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OF THE STATE BAR OF CALIFORNIA

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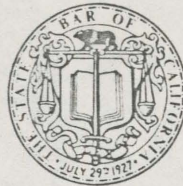
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TO: Human Rights Committee, State Bar
FROM: Mark I. Schickman

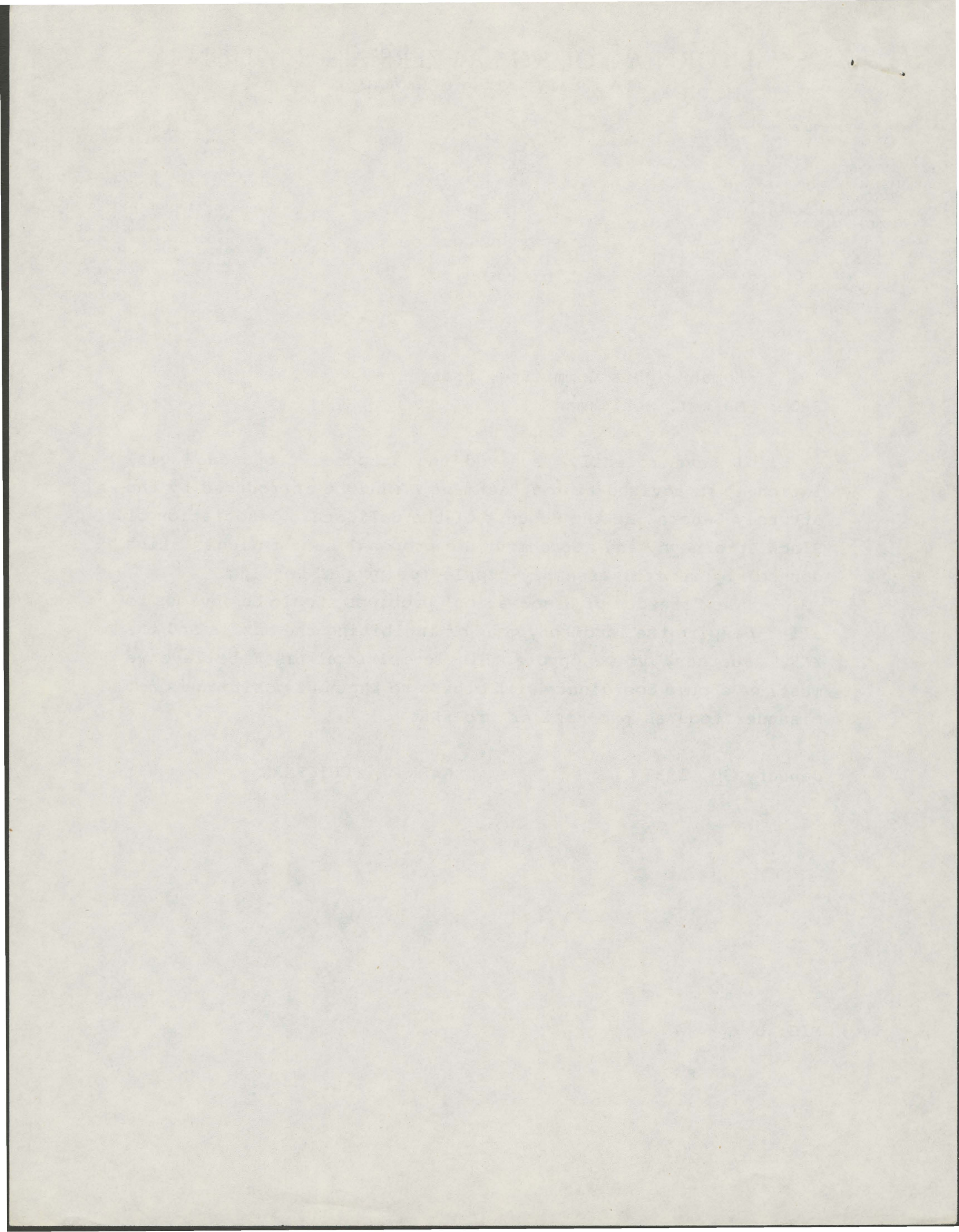
I have recently received the attached proposed legislation. I am advised that attachment A will be introduced by the Attorney General at the request of the California Association of Black Attorneys, and attachment B a proposal sent to legislative counsel by several assembly-people for proper wording.

The "freedom of association" problems should be obvious to all -- despite the laudatory goal of inhibiting the Nazi's and the KKK. Further, if we oppose this legislation (as I believe we must) we should coordinate with others so that our position is not misunderstood as pro-Nazi or pro-KKK.

January 30, 1981

MARK I. SCHICKMAN

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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Article 4.5 (commencing with Section 11410) is added to Chapter 3 of Title 1 of Part 4 of the Penal Code, to read:

Article 4.5. Imminent Lawless Action

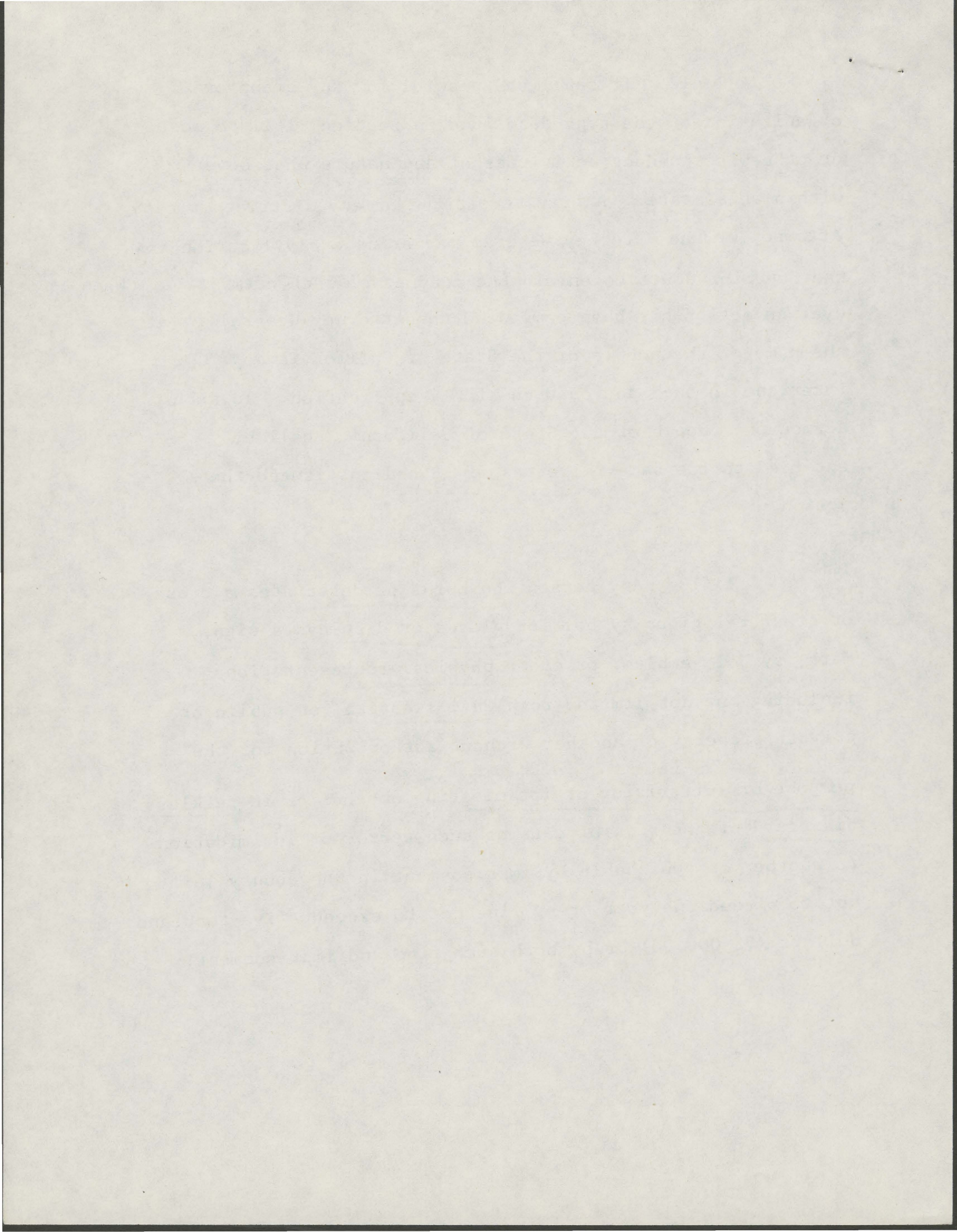
11410. Any person who knowingly and willfully advocates, teaches or encourages the commission of an act which will result in death or great bodily injury to another person is guilty of a felony if such advocacy is directed to inciting or producing imminent lawless action, and such advocacy is likely to incite or produce such action.

11411. Any person who willfully and knowingly becomes an active member of any group or organization whose purpose is to advocate, teach or encourage the commission of an act or acts of violence or force which may result in death or great bodily injury to another person is guilty of a felony if the advocacy, teaching or encouragement of the group or organization in which said person has active membership is directed to inciting or producing imminent lawless action, the advocacy, teaching or encouragement is likely to incite or produce such unlawful action, and the person specifically intends to assist in bringing about such action.

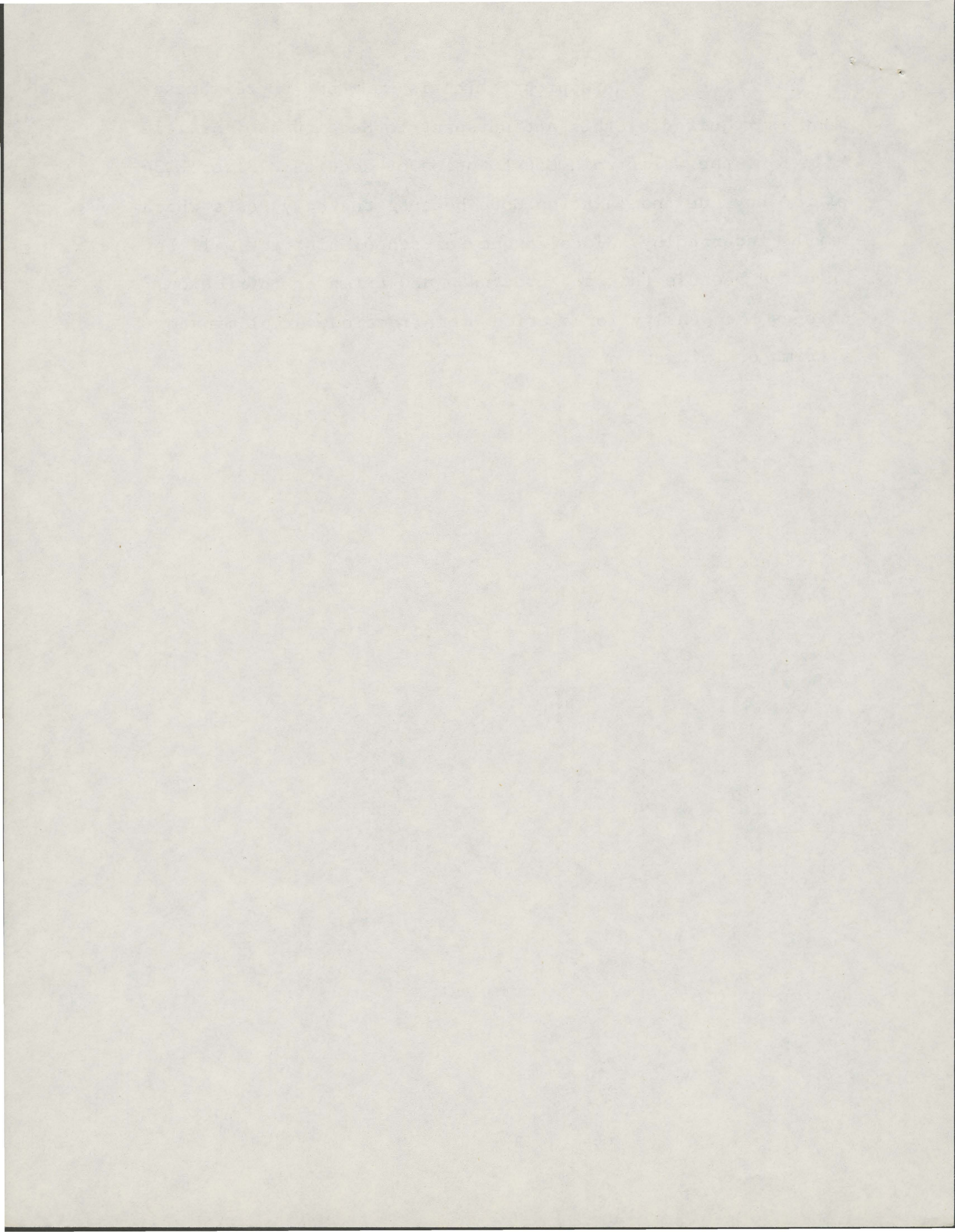
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11412. It shall be unlawful for any group or organization of the type described in Section 11411 to meet or otherwise conduct activities of any nature whatsoever within this state. A private citizen or any district or city attorney or the Attorney General may bring a civil action in the Superior Court to enjoin the conduct of such activities. Whenever an action has been commenced the Attorney General in the name of the people of the State of California may intervene in such action upon timely application. In such action the people of the State of California shall be entitled to the same relief as if it had instituted the action.

11413. Any person who burns or desecrates a cross or other religious symbol or places or displays a sign, mark, symbol, emblem, or other physical representation, including but not limited to a Nazi swastika, on public or private property of another without authorization for the purpose of terrorizing or intimidating another or in reckless disregard of the risk of causing such terror or intimidation to another is punishable by imprisonment in the county jail not to exceed one year or by fine not to exceed five thousand dollars (\$5,000.00) or by both such fine and imprisonment.



SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.



Please draft a bill to add to the California Penal Code the following:

A. Activities Prohibited

Two or more persons in concert or for common purposes bearing and displaying arms while engaging in or attending public demonstrations, public marches, public speech making or while petitioning the government or any official or agent thereof at official places of business or at their residences.

Exceptions: Gun shows; demonstrations of weapons and or competitions at arms by members of gun clubs at premises designed and maintained for such purposes.

Such activities for which permits are issued for an assembly of persons to bear arms by a local government under conditions consistent with the purposes of this statute.

B. Purposes to be Cited

1. Public safety and welfare.
2. Police ability to preserve and maintain order.
3. Public's ability to attend public functions to hear issues and points of view discussed without being intimidated.
4. Public's right to assemble or to attend public assemblies without intimidation by arms.

C. Penalties: Misdemeanor for unloaded weapons.

Felony for loaded weapons.

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