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ALIEN POLL TAX

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the constitution of the United States, which has been in existence one hundred and thirty years and only amended eighteen times. In making many of these amendments no thought has been given to the effect such amendment might have on other matters covered in the section amended and other parts of the constitution, with the result that many confusing contradictions and uncertainties are constantly produced leading to endless litigation to clear up their meaning.

The constitution should be easily understood, and provide a clear, concise and definite outline of the fundamental law of the state with the proper guarantee of the rights and liberties of the people. It should not be a mixture of constitution and statutory law, such as the present constitution, making a confusing mass of mandates, directions, limitations and prohibitions such as we now have, and getting worse with every amendment.

A new constitution formed at the present time could be built from a full understanding of past experience and our knowledge of the present fundamental requirements for the best interests of the state, and we believe that the people of the state can be depended upon and should be given the opportunity to elect capable and honest delegates to a convention who would succeed in the forming of a constitution that will be clear and definite, easily understood and satisfactory to the people.

If this proposed amendment is adopted and a constitutional convention called, it will be a nonpartisan convention, made up of delegates representing every part of the state, elected by the people of their districts on account of their qualifications for the service and not on account of party affiliation.

No new constitution can be adopted by any convention, but only framed or formulated there. When so framed the proposed new constitution would have to be submitted to the people of the state for their adoption or rejection, and if not satisfactory to them they would of course refuse to adopt it.

M. B. JOHNSON,
State Senator Eleventh District.
J. R. THOMPSON,
State Senator Twenty-fifth District.

ARGUMENT AGAINST SENATE CONSTITUTIONAL AMENDMENT NO. 10.

1. There is no acute or general demand for a new constitution sufficient to justify the political turmoil and business unrest which would be incident to a convention.

2. While recognizing defects in the present constitution, there is little assurance that a convention would be able to agree upon a better one. Advocates of the various legislative fea-

tures of our present constitution which have been secured after great effort, would not consent that they be eliminated, and, besides, many new provisions would be proposed by those who want their ideas of government protected by constitutional guaranty. In the convention, the tendency would likely be toward expansion rather than contraction, and the expense of the various elections, the resultant disturbance of business and disputes between labor and capital would be without beneficial results. If a simplified constitution is needed, it is better to employ the simplified method of the initiative in securing it.

3. It may be true that we have needed a new constitution ever since the present one was adopted, but that need is not as great now as formerly, and such changes as are desired from time to time can be secured by amendment. Our present constitution has been in force for forty years, the state has prospered under it, much progressive legislation has been added by amendment, it has been interpreted by a long course of judicial decision, most of its provisions have been construed and are understood, and property rights have become settled and stable. They would be disturbed and be made uncertain by the adoption of a new fundamental law and in the transition from one constitution to another.

4. There are many advantages in developing a constitution by the process of amendment. It gives the people the opportunity to express their views independently on each provision so adopted or proposed. An entirely new instrument prepared by men of varied interests and conflicting political opinion would, like the present constitution, contain some good and some bad provisions, and yet it must be adopted or rejected as a whole.

5. The initiative method of revising the constitution is more practical. It would require but one election, it is less expensive and less disturbing to the business and labor interests of the country, and is more promising of good results than the convention method here proposed. If those who favor a simplified constitution will prepare one, and submit it to the people through initiative amendment, as, in the opinion of most lawyers, may be done, it might be ratified. If it eliminates all features of legislation, contains a bill of rights and a statement of fundamental principles, defines merely the structure and not the minutiae of government, yet provides an intermediate code of direct legislation of less dignity and more easily amended than the constitution, it would commend itself to the people. Such constitution is not likely to proceed out of a convention, and any other form would be but little improvement upon the present one.

BEVERLY L. HODGHEAD.

ALIEN POLL TAX. Assembly Constitutional Amendment 13 amending Section 12, Article XIII of Constitution. Requires the Legislature to provide for the levy of an annual poll tax, and the collection thereof by assessors, of not less than four dollars on every alien male inhabitant of this state over twenty-one and under sixty years of age, except paupers, idiots and insane persons, such tax to be paid into county school fund in county where collected.

Assembly Constitutional Amendment No. 13—A resolution to propose to the people of the State of California to amend section twelve of article thirteen of the constitution of said state, relating to a poll tax.

Resolved by the assembly, the senate concurring, That the legislature of the State of Cali-

fornia, at its forty-third session commencing on the sixth day of January, one thousand nine hundred nineteen, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, proposes to amend section twelve of article thirteen of the constitution of the state to read as follows:

[Third five]

11	ALIEN POLL TAX. Assembly Constitutional Amendment 13 amending Section 12, Article XIII of Constitution. Requires the Legislature to provide for the levy of an annual poll tax, and the collection thereof by assessors, of not less than four dollars on every alien male inhabitant of this state over twenty-one and under sixty years of age, except paupers, idiots and insane persons, such tax to be paid into county school fund in county where collected.	YES	
		NO	

PROPOSED AMENDMENT.

(Proposed changes in provisions are printed in black-faced type.)

Sec. 12. The legislature shall provide for the levy of an annual poll tax, and the collection thereof by assessors, of not less than four dollars on every alien male inhabitant of this state over twenty-one and under sixty years of age, except paupers, idiots and insane persons. Said tax shall be paid into the county school fund in which county it is collected.

EXISTING PROVISIONS.

Section twelve, article thirteen, proposed to be amended, now reads as follows:

(Provisions proposed to be repealed are printed in italics.)

Sec. 12. *No poll tax or head tax for any purpose whatsoever shall be levied or collected in the State of California.*

ARGUMENT IN FAVOR OF ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 13.

This amendment proposes to provide for a poll tax of not less than four dollars to be paid annually by all male aliens, over twenty-one years and under sixty years of age, and to be paid into the county school fund.

Aliens enjoy our streets and roads for which the people of California have bonded themselves for the sum of seventy-three million dollars. They have free access to our free school system. They have the protection of our officers and courts, and are entitled to the protection guaranteed to them by the constitution.

In this respect there is no distinction made between alien and citizen. The levy of the poll tax will have a tendency to force many aliens to become citizens, which is urged by our government, and thereby be not subject to the tax.

How many aliens in California went forward to fight the battle of freedom and democracy? Very few. A vast majority took refuge behind the treaty of their country with the United States, and refused to fight for the United States, or to return to their mother country and fight for its freedom.

Our boys either volunteered or were drafted, and crossed the seas to foreign lands to fight and give up their lives for their mothers and fathers, brothers and sisters, and homes; while the aliens remained in glorious California, usurped the positions vacated by American soldiers, and received the highest wage ever paid mankind in this country or anywhere else. Under these conditions do you not think that male aliens should pay something towards the maintenance of the free school system which they and their children are enjoying?

Taxes are increasing annually, and upon investigation you will find, beyond any question, that the aliens are responsible for a great percentage of the criminal expenses in this state.

Is there any good or sound reason why this amendment should not be adopted by the people of California?

One argument used is, that the people abolished the poll tax system at the polls several years ago by a large majority; but this argument is without merit. That is not the question here. The old system imposed the tax upon all citizens as well as aliens. This applies solely to aliens, and does not impose the tax upon citizens. Aliens as a whole do

not contribute anything to our country yet their rights are practically on a par with the citizen. The alien can avoid the payment of a poll tax, by becoming a citizen, and then will be subject to military duty, and can sit back and say to the American citizen: "You are subject to military duty; we aliens are not, we are protected by treaty; you fight our battle for liberty, and we reap the benefit of the blood shed and the supreme sacrifice made by many of your American boys." Do you not think a poll tax ought to be imposed upon the aliens? We believe you do. Vote "Yes."

C. P. VICINI,

Assemblyman Sixteenth District.

CHESTER M. KLING,

Assemblyman Seventy-seventh District.

ARGUMENT AGAINST ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 13.

That taxes should fall equally upon all subjects of taxation is admitted by those informed.

Assuming a tax to be sound in all respects, it is also agreed that that tax is best which yields the greatest return at the least cost of administration.

This proposed poll tax of a minimum of four dollars per capita upon all male aliens between the ages of twenty-one and sixty years is not, nor can it be made to be, equal in operation. One individual subject to it may be amply able to pay fifty dollars, while another may have such a struggle for bare existence that he cannot pay even four dollars. From this example, it also appears that the proposed tax violates another canon of taxation and economics, i. e. that the tax burden should be imposed in proportion to ability to pay.

At the point of probable yield the proposed tax is indefensible. According to the 1910 census there were then 165,987 aliens in California, whose ages ranged from twenty-one to sixty years. Assuming that there are 200,000 in the state now, the maximum yield of the tax at the four dollar minimum would be \$800,000. Experience shows that the administration of such a tax costs twenty per cent of the gross yield. The net yield of this tax would approximate \$640,000. The amount is comparatively insignificant when contrasted not only with the actual expense of administration, but also with the difficulties of ascertaining who are aliens. Inquisitorial methods will have to be resorted to and much unfairness and injustice may and probably will be the result.

If the measure is designed to impose a deterrent burden upon the nationals of some countries it is bad in principle. Aliens eligible for citizenship should not be compelled to become citizens to escape the inquisition attendant upon the enforcement of a poll tax. Aliens who are not eligible for citizenship should not be subjected to the petty annoyance of such a tax. Such a method of attempting to discourage certain nationals is unworthy and beneath the dignity of a sovereign state. Nothing can be accomplished by it except a disturbance of international comity without any gain. If California wants to limit or prevent the immigration of the nationals of any country, it should not resort to childish and petty measures such as this proposed poll tax measure.

The measure should be defeated.

HERBERT W. CLARK.