third of a weekly Tuesday noon hour broadcast, brought to you by Fred Farr, your state Senator for Monterey County. Senator Farr will be glad to receive your comments and answer your questions addressed to Senator Fred Farr, Box 3305, Carmel, or

0:30 - phone, Mayfair 46030. Now, here is Senator Farr.

Senator: This has been a busy week of legislative activities since last Tuesday's broadcast. Last Tuesday and Wednesday, the senate fact-finding committee on natural resources, of which I serve as chairman, met in San Diego to investigate the need for more adequate public and private facilities for the boating population of California. Our committee learned the number of small boats, not including

1:00 - commercial fishing boats in California, now totals 300,000. Our committee found that there are inadequate berthing, as well as inadequate launching and storage facilities to meet the needs of our ever-expanding boating population. In particular, the committee was advised of the need of more adequate harbors of refuge, so the average recreation boater, as well as the commercial fisherman and other small-vessel operators, may find havens of refuge in times of storm or

1:30 - foul weather. I advised our Natural Resources Committee of the need for a federal breakwater in Monterey. I am pleased to announce that the members of the state's small craft harbor commission will come to Monterey to meet with our local officials to see what assistance can be given us with respect to our needed breakwater. Also last week, the senate judiciary fact finding committee, of which I am a member, met in Sacramento to consider the most important Supreme Court decision ever handed down in Washington

2:00 – affecting state government. Several of my constituents are here to ask some questions concerning these decisions and their effect upon California.

Woman: What were the cases decided by the United States Supreme Court, Senator Farr?

Senator: Well the Supreme Court decided a group of cases; it ruled that the seats in both houses of the legislature must be apportioned on a population basis. And the court acted on cases from six states.

2:30 - The court ruled initially in three appeals from Alabama, then went on to pronounce unconstitutional the present legislative apportionment system of New York State. The court also declared that neither house of the Maryland legislature, even after the 1962 legislation, reapportioning the house of delegates of that legislature, is apportioned sufficiently on a population basis to be constitutionally sustainable. And the court also ruled that neither of the houses of the Virginia general

3:00 – assembly is apportioned sufficiently on a population-basis to be constitutional. And the court also upheld a lower court decision that both houses of the Delaware legislature must be reapportioned along population lines, and in addition the court declared invalid a federal-type plan of apportionment of the Colorado legislature.

Woman: Senator Farr, how is the California legislature presently apportioned?

Senator: Well our California legislature is apportioned so that the

3:30 – assembly is based on population. In other words, each assemblyman represents approximately 1/80th of the population of California, but even here there is some disparity because one assembly district has approximately 300,000 in the district, another assembly district has approximately 70,000. The state senate on the other hand is apportioned on a so-called ‘federal plan,’ and no senator represents less than one county, nor more than three counties, and as it now stands

4:00 – the assembly is in the control of Southern California, and the Senate in the control of Northern California, and therefore we have a very good check-and-balance system that I think has worked equitably for the people of California, has protected both the rural interests and the interests of people in the metropolitan areas.

Man: What is the historical background of apportionment in the California legislature?

Senator: Well, historically, from 1849-1930, both houses of the

4:30 - legislature were based on population. And then in 1926 the legislature submitted to the people of California two proposed constitutional amendments. One of them, submitted by a group called the All Parties Reapportionment Committee, would retain the population as the basis for both the assembly and state apportionment. The other, which was initiated by the California Farm Bureau Federation, and supported by the San Francisco Chamber of Commerce,

5:00 – provided that the senate, with the respect to the senate, that no county could be divided so as to contain more than one senatorial district, and no more than three counties could be combined into one district, and no part of any county or city and county could be united with any other county or city and county to form a senatorial district, and this plan was approved by the people, these two constitutional amendments were submitted, and the one apportioning the state senate on a geographical basis rather

5:30 – than a population basis was approved by the legislature. Approved by the people of California, I should say. Then in the following year in 1927, the legislature designated the seats in the state senate in accordance with a constitutional provision adopted by the people, and those who still wanted to have the senate as well as the assembly based on a population circulated a referendum initiative, and they held up the districting that was decided by the legislature in accordance with

6:00 – the constitutional provision. And under the districting, as set up by the legislature, Los Angeles County gave up seven of its eight seats in the California senate, and San Francisco gave up six of its seven seats, and Alameda County gave up two of its three senatorial seats. This was submitted to the people of California, and they decided that the system provided by the legislature, the giving up of these seats and the basing of the senate on

6:30 – a geographical basis, rather than strictly on a population basis, was proper, and the people defeated the referendum, and that is the so-called ‘federal’ system that we have today. Now I might say that in 1948, in 1960, and again in 1962, constitutional amendments were submitted to the people of California to attempt to have the state Senate based on population rather than on its geographical basis, and the people turned it down. So the

7:00 – people of California have spoken on this matter on three different occasions and the people of California have said that they feel that having one house based on population and the other house based on factors other than population is a good system for California, in that we do have checks and balances. Now there is a Los Angeles County state senator represents approximately six million people, and Senator Simons up in the east of the Sierras represents about 15,000 people. I for one feel that Los Angeles County, San Francisco,

7:30 – Alameda, and other counties with heavy populations do need more senators. But I also think that the voice of the, of Northern California, and the voice of rural areas must continue to be heard, and we must have a check and balance system in our state legislature, it has worked out very well, and the people of California have approved it.

Woman: Don’t the people of California have a right to determine the form of representative government they want in their legislature?

Senator: Well that is one of the very interesting points in the

8:00 – Supreme Court decisions. The Supreme Court says that the majority of legislatures, legislators, must be elected by a majority of the people. However, if the people want a so-called ‘federal plan,’ they cannot have it, and California, the people of California, the majority of people of California have spoken and said that they approve of a federal plan, in other words one house based on population, and the other house based on factors other than population,

8:30 – the Supreme Court says we cannot do this.

Woman: What effect, Senator Farr, will the Supreme Court decision have on California?

Senator: What effect will it have on California? Well I might say this—there are two lawsuits presently in the court, one brought by an attorney in Hollywood by the name of Mr. Silvers, which is going to be heard by a three-man federal court. It is my understanding that he would hold up the present elections in November. I do not think the court will do this,

9:00 – I think the court will give the legislature an opportunity in 1965 to work out the reapportionment of the senate. I do not think that they will hold up the present election but that's what Mr. Silver would desire to do in his case, I understand that Mayor Yorty has also filed a case in the California State Supreme Court, so both of these cases are pending.

Man: Senator, what did your senate judiciary committee do about this in Sacramento last week?

9:30 – Senator: Well our senate judiciary committee met in Sacramento, we met with the Attorney General's office with our legislative counsel, and with Mr. Herman Seldon, a very imminent constitutional lawyer from California, we recommended to the Senate Rules Committee that Mr. Seldon be hired to represent the senate as a body, the first thing we would want to do is bring to the court, court's attention the need for not disturbing the present election process going on in California

10:00 – and that is as far as we've gone at present. We believe that Mr. Silver will ask the court to intervene, to have the senate intervene as a party in these two actions, the Silver case and the Yorty case.

Woman: What do you think can be done to preserve this so-called 'federal plan' for state legislatures throughout the country?

Senator: Well, I think that the remedy lies, there are, the Supreme Court of the United States has spoken and the constitution is what the Supreme Court says it is,

10:30 – and it would be my hope that if either of the two California cases get up to the Supreme Court, that the Supreme Court may reconsider its earlier opinion and modify it to a certain extent and say that factors other than population may be considered, geographical areas, economic interests, cultural interests, all of the other things that are important in representing a legislature, that some of these factors may be taken into consideration in the apportionment seats in one of the two houses of the legislature,

11:00 – if the Supreme Court does not modify its opinion then we are stuck with it. The only other possibility is that the Congress of the United States would present to the states a constitutional amendment to amend the federal constitution, and this can be done upon a vote of two-thirds of both houses of the Congress and by the ratification of three-quarters of the states of the United States. And in as much as this will affect the legislatures of practically every state in the country, I think there may be a very good chance that a constitutional

11:30 – amendment will make progress through the Congress of the United States. I might say this: what effect would this have on Monterey County? It means that our voice will be diminished in the sense that the control under the Supreme Court decision, if it's applied to California, the control of the Senate will move from Northern California to Southern California, and will move from the rural areas to the metropolitan areas.

Man: Do you think that the Senator's

12:00 – been unresponsive to the needs of the metropolitan areas?

Senator: Perhaps I might sound biased or a little bit non-objective in this but I say that, want to call to your attention that just last week, Mr. Bud Carpenter, the executive secretary of the League of California Cities testified before the senate judiciary committee and pointed out that he felt the cities of California had been very fairly treated by the senate, and I just might cite one example, and that was the California water plan, which

12:30 – was, the greatest beneficiary of that water plan was Southern California, and it had support from the senators of Northern California while it had opposition from some of the senators from Southern California. I do feel we've been responsive in the matter of smog control, in the matter of narcotics, one of the most rigid narcotics bills, and one of the approaches to the whole narcotic problem was submitted by Senator Reagan who comes from way up in Trinity County in Northern California, so I do think that the rural senators have been

13:00 – responsive to the needs of the metropolitan areas.

Woman: Didn't Chief Justice Warren support California's legislative apportionment system when he was governor, Senator Farr?

Senator: The answer is yes when the Chief Justice was governor of California in 1948, he stated that he has never been in favor of restricting the representation in our senate to a strictly population basis. It is the same

13:30 – reason, said the Chief Justice, then governor, the same reason that the founding fathers of our country gave balanced representation to the states of the union. Equal representation in one house and proportioned representation based upon population in the other house.

Man: Senator, there are some people, including legislators, both in Congress and in Sacramento, who have attacked the Supreme Court and would curb its powers because of this and other decisions which they dislike. Would you comment on this?

Senator: I disagree with this decision,

14:00 – I would hope the court would change it, if the court doesn't change it I would hope that we could change its decision by amending the constitution of the United States. But I do believe in the court, and when the court, the constitution is what the court says it is, there have been through years of history of this country attempts to pack the court, to attack the court and whatnot. I believe in the Supreme Court of the United States, I think it's an important part of our checks and balance system, as a lawyer I've learned to respect it although I may disagree with it, and I might say that members of the court

14:30 – itself have disagreed with this opinion because it was a 6-3 opinion.

Woman: Well Senator, I take it that you will work within the framework of our constitution to help to preserve the federal plan of apportionment.

Senator: I will, I shall work within the framework of the, of our constitution. I hope for an, for a federal constitutional amendment, I hope the court itself may see the wisdom of modifying or changing its opinion. As I bring this report to a close, I would appreciate your comments,

15:00 – your suggestions and your questions for next Tuesday’s program. This is Fred Farr, your state senator, reporting, and I will be on radio station KIDD next Tuesday, July 7, at 12:45, and if you have any comments or suggestions or questions, I would appreciate your writing to me, Fred Farr, Box 3305, Carmel, or phone, Mayfair 46030, Box 3305 Carmel,

15:30 – Mayfair 46030

15:33-15:43 – [Silence]