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SUBCOMMITTEE ON IMPACT OF ENEMY ATTACK ON
ECONOMY AND CONSTITUTIONAL GOVERNMENT
OF THE STATE OF CALIFORNIA

A SUBCOMMITTEE OF THE
ASSEMBLY INTERIM COMMITTEE ON CONSERVATION,
PLANNING, AND PUBLIC WORKS

House Resolution No. 53, 1956

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LETTER OF TRANSMITTAL

ASSEMBLY INTERIM COMMITTEE ON
CONSERVATION, PLANNING, AND PUBLIC WORKS
April 18, 1958

HONORABLE L. H. LINCOLN
Speaker of the Assembly
Members of the Assembly
Assembly Chamber, Sacramento, California

DEAR MR. LINCOLN: It is my pleasure to submit the Third Report of the Subcommittee on Impact of Enemy Attack on Economy and Constitutional Government of the State of California. Contained in this report are 10 enacted bills and a constitutional amendment resulting from the interim activity which will place California in the forefront of the states in preparation for a continuation of civil government in the event of an enemy attack.

I wish to congratulate the subcommittee for its fine work and suggest that the effort of California in devising means of preserving its democratic way of life may be useful to other states.

Respectfully submitted,

FRANCIS C. LINDSAY

SUBCOMMITTEE LETTER OF TRANSMITTAL

April 18, 1958

HONORABLE FRANCIS C. LINDSAY, *Chairman*
Assembly Interim Committee on Conservation,
Planning, and Public Works
State Capitol, Sacramento, California

DEAR MR. LINDSAY: Your Subcommittee on Impact of Enemy Attack on the Economy and Constitutional Government of the State of California herewith presents its third report. The report contains a summary of the subcommittee's deliberations and the sources of factual material utilized in preparing its legislative program. Ten of the 12 measures, including a constitutional amendment, were given favorable action by the Legislature and all bills have been approved by the Governor. Your subcommittee appreciates the bipartisan support given by the full committee and by both houses of the Legislature in the enactment of legislation we believe basic to the preservation of democratic government should this State be faced with major disaster.

The members of your subcommittee have been gratified with the nationwide interest shown in its activities, as evidenced by requests for hundreds of copies of its reports and by references to its studies in other publications.

This interest, together with the need to await final review and judgment of the committee's proposals by the Legislature, has governed the time of submitting the report. It was felt that all measures should be tested by legislative approval in order that they might be more useful to the other governmental agencies across the Nation which have shown interest in the subcommittee's activities.

California has been widely credited as being the leading state in providing for the continuity of government in the event that its established constitutional government were rendered powerless by nuclear attack. Your subcommittee wishes to acknowledge the source of this program of legislation and to express its gratitude to those citizens whose inspiration and courage have helped to sustain it. First, to Homer Crotty, Esq., of Los Angeles, former State Bar President, belongs the credit for having sounded the alarm in an article entitled, "The Administration of Justice and the 'A' Bomb," published in the *American Bar Journal*, December, 1951. This attracted the attention of John E. McCormick, who presented it to your subcommittee chairman. House Resolution No. 53 of the 1956 First Extraordinary Session provided for the creation of this subcommittee.

Most of the public and private agencies and persons who co-operated in our study are acknowledged in the final pages of this report. However, special mention should be given to you for having assigned three staff members to the project: James Williams; Charles Kunsman, a Ford Foundation Intern; and John E. Caswell, assigned on contract by the Legislative Analyst. Lawrence G. Allyn, Deputy Legislative Counsel,

co-operated with the state bar committee in the preparation of the 12 separate legislative measures. The constitutional amendment will appear on the November ballot, and nine bills were sent to the Governor for signature. Two measures were held in the parent committee and sent to the Committee on Rules with a recommendation for further interim study.

Great credit must go to James Warren Beebe, Esq., chairman of the committees of the California State Bar Association and the Los Angeles County Bar Association for his tireless efforts in drafting the constitutional amendment and for his moral influence in keeping your subcommittee to the task.

Your subcommittee is most grateful to Professor Charles Fairman of the Harvard University Law School and the nationally recognized authority on the subject of continuation of civil government. Professor Fairman agreed to come to Sacramento to address the Legislature on the subject and to give the benefit of his counsel, all without recompense beyond necessary expenses.

It appears that areas particularly needing study at this time include: (1) special powers for our courts; (2) security for essential governmental records, especially at the local level; and (3) a review of the adequacy of the civil defense structure of California, with particular reference to recent developments in nuclear warfare.

Finally, we wish to call public attention to the existence of recent structural engineering studies of blast-proofing buildings. We believe these studies may be as significant in protecting public buildings and their occupants as are the present rules for earthquake-proofing of California's schools.

We are most grateful to the Legislature for the unusual unanimity of approval of the subcommittee's legislative program.

Respectfully submitted,

VERNON KILPATRICK, Chairman
*Subcommittee on Impact of Enemy
Attack on the Economy and Consti-
tutional Government of the State
of California*

JACK BEAVER
ALLEN MILLER
BRUCE SUMNER

INTRODUCTION

The efforts of the Subcommittee on the Impact of Enemy Attack are based on certain military assumptions which forecast the possibility of terrific destruction to the population centers of this Nation. The necessity for civil defense planning arises, not from the possibility of death and destruction, but from the assurance that many millions will survive, and with them most of the natural wealth and a portion of the industrial plant of the Nation. It is the function of the armed forces to parry a military blow. It is the function and duty of civilian leaders to be ready to combat disorder, hunger, disease and social chaos. This subcommittee, therefore, continued its studies of the preservation of government at the state and local levels in the event of an enemy attack. Particular attention was paid to: (1) the succession to elective office; (2) the continuity of state administration; and (3) the preservation of vital records. The major effort of the subcommittee was spent in the preparation of legislation and revision of existing authority in these areas.

The previous work of this subcommittee is reviewed in two 1957 Assembly Interim Committee Reports.¹ These reports emphasized the role of civilian government following nuclear attack and the importance of assuring its preservation for this purpose through passage of necessary legislation.

What appeared necessary was an emergency system of law which would conform to the spirit of our traditions of constitutional government, which would minimize injustice, and which would enable the people of California to cope in an orderly, efficient and democratic manner with the difficult problems of a postattack era.²

This earlier work of the subcommittee resulted in the enactment of four important chapters to the California Statutes in 1957: Chapter 904, which related to the destruction of voting records and the conducting of elections thereafter; Chapter 945, which streamlined the procedure for destruction of records by the Controller; Chapter 1368, which broadly related to the preservation of local government, including the creation of standby officers on the local governmental level to facilitate the reinstitution of adequate government in the event of a disaster; and Chapter 1964, which covered the possible destruction of wills.

The earlier work of this subcommittee receive widespread attention on both the state and national levels. Copies of both reports have been distributed to state civil defense directors in every state of the Union by the Federal Civil Defense Administration, which recognized the outstanding leadership of California in this field. To cite a single

¹ *Preliminary Report of the Subcommittee on Impact of Enemy Attack on Economy and Constitutional Government of the State of California*, Assembly Interim Committee Reports, 1955-1957, Vol. 13, No. 10 (January, 1957), and *Final Report of the Subcommittee on Impact of Enemy Attack on Economy and Constitutional Government of the State of California*, Assembly Interim Committee Reports, 1955-1957, Vol. 13, No. 17 (June, 1957).

² *Preliminary Report*, pp. 8-9 and *Final Report*, p. 10.

example on the state level, the South Carolina State Civil Defense Organization distributed copies of the reports to all of the state's civil defense chairmen and to every member of the state legislature.³

In June, 1957, the subcommittee was of the opinion that there was still much to be accomplished before the people of California could reasonably be assured that in the event of a nuclear attack, civil government would be continued and the basis for reinstituting normal civil activities would be available. In line with the findings in the final report, the subcommittee decided to channel its efforts in the interim following the 1957 Legislative Session toward two major aspects of the problem: (1) the succession to elective office; and (2) the preservation of vital records.

The major work of the subcommittee from July until November consisted in gathering extensive background factual information. During this period, staff members interviewed over 200 state, county and city officials and private record experts located throughout the State. Several background papers were prepared by the staff for the use of the subcommittee members.⁴ Between October, 1957, and March, 1958, a series of hearings and conferences were held to elicit testimony, explore the areas requiring legislation and develop legislative content.⁵

- October 23, 1957-----Meeting with National Records Management Association, San Francisco.
- November 20, 1957-----Meeting with County Clerks' Association, County Recorders' Association, County Supervisors' Association and League of California Cities, Sacramento.
- November 25, 1957-----Conference with Federal Civil Defense Administration, Santa Rosa.
- November 26, 1957-----Meeting with Civil Defense Officers of State Agencies, Sacramento.
- January 3, 1958-----Inspection tour, Western States Atomic Storage Vaults, Felton.
- January 14, 1958-----Hearing, San Francisco.
- January 15, 1958-----Hearing, Los Angeles.
- January 31, 1958-----Hearing, Sacramento.
- March 6, 1958-----Committee of Whole, California Legislature, Sacramento.
- March 24, 1958-----Conference, Sacramento

Included in the subcommittee's June, 1957, Report was a draft of a constitutional amendment dealing with the preservation of state and local government in the event of a major war-caused disaster.⁶ This amendment was passed by the Legislature, but was withdrawn from the Governor's desk for further consideration at the request of the Los Angeles Bar Association. Since the measure could not be placed before the people for approval prior to the 1958 general election, further study and clarification was considered desirable. This work was undertaken by special committees of the Los Angeles Bar and the State Bar, both under the chairmanship of James Warren Beebe of Los Angeles.

³ Robert V. Ackerman. "48 States . . . 48 Targets," *The State* (Columbia, South Carolina), December 8, 1957, p. 2-C.

⁴ See, for example, *Preservation of California's Local Governments Under Enemy Attack*, Appendix 1.

⁵ A list of persons appearing at the subcommittee hearings may be found in Appendix 19.

⁶ *Assembly Constitutional Amendment No. 65*, California Legislature, 1957 Regular Session. *Final Report*, pp. 40-41.

From staff study, conferences, and hearings, the subcommittee became convinced of the necessity and urgency of revising state legislation relative to the succession to elective office and the preparation of legislation calling for the analyses and preservation of essential records of government. With these needs in mind, Subcommittee Chairman Vernon Kilpatrick and Committee Chairman Francis C. Lindsay requested that Governor Goodwin J. Knight call a special legislative session to deal with these matters.

Acceding to this request, Governor Knight issued the following call to the Legislature in his proclamation of March 3, 1958.⁷

To consider and act upon legislation to provide for the preservation and restoration of state and local government in the event of war or enemy-caused disaster; to provide for succession to the Office of Governor; and to amend the California Disaster Act, including such changes therein as may be required to qualify this State to receive financial aid from the Federal Government for the cost of administration thereof as provided by pending congressional legislation.

Twelve measures were introduced in the First Extraordinary Session, 1958, concerning the matters contained in the Governor's proclamation. Two were re-referred for further interim committee study, while 10 of the measures, including a constitutional amendment, received favorable legislative action, and all bills have been approved by the Governor.

The subcommittee felt that it was particularly important to emphasize the significance of its legislation designed to ensure the continuity of constitutional government in California. For this reason, arrangements were made for Professor Charles Fairman of the Harvard Law School, a national authority in civil defense, to address the entire Legislature on March 6, 1958. The text of his address, entitled "Maintaining Continuity of Government in Event of an Atomic Attack," is included in the appendix.⁸

⁷ *Proclamation of the Governor, March 3, 1958, Item 28*

⁸ See Appendix 2

SUCCESSION TO ELECTIVE OFFICE

Studies and hearings reaffirmed the subcommittee's conclusions of 1957, that the legal provisions for succession to elective office were not adequate if there should be a nuclear attack on California. The subcommittee felt that it should assume the possibility that the Governor's entire present line of succession could be destroyed. The same might be true for both Houses of the State Legislature, for boards of supervisors, and for mayors and city councils. Adequate need existed to devise a method that would assure that the Governor's position could be legally filled, and that the Legislature, in whatever form it existed after an attack, could do business immediately. The subcommittee had stated in its previous report that the declaration of martial law is both undesirable and inefficient.⁹ If our society is to repair and reorganize itself as a continuing democracy after a nuclear attack, it would be absolutely necessary to insure the continuity of leadership, both legal and actual.

The problem of succession to elective office was carefully studied by special committees of the Los Angeles Bar Association and the State Bar Association. These organizations presented a detailed report to the subcommittee¹⁰ containing specific recommendations for a constitutional amendment. In conference with the Legislative Counsel, this amendment was drafted and submitted to the California Legislature in the First Extraordinary Session of 1958, where it became Assembly Constitutional Amendment No. 5.¹¹ The amendment was passed by both Houses of the California Legislature and sent to the Secretary of State. Following the provisions of Assembly Bill No. 76,¹² also introduced by this subcommittee, A.C.A. 5 will go before the voters of the State at the November, 1958, general election.

The passage by the voters of this constitutional amendment will be the keystone to much of the legislation recommended by the subcommittee and passed in the 1958 Session. The amendment will modify the succession to the governorship by permitting the Legislature to extend the list of successors by statute. In addition, successors now on the list shall *become* Governor rather than act as Governor and perform his duties in the event of a vacancy.

In case of a war or enemy-caused disaster, it might be necessary for the successors presently named in the constitution to fill the Governor's office. This amendment will remove the possibility of difficulties arising in this succession.

The amendment also would give the Legislature power to provide by law for filling vacancies in its own membership in the event that an enemy-caused disaster were responsible for the death or incapacity of either the incumbent Governor or at least one-fifth of the members of either House of the Legislature. In addition, the amendment permits

⁹ *Final Report*, p. 13.

¹⁰ *Report of the Special Committees of the Los Angeles Bar Association and the State Bar Association*, see Appendix 3

¹¹ Appendix 4.

¹² Appendix 5.

the Legislature to provide by law for: (1) the convening of the Legislature in general or extraordinary session, (2) the calling and holding of elections to fill constitutional offices; and (3) temporary seats of government for the State and counties.

The subcommittee believes that the passage by the voters of this amendment is a minimum guarantee to provide continued civil government in California in the event of a major enemy-caused disaster. Such passage will strengthen further the operations of the California Disaster Office which, in conjunction with the Federal Civil Defense Administration, is charged by law with the immediate problems of civil defense.

*Assembly Bill No. 66*¹³ was introduced to provide a line of succession to the offices of Lieutenant Governor, Secretary of State, Attorney General, Treasurer and Controller. The provisions of this bill authorize these officers to designate a number of standby officers to assume office and perform their duties in the event of death or disability resulting from an enemy-caused disaster. This bill was re-referred for further interim study.

*Assembly Bill No. 67*¹⁴ provides for the convening of the Legislature following an enemy attack, either in Sacramento or at a temporary seat of government. The bill also specifies the powers of the Legislature at such a session. This bill passed the Legislature and was signed by the Governor on April 15, 1958, and will take effect upon adoption of the constitutional amendment.

*Assembly Bill No. 68*¹⁵ establishes a procedure for filling vacancies in the Legislature caused by a wartime disaster. The bill provides that the surviving members of each house may fill vacancies by majority vote. These appointments are to be made so that each district would be represented, if possible, by a member who is a resident of that district, and a registered voter of the same political party as his predecessor. Passed by the Legislature and signed by the Governor on April 14, 1958, this bill will become effective when the voters approve the constitutional amendment.

*Assembly Bill No. 69*¹⁶ authorizes the Governor to designate an alternate seat for State Government in the event of a disaster and to provide adequate facilities at that location. *Assembly Bill No. 70*¹⁷ provides for the designation and use of temporary county seats by boards of supervisors in the counties of California, to be used in the event of disaster. Both of these bills passed the Legislature, were signed by the Governor, and will become effective upon the adoption of Assembly Constitutional Amendment No. 5.

At the 1957 Session, the Legislature enacted Chapter 1368, providing for the designation of standby officers of local agencies who would act in the event that the local officers were killed or disabled by enemy-caused disaster. *Assembly Bill No. 72*¹⁸ eliminates the provision of that act which prohibits the designation of officers or employees of the local agency as such standby officers. This permits the agency to use either

¹³ Appendix 6.

¹⁴ Appendix 7.

¹⁵ Appendix 8.

¹⁶ Appendix 9.

¹⁷ Appendix 10.

¹⁸ Appendix 11.

its own employees or outsiders for such purposes. This bill passed the Legislature and was signed by the Governor on April 10, 1958.

Certain additional matters associated with the problems of elective officers were dealt with by two other bills. *Assembly Bill No. 71*¹⁹ repealed Section 4362 of the *Labor Code* relating to workmen's compensation benefits for disaster service workers. This section had imposed a limit of \$2,500 for the payment of the cost of medical, surgical and hospital treatment for such workers. Passage of this bill removed an unreasonable limitation that penalized some of California's most civic-minded citizens.

*Assembly Bill No. 75*²⁰ provides that members of the California Highway Patrol, fish and game wardens, and forest rangers, who are within an area where disaster or extreme emergency is proclaimed, shall have the full powers of peace officers within the area during the period of emergency.

Upon adoption of the constitutional amendment, the subcommittee's legislative program described above will furnish the legal framework for the continuation of democratic, constitutional government in California and make less likely the declaration of martial law in the event of an enemy-caused disaster.

¹⁹ Appendix 12

²⁰ Appendix 13

PRESERVATION OF VITAL RECORDS

Staff representatives of the subcommittee visited officials of California cities and counties to obtain background information on the types of local government records that would be needed during and after a disaster. They also investigated the extent to which local governments had made plans to protect their essential records.

Further information was obtained, and a step toward common understanding taken at a meeting of the subcommittee with representatives of the associations of county clerks, recorders and supervisors and the League of California Cities at Sacramento on November 20, 1957. The same groups were represented at the formal hearings held at San Francisco, Los Angeles and Sacramento during January.

COUNTY CLERKS' RECORDS

The organization of the clerks' records and indexes was found to vary somewhat between counties. However, there was general agreement that certain registers and indexes would provide all essential information. Microfilming of actual case files was felt to be unnecessary.

One list of county clerks' records suggested as appropriate for microfilming follows:

1. All civil and probate indexes;
2. Civil and probate registers of actions;
3. Civil and probate judgment books;
4. Criminal indexes and registers;
5. Superior court minute books: civil, criminal and probate.

COUNTY RECORDERS RECORDS

Land title records form a large share of the files of the county recorders. Certain other documents, such as divorce settlements, are also needed in order to preserve individuals' equities in society. Many recordings, such as short-term liens, are of temporary and usually minor significance. It is questionable whether they should be microfilmed.

Making security copies of land title records would be a staggering job, were it not that title insurance companies have been working on the problem in metropolitan areas. Among the problems needing further consideration is the question of whether it is good public policy to depend, for legal purposes, on copies that have been outside of official custody. The next consideration is the value of the proprietary right in such copies or abstracts if the official record is destroyed.

Once a single microfilm negative of a record has been made, the cost of a second copy for security purposes is minor. It is fortunate that a number of areas are finding microfilm desirable as an administrative economy. The largest single group of recordings in the State, those of the Los Angeles County Recorder, are now being transferred to microfilm.

It appears that the time may be at hand when each county recorder should make his own microfilm negative, sell copies to title insurance companies, and place a security copy in a vault outside any major target area. This may involve the laying down of rules for organizing the recorders' records in such a way that recorders are not required to microfilm and the title insurance companies are not forced to purchase records of marginal value.

LEGISLATIVE AND ADMINISTRATIVE RECORDS OF CITIES AND COUNTIES

The volume of ordinances and other legislative records of any single unit of local government is so small as to present no grave physical or financial problem in making security copies. There are technical questions involved in maintaining security files up to date. These same questions are met in the maintenance of current fiscal records.

There is considerable question as to whether accounts payable and receivable, and similar fiscal records should be microfilmed because of their short period of high usefulness. Certain business firms and at least one major department of the State Government have determined that an additional carbon copy of such records should be sent to a remote location and retained for a very short period. This avoids the cost of microfilming and the possible necessity of reproduction during or after an emergency.

Engineering drawings have probably received as careful treatment as any single group from local governments. Locations of underground utilities and building designs will be of utmost importance in the first days of reconstruction. There is real question, however, whether sufficient facilities for reproduction from film will be available in such a period. The solution of the problem, then, appears to be dispersal of full-size copies. While the State Department of Public Works has taken notable steps in that direction, we are not aware of any adequate program of dispersal in any single local government in California.

SECURITY STORAGE

A problem which has not been solved satisfactorily at either the State or local level is the location and type of structure in which to store security copies of essential documents. Development of hydrogen bombs has rendered unsafe the storage facilities used by the City and County of San Francisco, and by the County of Los Angeles. Neighboring governments have also availed themselves of these facilities, although not to the extent possible or desirable.

Security copies of records should be at the alternate seat of a government, and thus available for its use during an emergency. Where no alternate seat is provided, or where a second security copy of certain documents is desirable, a single high-grade security center should be available at a strategic location in the State.

LEGISLATION INTRODUCED

The subcommittee introduced *Assembly Bill No. 74*²¹ instructing each city, county and other local public agency to determine which of its records would be essential in the event of a nuclear disaster. The bill further provided that such essential records should be duplicated by whatever process was most feasible, and the reproductions stored in a dispersal facility. The nature of the dispersal facility was carefully defined. It was further provided that the Secretary of State should provide such a dispersal facility with which the local public agencies might contract. This bill was re-referred for additional interim committee study.

STATE RECORDS IN RECONSTRUCTION

Your subcommittee met with top representatives of the State's departments and agencies on November 26, 1957. While certain departments have progressed since 1956 in establishing an essential records program, too many agencies have not yet taken the basic steps toward establishing policies regarding selection and safeguarding of essential records.

We wish to cite with approval several features of two programs which are worthy of study by other departments and agencies.

The Division of Highways has decentralized much of its storage of drawings, sending originals to the districts concerned. Microfilms have been made for administrative use in Sacramento. This is an administrative economy, as well as supplying full-size drawings near the points of need in case of disaster.

The Department of Employment has drawn up a schedule by which copies of important records will be sent at stated intervals to storage at a regional office. By means of control cards and a locator system, materials will be removed when out of date, and the entire operation reduced to routine. This resembles in many points the practice of the Pacific Telephone and Telegraph Company.

STATE RECORD SECURITY STORAGE

The Secretary of State is able to supply space for departmental microfilms in a specially designed atomic vault.

The Division of Highways has offered to make available sufficient space in two district offices to accommodate other departments that wish to disperse copies of such items as fiscal documents which are best stored in the original for early discard. There are several possible arrangements for financing the small cost involved.

The offer of the Division of Highways constitutes a temporary expedient. Most such essential documents should eventually be placed in adequate storage at the alternate seat of government where they would be available for immediate use. It should be noted that *Assembly Bill No. 69* (1958 First Extraordinary Session) provides that " * * * the Governor shall designate * * * an alternate temporary seat of government for use in the event of war or enemy-caused disaster. * * * " The bill further authorizes the Director of Finance to provide facilities for the use of government " * * * in the event it becomes necessary. "

²¹ Appendix 14.

This measure does not contemplate the construction of special facilities prior to an emergency.

The desirability of constructing special facilities at a designated alternate seat of government is a topic needing study. Office space as such is secondary to the problem of relocating the California Disaster Office's communications center and reappraising the location and construction of the atomic vault used by the Secretary of State. The latter should be tied in with a reappraisal of the nature and requirements of the Central Record Depository.

LEGISLATION ON STATE RECORDS

The subcommittee introduced *Assembly Bill No. 73*²² in the 1958 First Extraordinary Session to assure the preservation of essential state records. This bill provides that each state agency, with the concurrence of the Department of Finance, shall determine what records it has that are essential to the functioning of State Government in the event of a major disaster. Copies of such vital records should be made and stored by the Secretary of State in an appropriate place. The bill also provides that such copies shall have the validity of the originals in the event that the originals are destroyed by a disaster.

The bill, as originally introduced, contained an appropriation of \$50,000 in order that its provisions could be fully carried out. This appropriation was deleted from the bill, but the Director of Finance, John Peirce, assured the committee that “* * * the Department of Finance can and will carry out the intent of the bill.”²³ Two experienced record analysts have recently been employed by the Department of Finance, part of whose time will be available to assist the agencies in analyzing their essential records' needs.

CIVIL DEFENSE FUNCTIONS OF THE ADMINISTRATIVE DEPARTMENTS

Following subcommittee conferences with the operating departments of the State and the California Disaster Office, Governor Goodwin J. Knight issued Executive Order No 58-CD-1 on April 2, 1958.²⁴ Administrative orders have subsequently been issued detailing the specific functions to the operating agencies of the State.²⁵ The Governor's Office, through the California Disaster Office, is preparing additional administrative orders for the following: the Departments of Natural Resources, Water Resources, Social Welfare, Finance, Corrections, Mental Hygiene, and Justice, the Adjutant General, and the Fire Marshal. It is anticipated that these additional administrative orders will be available as addenda to this report in a period of weeks. Copies will be available at the office of the Assembly Committee on Conservation, Planning, and Public Works.

²² Appendix 15.

²³ Letter from John M. Peirce, Director of Finance, to Assemblyman Vernon Kilpatrick, April 4, 1958. See Appendix 16.

²⁴ Appendix 17.

²⁵ *Administrative Orders No 58-1 to 58-8*. See Appendix 18.

UNFINISHED BUSINESS

While the subcommittee's work during the first part of the interim has resulted in substantial legislation to solve the most urgent problems, those of succession to office and the preservation of records, the subcommittee recognizes that many problems related to the maintenance of civil government in times of national disaster have not been explored.

As emphasized in the report of this subcommittee in June of 1957, the problems of the judiciary and the protection of rights of persons and corporations need further study and clarification by the subcommittee and co-operating persons and organizations who have assisted the subcommittee during the past three years.

Testimony developed at hearings and conferences of the subcommittee have indicated that the functions of the California Disaster Office, its relation to other state agencies and local government, and the Federal Civil Defense Administration is not clearly understood by the public. During the remainder of the interim, the subcommittee staff will devote time to the review of these functional relationships and prepare the factual basis for possible committee action.

Additional exploration by the subcommittee in co-operation with responsible state departments on the location of alternate state governmental sites is necessary during the interim. These sites should be so located, designed, staffed, and provided with such essential records and equipment to permit the continuance of civilian government.

APPENDIX 1

PRESERVATION OF CALIFORNIA'S LOCAL GOVERNMENTS UNDER ENEMY ATTACK

Staff Paper Prepared for Discussion Purposes

The Assembly Subcommittee on Impact of Enemy Attack on the Economy and
Constitutional Government of California

PURPOSE

This paper contains a summary and discussion of assumptions regarding enemy attack and of methods of meeting civil disruption through maintenance of local governments. It is intended as a basis for further thought and discussion and does not represent the official conclusions of the subcommittee or any members thereof.

The study is based on interviews with a number of persons holding responsible positions in city and county administrations ranging in size from that of Los Angeles to that of Nevada County.

Each person receiving this study is cautioned to refrain from becoming an alarmist. The study of history reveals many more war scares than wars. However, an adequate civil defense program is like a term insurance policy: it is bought without the sure anticipation that the benefits will be required. It is the part of prudence to recognize the possibilities existing in the present international situation, and to take the necessary minimum steps to insure against unnecessary suffering and social disorganization. This can be accomplished by foresight, planning, and decisiveness.

SUMMARY

1. *Assumptions regarding enemy attack on California.*
 - a. Although by no means certain, it is entirely possible.
 - b. Short-range missiles and aircraft must be reckoned with as well as intercontinental missiles.
 - c. It would probably be made without warning.
 - d. The alternative assumption of several weeks' warning leads to such conclusions as a need for evacuating up to 7,000,000 people from major population areas.
 - e. In case of a surprise attack on California, a large portion of the administrative personnel and relief supplies will have to come from rural areas.
2. *Alternate seats of government.*
 - a. Every city of over 100,000 population and every county with a rural population of 250,000 should be required to set up an adequate alternate seat of government.

3. *Alternate government officers.*

- a. The more populous cities and counties should be required, and the less populous encouraged to appoint alternate officers and administrators
- b. At least one alternate for each principal post should be selected from areas outside target zones.
- c. A Screening Committee should be set up at the state level to provide a panel of alternate officers.
- d. A "reserve training period" should assure that each appointee knows the emergency functions of his office.

4. *Essential government records.*

- a. One complete set of all essential manuals, maps, plans and handbooks should be maintained current at each alternate seat of government.
- b. Records of personal and property rights should be copied (micro-filmed normally) and kept in a bombproof vault.

DISCUSSION

1. *Assumptions Regarding Enemy Attack*

In this discussion we shall be referring to two different sets of assumptions regarding the nature of an enemy attack. *Situation I* shall be used to designate the conditions envisaged in July, 1957, when the City of Los Angeles Office of Civil Defense staged "Operation Alert." *Situation II* shall designate a "Pearl Harbor" sneak attack with hydrogen weapons.

The political and military assumptions of "Operations Alert" (Situation I) allowed a full month for civilian evacuation. Military mobilization "began" on June 10th. On June 16th, the Governor "proclaimed" a State of Extreme Emergency, and "evacuation" of Los Angeles was begun on a voluntary basis. Organized evacuation "began" on June 18th and continued to July 11th. Only on July 12th was the city assumed to be in full emergency status.

We believe that a "strategic evacuation" as outlined above would be ordered only when the international political situation had hopelessly deteriorated. Such an evacuation would be interpreted as the last step before war, and the potential enemy would take it as a cue to strike quickly with all the force at his command.

Even a "tactical evacuation" on a few minutes' to a few hours' notice is unlikely, not only because of the development of the inter-continental ballistic missile, but also in view of the use of short range missiles from submarines and the success of intruder aircraft during the 1957 NATO fleet exercises in the Mediterranean

Planning for evacuation is justified, however, so far as population movements, food supplies, and refugee camp sites are concerned.

Situation II, however, should be the basis for planning the continuation of government. There are two reasons for this:

1. It is the more realistic assumption;
2. It is the more "conservative" assumption, because it requires a more complete plan for the continuation of government.

What is Situation II? It assumes a four-pronged attack on California, at the same time that all major industrial centers in the United States are struck. Los Angeles and the San Francisco Bay area would be struck by 20 megaton bombs, Sacramento and San Diego by 10 megaton bombs. The fallout would be carried eastward. Such an attack was assumed in the Santa Rosa civil defense paper exercise of late 1957, except for San Diego. We believe San Diego's value as a naval base makes it a major target.

In the Santa Rosa exercise, only 15 minutes' notice was assumed. Five millions were assumed to have been left dead or dying, and four millions homeless. While the refugee problem is cut in half under Situation II, other problems are created or intensified:

1. Most officials of large cities dead;
2. Most food processing plants destroyed;
3. Much of the grain reserve destroyed or unfit for consumption;
4. Normal clothing stocks gone;
5. Medical wholesalers wiped out;
6. Surviving population in metropolitan fringes dazed or in actual physical shock;
7. Most corporate officials and engineering staffs dead;
8. Major long-distance telephone exchanges destroyed;
9. Large areas of the countryside unfit for refugee camps because of radiological contamination;
10. Large numbers of desperate people whose civilized inhibitions have broken down, and who will tend to seize whatever they can find to sustain life.

In cases of floods, fires and earthquakes, aid from surrounding states is immediately available. In the case of an enemy attack, the areas with the greatest resources are most apt to be hit, and disorganization throughout the Nation is likely to prevent immediate relief.

2. Alternate Seats of Government

A number of cities and counties have designated alternate seats of government, on the assumptions of Situation I. As the major cities of the State have very definite natural advantages, and as it may be assumed that some remnant of property values will remain, the functions of government must be continued in these areas. Presumably civil defense organization will be based at the alternate seats.

We note, however, that in certain instances communications facilities are inadequate; in other instances, specific buildings have not been selected; at times the space allocated seems inadequate to practical requirements; manuals, operating instructions, maps and drawings are not available; and the best laid out headquarters we have inspected is now definitely within the target area of an H-bomb.

We recommend mandatory legislation requiring: (1) all cities of over 100,000 population; and (2) all counties with populations of over 250,000 after excluding cities in the first list, to establish alternate seats of government outside major target and fallout areas. Based on

California Department of Finance's estimates as of July 1, 1957, the following cities and counties would be affected:

<i>Cities</i>	<i>Population</i>	<i>Counties</i>	<i>Total population</i>	<i>Net population</i>
Fresno -----	121,000	Alameda -----	873,900	468,400
Glendale -----	118,000	Contra Costa -----	356,700	356,700
Long Beach -----	309,100	Kein -----	273,400	273,400
Los Angeles -----	2,334,200	Los Angeles -----	5,598,300	2,717,700
Oakland -----	405,500	Orange -----	511,400	511,400
Pasadena -----	119,300	Sacramento -----	427,100	268,100
Sacramento -----	159,000	San Bernardino -- --	435,700	435,700
San Diego -----	495,000	San Diego -----	900,400	495,400
San Francisco -----	776,000	San Mateo -----	378,100	378,100
San Jose -----	130,000	Santa Clara -----	527,500	396,700
Total -----	4,967,900	Total -----		6,211,600
				4,967,900
			GRAND TOTAL -----	11,179,500

The effect of this would be to assure centers for direction of 78.9 percent of the State's 14,160,000 population with the burden placed on the 10 cities and 10 counties presumably best able to provide the facilities.

We suggest for discussion and elaboration the following standards for an alternate seat of government:

1. A location protected from major damage if a bomb of maximum anticipated size fell anywhere within the major target area.
2. A structure capable of resisting secondary blast damage.
3. A location outside fallout area, based on wind direction 90 percent of the hours of the year.
4. Radiophone facilities usable independently on police, civil defense and amateur wavebands. (i.e. tied into the main California Disaster Office networks.)
5. Desks, chairs and cots for no less than half the anticipated complement of workers.
6. Food for 30 days for the full complement of workers.
7. An independent underground water supply.
8. Underground cable connections with American Telephone and Telegraph long-lines at a point outside any major industrial or military target area.
9. Access to a landing strip for light planes.
10. A location, if possible, near to the probable line of civilian evacuation, but not immediately on that line. This applies particularly to cities.
11. A microfilm storage room meeting the National Bureau of Standards specification on temperature and humidity ranges.

The following illustrates the present level of planning in several of the most advanced communities.

Los Angeles County has established a civil defense communications center about 10 miles northeast of the Civic Center. Established in the days before the hydrogen bomb, it may have been adequate at that time. At present, it is well within a primary target area. All offices and communications facilities are aboveground. A vault originally

intended to house the communications center has never been completed. In two finished wings of the vault are microfilm copies of Los Angeles County land title records and certain other public documents. Drawers have been reserved for the smaller cities of Los Angeles County, but few if any have taken advantage of this opportunity. There is a revetment in front of the main door of the vault, but all vault doors appear to be of wood sheathed with sheet metal. The vault is safe neither from blast nor from radioactive contamination.

Los Angeles City has established an alternate seat of government to the northwest. Plans have been made to fly the mayor there by helicopter. There are certain communication facilities. However, we are informed that no effort has been made to collect at the alternate seat the documents, maps and records essential to direct the various emergency services.

San Francisco City and County has established an alternate seat of government at a tubercular hospital approximately 30 miles down the peninsula from the Civic Center. It is situated in a ravine and is reasonably secure from blast or radioactive fallout. The fact that it is about two miles off the major route of evacuation is probably an advantage. However, the only effective means of evacuation of top officials would be by helicopter, and landing at the hospital itself would probably be hazardous. We have no information on plans for communications.

Sacramento City has designated Auburn as its alternate seat of government. However, no quarters have been obtained. A mobile radio unit has been requested, but as of October 9, 1957, no funds have been made available.

3. Alternate Government Officers

The 1957 California Legislature passed a measure (A. B. No. 2781, Stats. 1957, Ch. 1368) providing for the reconstituting of boards of supervisors and city councils after enemy attack. It further authorized local agencies to provide for succession in office to departmental administrative officials. As determination of the extent to which this authority has been put to use was not originally a part of this investigation, no systematic checkup was made. We have not heard of any boards of supervisors or city councils taking advantage of this authority. Hence this should be made mandatory in the more populous areas.

In the administrative departments of some counties and cities, lines of succession have been set up, even if no replacements for the top executives and the legislative body have been chosen. The fallacy of appointing an alternate who will probably be in the same area as his principal on "B-day" is obvious under Situation II. It is even fallacious under Situation I, where some of the principal administrators would probably remain within the target area to maintain the minimum services. Hence a panel of alternates, perhaps two alternates for each position, should be selected from outside the major populated areas.

In some cases alternates to departmental heads may be drawn from the technical staffs of neighboring communities. However, a valuable source of administrative talent lies in retired men and women, many of whom have homes in California rural areas and mountains. If this

second group is to be tapped successfully and with a minimum of effort, central screening is needed. The merits of central screening are:

1. Systematic survey of personnel available.
2. Better utilization of experience.
3. Reduction of personal acquaintance and political favoritism as factors in appointment.
4. Simplification of security checking.

We suggest as a topic of legislation the authorization and financing of a panel of acceptable alternates for major posts. A possible method of preparing the panel of candidates follows:

1. Detail employees of State Personnel Board as staff for screening committee.
2. Circularize city councils, boards of supervisors, chambers of commerce, labor councils, and veterans organizations, describing purpose of panel and asking nominations.
3. Make personal calls on heads of each of above bodies for verbal discussion of merits and qualifications of nominees in that area.
4. Send letter to each nominee who meets qualifications set up by selecting committee.
5. Interview those who respond favorably.
6. Arrange security check.
7. Circulate list to co-operating local governments, with private and verbal recommendations.

The question of "reserve training" is tied in with finances. As an initial step, authority should be provided by statute for local governments to pay per diem, travel expenses and a daily fee. Per diem and travel for a five-day training period would presumably average no more than \$20 a day, or \$500 a year, for a city that needed alternates to the mayor, police chief, fire chief, superintendent of street repair, and superintendent of utilities. Daily fees would be an additional cost. Conceivably, additional experience could be gained by the alternates serving as vacation relief.

4. *Essential Government Records*

Emergency Files. A study of State Government records, made at the request of this subcommittee in March, 1957, by an *ad hoc* committee representing the Department of Finance, the Secretary of State and the Legislative Auditor, reached the conclusion that very few records were actually essential during an emergency.

Types of records needed in the days immediately following an enemy attack include:

1. Maps of underground utility lines;
2. Information on locations of food, clothing, medicines, fuel;
3. Data on communications;
4. Local organization and instruction manuals (basic manuals provided by the California Disaster Office and the Federal Civil Defense Administration).

Transactions of Legislative Bodies. Minutes of the various boards of supervisors and city councils are basic historical records which should be microfilmed. Thinly populated counties outside major target or fallout areas might be exempted. There is a question as to whether the minutes of special districts' boards should be microfilmed as well.

We suggest that the county boards of supervisors be required to estimate the cost to the county of microfilming on a page basis, and notify all special districts under their charge of the availability of services. The decision on microfilming, and the costs, would then be left to the local boards except where the boards of supervisors made it mandatory.

Personal Records. During reconstruction, it appears that such personal records as those of births, deaths, marriages, school graduation and professional licenses will be important. Vital records will be important in determining succession to property. School records and professional licenses constitute evidence of a certain level of competence. In an emergency, each person willing to attempt a professional job will probably be used. During reconstruction, it may be necessary to have summary examinations of professional licensees to determine whether mental and emotional stability has been retained.

The cost of security microfilm copies of birth, marriage and death records has been budgeted by the State for 1957-58. Microfilms of final school records have been made in certain San Francisco high schools, and presumably in other cities. Microfilming of student records in the state colleges is under consideration. As these are permanent records with low reference use, savings in storage will probably pay for both the original and security microfilms over a period of years.

Property Rights. Rights in land will probably be the form of wealth most likely to survive. These rights are represented by: title deeds, deeds of trust, property settlements in divorce decrees, recorded wills, shares in landholding corporations, and similar legal documents. If a reasonable semblance of present government and society is to continue, it is necessary to protect these records.

Counties are the principal custodians of these records, the majority of them reposing in the recorder's office. Court decrees are found in the clerk's office.

In a typical California county today, the title insurance companies will have made microfilms of most current land records, but there is no guarantee that security copies have been made. In Los Angeles County, Title Insurance and Trust Company has made abstracts which are microfilmed and copies stored outside the Los Angeles area. Land Title Insurance Company has microfilms going back over a decade. The recorder has had microfilms made which go back to the beginning of his records. The title insurance companies have indexes by location and name, whereas the recorder has indexes only by name.

In San Francisco City and County, the recorder has an incomplete microfilm file of transactions for the past four years. Originally made for the assessor's use, they have been returned to the recorder but are lying around in the main office. The California Pacific Title Company

has microfilmed about 95 percent of the documents recorded since July, 1952, including all land title documents. The original microcopy is kept in a vault in Redwood City, 35 miles south. Bay Counties Title Company has microfilms dating to 1948, and some scattered earlier films. However, all its microfilms are within a block of the Recorder's Office. There appears to be no microfilm of San Francisco County Clerk's divorce and probate records, municipal and superior court actions. The San Francisco Recorder has less than a quarter the microfilming problem of the Los Angeles County Recorder. In a city so conscious of the loss of records in the 1906 fire, it is amazing that her officials have not been leaders in this field.

Alameda and Sacramento Counties are typical of the middle bracket of California counties. In neither has the recorder done any microfilming, cost being raised as an objection. As these are permanent records, savings in office space and shelving may be expected to liquidate the cost over a few years.

Placer and Nevada Counties have been taken as typical of the smaller counties. In Placer County, all the recorder's documents have been microfilmed. The films are stored a half-mile away in a bank vault. The space in this vault has now been filled and additional storage facilities are needed.

In Nevada County, filming of county records has been proposed to the supervisors and turned down on the basis of cost.

In regard to land title records, we offer the following detailed conclusions:

1. Security microfilms should be made in all counties, in anticipation that they will work a long-range economy in administration.

2. Commercial or publicly-owned vaults utilized must be outside of major target areas and capable of standing up under anything but a direct hit.

3. There should be voluntary co-operation between title insurance companies and county recorders in order to minimize costs. Title insurance companies should store a security copy of all films outside any anticipated target area.

Court Records. While current title insurance company practice demonstrates the need of microfilming practically all recorders' documents, no standard doctrine has been developed for county clerks' records.

One may classify county clerks' records by the type of record, and by the type of case. There is the basic folder of filings for each case, the judgment book, the register, and the index. A separate series is usually established for criminal cases, civil cases, probate, and insanity.

Microfilming of the judgment books, registers and indexes provides the basic record of all cases. As these are ordinarily in bound volumes, they must be photographed with a planetary camera at a cost of perhaps 3 cents a page.

The main problem in regard to county clerks' records is the establishment of a rule regarding microfilming of the original filings of different types of cases. Factors worthy of consideration are:

1. Even judicial business will not be "as usual" in a situation where these microfilms must be used
2. For most purposes judgment books, registers and indexes will suffice.
3. For certain types of cases there is practically no reference to the original file once the case has been heard.
4. Judgments may not suffice in cases dealing with property, such as probate and divorce proceedings.
5. A related problem on which all concerned should make recommendations is the setting of rules for destruction of case files of superior courts and their predecessors. Authority to destroy a portion of the files will go far to solving the space problems of certain counties. Example: Misdemeanors, destroy file after 10 years; felonies, destroy file after 25 years; civil suits involving property under \$2,000 value, destroy file after 10 years; civil suits involving judgments of under \$25,000 destroy file after 25 years; probate records, do not destroy. Clerk of court to stamp destruction date on all files after final judgment is rendered. Judge to order cases of particular legal or news interest marked "permanent." All files prior to December 31, 1880, to be retained because of historic interest, but not to be microfilmed except when they pertain to property rights or have exceptional historic interest. Microfilm no files with less than 25 years' retention periods.
6. Old-type folder files are difficult and costly to microfilm.

San Francisco microfilmed all her records up to 1942. In view of the probability that much of that microfilming could have been eliminated, it is perhaps as well that there has been no general program before formulation of a statewide policy.

Alameda County is on the point of microfilming her records from 1926 to 1942 because of shortage of space, but apparently has not considered microfilming her more current records as a security measure.

Placer County, which microfilms the recorder's documents, has not embarked on a similar project in the county clerk's office

Current Fiscal Transactions. Opinion is divided as to the need for preserving records of current fiscal transactions. Most of them become out of date in 30 days. There is a further question of a city's ability to pay current bills after being subjected to attack. We suggest the possibility of making a full-sized copy, in many cases a carbon, of the records, and forwarding it currently to the alternate seat of government. In cases where the alternate seat is not manned, a public agency or bank at or near the alternate seat should be named the recipient.

Payrolls and Retirement System Records. These are generally considered to be extremely important in maintaining the rights of civil servants in retirement plans. The State Employees' Retirement System has quite an adequate system of safeguarding the records of employees of local governments which contract with it. Other local governments, notably San Francisco City and County, retain their own retirement systems.

If retirement system records are safeguarded, and if one may anticipate extensive reassignments and reclassifications of personnel after a disaster, there is considerable question as to the wisdom of making any substantial investment in microfilming payroll and personnel records.

Plans of Utilities. For rescue and rehabilitation, knowledge of all water, sewer, power and gas lines is essential. Knowledge of telephone cables is only less so. It is probably desirable that each city and county engineering office have plans of the major buildings within its jurisdiction.

Because of storage problems, certain agencies, such as the State Division of Highways, are adopting 105 mm. microfilm for preserving their drawings. Except for bridges, the need for such drawings during an emergency is probably slight. Such, however, is not the case with maps, charts and drawings needed during the height of an emergency. Only in exceptional cases will the facilities for rapid reproduction be available.

Hence it appears essential that all local governments within a probable target area, or those of sufficient size to be required to have an alternate government setup, analyze the needs of both central command posts and utilities teams, and supply all needful maps and drawings at the alternate seat of government.

Municipal utility districts, county water districts, sewage districts and similar operating organizations must be brought within the scope of such planning by the present city councils and boards of supervisors. As with other utilities' organizations, many of the individuals are already members of civil defense teams. It is also essential that the parent county and city governments provide the maps, drawings, and copies of emergency procedures necessary to co-ordinate rescue, relief and rehabilitation activities.

Co-ordination With Private Utilities. Private utilities appear to be ahead of governments in their planning for disasters. The Pacific Telephone and Telegraph Company has an extensive security microfilming program. It has an emergency storage center outside any major target or anticipated radiological fallout area. This center has been shifted during September-October, 1957, as a result of new information on radiological fallout. It has a priority list for restoration of records and full facilities for making prints from microfilm at its security storage location. In addition, it has selected alternate personnel and established training and retraining programs "to assure operation of these installations under emergency conditions."

The Pacific Gas and Electric Company began its program of microfilming and safe storage of vital records in 1950. Important records back to 1905 were filmed. All records that are microfilmed are kept up to date, some on a monthly, others on a yearly, basis. All 1956 records had been filmed by September, 1957. Among the items filmed are: office records and maps; deeds, rights-of-way, title insurance policies; contracts, leases and permits; legal files and indexes of the Land Department; all basic engineering designs for plant facilities and lines, substations and steam plants; transmission line maps, drawings pertaining to underground pipelines, and reports on meters of the Department of

Gas Operation; bylaws and minute books of the board of directors and the executive committee; stock records on all holders of common and preferred stock, dividend records; and all vital accounting records.

In addition, the San Francisco Bay area divisions of the company have buried underground at peripheral points steel containers with such important emergency records as electric underground maps, street lighting maps, electric distribution maps, steam maps, and gas department block maps.

By contrast, one civil servant of high rank in a water department saw no use in having security records—he, himself, could direct all emergency activities. We grant the necessity for operating personnel—but we cannot guarantee the survival of any one individual to do the operating. Hence, this program should include both plans and alternate personnel.

APPENDIX 2

MAINTAINING CONTINUITY OF GOVERNMENT IN EVENT OF AN ATOMIC ATTACK

An Address by Charles Fairman, Professor of Law in Harvard Law School,
Before a Joint Session of the California Legislature on
Thursday, March 6, 1958

We seek to forge for America the whole armor of national defense. This is a work of many parts. It is a work of science, as the Country recently became acutely aware. It is a work of strategic planning and direction—a matter on which groups of distinguished citizens have been offering prescriptions. It is a work for large forces in being, constantly ready—we are assured—to react to an attack. Our willingness—even eagerness—to support an adequate military budget reflects our determination not to be overcome and our hope that by preparing we may deter. In all this we see the people's deep concern for national security, their longing for a safe deliverance—and their dependence upon those who, by holding office, are the bearers of responsibility for us all.

I am invited to address you on the impact an atomic attack would have upon civil government and administration. This is a vital matter. Here is a vulnerable point where it is the state governments that must forge some of the national armor. This is not the task of scientists or of generals. It is not a matter on which you must await action in Washington—although, as I shall point out, there has been a woeful lack of leadership that would point out to the states the urgency and the method of doing those things only the states can do. Here is a duty, and what may be accepted as a joyous opportunity. It is a duty resting upon those who hold office in this and in the other state governments. It is a task for men with practical experience in legislation and administration. It is an opportunity, because by readying your state to withstand the impact of an attack you point the way for other states. By making our institutions notoriously strong, we erect another deterrent to attack. In this respect, our salvation lies within ourselves.

You can ignore your responsibility, but you cannot shift it. Homer's epic account of the war with Troy, recalling how the ground was heaped with mountains of the dead, comments that 'twas for the ruler's fault, the people died. Let that phrase haunt our minds. Failure of legislatures now to shore up our institutions against the danger of atomic blast would, indeed, add mountains to the dead and call forth malediction from those that survived.

The California Legislature has made a memorable start. That even a start has been made is itself memorable. The two reports of the Assembly's Subcommittee on Impact of Atomic Attack are very able and outstanding papers, serving to instruct those who in other jurisdictions are making plans for survival. Your effort thus far is, however, no more

than a beginning. And if this beginning has put California in the lead, consider how laggard must be the efforts elsewhere, and how great a service you will perform by pressing on with your program.

Your subcommittee identified several matters to be pursued. Let me urge upon you the importance of each. First, *continuity of government*. This involves, of course, a line of succession—in the office of Governor, in the administrative departments, in the city and county governments and in other local units. An important step in this direction was your enactment of Sections 1550 and following to the Military and Veterans Code, to insure the "Preservation of Local Government."

Speaking generally—for certainly I do not presume to offer any particular prescription for California—governmental units need authority to carry on their functions extraterritorially. Cities in target areas should have alternate headquarters in some appropriate place, to which operations would be shifted in time of emergency. It should be possible for a city administration, operating in the field, to assemble and care for its own people pending their resettlement. City dwellers may not be left to roam over the countryside, like locusts, devouring the substance of those among whom they come. Their own city administration would be the normal means of caring for them. Legislation should provide, and preparations should be made, for the continued operation of cities in exile.

The continuity of the Legislature is an essential matter. Although in periods of emergency we must resort to administrative rule-making to an extent otherwise unknown, there remains the need for the Legislature to grant the broad powers on which the rule-making rests. Our traditions are strongly opposed to any theory of inherent power to govern by decree. More than that, we would need the representative body to speak on behalf of the people, to impose the sacrifices that would be necessary, to criticize, and to give moral authority to the conduct of government. It might be quite impracticable to fill vacancies in the Legislature by election. People would be scattered; some areas would have become uninhabitable; others would be filled by newcomers. In such circumstances the normal electoral processes would cease to be meaningful.

The preservation of records was the second concern to which your subcommittee drew attention. This is an important matter which will, no doubt, once more receive the Legislature's attention. It is a matter that divides into many branches, each running into a mass of detail. In a stranger it would be unbecoming to speak in more than general terms.

I was impressed with the testimony of the representative of the Department of Employment, at the hearings of your subcommittee, on the adaption of the records of that department to the requirements of manpower in an emergency. In America, unlike countries on the European mainland, there is no *etat civil*, no great register of the vital facts in the life of every citizen. Apparently the records of employment would be the most useful basis for dealing with the mass of displaced individuals and for finding workers to fill the jobs created by an emergency.

The preservation of probate records and of registers of titles to property should receive the Legislature's attention. The importance to

the individual is obvious. Such records are essential, too, to the operations of the State and of local government units: these governments would have to go on collecting taxes, and must know who are the owners of property. Further, such records would be essential to the functioning of corporations: who would be the owners of shares on the morrow of a nuclear attack?

The corporation is the device whereby the funds of a mass of investors are concentrated, under private management, for the production of goods and the rendering of services to the public. It is the corporation that makes possible the great system of private enterprise that is so pronounced a feature in our American life. When our economy is thus dominated by these private institutions, it follows that national survival is dependent upon their capacity to survive and to adapt themselves to new requirements. Here is a very large area of present national insecurity. How should it be approached? Each corporation might initiate its own study, to make sure that its management had an unbreakable chain of command; that its essential records of all sorts were secure; that its charter and bylaws would permit it to shift to the needs of war; that it kept appropriate stockpiles, etc. In a few corporations such preparations have been made; but this is, I fear, quite exceptional. What should be done? For a great state such as California to put its own house in order would set a conspicuous example for private industry. The Federal Government, as an incident to its contracting or in the exercise of the commerce and the war powers, might require that measures be taken. Thus far, however, no such far-sighted action has been taken by the government. Traditionally, it is the state that has granted charters and has regulated corporations. Insurance companies, notably, have been left to state inspection. An enterprising state, by its power of control and supervision as well as by its example, might cause the corporations within its reach to move in the direction of safeguarding records and otherwise preparing against a nuclear attack. A useful first step might be for the state to create a body to study and report what should be done—a body on which men experienced in corporate management as well as representatives of the public would sit. Such work, if well done, would be of inestimable value to the entire Nation.

The records of the physical plant of public utilities—water, electricity, gas and oil, transportation and communications—whether under public or private ownership, should be preserved at places secure against enemy action. They would be critically important for restoring service after an attack.

Your subcommittee addressed itself to the *continued operation of the judicial system*. This involves arrangements whereby the courts could sit at places and at times other than those now appointed by law. It involves authority to shift judges to courts other than their own, and to designate attorneys to sit as temporary judges. It involves a tolling of statutes of limitations, and a power to extend the normal periods within which steps must be taken. In the main these ends would best be attained by a statute vesting a large order- and rule-making power in the State's highest court. In 1956 the Massachusetts legislature widened the statute on superintendence of inferior courts by an amendment giving the Supreme Judicial Court a general super-

intendence, including authority to issue such orders, directions and rules as may be desirable for the furtherance of justice or for securing proper and efficient administration. The needs of war in this regard are akin to the peacetime need for making the administration of justice more rationale, more flexible and responsive to an evolving society.

A nuclear attack would make necessary the issuance of a mass of administrative directions under broad statutory grants. The enforcement of such directions would throw a large new burden upon the courts. There are many who believe that a nuclear attack would be followed by an outburst of lawless violence. Doubtless that is to be apprehended. I have been inclined to think, however, that the aspect of giving leadership to a people seeking safety was far more important than the aspect of punishing those who sought loot; that succor would be more in need than punishment. Be that as it may, very certainly an unfaltering, even-handed administration of criminal justice would do much to restore calm.

On the civil side of the law, the courts would have essential new functions. Business, finance and agriculture are carried on by contract. So too such homely transactions as the purchase of a house, of an automobile, of domestic appliances. A contract records a balance between the interests of the two parties. A nuclear attack would upset those balances and render contracts impossible of exact performance. Legislation would be imperative to deal with this dislocation. The courts would have a tremendous volume of business, applying this legislation to individual cases. More broadly, there would be many situations in which it would be necessary to authorize the courts to make determinations on the basis of which enterprises might be carried forward, notwithstanding the casualties and uncertainties of war.

We have in large measure retained the civil jury, notwithstanding widely-held doubts as to its social value. Considering the conditions that would obtain after an attack—the press of business, the dearth of jurymen, etc.—surely most litigation ought to be heard before a judge sitting without a jury. Means should be found—such as loading into the costs of the case the entire outlay for a jury trial—to enable all but the exceptional case to be tried to the judge alone. The country from which our judicial institutions were derived has much to teach us about adapting the administration of justice to the extremity of war. I refer to these acts of Parliament of 1939: Courts (Emergency Powers) Act, 2 and 3 Geo. 6, Ch. 67, and Administration of Justice (Emergency Provisions) Act, Ch. 78. You may be interested to note that, except in trials for treason or murder, or where the judge directed otherwise because of the gravity of the matter in issue, only seven jurors were required.

Perhaps the American Bar Association's Section of Judicial Administration, in its current study, will address itself to the organization of the courts in time of war. On the federal side, the Attorney General has laid the problem before the Judicial Conference. Each state must frame its own solutions to its peculiar problems—whether by study within its legislative committees, or by its judicial conference, or otherwise.

The maintenance of government under law calls for the maintenance of courts administering justice promptly and effectively.

May I speak, with diffidence and very generally, of the method by which these necessary measures may be undertaken. Some things, it will appear, may be achieved by administrative arrangements. Fortunately, California has the tradition of being a well-administered state with resourceful public servants. That is a tremendous asset.

As to some matters, what is first needed is study. This may be undertaken within the Legislature. The work of your subcommittee shows that it can be very well done. The co-operation of outside bodies—professional associations and the like—may be sought. Or an inquiry may be set up outside the Legislature.

Much legislation will be needed, and sometimes constitutional amendment. Our constitutions and our basic statutes were not framed in contemplation of an atomic peril; they do not speak directly to that problem. I would hope that constitutions and statutes will not be construed grudgingly or timorously. There is a grand old saying about construing the laws, a maxim that comes down from Celsus, a Roman jurist of nearly two millennia ago: to know the laws is not to stick merely to their words, but to look to their force and power. *Scire leges non hoc est verba earum tenere, sed vim et potestatem*. Let the law be read with an eye to the great ends of law—than which none is higher than the preservation of the blessings of liberty. Lincoln—by nature a great lawyer however inadequate his training—expressed the same thought in homely metaphor: “By general law, life and limb must be protected, yet often a limb must be amputated to save a life; but a life is never wisely given to save a limb. I felt that measures, otherwise unconstitutional, might become lawful by becoming indispensable to the preservation of the Constitution through the preservation of the nation.” In all our planning, let us assume confidently that there will be power to do whatever is necessary to preserve this Nation. If to make good that confidence there is need for legislation, let it be framed and enacted. If we must go to the people for constitutional amendments, let that be done. We have had amendments for matters of infinitely smaller moment. But in all that we do let us remember, with Lincoln, that if we are truly faithful to the law we will never sacrifice a life to save a limb.

“It is one of the happy incidents of the federal system that a single courageous State may, if its citizens choose, serve as a laboratory * * *.” That is from an opinion of Justice Brandeis, a patriot who had abiding faith in the ability of common men to achieve uncommon things. In the matter before us today, one courageous State may show the way, establishing a pattern for the Nation.

I make no bones about saying that there is a great need for more vigorous leadership in civil defense by the national administration. In the midst of all the pronouncements about maintaining armed forces, about scientific developments and weapons, there has been next to nothing about the measures to be taken to brace our own domestic institutions against an atomic blow. To be sure, about \$10,000,000 was made available by Congress in 1955 for survival studies in the several states, under the guidance of the Federal Civil Defense Administration. The resulting survival plans are now nearing completion. That is very much to the good, so far as it goes. But the sort of guidance that

would make the people understand what is needed and how to attain it, has been completely lacking.

In Congress, the initiative was seized by Mr. Holifield and his colleagues in the House Subcommittee on Government Operations, to conduct hearings and frame legislation on Civil Defense for National Survival. I watched this effort from the start—with cautious hope; now I am happy to record my admiration. The hearings, in Washington and throughout the Country, were ably conducted and led to really useful findings. The work was truly bi-partisan. In the end all members of the subcommittee agreed upon a single measure, H. R. 2125 and companion bills, 85th Cong., 1st Sess. Whereas under the Act of 1951, responsibility for civil defense is vested in the states, with the Federal Government undertaking only “necessary co-ordination and guidance,” the Holifield Bill would declare that “civil defense is an integral part of national defense and a direct responsibility of the Federal Government,” at the same time recognizing “that the states and their political subdivisions have an important supporting role and should be assisted and encouraged to perform appropriate civil defense tasks * * * ” Civil defense would be raised to be an executive department. The bill would create, what is badly needed, authority in time of emergency to “direct and supervise civil-defense operations of the states and the political subdivisions.” I repeat, every member of the subcommittee, Republicans and Democrats, joined in the measure. It expressed what they had learned from rigorous questioning of witnesses and looking hard at the facts.

The administration threw cold water on this bi-partisan measure. It put forward, instead, H. R. 7576, to amend the Federal Civil Defense Act by vesting responsibility “jointly” in federal and state governments. The bill looks to greater federal aid to the states. But it does not provide a power in time of war to direct civil defense operations throughout the Nation—a power which I believe to be indispensable. The administration’s bill would leave civil defense as an agency rather than making it a department. This measure was passed by the house at the last session, and now awaits action in the Senate.

So far as the responsibility of the State Legislatures is concerned, this account of what goes on in Washington is of less real moment than one might suppose. In any event, inescapably, it is you and only you that can put the institutions of the State in a position of readiness. The Federal Government, even if it rose to the full height of its responsibility, could not amend your Constitution or strengthen your laws. Only you can assure continuity in the state and local offices; only you can assure the perpetuation of your Legislature; only you can make sure that your courts would function effectively. The National Government should have given you guidance; the entire populace should have been made aware of what is needed; your task in this Legislature might have been more plain; but it would still have been your task.

We hear much talk nowadays about state rights having been lost in federal centralization. Here is one duty that has been left right on the state’s doorstep. Let us see what the states will do about it.

I should say something of the relation of the armed forces to our problem. The services are, of course, voracious about funds for the development of weapons. They press ahead, as of course they should, to

maintain a deterrent power against the Soviet threat. In this appeal for funds there tends to arise an implication, and in our hearts a hope, that if we give the services the money, they will deter the enemy and somehow keep us from being hit. Now if we are candid with ourselves, this appears wishful thinking. It is by no means certain that our defense, however adequate, will deter attack. Who can say what might happen from the irresponsibility of a dictatorship or even from some tragic slip. It is basic on our side—as is right—that we will never start a war. By assumption, if it comes we must absorb the first blow. So while, willingly and hopefully, we pour out our substance for the armed forces, let us not fall into the error of supposing that military strength can make needless the measures I have been urging upon you.

Another remark about the armed forces, and in particular the Army. There is no method whereby the Army could, in case of attack, “take over” and do for us the work of saving ourselves. A military administration of the Country is simply out of the question. The Army is not trained for such a task: soldiers are not the ones to govern a free people. It would be a mistake of the first order to count on such a course of action; it would be a tragedy if it ever came to pass. The armed forces are not planning for any such mission. Every member of the Joint Chiefs of Staff appeared before the Holfied Subcommittee. Read their testimony: they made it clear that the administration of the Country was not in their line of business. They were not prepared to give any firm commitment even on lending aid after an attack, as by making supplies available or otherwise. They are not assuming any responsibility for the government of the Country.

I assure you, on the basis of very close examination of this problem, that a military administration of the American people, even for a moment after a nuclear attack, is an utterly inappropriate—indeed, an impossible, mode of action, and that the Army has no intention of undertaking it.

Our task, then, is to prepare civil government for carrying on: that is entirely a *civil* problem. Responsibility rests squarely upon the several states, and particularly upon their legislatures. Leadership from Washington is needed, but in any event it could not do those things which at bottom are your own task. Action within the units of local government is necessary, but cannot go far without your action. In this matter of the impact of atomic attack upon the fabric of government, it is the state legislatures that hold the key. There is confusion about what ought to be done. The people have not been informed, and do not comprehend their peril. This is not a popular issue on which politicians can easily garner votes. Men of character and foresight may, however, prove their leadership by explaining to the people what is needed for the common defense, and by taking effective action for the public safety.

Here in the California Legislature you have made an excellent beginning. You have taken the lead. In going forward you may worthily take to yourselves what Paul counselled the Ephesians: Put on the whole armor, for you are contending against the world-rulers of this present darkness. Take the whole armor, that you may be able to withstand in the evil day, and having done all, to stand. To that end, keep alert with all perseverance

APPENDIX 3

CALIFORNIA CONSTITUTIONAL PROBLEMS IN A NUCLEAR ATTACK DISASTER

Report of the Special Committees of the Los Angeles Bar Association and the State Bar Association

INTRODUCTION

Should there be a next war it is assumed that each side will attack the other's civilian population. Looking at the governmental structure of the State of California it is easy to see how a few well placed bombs could leave California citizens without any State Government and without any rapid means of getting one. Suppose, for example, that the Legislature was in session in Sacramento and the Governor and other constitutional officers were likewise in the Capitol building. The State Government could be left as follows:

1. The Governor and all other officers in the constitutional line of succession to Governor would be killed. The senior deputy Secretary of State would also be killed.

2. Enough Members of the Legislature would be killed so that there would be no quorum.

3. Sacramento could not be used as the seat of government and county seats could not be used.

Some think "when the 'real thing' comes the Army will have to 'take over'"—that a "dictator * * * backed by martial law, would be the only solution * * * ." But the Army feels that "they have got enough to do as it is * * *" and "do not like to take on these responsibilities * * *" but "They cannot escape being forced to act * * *. The failure of * * * the people to understand the danger * * * is incomprehensible. * * *"¹

"* * * the universal need on the morrow of a nuclear attack would be to reassure, to inspire, to lead and give direction to the stricken people. For the long pull toward restoration, the people will respond far more willingly to civil leaders than to Army officers. In the workings of our civil government, laws come down but the impulses that cause the laws to be made come up from the people. In military administrations, commands go down but there is no great current of popular control going up. This unavoidable characteristic of military administration is a cogent reason why it is utterly unsuited to the restoration of the American people after a nuclear attack."²

Studies show that familiar institutions are important in recovery from a disaster.³ Martial law is certainly not a familiar institution in our Country. The interference with customary rights and legal proc-

¹ Charles Fairman "Government Under Law in Time of Crisis," pages 108, 110 and 111.

² Dr. Charles Fairman in his testimony before the subcommittee chaired by Congressman Chet Holifield. Reprinted in Volume 13, California Assembly Interim Committee Reports, 1955-1957, No. 10, page 13.

³ "If H-Bombs Fall," Donald Robinson—The Saturday Evening Post, May 25, 1957.

esses which seem to be inherent in martial law could quickly become intolerable.⁴

State Government is important. It is the source of most of the laws under which we live. Through the State and the local agencies which exist to carry out its policies (counties, cities and counties, cities, authorities and other public corporations and districts) those laws are administered so that the public peace, health and safety can be secured. Every day we see police officers enforcing state laws. Every day many of us receive services such as water, sewers, and electricity that are furnished by agencies formed under the State.

If our Country is to survive as a Nation, war-caused disasters will have to be handled at the state and local levels.⁵ The Governor may have to use the militia to preserve order in the areas hardest hit. Local police, fire and other forces will have to be regrouped as fast as possible. Water, sewer, electricity and other services must be resumed. In short, civil government must be kept going, if possible, and if temporarily suspended, must be restored quickly. Soldiers are trained to fight wars. " * * * It is simply not possible to pretrain military administrators in the many and diverse techniques of government which are second nature to experienced, responsible civilian officials * * * ." ⁶ We must depend upon our civilian leaders.

Since civilian government is so important to American life its existence should not be left open to doubt. It should not be left to well-meaning volunteers. While it is possible that finally a de facto government might be sustained, its form and existence certainly could be questioned. The mere fact that its validity could be questioned would weaken the case against the imposition of martial law or getting it withdrawn.

Advance planning to assure the continuation of civil control should help in preventing martial law or getting it withdrawn if it were imposed.⁷

The constitutional structure of our State Government must be examined and bolstered where necessary so that as far as humanly possible the preservation and operation of the State Government after an

⁴ Fessenden, "Martial Law and the State of Siege," 30 Cal. L. R. 634; Anthony Garner, "Martial Law in Hawaii," 30 Cal. L. R. 371 and 600; "Martial Law, Military Courts and the Writ of Habeas Corpus in Hawaii," 31 Cal. L. R. 477; Walter Armstrong "Martial Law in Hawaii," 29 A. B. A. J. 698.

⁵ This also seems to be the present thinking of the U. S. Government. H. R. 2125 introduced by Congressman Chet Holifield provides for a Department of Civil Defense headed by a Secretary of Cabinet status. "He would be authorized, if necessary, to assume control of any state or local government. The duly elected or appointed chief executive of the state or local government would decide when a breakdown of civil government under his jurisdiction required the federal authority to take over * * * it is quite apparent from the language of H. R. 2125 that the federal officials vastly prefer existing state and local governments to stay viable and functioning, if for no other reason, thus to reduce the total burden on the federal agency. Projecting ourselves into the post-nuclear attack emergency, it becomes readily apparent that the total demands on every part of our social and governmental organization will be at an absolute maximum, calling in turn for the maximum contribution each unit of the structure can make to the common good." Vol. 13, California Assembly Interim Reports No. 17, pages 12, 13.

⁶ Vol. 13, California Assembly Interim Committee Reports, supra, No. 17, page 13.

⁷ Homer Crotty "Administration of Justice and the H-Bomb," 37 A. B. A. J. 893. Recently we have observed the difficulty in securing the removal of federal troops stationed in Little Rock, Arkansas. The tragedy does not even approach in seriousness the situation which would result from nuclear attacks against our large cities. The Hawaiian and Little Rock experiences show that it will be very difficult to prevent the use of federal troops after an atomic attack and to secure their withdrawal.

attack by nuclear weapons will be assured. This alone will be a strong deterrent to war.⁸

A. Governor

It is vital that this office be filled, because the Governor has power to fill other vacancies if the mode is not provided in the Constitution (Art. V, Sec. 8). For example, the Governor fills judicial vacancies, see Art. VI, Secs. 3, 4a, and 8. Thus, assuring the filling of the Office of Governor assures the manning of the executive and judicial branches of our State Government. The Governor also has power to convene the Legislature (Art. V, Sec. 9).

The order of succession to the Office of Governor is set forth in Section 16 of Article V as follows:

Lieutenant Governor;
President pro Tempore of the Senate;
Speaker of the Assembly;
Secretary of State;
Attorney General;
Treasurer;
Controller.

The section was last amended in 1948. Prior to that time it was provided that:

“In case of a vacancy in the Office of Governor, the powers and duties of the office *shall devolve upon* the Lieutenant Governor for the residue of the term. * * *” (Emphasis added.)

Under this language a Lieutenant Governor acted as Governor, but was still Lieutenant Governor, *People v. Budd*, 114 Cal. 168 (1896). The 1948 amendment changed this saying:

“* * * the Lieutenant Governor shall become Governor * * *.”

But as to the other constitutional officers, the word “devolve” is still used, and the *Budd* case is still controlling.

It is possible that one of these constitutional officers in the line of succession would be out of the State or in a safe place and would survive the attack. Under the reasoning of the *Budd* case, for example, should the last officer in the line of succession, i.e., the Controller, survive, he would only be acting governor, not the Governor, and he could not appoint any persons in the line of succession prior to him because by so doing he would appoint himself out of office.

⁸ “Our great need today is so to organize and concert our preparations that if an attack came, the Country would hold firm and carry on. The maintenance of effective civil government is at the heart of the problem * * *.”

“* * * insofar as we really make adequate preparations, we have created a strong *deterrent* to war. This aspect is familiar in maintaining large armed forces in being—we trust that by so doing we may avert a war. So, too, surely, with shoring up our government and administration, our industry and finance, our community life, in preparing to withstand a blow, we make it less attractive to strike. * * *.”

“So long as one is urged merely to prepare for one's own survival in an event one never looks squarely in the face, self-consciousness and disbelief discourage compliance. If we could be brought to realize that there are things we can do now in every community actually to deter a war by making our internal strength notoriously adequate—that appeal should inspire willing exertions.” Charles W. Fairman, *supra*, reprinted in Vol 13, California Assembly Interim Committee Reports, No. 17, page 6.

It is therefore recommended that Section 16 of Article V be amended to eliminate the "devolve" language that was not changed by the 1948 amendment. Those in the line of succession should "become" Governor. The effect is the same since those on whom the Governor's duties have "devolved" for the residue of the term "receive the salary and perquisites of Governor." They might as well be Governor and not hold down two offices at the same time.

The wholesale destruction in an atomic attack makes it possible that the Governor and all in the line of succession could be killed. Art. V, Sec. 16, provides that:

"In any case in which a vacancy shall occur in the Office of Governor, and provision is not made in this Constitution for filling such vacancy, the senior deputy Secretary of State shall convene the Legislature by proclamation to meet within eight days after the occurrence of the vacancy in joint convention of both houses at an extraordinary session for the purpose of choosing a person to act as Governor until the office may be filled at the next general election appointed for election to the Office of Governor."

In the Legislature, however,

"A majority of each house shall constitute a quorum to do business * * *." (Art. IV, Sec. 8.)

If enough Members of the Legislature were killed so that there would not be a quorum there might be no method of choosing a Governor except by an election (Art. V, Sec. 2), which would leave a State Government in serious condition for some time.

Therefore, to assure the filling of the Office of Governor it is necessary that the line of succession be lengthened in some manner. The best recommendation so far has been to provide for standby Governors who live at diversified points within the State. This increases the likelihood of survivorship. It is unwise, however, to freeze any particular provision into the Constitution since some new, better solution may be proposed as studies continue. It is recommended that Section 16 be amended so that if as a result of a war-caused disaster there be none of those offices specifically set forth in said section, then the Governor shall be such person designated as provided by law.

Even with Section 16 amended as heretofore set forth it still will not provide for the situation in which the Governor is killed and the surviving designated successor to the Office of Governor is missing or so seriously injured so as to be unable to perform the duties. This situation, however, would probably only arise as the result of a war-caused disaster. It does not call for a lengthening of Section 16. It is taken care of by the general amendment which empowers the Legislature to enact other necessary provisions.

B. Lieutenant Governor

He is likewise elected (Art. IV, Sec. 15) and is President of the Senate. There is no mode of filling a vacancy in this office set forth in the Constitution, but under the provisions of Section 8 of Article V, the Legislature can provide a mode for filling such vacancy, *People v. Nye*, 9 Cal. App. 148 (1908), or the Governor can appoint under

said Section 8. Thus, no constitutional amendment is needed for this office, but legislation should be drafted.

C. *Constitutional Officers*

These (Secretary of State, Controller, Treasurer, Attorney General) important state officers are likewise elected (Art. V, Sec. 17), and like the Lieutenant Governor the Legislature can provide a mode for filling vacancies. It has done so. Government Code Section 1775 provides that the vacancy is filled by appointment by the Governor for the balance of the unexpired term. No constitutional amendment is needed for these officers, but Government Code Section 1775 should be revised to provide a line of succession for each office.

D. *Legislature*

Assemblymen and Senators are elected. (Art. IV, Sec. 3, Sec. 4.) Vacancies are filled only by election. (Art. IV, Sec. 12.) Since a majority of each house constitutes a quorum to do business (Art. IV, Sec. 8), it is possible that as the result of a war-caused disaster there would be no Legislature until elections. The constitutional amendment corrects this by allowing the Legislature to provide by law for the filling of these offices temporarily.

In an atomic disaster of the assumed magnitude, it would be essential that there be a Legislature in session with the power to enact ameliorating laws. It is unlikely that an atomic attack would coincide with a general legislative session. No doubt an extraordinary session would be required. Such sessions are convened by the Governor by proclamation. (Art. IV, Sec. 2.) On this subject Art. V, Sec. 9 states:

“He may, on extraordinary occasions, convene the Legislature by proclamation, stating the purposes for which he has convened it, and when so convened it shall have no power to legislate on any subjects other than those specified in the proclamation, but may provide for the expenses of the session and other matters incidental thereto.”

This restricts the power of convening the Legislature to the Governor and places a severe burden upon him to include all matters in his call. The constitutional amendment empowers the Legislature to provide an alternative method of convening the Legislature into general or extraordinary session.

E. *Elections*

The election of Members of the Legislature, Governor and other constitutional officers takes place at regular intervals. The basic provision is Art. IV, Sec. 3, which states:

“Members of the Assembly shall be elected in the year 1879, at the time and in the manner now provided by law. The second election of Members of the Assembly after the adoption of this Constitution shall be on the first Tuesday after the first Monday in November, 1880. Thereafter, Members of the Assembly shall be

chosen biennially, and their term of office shall be two years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise ordered by the Legislature."

The last phrase "unless otherwise ordered by the Legislature" must be construed to allow only the particular date of the election to be changed. Any other construction would allow the Legislature to change the terms of office.

Members of the Assembly, then, are elected every two years. (Art. IV, Sec. 3.) Senators are elected every four years "at the same time and places as Members of the Assembly." (Art. IV, Sec. 4.) The Governor is elected every four years "at the time and places for voting for Members of the Assembly." (Art. V, Sec. 2.) The Lieutenant Governor and the other constitutional officers are elected at the same time, places and manner as the Governor. (Art. V, Secs. 15, 17.)

Vacancies in the Legislature are filled by election. (Art. IV, Sec. 12.)

"When vacancies occur in either house, the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies."

As has been shown by Paragraph D "Legislature" it might not be practical to hold elections immediately after a war caused disaster, thus paralyzing the Legislature for lack of a quorum. The constitutional amendment will empower the Legislature to provide by law for a means of filling vacancies in its membership temporarily. The line of succession of Governor is set forth in Art. V, Sec. 16. This will be lengthened by a constitutional amendment. The successor Governor, however, serves for the residue of the term. It is possible that someone could become Governor in the crisis following a war caused disaster who would have very little popular support. It might be considered wise to elect a new Governor as quickly as possible. Accordingly, the amendment empowers the Legislature to provide for the calling and holding of elections to fill offices which are elective under the Constitution. This will assure that control of the State Government will be in the people where it belongs.

F. Seat of Government

Art. XX, Sec. 1 provides.

"The City of Sacramento is hereby declared to be the seat of government of this State, and shall so remain until changed by law; but no law changing the seat of government shall be valid or binding unless the same be approved and ratified by a majority of the qualified electors of the State voting therefor at a general state election, under such regulations and provisions as the Legislature, by a two-thirds vote of each house, may provide, submitting the question of change to the people."

Sacramento might not be available. The constitutional amendment empowers the Legislature to provide for a temporary seat of government.

G. Local Governments

1. County Seats. Art. XI, Sec 2 provides:

“No county seat shall be removed unless two-thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal. A proposition of removal shall not be submitted in the same county more than once in four years.”

Such county seats might not be available. The constitutional amendment empowers the Legislature to provide for temporary county seats.

2. Preservation of Local Governments. Local governments are provided for by general laws (Art. XI, Sec. 6). Charters can be enacted for counties (Art. XI, Sec. 7½) and cities (Art. XI, Secs. 8, 8½). A law to preserve local government has already been adopted. It provides (Military and Veterans Code, Sec. 1550):

“The Legislature finds and declares that the preservation of local government in the event of a disaster is a matter of statewide concern.”

This true statement brings the law within the rule of *Cunningham v. Hart*, 80 Cal. App. 902 (1947) and *Shean v. Edmonds*, 89 Cal. App. 2d 315 (1948) that laws passed by the Legislature are controlling in the realm of municipal affairs when the subject matter of the legislation is of statewide concern. No constitutional amendment is necessary.

The following persons served on the special committees of the State Bar Association and the Los Angeles Bar Association:

Harry P. Amstutz
James W. Beebe
Barry Brannen
Clair A. Carlson
Thomas A. Carver
R. Bradbury Clark
Henry N. Cowan
Samuel J. Crawford
James H. Denison
John Dundas
Frederick G. Dutton
Wendell T. Fitzgerald
Max K. Jamison

Walter F. Keen
Frank L. Mallory
Edwin P. Martin
T. Paul Moody
Richard H. Peterson
Harry Rabwin
Jean Daze Ratelle
George R. Richter, Jr.
Glenn S. Roberts
Kenwood B. Rohrer
John R. Saldine
Benjamin W. Shipman
Raymond G. Stanbury

APPENDIX 4

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 5

Adopted in Assembly April 7, 1958; Adopted in Senate April 2, 1958

CHAPTER 26

Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding Section 38 to Article IV thereof and by amending Section 16 of Article V thereof, relating to state and local government, authorizing the Legislature to enact laws for the preservation of government in the event of war or enemy-caused disaster, and providing for succession to the Office of Governor.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1958 First Extraordinary Session, commencing on the fourth day of March, 1958, two-thirds of all the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended as follows:

First—That Section 38 be added to Article IV thereof, to read:

SEC. 38. Nothing in this Constitution shall limit the power of the Legislature to provide by law at any time for:

(a) The filling of the offices of members of either house of the Legislature and Governor should the incumbent Governor or at least one-fifth of the incumbent members of either house of the Legislature as a result of a war or enemy-caused disaster occurring in the State of California be either killed, missing or so seriously injured as to be unable to perform their duties until said incumbent or incumbents are able to perform their duties or until successors are chosen.

(b) The convening of the Legislature into general or extraordinary session during or after a war or enemy-caused disaster occurring in this State, and to specify subjects that may be considered and acted upon at any such extraordinary session. At any such general session the Legislature may consider and act upon any subject within the scope of legislative regulation and control. Nothing in this Constitution limiting the length of general or budget sessions, or requiring a recess thereof, or restricting the introduction of bills shall apply to general sessions convened pursuant to this section.

(c) The calling and holding of elections to fill offices that are elective under this Constitution and which, as a result of a war or enemy-caused disaster occurring in this State, are either vacant or are being filled by persons not elected thereto.

(d) The selection and changing from time to time of a temporary seat of government of this State, and of temporary county seats, to be used, if made necessary by enemy attack.

Second—That Section 16 of Article V thereof be amended to read:

SEC. 16. In case of vacancy in the Office of Governor the Lieutenant Governor shall become Governor and the last duly elected President pro Tempore of the Senate shall become Lieutenant Governor, for the residue of the term; but, if there be no such President pro Tempore of the Senate, the last duly elected Speaker of the Assembly shall become

Lieutenant Governor for the residue of the term. In case of vacancy in the Office of Governor and in the Office of Lieutenant Governor, the last duly elected President pro Tempore of the Senate shall become Governor and the last duly elected Speaker of the Assembly shall become Lieutenant Governor, for the residue of the term; or if there be no President pro Tempore of the Senate, then the last duly elected Speaker of the Assembly shall become Governor for the residue of the term; or if there be none, then the Secretary of State; or if there be none, then the Attorney General; or if there be none, then the Treasurer; or if there be none, then the Controller; or if, as the result of a war or enemy-caused disaster, there be none, then such person designated as provided by law. If at the time this amendment takes effect a vacancy has occurred in the Office of Governor or in the Offices of Governor and Lieutenant Governor, within the term or terms thereof, the provisions of this section as amended by this amendment shall apply. In case of impeachment of the Governor or officer acting as Governor, his absence from the State, or his other temporary disability to discharge the powers and duties of office, then the powers and duties of the Office of Governor devolve upon the same officer as in the case of vacancy in the Office of Governor, but only until the disability shall cease.

In case of the death, disability or other failure to take office of the Governor-elect, whether occurring prior or subsequent to the returns of election, the Lieutenant Governor-elect shall act as Governor from the same time and in the same manner as provided for the Governor-elect and shall, in the case of death, be Governor for the full term or, in the case of disability or other failure to take office, shall act as Governor until the disability of the Governor-elect shall cease.

In case of the death, disability or other failure to take office of both the Governor-elect and the Lieutenant Governor-elect, the last duly elected President pro Tempore of the Senate, or in case of his death, disability, or other failure to take office, the last duly elected Speaker of the Assembly, or in case of his death, disability, or other failure to take office, the Secretary of State-elect, or in case of his death, disability, or other failure to take office, the Attorney General-elect, or in case of his death, disability, or other failure to take office, the Treasurer-elect, or in case of his death, disability, or other failure to take office, the Controller-elect shall act as Governor from the same time and in the same manner as provided for the Governor-elect. Such person shall, in the case of death, be Governor for the full term or in the case of disability or other failure to take office shall act as Governor until the disability of the Governor-elect shall cease.

In any case in which a vacancy shall occur in the Office of Governor, and provision is not made in or pursuant to this Constitution for filling such vacancy, the senior deputy Secretary of State shall convene the Legislature by proclamation to meet within eight days after the occurrence of the vacancy in joint convention of both houses at an extraordinary session for the purpose of choosing a person to act as Governor until the office may be filled at the next general election appointed for election to the Office of Governor.

At such a session the Legislature may provide for the necessary expenses of the session and other matters incidental thereto.

APPENDIX 5

ASSEMBLY BILL NO. 76

Passed the Assembly March 25, 1958; Passed the Senate April 2, 1958

CHAPTER 65

An act calling a special election to be consolidated with the general election of 1958 and to provide for the submission to the electors of the State at such consolidated election of constitutional amendments proposed by the Legislature at the 1958 First Extraordinary Session, to take effect immediately.

The people of the State of California do enact as follows:

SECTION 1. A special election is hereby called to be held throughout the State on the fourth day of November, 1958. Said special election shall be consolidated with the general election to be held on the same date. Such consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used. At such consolidated election there shall be submitted to the electors, in addition to such other measures as may be submitted in accordance with law, all constitutional amendments proposed by the Legislature at the 1958 First Extraordinary Session. Except as otherwise provided in this act all of the provisions of law applicable to the submission of constitutional amendments proposed by the Legislature and to arguments for and against such measures shall apply to the measures submitted pursuant to this act.

SEC. 2. Within five days after final adjournment of the 1958 First Extraordinary Session, the author of any constitutional amendment submitted at that session and one member of the opposite house who voted with the majority on the amendment, shall be appointed by the presiding officers of the respective houses to draft the argument for the adoption of the measure. If such a constitutional amendment was not adopted unanimously by the house in which it was introduced, one member of that house, who voted against it, shall be appointed by the presiding officer of that house to write an argument against the measure. If there was no negative vote on the measure in the house in which it was introduced, the presiding officer of that house shall appoint some qualified person to draft an argument against the measure. No argument shall exceed 500 words. All such arguments shall be filed with the Secretary of State on or before June 3, 1958.

SEC. 3. Upon the effective date of this act the Secretary of State shall request the Attorney General to prepare a ballot title for the measures submitted pursuant to this act and shall also request the Legislative Counsel to prepare an analysis of said measures in accordance with Section 1509.7 of the Elections Code. Said title and said analysis shall be filed with the Secretary of State within 10 days after the effective date of this act. The measures submitted pursuant to this act shall be designated on the ballots at the election by their ballot title.

SEC. 4. This act, inasmuch as it provides for the calling of an election, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

APPENDIX 6

CALIFORNIA LEGISLATURE—1958 FIRST EXTRAORDINARY SESSION

ASSEMBLY BILL

No. 66

Introduced by Messrs. Kilpatrick, Miller, Sumner, and Beaver

March 14, 1958

REFERRED TO COMMITTEE ON MILITARY AND VETERANS AFFAIRS

An act to add Chapter 7 (commencing with Section 12700) to Part 2 of Division 3 of Title 2 of the Government Code, relating to succession to the Offices of Lieutenant Governor, Secretary of State, Attorney General, Treasurer and Controller in the event of war or enemy caused disaster.

The people of the State of California do enact as follows:

SECTION 1. Chapter 7 is added to Part 2 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 7. SUCCESSION TO CONSTITUTIONAL OFFICES IN THE
EVENT OF WAR OR ENEMY-CAUSED DISASTER

12700. As used in this section "disaster" means a war or enemy-caused calamity such as an attack by nuclear weapons which renders unavailable the Lieutenant Governor, Attorney General, Secretary of State, Treasurer or Controller. "Unavailability" means that any such officer is either killed, missing or so seriously injured as to be unable to perform his duties.

12701. As soon as practicable after the effective date of this chapter, and thereafter as soon as practicable after his election and qualification to office, each of the constitutional officers named in Section 12700 shall appoint and designate by filing with the Secretary of State the names of --- -- citizens otherwise qualified to become candidates to the office as their respective successors in the event that such officer is unavailable as a result of disaster. Any such appointee may be replaced by the appointing officer at any time and for any reason. The appointees of the Attorney General may include persons holding the office of Assistant Attorney General. The appointees of the Controller, Secretary of State and Treasurer may include persons holding office as their deputies or assistants.

In making appointments each constitutional officer shall give consideration to the places of residence and employment of his appointees so that for each office for which appointments are made there shall be the greatest probability of survival of some or all of the appointees.

Each person appointed as provided in this section shall deliver to the Secretary of State within -- -- days after his appointment a written declaration under oath that he accepts the appointment and that he will faithfully perform the obligations imposed upon him thereby.

12702. If any constitutional officer who has appointed successors as provided in this chapter becomes unavailable because of a disaster, the powers and duties of his office shall devolve upon one of his appointees in the order which he specifies in the event that such person declares that he is undertaking the duties of the office and takes and subscribes the oath therefor, except that any appointee so designated may declare that he is undertaking the office and take the prescribed oath if no person prior in such order of succession enters upon the office within ---- days after it becomes vacant.

12703. Any such person shall, while holding the office, be known as Acting Lieutenant Governor, Acting Attorney General, Acting Secretary of State, Acting Treasurer and Acting Controller, as the case may be, and shall perform the duties of the office and receive the salary and perquisites thereof while so serving, but shall not be deemed to hold that office within the meaning of Section 16 of Article V of the Constitution relating to succession to the governorship. Each such acting constitutional officer shall continue to serve as such until the disabled officer resumes his office, or a person prior in the order of succession declares that he is undertaking the office and takes the oath therefor, or until the office is filled at the next election that is held for that office and a person is elected and qualifies for the particular constitutional office.

APPENDIX 7

ASSEMBLY BILL NO. 67

Passed the Assembly April 9, 1958; Passed the Senate April 7, 1958

CHAPTER 75

An act to add Article 2 5 (commencing with Section 9035) to Chapter 1 of Division 2 of Title 2 of the Government Code, relating to convening of sessions of the Legislature during or after a disaster in this State resulting from enemy or war-caused action.

The people of the State of California do enact as follows:

SECTION 1. Article 2 5 is added to Chapter 1 of Division 2 of Title 2 of the Government Code, to read:

Article 2.5 Legislative Session After War or Enemy-caused Disaster

9035. As used in this article, "disaster" means a war or enemy-caused calamity within this State, such as an attack by nuclear weapons.

9036. If a disaster occurs, the Legislature shall convene itself in extraordinary session immediately after such disaster first occurs, which session shall convene at the permanent seat of government in the City of Sacramento or at the temporary seat of government as established by law if the session cannot be held in the City of Sacramento. At such extraordinary session the Legislature may fill any vacancies in its membership, pursuant to law, and may consider and act upon any subject of legislation that is designed to relieve or alleviate the consequences of such disaster or to restore or continue state and local government in connection therewith, together with such other subjects within the scope of legislative regulation or control as are specified by concurrent resolution adopted by both houses of the Legislature

9037. At any time after such convening the Legislature may convene itself in general session by the adoption of a concurrent resolution by both houses of the Legislature providing for the holding of a general session.

The Legislature may consider and act upon any subject within the scope of legislative regulation and control at such general session. The concurrent resolution may provide that all measures introduced or acted upon at the regular session shall be deemed introduced at the general session authorized by this section and that they shall have the same status at the general session as they had in the regular session as of the date on which the general session is convened as provided by this section.

None of the provisions of Article IV of the State Constitution relating to length of general sessions, or requiring a recess thereof, or imposing restrictions upon the introduction or action upon bills shall apply to general sessions convened pursuant to this section.

9038. If the Legislature is convened in extraordinary or general session pursuant to this article on the date specified by the State Constitution for the convening of a regular session, the Legislature may convene in such regular session without adjourning the general or extraordinary session or it may either call a general session to act upon as provided in Section 9037 or, if in general session may provide by concurrent resolution that the subjects to be considered at the regular session may be acted upon at the general session, and in such case the regular session shall not be convened.

SEC. 2. This act shall not become operative unless and until the people approve the constitutional amendment of the 1958 Extraordinary Session adding Section 38 to Article IV of the Constitution of this State.

APPENDIX 8

ASSEMBLY BILL NO. 68

Passed the Assembly April 7, 1958; Passed the Senate April 2, 1958

CHAPTER 60

An act to add Section 9004 to the Government Code, relating to Members of the Legislature.

The people of the State of California do enact as follows:

SECTION 1. Section 9004 is added to the Government Code, to read:

9004. When the Legislature convenes or is convened in regular or extraordinary session during or following a war or enemy-caused disaster and vacancies exist to the extent of one-fifth or more of the membership of either house caused by such disaster, either by death, disability or inability to serve, the vacancies shall be temporarily filled as provided in this section. The remaining members of the house in which the vacancies exist, regardless of whether they constitute a quorum of the entire membership thereof, shall by a majority vote of such members appoint a qualified person as a pro tempore member to fill each such vacancy. The Chief Clerk of the Assembly and the Secretary of the Senate or the persons designated to perform their duties, as the case may be, shall certify a statement of each such appointment to the Secretary of State who shall thereupon issue commissions to such appointees designating them as pro tempore members of the house by which they were appointed.

The appointments shall be so made that each assembly or senatorial district in which a vacancy exists shall be represented, if possible, by a pro tempore member who is a resident of that district and a registered elector of the same political party as of the date of the disaster as the last duly elected member from such district.

Where an elected member is temporarily disabled or unable to serve, such elected member shall resume his office when able, and the pro tempore member appointed in his place under this section shall cease

to serve. In other cases, each pro tempore member appointed under this section shall serve until the next election of a member to such office as provided by law.

SEC. 2. This act shall not become operative unless and until the people approve the constitutional amendment of the 1958 First Extraordinary Session adding Section 38 to Article IV of the Constitution of the State.

APPENDIX 9

ASSEMBLY BILL NO. 69

Passed the Assembly March 27, 1958; Passed the Senate April 2, 1958

CHAPTER 61

An act to amend Section 450 of the Government Code, relating to the seat of government of this State, and providing for a temporary seat of government for use in case of war or enemy-caused disaster.

The people of the State of California do enact as follows:

SECTION 1. Section 450 of the Government Code is amended to read:

450. The permanent seat of government of the State is at the City of Sacramento, but the Governor shall designate by written proclamation an alternative temporary seat of government for use in the event of war or enemy-caused disaster, or the imminence thereof. The proclamation shall be filed with the Secretary of State. A different temporary seat of government may be so designated at any time as circumstances indicate the desirability of such a change.

The Director of Finance, and any other state agency as directed by him, shall provide such facilities of any kind at the temporary seat of government as appear desirable for the functioning of the government of the State at the temporary seat of government in the event it becomes necessary, pursuant to this section.

SEC. 2. This act shall not become operative unless and until the people approve the constitutional amendment of the 1958 First Extraordinary Session adding Section 38 to Article IV of the Constitution of the State.

APPENDIX 10

ASSEMBLY BILL NO. 70

Passed the Assembly April 10, 1958; Passed the Senate April 10, 1958

CHAPTER 87

An act to amend Section 23600 of the Government Code, relating to county seats, and providing for temporary county seats for use in case of war or enemy-caused disaster.

The people of the State of California do enact as follows:

SECTION 1. Section 23600 of the Government Code is amended to read:

23600. The county seats of the respective counties of the State, as fixed by law and designated in this article, are declared to be the county seats of the respective counties. In any case where a county seat is an incorporated city, it includes all territory heretofore or hereafter annexed thereto.

The board of supervisors shall designate by resolution an alternative temporary county seat, which may be outside the boundaries of the county, for use in the event of war or enemy-caused disaster, or the imminence thereof, but real property outside the boundaries of the county shall not be purchased by a county for use as a temporary county seat. A copy of the resolution shall be filed with the Secretary of State. A different temporary county seat may be so designated at any time as circumstances indicate the desirability of such a change.

The board, and any county officer or agency as directed by the board, shall provide such facilities of any kind at the temporary county seat as appear desirable for the functioning of the government of the county at the temporary county seat in the event that it becomes necessary, pursuant to this section.

SEC. 2. This act shall not become operative unless and until the people approve the constitutional amendment of the 1958 First Extraordinary Session adding Section 38 to Article IV of the Constitution of the State.

APPENDIX 11

ASSEMBLY BILL NO. 72

Passed the Assembly March 25, 1958; Passed the Senate April 1, 1958

CHAPTER 42

An act to amend Section 1550.04 of the Military and Veterans Code, relating to the preservation of local government.

The people of the State of California do enact as follows:

SECTION 1. Section 1550.04 of the Military and Veterans Code is amended to read:

1550.04. The qualifications of each standby officer shall be carefully investigated and a summary of the qualifications of each such officer

shall be entered on the minutes when he is appointed. Each prospective appointee to a post of standby officer shall be examined as to his qualifications under oath.

The legislative body may request the Director of the California Disaster Office to aid in the investigation of any prospective appointee in the manner provided in this section. No examination or investigation shall be made without the consent of the prospective appointee.

Consideration shall be given to places of residence and work, so that for each office for which standby officers are appointed there shall be the greatest probability of survivorship.

APPENDIX 12

ASSEMBLY BILL NO. 71

Passed the Assembly March 29, 1958; Passed the Senate April 2, 1958

CHAPTER 62

An act to repeal Section 4362 of the Labor Code, relating to workmen's compensation.

The people of the State of California do enact as follows:

SECTION 1. Section 4362 of the Labor Code is repealed.

APPENDIX 13

ASSEMBLY BILL NO. 75

Passed the Assembly March 30, 1958; Passed the Senate April 7, 1958

CHAPTER 64

An act to amend Section 1509.7 of the Military and Veterans Code, relating to the powers and duties of peace officers employed by state agencies in the event of disasters.

The people of the State of California do enact as follows:

SECTION 1. Section 1509.7 of the Military and Veterans Code is amended to read:

1509.7. (a) Each department, division, bureau, board, commission, officer and employee of this State and of each agency, political subdivision, or local governmental unit of the State shall render all possible assistance to the Governor and to the Director of the Disaster Office in carrying out the provisions of this chapter.

(b) Whenever a state of disaster or of extreme emergency is proclaimed and whenever a state of extreme emergency exists within any region or area, the following classes of state employees who are within such area or region or who may be assigned to duty therein shall be peace officers and shall have the full powers and duties of such officers for all purposes as provided by the Penal Code, and shall perform such

duties and exercise such powers as are appropriate or as may be directed by their superior officers:

- (a) All members of the California Highway Patrol.
- (b) All deputies of the Department of Fish and Game who have been appointed to enforce the provisions of the Fish and Game Code pursuant to Section 851 of that code.
- (c) The State Forester and the classes of the Division of Forestry who are designated by the State Forester as having the powers of peace officers, pursuant to Section 4011 of the Public Resources Code.

APPENDIX 14

CALIFORNIA LEGISLATURE—1958 FIRST EXTRAORDINARY SESSION

ASSEMBLY BILL

No. 74

Introduced by Messrs. Kilpatrick, Miller, Sumner, and Beaver

March 14, 1958

REFERRED TO COMMITTEE ON MILITARY AND VETERANS AFFAIRS

An act to add Chapter 12 (commencing with Section 6950) to Division 7 of Title 1 of the Government Code, relating to the preservation and safekeeping of essential public records, and making an appropriation.

The people of the State of California do enact as follows:

SECTION 1 Chapter 12 is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 12. REPRODUCTION AND PRESERVATION OF PUBLIC RECORDS

Article 1. Reproduction of Essential Records

6950. The governing body of each city, county, city and county, district, authority, and other local public agency, shall determine which of its records, in the event of destruction of the originals by reason of war or enemy-caused disaster, would be essential to:

- (a) The performance of its functions.
- (b) The protection of the personal and property rights of persons affected by its functions.

6951 After the first determination, additional determinations shall be made at least once every six months thereafter with respect to ad-

ditional essential records which may have been accumulated in the interim.

6952. After a determination, the governing body shall promptly cause the essential records to be recorded, copied, or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original record. The recordings, copies, or reproductions shall be stored in a dispersal facility.

Article 2. Dispersal Facilities

6970. A dispersal facility is a storage place designed in a manner and located at a place which will afford reasonable assurance that materials placed therein will be safely preserved, as determined by consideration of the following factors:

(a) The destructive effects of modern military weapons, including thermonuclear explosive devices.

(b) The logical target areas in the State at which modern military weapons may be directed by an enemy.

(c) The ordinary destructive forces of nature.

(d) The comparative costs of establishing storage places in any of the suitable locations

6971. The Secretary of State shall establish one or more dispersal facilities for storage of the recordings, copies, or reproductions of essential records of local public agencies.

6972. Every local public agency shall provide for the establishment of a dispersal facility for the storage of the recordings, copies, or reproductions of its essential public records, except that, in lieu of making such provision, the local agency may contract with the Secretary of State to store the materials in a facility established by that officer.

6973. The Secretary of State may require that a reasonable charge, not exceeding the actual cost of storage, be paid by any local public agency which contracts to store material in a facility established by the Secretary of State; and such a charge shall be a lawful one against any such agency.

6974. For the purpose of providing a dispersal facility, any local public agency may contract with any one or more other local public agencies for the establishment and conduct of the facility pursuant to the laws governing the joint exercise of powers.

6975. A facility established either individually or by more than one local public agency need not be located within the boundaries of the local agency or agencies.

SEC. 2. The sum of _____ dollars (\$_____) is appropriated from the General Fund in the State Treasury for expenditure by the Secretary of State in carrying out the duties prescribed by Section 6971 of the Government Code.

APPENDIX 15

ASSEMBLY BILL NO. 73

Passed the Assembly April 8, 1958; Passed the Senate April 3, 1958

CHAPTER 63

An act to add Section 12265 to the Government Code, relating to the protection and preservation of essential state records.

The people of the State of California do enact as follows:

SECTION 1. Section 12265 is added to the Government Code, to read:

12265. Each state agency, with the concurrence of the Department of Finance shall determine what state records it has that are essential to the functioning of the State Government in the event of a major disaster that would result in the destruction thereof, including any records that are highly important and that would be costly to reproduce or reconstruct. Provisions shall thereupon be made for the microfilming or authentic reproduction or reproduction by electronic process of such records, which shall be done in the most economical manner as determined by the Department of Finance. Such material shall then be stored by the Secretary of State in such places within the State as he determines to be appropriate.

Microfilm copies, electronically reproduced copies, or copies reconstructed from the punch cards which produce the originals of such records shall have the same validity and force and effect as the originals in the event that the originals are destroyed by a disaster

APPENDIX 16

JOHN M. PEIRCE
DIRECTOR OF FINANCE



GOODWIN J. KNIGHT
GOVERNOR

STATE OF CALIFORNIA
Department of Finance

SACRAMENTO 14

April 4, 1958

HONORABLE VERNON KILPATRICK
Member of the Assembly
Room 3132, State Capitol
Sacramento, California

DEAR MR. KILPATRICK: This is in response to your letter of April 3, 1958 regarding Assembly Bill 73 relating to records preservation.

This matter has been discussed with both Mr. Collins and Mr. Harkness of this department, and I can assure you that the Department of Finance can and will carry out the intent of the bill. As a matter of fact, we have already started a study in our Organization and Cost Control Division with the same objectives as are contained in the bill.

I did not understand that Mr. Harkness had opposed the bill; as a matter of fact he explained the various features of the bill and supported the desirability of its provisions. In addition he pointed out the serious financial situation facing the State as he must do when all bills carrying appropriations come before the Ways and Means Committee or the Finance Committee. When it appeared this bill was about to be denied approval because of the financial problem, he quickly pointed out our ability to perform without the appropriation. I am glad to be able to assure you that the absence of the appropriation will not prevent this department from carrying out the provisions of the bill.

Yours sincerely,

JOHN M. PEIRCE
Director of Finance

APPENDIX 17

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER NO. 58-CD-1

WHEREAS, The possibility of widespread natural disaster is always present in this State; and

WHEREAS, Potential enemies of the United States have capacity to attack this State and the United States in ever-growing force; and

WHEREAS, Section 1540 of the Military and Veterans Code provides:

“The Governor may assign to a state agency any activity concerned with the mitigation of disaster of a nature related to the

existing powers and duties of such agency, and it shall thereupon become the duty of such agency to undertake and carry out such activity on behalf of the State.”; and

WHEREAS, During the past six years, certain assignments of civil defense and disaster responsibilities have been made; and

WHEREAS, These assignments and others should now be formalized to properly integrate existing State agencies into the civil defense and disaster effort; now, therefore,

I, GOODWIN J. KNIGHT, Governor of the State of California, by virtue of the powers and authority vested in me by the Constitution and laws of this State and in accordance with the provisions of Section 1540 of the Military and Veterans Code, do hereby issue this order as a necessary step in advance of actual disaster or catastrophe, and as part of the civil defense and disaster program of the State of California, to become effective immediately:

A. Each department, independent division, bureau, board, commission, and independent institution of the State Government (hereinafter referred to as agencies) shall make appropriate plans for:

1. The protection of its personnel, equipment, and supplies (including records and documents) against the effects of enemy attack or natural disaster. Such plans shall include the following:

a. Provisions for the possibility of attack without warning, attack under circumstances not permitting prior evacuation, natural disaster, and radioactive fallout.

b. Provisions for the possibility of attack of which there may be sufficient warning to permit pre-attack evacuation. Plans shall be made for pre-attack evacuation of personnel and dispersal of equipment and supplies from installations located in target areas and from such other areas as may be determined by the California Disaster Office.

c. Provisions for the protection and maintenance of vital public records and documents. To the maximum extent practicable, the original or a copy of each record or document requiring protection, in the public interest, against the effects of enemy attack or natural disaster shall be stored or kept outside target areas and such other areas as may be determined by the California Disaster Office.

d. To the maximum extent practicable, each agency shall store its supplies and equipment at sites located outside the aforementioned target areas and other designated areas.

2. Carrying on such of its normal services as may continue to be needed, on an emergency basis, in event of enemy attack or natural disaster.

a. Each agency shall survey its normal functions and determine which of such functions must be continued notwithstanding enemy attack, and the extent to which its resources, including personnel, equipment, supplies, and facilities, must be devoted to carrying out such functions. An agency which has functions which must be continued notwithstanding enemy attack, and having its principal headquarters in a target area, shall establish and equip an auxiliary headquarters at a site located in a nontarget area, to which the agency head (except as may otherwise be provided) and appropriate personnel of the agency shall report in the event of enemy attack.

b. All resources, including personnel, of the agency not required in the performance of the functions which must be continued in the event of an enemy attack shall be available for the performance of civil defense and disaster functions and shall be reported to the California Disaster Office as soon as determined, in order that such resources may be assigned to the performance of a civil defense and disaster function by the Director, California, Disaster Office, if such assignment is deemed necessary.

B. The responsibility for such planning shall rest with the head of each agency, provided that such official may designate a competent person in the service of the agency to be and act as Civil Defense and Disaster Officer of the agency. It shall be the function of such Civil Defense and Disaster Officer to supervise and coordinate such planning by the agency, subject to the direction and control of the head of the agency.

C In addition to the responsibilities imposed above, each agency may be assigned additional specific civil defense and/or disaster responsibilities by the Director of the California Disaster Office, with the approval of the Governor. Such responsibilities shall be as mutually agreed upon by the head of each agency concerned and the Director of the California Disaster Office, and shall include the assignment of one or more competent persons of the agency to serve as the staff of the Director, California Disaster Office, during periods of a state of extreme emergency. During a state of disaster, the director of such agency shall assign appropriate liaison officers to serve at the California Disaster Office headquarters and/or at its regional or sector headquarters. Each agency shall provide the necessary training for persons assigned a disaster function, and shall make such persons available for test exercises.

D. Authority is hereby granted that employees from state agencies assigned for duty during authorized exercises at state, regional, or sector control centers be allowed compensating time off for services rendered outside regular working hours, or compensated for such services, as the director of the agency may direct

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed.

Done at the City of Sacramento this 2d day of April, 1958.

ATTEST:

GOODWIN J. KNIGHT
Governor

(SEAL)

FRANK M. JORDAN
Secretary of State

APPENDIX 18

STATE OF CALIFORNIA

Basic Plan, Enclosure 7, Tab 1

CALIFORNIA DISASTER OFFICE

Post Office Box 110

SACRAMENTO 1, CALIFORNIA

ADMINISTRATIVE ORDER NO. 58-1

Executive Order No. 58-CD-1, issued April 2, 1958, provides in part that the Director of the California Disaster Office may assign specific civil defense and/or disaster responsibilities to a state agency, with the approval of the Governor

In accordance with said executive order, the Department of Agriculture is assigned responsibility for the Food Supply Division of the California Disaster Office, for defense against biological and chemical warfare against animals and crops, and for decontamination measures for well persons. Such responsibilities are hereby defined as follows:

1. The department shall prepare to use, and use, the available resources of the department, as defined in this order, and such other resources as may be made available for such purposes, to perform food supply and other assigned functions, as needed, during a state of disaster or a state of extreme emergency.

a. Available resources of the department are hereby defined as those resources, including the personnel, equipment, supplies, and facilities, not required for the performance of essential normal functions of the department, as provided in Section A-2 of Executive Order No. 58-CD-1.

b. Food supply and other assigned functions shall include, but shall not be limited to, the following:

(1) Planning and directing a statewide food supply program, in order to maintain adequate emergency food supplies;

(2) Planning and directing a statewide program for the control and eradication of diseases, pests, or chemicals introduced as agents of biological, chemical, or radiological warfare against animals or crops; and

(3) Co-operating with and assisting the Emergency Welfare Division, California Disaster Office, in decontamination of well persons and of such facilities as deemed necessary.

2. During a state of extreme emergency, the Director of the Department of Agriculture shall be the Chief, Food Supply Division, California Disaster Office, and shall act as State Food Administrator.

a. To the extent its available personnel and resources permit, and as provided in Section C of Executive Order No. 58-CD-1, the department shall assign competent personnel of the department to serve as the state, regional, and sector Food Supply Division staff of the California Disaster Office and to assist in other assigned functions.

b. The department shall provide the necessary training for personnel so assigned, under the supervision of the department's director or of such officers or employees of the department as the director may designate to supervise said training, and shall make such personnel available for test exercises.

3. During a state of disaster, as proclaimed by the Governor, performance of food supply and other assigned functions by the department shall be co-ordinated by the California Disaster Office. The department shall assign, to the extent its available personnel and resources permit, such competent personnel as may be required to advise and give technical assistance to the director, California Disaster Office, and to its regional and sector co-ordinators, on food supply and other assigned functions, and to maintain liaison and channel intelligence between the department and the California Disaster Office.

4. The department shall advise and give technical assistance to the staff of the California Disaster Office in the development and co-ordination of statewide, regional and local plans related to emergency food supply, defense against biological and chemical warfare against animals and crops, and decontamination measures for well persons.

5. The Director, California Disaster Office, shall provide basic assumptions, criteria, and standards relating to said responsibilities and shall review and co-ordinate the carrying out of such responsibilities.

The provisions hereof shall become effective upon the date of approval by the Governor.

Date: April 21, 1958

(Signed)

STANLEY PIERSON
Director
California Disaster Office

Approved: April 22, 1958

(Signed)

GOODWIN J. KNIGHT
Governor of California

STATE OF CALIFORNIA
CALIFORNIA DISASTER OFFICE
Post Office Box 110
SACRAMENTO 1, CALIFORNIA

Basic Plan, Enclosure 7, Tab 2

ADMINISTRATIVE ORDER NO. 58-2

Executive Order No. 58-CD-1, issued April 2, 1958, provides in part that the Director of the California Disaster Office may assign specific civil defense and/or disaster responsibilities to a state agency, with the approval of the Governor.

In accordance with said executive order, the Department of California Highway Patrol is assigned responsibility for the Traffic Control Division of the California Disaster Office. Such responsibility is hereby defined as follows:

1. The department shall prepare to use, and use, the available resources of the department, as defined in this order, and such other resources as may be made available for such purpose, to perform traffic control functions, as needed, during a state of extreme emergency.

a. Available resources of the department are hereby defined as those resources, including the personnel, equipment, supplies, and facilities, not required for the performance of essential normal functions of the department, as provided in Section A-2 of Executive Order No. 58-CD-1.

b. Traffic control functions shall include, but shall not be limited to, the following:

- (1) The overall planning of statewide traffic control measures;
- (2) Co-ordinating such plans with city traffic control plans; and
- (3) Overall state traffic control operations during a state of extreme emergency

2. During a state of extreme emergency, the Commissioner, Department of California Highway Patrol, shall be the Chief, Traffic Control Division, California Disaster Office.

a. To the extent its available personnel and resources permit, and as provided in Section C of Executive Order No 58-CD-1, the department shall assign competent personnel of the department to serve as the state staff of the Traffic Control Division, California Disaster Office, and as regional and sector traffic control chiefs and assistants.

b. The department shall provide the necessary training for personnel so assigned, under the supervision of the commissioner of the department or of such officers or employees of the department as the commissioner may designate to supervise said training, and shall make such personnel available for test exercises.

3. The department shall advise and give technical assistance to the staff of the California Disaster Office in the development of and co-ordination of statewide, regional and local plans affecting or affected by traffic control functions.

The provisions hereof shall become effective upon the date of approval by the Governor.

Date: April 21, 1958

(Signed)

STANLEY PIERSON
Director
California Disaster Office

Approved: April 22, 1958

(Signed)

GOODWIN J. KNIGHT
Governor of California

STATE OF CALIFORNIA
CALIFORNIA DISASTER OFFICE
Post Office Box 110
SACRAMENTO 1, CALIFORNIA

Basic Plan, Enclosure 7, Tab 3

ADMINISTRATIVE ORDER NO. 58-3

Executive Order No 58-CD-1, issued April 2, 1958, provides in part that the Director of the California Disaster Office may assign specific civil defense and/or disaster responsibilities to a state agency, with the approval of the Governor.

In accordance with said executive order, the Department of Education is assigned responsibility for rendering assistance to the California Disaster Office in education and training functions. Such responsibility is hereby defined as follows:

1. The department shall prepare to use, and use, the available resources of the department, as defined in this order, and such other resources as may be made available for such purpose, to perform, or

to assist the California Disaster Office to perform, as may be appropriate in the circumstances, education and training functions.

a. Available resources of the department are hereby defined as those resources, including the personnel, equipment, supplies, and facilities, not required for the performance of essential normal functions of the department, as provided in Section A-2 of Executive Order No. 58-CD-1.

b. Such education and training functions shall include, but shall not be limited to, the following:

(1) Encouraging and assisting in planning and organization for combating disaster situations by private and public educational institutions.

(2) Assisting in developing and providing curricular materials and plans for education and training relative to civil defense for the benefit of the public or for use in public and private educational institutions.

(3) Stimulating maximum use of the resources of public and private educational institutions and staffs toward the fullest possible utilization of the resources of all educational institutions for disaster purposes

Further specification of such functions shall be developed between the department and the California Disaster Office.

2. During a state of extreme emergency, to the extent the available resources of the department permit, and as provided in Section C of Executive Order No. 58-CD-1, the department shall assign, upon request, competent personnel of the department (to include clerical personnel) to assist the state, regional and sector Information and Education Division staff of the California Disaster Office, and shall make such personnel available for test exercises.

3. During a state of disaster, as proclaimed by the Governor, performance of emergency functions shall be co-ordinated by the California Disaster Office.

4. The department shall advise and assist the various services of the California Disaster Office in developing and carrying out technical plans and training and procurement programs, to make possible the proper performance of civil defense and disaster functions when required.

The provisions hereof shall become effective upon the date of approval by the Governor.

Date: April 21, 1958

(Signed)

STANLEY PIERSON
Director
California Disaster Office

Approved: April 22, 1958

(Signed)

GOODWIN J. KNIGHT
Governor of California

STATE OF CALIFORNIA
CALIFORNIA DISASTER OFFICE
Post Office Box 110
SACRAMENTO 1, CALIFORNIA

Basic Plan, Enclosure 7, Tab 4

ADMINISTRATIVE ORDER NO. 58-4

Executive Order No. 58-CD-1, issued April 2, 1958, provides in part that the Director of the California Disaster Office may assign specific civil defense and/or disaster responsibilities to a state agency, with the approval of the Governor.

In accordance with said executive order, the Department of Employment is assigned responsibility for the Manpower Division of the California Disaster Office. Such responsibility is hereby defined as follows:

1. The department shall prepare to use, and use, the available resources of the department, as defined in this order, and such other resources as may be made available for such purpose, to perform manpower service functions, as needed, during a state of disaster or a state of extreme emergency.

a. Available resources of the department are hereby defined as those resources, including the personnel, equipment, supplies, and facilities, not required for the performance of essential normal functions of the department, as provided in Section A-2 of Executive Order No. 58-CD-1.

b. Manpower service functions shall include, but shall not be limited to, the following:

(1) Providing a central recruitment service for all civil defense and disaster services and related activities at all administrative levels during a state of disaster or a state of extreme emergency;

(2) Providing a clearance system for needed workers throughout the State and among other states;

(3) Administering such controls over the assignment of manpower as may be prescribed by the California Disaster Office;

(4) Providing information on available labor supply and job openings to state, regional, and local disaster offices;

(5) Assisting in the estimating of surviving labor force and production facilities;

(6) Paying unemployment insurance and temporary disability insurance to qualified persons; and

(7) Administering, under federal delegation, any emergency income maintenance plan authorized by the Federal Government.

2. During a state of extreme emergency, the Director, Department of Employment, shall be the Chief, Manpower Division, California Disaster Office.

a. To the extent its available personnel and resources permit, and as provided in Section C of Executive Order No. 58-CD-1, the department shall assign competent personnel of the department to serve as the state, regional and sector Manpower Division staff of the California Disaster Office.

b. The department shall provide the necessary training for personnel so assigned, under the supervision of the department's director or of

such officers or employees of the department as the director may designate to supervise said training, and shall make such personnel available for test exercises.

3. During a state of disaster, as proclaimed by the Governor, performance of manpower service functions by the department shall be co-ordinated by the California Disaster Office. The department shall assign, to the extent its available personnel and resources permit, such competent personnel as may be required to advise and give technical assistance to the Director, California Disaster Office, and to its regional and sector co-ordinators, on manpower service functions, and to maintain liaison and channel intelligence between the department and the California Disaster Office.

4. The department shall advise and give technical assistance to the staff of the California Disaster Office in the development of and co-ordination of statewide, regional and local plans affecting or affected by manpower service functions.

The provisions hereof shall become effective upon the date of approval by the Governor.

Date: April 21, 1958

(Signed)

STANLEY PIERSON
Director
California Disaster Office

Approved: April 22, 1958

(Signed)

GOODWIN J. KNIGHT
Governor of California

STATE OF CALIFORNIA
CALIFORNIA DISASTER OFFICE
Post Office Box 110
SACRAMENTO 1, CALIFORNIA

Basic Plan, Enclosure 7, Tab 5

ADMINISTRATIVE ORDER NO. 58-5

Executive Order No. 58-CD-1, issued April 2, 1958, provides in part that the Director of the California Disaster Office may assign specific civil defense and/or disaster responsibilities to a state agency, with the approval of the Governor.

In accordance with said executive order, the Department of Fish and Game is assigned responsibility for rendering assistance to the Radiological Safety Division and the Law Enforcement Division of the California Disaster Office. Such responsibility is hereby defined as follows:

1. The department shall prepare to use, and use, the available resources of the department, as defined in this order, and such other resources as may be made available for such purposes, to perform, or to assist the California Disaster Office to perform emergency radiological safety and law enforcement functions.

a. Available resources of the department are hereby defined as those resources, including the personnel, equipment, supplies, and facilities, not required for the performance of essential normal functions of the

department, as provided in Section A-2 of Executive Order No. 58-CD-1.

b. Such emergency radiological safety and law enforcement functions shall include, but shall not be limited to, the following:

(1) Assisting the Radiological Safety Division in obtaining and collecting data relative to radiological contamination of land areas and water supplies, particularly by means of

(a) operation of radiological survey meters;

(b) utilization of the department aircraft and personnel for aerial monitoring;

(c) utilization of the department radio network for the collection of data; and

(d) assignment of competent personnel to the state, regional and sector control centers and mobile communications units of the California Disaster Office for the operation of said radio equipment.

(2) Assisting the Law Enforcement Division in carrying out its functions.

2. During a state of extreme emergency, to the extent the available resources of the department permit, and as provided in Section C of Executive Order No. 58-CD-1, the department shall assign competent personnel of the department to assist the State, regional, and sector Radiological Safety Division and Law Enforcement Division staff of the California Disaster Office in the performance of assigned functions.

3. During a state of disaster, as proclaimed by the Governor, performance of emergency functions shall be co-ordinated by the California Disaster Office. The department, through its designated representative, will maintain liaison and channel intelligence between the department and the California Disaster Office.

4. The department shall provide the necessary training for personnel so assigned, under the supervision of the department's director or of such officers or employees of the department as the director may designate to supervise said training, and shall make such personnel available for test exercises.

5. The department shall co-operate with the staff of the California Disaster Office in the development and co-ordination of statewide, regional and local plans relative to emergency radiological safety and law enforcement functions assigned to the department.

The provisions hereof shall become effective upon the date of approval by the Governor.

Date: April 21, 1958

(Signed)

STANLEY PIERSON
Director
California Disaster Office

Approved: April 22, 1958

(Signed)

GOODWIN J. KNIGHT
Governor of California

STATE OF CALIFORNIA
CALIFORNIA DISASTER OFFICE
Post Office Box 110
SACRAMENTO 1, CALIFORNIA

Basic Plan, Enclosure 7, Tab 6

ADMINISTRATIVE ORDER NO. 58-6

Executive Order No. 58-CD-1, issued April 2, 1958, provides in part that the Director of the California Disaster Office may assign specific civil defense and/or disaster responsibilities to a state agency, with the approval of the Governor.

In accordance with said executive order, the Department of Justice is assigned responsibility for rendering assistance to the Communications and Attack Warning Division of the California Disaster Office. Such responsibility is hereby defined as follows:

1. The department now has in operation a leased teletypewriter network with stations in police departments, sheriffs' offices, other law enforcement agencies, and in the California Disaster Office, its regions and sectors. It shall be the responsibility of the department and the lessor of the equipment to take every reasonable precaution to insure the operability of this system during disasters.

2. In the event of disruption of service, in whole or in part, during a disaster, it will be the responsibility of the department and the lessor of the equipment to effect as rapid restoration of the disrupted parts of the system as possible.

3. The department will arrange to alert and mobilize sufficient personnel at its various relay centers during disasters so that the system will operate at its maximum efficiency.

4. The department will accept warning information from the California Disaster Office and give priority to its dissemination to all stations.

5. During a disaster the department will accept messages from the California Disaster Office, its regions and sectors and, where indicated, will give these messages priority handling.

6. During a disaster the department, through its designated representatives, will maintain liaison with the California Disaster Office.

The provisions hereof shall become effective upon the date of approval by the Governor.

Date: April 21, 1958

(Signed)

STANLEY PIERSON
Director
California Disaster Office

Approved: April 22, 1958

(Signed)

GOODWIN J. KNIGHT
Governor of California

STATE OF CALIFORNIA
CALIFORNIA DISASTER OFFICE
Post Office Box 110
SACRAMENTO 1, CALIFORNIA

Basic Plan, Enclosure 7, Tab 7

ADMINISTRATIVE ORDER NO. 58-7

Executive Order No. 58-CD-1, issued April 2, 1958, provides in part that the Director of the California Disaster Office may assign specific civil defense and/or disaster responsibilities to a state agency, with the approval of the Governor.

In accordance with said executive order, the Department of Public Health is assigned responsibility for the Medical and Health Division of the California Disaster Office. Such responsibility is hereby defined as follows:

1. The department shall prepare to use, and use, the available resources of the department, as defined in this order, and such other resources as may be made available for such purpose, to perform medical and health functions, as needed, during a state of disaster or a state of extreme emergency.

a Available resources of the department are hereby defined as those resources, including the personnel, equipment, supplies, and facilities, not required for the performance of essential normal functions of the department, as provided in Section A-2 of Executive Order No 58-CD-1.

b. Emergency medical and health functions shall include, but shall not be limited to, the following:

(1) The prevention and control of diseases and the promotion of the health and well-being of the people of the State.

(2) The detection and identification of biological and chemical warfare agents which affect man, and supervision and decontamination procedures.

(3) The supervision and co-ordination of activities of public health authorities in the following functions:

(a) Control of communicable diseases.

(b) Health education:

(1) Dissemination of necessary information to the public.

(2) Assistance in training of necessary auxiliary personnel.

(c) Public health nursing and allied services (augmented maternal and child health services):

(1) For mothers, infants, children, and aged persons under emergency situations.

(2) Supervision of volunteer nursing personnel used in public health services.

(3) Planning for and supervision of home care of sick and injured, normally cared for in hospitals.

(4) Family counseling services (with assistance of medical social workers and mental health workers, where available).

(d) Control of environmental sanitation services throughout the community and at medical facilities and mass care centers:

- (1) Refuse and solid waste material.
- (2) Water: Support utility water program, to insure a safe and adequate domestic water supply for emergency medical facilities, disaster service workers, evacuation and welfare facilities, and the unaffected resident population.
- (3) Emergency sewage disposal: Supervise provision and maintenance of emergency facilities.
- (4) Emergency food sanitation:
 - (a) Inspection of food supplies and condemnation of damaged and contaminated food supplies.
 - (b) Inspection and regulation of community food and meat supplies, including emergency food supplies brought into the area.
 - (c) Supervision of food handling and mass sanitation.
 - (d) Controlling sanitation of restoration or replacement of normal food processing facilities.
- (5) Emergency vector control: To include insect, rodent, and ectoparasite control.
- (6) Industrial sanitation: To include protection of the environment, as well as water, from hazardous contaminants.
- (e) Laboratory services:
 - (1) To act as support services to all public health service groups, as well as augmenting emergency medical services' laboratories where needed.
 - (2) To examine and assay bacteriological and chemical samples submitted by sanitation services.

(f) Vital statistics: To be responsible in each operational area, county, or city, for setting up and maintaining an adequate medical and health record control system, and to co-ordinate the mortuary services in the same areas in recording deaths and other necessary information pertaining thereto.

(4) Any other functions and responsibilities delegated to the department by law or that may be assigned by the Governor in times of disaster.

2. During a state of extreme emergency, the Director, Department of Public Health, shall be the Chief, Medical and Health Division, California Disaster Office.

a. To the extent its available personnel and resources permit, and as provided in Section C of Executive Order No. 58-CD-1, the department shall incorporate into the Medical and Health Division, California Disaster Office, those divisions, bureaus, and personnel of the department needed in operations for the mitigation of disaster.

b. The department shall provide the necessary training for personnel so assigned, under the supervision of the department's director or of such officers or employees of the department as the director may designate to supervise said training, and shall make such personnel available for test exercises.

3. During a state of disaster, as proclaimed by the Governor, performance of emergency medical and health functions by the department shall be co-ordinated by the California Disaster Office. The department shall assign, to the extent its available personnel and resources permit, such competent personnel as may be required to advise and give technical assistance to the Director, California Disaster Office, and to its regional and sector co-ordinators on emergency medical and health functions, and to maintain liaison and channel intelligence between the department and the California Disaster Office.

4. The department shall advise and give technical assistance to the Medical and Health Division staff of the California Disaster Office in the development and co-ordination of statewide, regional and local medical and health plans.

The provisions hereof shall become effective upon the date of approval by the Governor.

Date: April 21, 1958

(Signed)

STANLEY PIERSON
Director
California Disaster Office

Approved: April 22, 1958

(Signed)

GOODWIN J. KNIGHT
Governor of California

STATE OF CALIFORNIA
CALIFORNIA DISASTER OFFICE
Post Office Box 110
SACRAMENTO 1, CALIFORNIA

Basic Plan, Enclosure 7, Tab 8

ADMINISTRATIVE ORDER NO. 58-8

Executive Order No. 58-CD-1, issued April 2, 1958, provides in part that the Director of the California Disaster Office may assign specific civil defense and/or disaster responsibilities to a state agency, with the approval of the Governor.

In accordance with said executive order, the Department of Public Works is assigned responsibility for the Engineer Division of the California Disaster Office. Such responsibility is hereby defined as follows:

1. The department shall prepare to use, and use, the available resources of the department, as defined in this order, and such other resources as may be made available for such purpose, to perform emergency engineering functions, as needed, during a state of extreme emergency.

a. Available resources of the department are hereby defined as those resources, including the personnel, equipment, supplies, and facilities, not required for the performance of essential normal functions of the department, as provided in Section A-2 of Executive Order No. 58-CD-1.

b. Emergency engineering functions shall include, but shall not be limited to, the following, performed for the purpose of minimizing and/or repairing injury or damage to public facilities:

- (1) The clearing, repair, and maintenance of roads and bridges for emergency use;
- (2) The provision of assistance to the Rescue Service in situations requiring heavy equipment;
- (3) The demolition of damaged structures;
- (4) The rehabilitation or repair of public transportation and utilities facilities;
- (5) The provision of engineering supplies, equipment, and personnel as disaster situations may require; and
- (6) Assistance to the Radiological Safety Division, California Disaster Office, in monitoring functions.

Further specification of such functions shall be developed between the department and the California Disaster Office.

2. During a state of extreme emergency, the Director of the Department of Public Works shall be the Chief, Engineer Division, California Disaster Office.

a. To the extent its available personnel and resources permit, and as provided in Section C of Executive Order No. 58-CD-1, the department shall assign competent personnel of the department to serve as the state, regional and sector Engineer Division staff of the California Disaster Office during a state of extreme emergency and during test exercises in preparation for such state of extreme emergency.

b. The department shall provide the necessary training for personnel so assigned, under the supervision of the department's director or of such officers or employees of the department as the director may designate to supervise said training.

3. During a state of disaster, as proclaimed by the Governor, performance of emergency engineering functions by the department shall be co-ordinated by the California Disaster Office. In order to facilitate such co-ordination, the department shall assign, to the extent its available personnel and resources permit, such competent personnel as may be required, during such state of disaster, to advise and give technical assistance to the Director, California Disaster Office, and to maintain liaison and channel intelligence between the department and the California Disaster Office.

4. The department shall also advise and give technical assistance to the Engineer Division staff of the California Disaster Office in the development of overall statewide engineer plans, in the co-ordination of regional and local engineer plans, and in providing design criteria for protective construction against both radiological and blast damage.

The provisions hereof shall become effective upon the date of approval by the Governor.

Date: April 21, 1958

(Signed)

STANLEY PIERSON
Director
California Disaster Office

Approved: April 22, 1958

(Signed)

GOODWIN J. KNIGHT
Governor of California

APPENDIX 19

The following persons testified before the committee at its various hearings:

Mrs. Emma Alcalá, President, State Records' Association
Lawrence G. Allyn, Legislative Counsel
Philip D. Batson, Regional Administrator, Federal Civil Defense Administration
James W. Beebe, Chairman, Disaster Committees, Los Angeles Bar Association and State Bar Association
William Benedon, Corporate Records Management Advisor, Lockheed Aircraft Corporation
H. M. Berry, Federal Co-ordinator, Los Angeles Area, Federal Civil Defense Administration
Lt. Col. Paul H. Binford, Military Department
Jack Blair, Civilian Defense Director, Portland, Oregon
Marvin L. Blanchard, Department of Finance
Jack G. Blue, County Clerk, Alameda County
Ruth Bruton, City Clerk, City of El Monte
Thomas A. Carver, State Bar Association
Arthur Collins, Department of Finance
Admiral A. G. Cook, Civil Defense Director, City and County of San Francisco
Col. James C. Crockett, Retired, Nevada City
Charles P. Cusick, Department of Agriculture
Bernard Czesla, Legislative Counsel
William Davis, Jr., Historian, State Archives, Office of the Secretary of State
George M. Derry, Supervisor of Records, Richfield Oil Corporation
Edward Dolder, Department of National Resources
Harold M. Dorman, Civil Defense Co-ordinator, Department of Motor Vehicles
William H. Fairbank, Jr., Department of Water Resources
Charles Fairman, Professor, Harvard Law School
C. M. Gilliss, Director, Department of Public Works
Seth Gordon, Director, Department of Fish and Game
Joseph A. Greene, Manager, Business Records Center, Bekins Storage Company
Leonard Hooper, Recorder, Sacramento County
Gen. Earle M. Jones, Adjutant General
Mitchel Kaufman, Western States Atomic Storage Vaults
C. C. LaRue, County Clerk, Sacramento County
Ray E. Lee, Recorder, County of Los Angeles
Jack Lowe, Director, Disaster Relief and Civil Defense, Portland, Oregon
Col. Richard F. Lynch, Director of Civil Defense, Los Angeles
Charles Macbeth, Records Management Association of Southern California
Thornton W. Mitchell, Regional Manager, Naremeo Services, Inc.
Martin Mongan, County Clerk, San Francisco County
Thomas Nolder, County Supervisors Association of California
Paul J. O'Brien, State Archivist
Harold J. Ostley, County Clerk, Los Angeles County
Walter T. Paasch, President, County Clerks' Association
Walter C. Peterson, City Clerk, Los Angeles
Stanley Pierson, Director, California Disaster Office
J. M. Roberts, Department of Correction
Don H. Roney, Department of Employment
Marion L. Sellers, Lockheed Aircraft Corporation
Ted R. Smith, Director of Civil Defense, Pasadena
John H. Stanford, Management Analyst, Department of Public Works
Thomas A. Toomey, County Recorder, San Francisco County

W. H. Topham, Records Supervisor, Pacific Telephone and Telegraph Company
Gen. Harry Van Wyke, Assistant Director, California Disaster Office
Benjamin M. Watson, Director of Civil Defense, Burbank; and President, Southern California Civil Defense and Disaster Association
Leo B. Wayland, City of Alhambra
Robert G. Webster, Department of Public Health
Ronald J. Weiser, Co-ordinator of the California Disaster Office, Region I
Sterling S. Winans, Director of Recreation, Recreation Commission
Norman Woodbury, Department of Alcoholic Beverage Control

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