

or agreement the governor is authorized to permit militia of any bordering state to enter into areas of this state adjacent to said border, or to send militia of this state into areas of any bordering state adjacent to the common boundary as may be necessary to provide effective protection.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Emergency.

Passed the Senate February 27, 1951.

Passed the House March 6, 1951.

Approved by the Governor March 19, 1951.

CHAPTER 254.

[S. B. 379.]

SUBVERSIVE ACTIVITIES ACT.

AN ACT to be known as the "Subversive Activities Act," defining the crime of sedition and of being a subversive person or organization and prescribing the punishment and penalties thereof; relating to the loyalty of candidates for public office and prescribing procedures of filing for election to public office; relating to the loyalty of officers and employees of the state or of any political subdivision thereof; prescribing procedures and providing for employment and discharge thereof; providing for the appointment of a special assistant attorney general, prescribing the duties thereof; making an appropriation; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. For the purpose of this act:

(a) "Organization" means an organization, corporation, company, partnership, association, trust, foundation, fund, club, society, committee, association, political party, or any group of persons, whether or not incorporated, permanently or temporarily asso-

"Organiza-
tion."

ciated together for joint action or advancement of views on any subject or subjects.

"Subversive organization."

(b) "Subversive organization" means any organization which engages in or advocates, abets, advises, or teaches, or a purpose of which is to engage in or advocate, abet, advise, or teach activities intended to overthrow, destroy or alter, or to assist in the overthrow, destruction or alteration of, the constitutional form of the government of the United States, or of the state of Washington, or of any political subdivision of either of them, by revolution, force or violence.

"Foreign subversive organization."

(c) "Foreign subversive organization" means any organization directed, dominated or controlled directly or indirectly by a foreign government which engages in or advocates, abets, advises, or teaches, or a purpose of which is to engage in or to advocate, abet, advise, or teach, activities intended to overthrow, destroy or alter, or to assist in the overthrow, destruction or alteration of the constitutional form of the government of the United States, or of the state of Washington, or of any political subdivision of either of them, and to establish in place thereof any form of government the direction and control of which is to be vested in, or exercised by or under, the domination or control of any foreign government, organization, or individual.

"Foreign government."

(d) "Foreign government" means the government of any country or nation other than the government of the United States of America or of one of the states thereof.

"Subversive person."

(e) "Subversive person" means any person who commits, attempts to commit, or aids in the commission, or advocates, abets, advises or teaches by any means any person to commit, attempt to commit, or aid in the commission of any act intended to overthrow, destroy or alter, or to assist in the overthrow, destruction or alteration of, the constitutional form

of the government of the United States, or of the state of Washington, or any political subdivision of either of them, by revolution, force, or violence; or who is a member of a subversive organization or a foreign subversive organization.

SEC. 2. It shall be a felony for any person knowingly and wilfully to:

Felonious acts.

(a) commit, attempt to commit, or aid in the commission of any act intended to overthrow, destroy or alter, or to assist in the overthrow, destruction or alteration of, the constitutional form of the government of the United States, or of the state of Washington or any political subdivision of either of them, by revolution, force or violence; or

Actions intended to overthrow, etc., certain governments by force.

(b) advocate, abet, advise, or teach by any means any person to commit, attempt to commit, or assist in the commission of any such act under such circumstances as to constitute a clear and present danger to the security of the United States, or of the state of Washington or of any political subdivision of either of them; or

Advocate, etc., overthrow; clear and present danger to security.

(c) conspire with one or more persons to commit any such act; or

Conspiracy.

(d) assist in the formation or participate in the management or to contribute to the support of any subversive organization or foreign subversive organization knowing said organization to be a subversive organization or a foreign subversive organization; or

Assisting formation, participating in management, contribution to support of subversive organization.

(e) destroy any books, records or files, or secrete any funds in this state of a subversive organization or a foreign subversive organization, knowing said organization to be such.

Destroying records or secreting funds.

Any person upon a plea of guilty or upon conviction of violating any of the provisions of this section shall be fined not more than ten thousand dollars, or imprisoned for not more than ten years, or both, at the discretion of the court.

Penalty.

Membership in certain organizations a felony, when.

SEC. 3. It shall be a felony for any person after June 1, 1951 to become, or after September 1, 1951 to remain a member of a subversive organization or a foreign subversive organization knowing said organization to be a subversive organization or foreign subversive organization. Any person upon a plea of guilty or upon conviction of violating any of the provisions of this section shall be fined not more than five thousand dollars, or imprisoned for not more than five years, or both, at the discretion of the court.

Penalty.

Conviction or plea of guilty of violation of secs. 2 and 3 bars defendant from:

SEC. 4. Any person who shall be convicted or shall plead guilty of violating any of the provisions of sections two and three of this act, in addition to all other penalties therein provided, shall from the date of such conviction be barred from

holding public office or other position of profit or trust,

(a) holding any office, elective or appointive, or any other position of profit or trust in, or employment by the government of the state of Washington or of any agency thereof or of any county, municipal corporation or other political subdivision of said state;

filing or standing for election, voting.

(b) filing or standing for election to any public office in the state of Washington; or

(c) voting in any election held in this state.

Existence of certain organizations unlawful, dissolution.

SEC. 5. It shall be unlawful for any subversive organization or foreign subversive organization to exist or function in the state of Washington and any organization which by a court of competent jurisdiction is found to have violated the provisions of this section shall be dissolved, and if it be a corporation organized and existing under the laws of the state of Washington a finding by a court of competent jurisdiction that it has violated the provisions of this section shall constitute legal cause for forfeiture of its charter and its charter shall be forfeited and all funds, books, records and files of every kind and all other property of any organization

Corporations; forfeiture of charter.

found to have violated the provisions of this section shall be seized by and for the state of Washington, the funds to be deposited in the state treasury and the books, records, files and other property to be turned over to the attorney general of Washington.

SEC. 6. The attorney general is hereby authorized and directed to appoint a special assistant attorney general. Said special assistant attorney general shall have the responsibility and authority to assemble, arrange and deliver to the prosecuting attorney of any county, together with a list of necessary witnesses, all information and evidence of matters within said county which have come to his attention, relating in any manner to the acts prohibited by this act, and relating generally to the purposes, processes and activities of communism and any other or related subversive organizations, associations, groups or persons.

SEC. 7. For the collection of any evidence or information referred to in this act a special assistant attorney general is hereby authorized to call upon the attorney general, state patrol, and prosecuting attorneys, sheriffs, police chiefs, and any other state, county or municipal police authorities in this state to furnish such assistance as may come within the scope of their duties and legal authority. Nothing herein shall be construed as redefining, extending or granting any additional authority, powers or duties of such officers or agencies.

Vetoed.

The special assistant attorney general, herein provided for, may testify before any grand jury or petit jury as to matters referred to in this act.

SEC. 8. The records of the special assistant attorney general shall not be made public or divulged to any person, except upon the written permission of the attorney general in order to effectuate the purposes of this act. The special assistant attorney gen-

Vetoed. } eral shall be authorized to establish such office or offices as shall be deemed are necessary and required for the effective operation of this act. To the extent that his time may not be required in the performance of his duties under this act, the special assistant attorney general shall be available for, and perform such other duties as may be assigned to him by the attorney general.

Attorney general; biennial report. } SEC. 9. The attorney general shall prepare and report to the governor, to the legislature, at or before the convening of each biennial session a concise statement of all matters pertaining to his official duties together with his recommendations for the enforcement of the provisions of this act.

Vetoed. } SEC. 10. The judge or judges of superior court of each county, when informed by the special assistant attorney general or by the prosecuting attorney of said county or counties, that there is information or evidence of the character described in section six of this act to be considered by a grand jury, may call such grand jury, and shall charge the grand jury to inquire into the violations of this act.

Subversive persons ineligible for public office or employment. } SEC. 11. No subversive person, as defined in this act, shall be eligible for employment in, or appointment to any office, or any position of trust or profit in the government, or in the administration of the business, of this state, or of any county, municipality, or other political subdivision of this state.

State agencies and political subdivisions to establish procedures to ascertain whether any person is a subversive person. } SEC. 12. Every person and every board, commission, council, department, court or other agency of the state of Washington or any political subdivision thereof, who or which appoints or employs or supervises in any manner the appointment or employment of public officials or employees shall establish by rules, regulations or otherwise, procedures designed to ascertain whether any person is a subversive person. In securing any facts necessary to

ascertain the information herein required, the applicant shall be required to sign a written statement containing answers to such inquiries as may be material, which statement shall contain notice that it is subject to the penalties of perjury.

Applicant to sign written statement.

SEC. 13. The inquiries prescribed in preceding sections, other than the written statement to be executed by an applicant for employment, shall not be required as a prerequisite to the employment of any persons in any case in which the employing authority may determine, and by rule or regulation specify the reasons why, the nature of the work to be performed is such that employment of such persons will not be dangerous to the health of the citizens or the security of the governments of the United States, the state of Washington, or any political subdivision thereof.

Written statement where nature of work is such that employment of subversives will not endanger governmental security.

SEC. 14. Every person who, on June 1, 1951, shall be in the employ of the state of Washington or of any political subdivision thereof, other than those now holding elective office shall be required on or before July 1, 1951, to make a written statement which shall contain notice that it is subject to the penalties of perjury, that he or she is not a subversive person as defined in this act; namely, any person who commits, attempts to commit, or aids in the commission, or advocates, abets, advises or teaches by any means any person to commit, attempt to commit, or aid in the commission of any act intended to overthrow, destroy or alter, or to assist in the overthrow, destruction or alteration of, the constitutional form of the government of the United States, or of the state of Washington, or any political subdivision of either of them, by revolution, force, or violence; or who is a member of a subversive organization or a foreign subversive organization, as more fully defined in this act. Such statements shall be prepared and execution required of and by every

Employees of state and political subdivisions to make written statements, when.

person and every board, commission, council, code department, court or other agency of the state of Washington or any subdivision thereof responsible for the supervision of other employees, for the employees under the jurisdiction thereof. Any such person failing or refusing to execute such a statement or who admits he is a subversive person as defined in this act shall immediately be discharged.

Refusal to execute statement or admission of being subversive person; immediate discharge. Grounds for discharge of public employees.

SEC. 15. Reasonable grounds on all the evidence to believe that any person is a subversive person, as defined in this act, shall be cause for discharge from any appointive office or other position of profit or trust in the government of or in the administration of the business of this state, or of any county, municipality or other political subdivision of this state, or any agency thereof. The attorney general and the personnel director, and the civil service commission of any county, city or other political subdivision of this state, shall, by appropriate rules or regulations, prescribe that persons charged with being subversive persons, as defined in this act, shall have the right of reasonable notice, date, time and place of hearing, opportunity to be heard by himself and witnesses on his behalf, to be represented by counsel, to be confronted by witnesses against him, the right to cross-examination, and such other rights which are in accordance with the procedures prescribed by law for the discharge of such person for other reasons. Every person and every board, commission, council, department, or other agency of the state of Washington or any political subdivision thereof having responsibility for the appointment, employment or supervision of public employees not covered by the classified service in this section referred to, shall establish rules or procedures similar to those required herein for classified services for a hearing for any person charged with being a subversive person, as defined in this

Rights of person charged as being subversive.

Establishment of hearing procedures.

act, after notice and opportunity to be heard. Every employing authority discharging any person pursuant to any provision of this act, shall promptly report to the special assistant attorney general in charge of subversive activities the fact of and the circumstances surrounding such discharge. Any person discharged under the provisions of this act shall have the right within thirty days thereafter to appeal to the superior court of the county wherein said person may reside or wherein he may have been employed for determination by said court as to whether or not the discharge appealed from was justified under the provisions of this act. The court shall regularly hear and determine such appeals and the decision of the superior court may be appealed to the supreme court of the state of Washington as in civil cases. Any person appealing to the superior court may be entitled to trial by jury if he or she so elects.

Discharges reported.

Appeal to superior court.

Appeal to supreme court.

Jury trial.

SEC. 16. No person shall become a candidate for election under the laws of the state of Washington to any public office whatsoever in this state, unless he or she shall file an affidavit that he or she is not a subversive person as defined in this act. No declaration of candidacy shall be received for filing by any election official of any county or subdivision in the state of Washington or by the secretary of state of the state of Washington unless accompanied by the affidavit aforesaid, and there shall not be entered upon any ballot or voting machine at any election the name of any person who has failed or refused to make the affidavit as set forth herein.

Candidates for public office; affidavit.

SEC. 17. Every written statement made pursuant to this act by an applicant for appointment or employment, or by any employee, shall be deemed to have been made under oath if it contains a declaration preceding the signature of the maker to the effect that it is made under the penalties of perjury.

Statements by applicants deemed under oath, when.

Material misstatements of fact; perjury.

Any person who wilfully makes a material misstatement of fact (a) in any such written statement, or (b) in any affidavit made pursuant to the provisions of this act, or (c) under oath in any hearing conducted by any agency of the state, or of any of its political subdivisions pursuant to this act, or (d) in any written statement by an applicant for appointment or employment or by an employee in any state aid or private institution of learning in this state, intended to determine whether or not such applicant or employee is a subversive person as defined in this act, which statement contains notice that it is subject to the penalties of perjury, shall be subject to the penalties of perjury, as prescribed in chapter 9.72, R.C.W.

Penalty.

Partial invalidity.

SEC. 18. If any provision, phrase, or clause of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions, phrases, or clauses or applications of this act which can be given effect without the invalid provision, phrase, or clause or application, and to this end the provisions, phrases and clauses of this act are declared to be severable.

Abrogation of certain rights not intended.

SEC. 19. Nothing in this act shall be construed to authorize, require or establish any military or civilian censorship or in any way to limit or infringe upon freedom of the press or freedom of speech or assembly within the meaning and the manner as guaranteed by the Constitution of the United States or of the state of Washington and no regulation shall be promulgated hereunder having that effect.

Short title.

SEC. 20. This act may be cited as the Subversive Activities Act.

Vetoed.

SEC. 21. There is hereby appropriated from the general fund to the attorney general the sum of fifty thousand dollars, or so much thereof as may be necessary for the purposes of carrying out this act.

SEC. 22. This act is vitally necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately. Emergency.

Passed the Senate March 8, 1951.

Passed the House March 6, 1951.

Approved by the Governor March 19, 1951, with the exception of sections 6, 7, 8, 10 and 21, which are vetoed.

CHAPTER 255.

[H. B. 434.]

TAXATION OF PROPERTY.

AN ACT relating to property taxation, eliminating certain county levies, revising limitations upon rates of levy, amending sections 74.04.090 and 84.52.050, R.C.W., and repealing sections 74.04.150, 74.04.160 and 74.04.170, R.C.W.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Section 84.52.050 of the Revised Code of Washington, derived from section 1, of chapter 176, of the Laws of 1941, as last amended by section 1, of chapter 11, of the Extraordinary Session of 1950, is hereby amended to read as follows: Amendment.

Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state, municipal corporations, taxing districts and governmental agencies, now existing or hereafter created, shall not in any year exceed forty mills on the dollar of assessed valuation, which assessed valuation shall be fifty per cent of the true and fair value of such property in money; and within and subject to the aforesaid limitation the levy by the state shall not exceed two mills to be used exclusively for the support of the University of Washington, Washington State College, and the State Colleges of Education; the levy by any county shall not ex- 40 mill limit.
State's levy.
County levy.