

1940

## INSTITUTIONS FOR FELONS

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<p><b>3</b> INSTITUTIONS FOR FELONS. Senate Constitutional Amendment 37. Amends Constitution, Article X, section 7. Declares Legislature may provide for establishment, government and superintendence of all institutions for persons convicted of felonies, and for that purpose may delegate the government and superintendence of such institutions to any public governmental agency, officer or board; and may provide for punishment, treatment and custody of females differently from men similarly convicted. Until Legislature otherwise provides declares effective existing statutes and constitutional provisions purporting to cover such matters.</p>	YES
	NO

(For full text of measure, see page 3, Part II)

**Argument in Favor of Senate Constitutional Amendment No. 37**

The present penal system of California was set up when the revised State Constitution was adopted in 1879. It represents the thought of sixty years ago. It is as out of date, in some respects, as the farming methods of that time would be when compared with the methods on a modern California ranch.

Senate Constitutional Amendment No. 37 will place in the hands of the Legislature the power to create a modern penal system for California, or to make such changes in the present system as it may feel to be desirable. It provides a flexibility which is absent now. It makes possible the adoption of methods proven successful here, or of a uniform penal system.

The amendment in itself makes no changes; it does not abolish any board, nor remove any officer. It gives the Legislature power to act; which power should properly rest in the Legislature.

JOHN PHILLIPS,  
Senator,  
Thirty-seventh District.

**Argument Against Senate Constitutional Amendment No. 37**

**KEEP OUR PRISONS OUT OF POLITICS!**

Vote "NO" on Proposition No. 3 and insure stable and progressive prison management in California. Thousands of representative men and women and law enforcement officers have joined in opposing this amendment on the ground that it would create chaos in our prisons.

The prison system in California today is one of the most modern and progressive in the United States. The State Board of Prison Directors has kept pace with the times by putting into effect modern and scientific practices which are now being used for the safety of society and the rehabilitation of those prisoners who can be reformed.

The Legislature has the authority at present (Cal. Constitution, Art. X, Sec. 5) to adopt

the many recommendations made by the State Board of Prison Directors which would further improve and make California's prison administration foremost in the United States.

Proposition No. 3 would place the Legislature in complete political control of the administration of prisons.

It would also enable each new Governor, through his political influence within the Legislature, to make such changes as would result in an unstable prison administration and make it possible to turn loose upon the public many unsafe, violent, and vicious criminals.

This is evidenced by the fact that since the present Governor was elected numerous strikes have occurred in the prisons. We believe these are the direct result of Governor Olson's efforts to gain control of prison management for the purpose of increasing political patronage.

The Constitutional Convention clearly had in mind, when it created the State Board of Prison Directors, that prison management should be removed as far as possible from political manipulations.

It provided for a nonpolitical Board of Prison Directors, the members to be appointed by the Governor, with the approval of the Senate, to serve without salary for terms of ten years each.

The terms were arranged so one expires each two years, thereby preventing any one Governor or Legislature from obtaining control of the board and making the prison administration a political football.

The State Board of Prison Directors is a separate and distinct board and should not be confused with the State Board of Prison Terms and Paroles, which latter board has the entire responsibility of fixing terms and paroling prisoners.

The attitude of the convention was expressed in the following words of Delegate Walter Van Dyke:

"It is very true that the system formulated here could be enacted by the Legislature without any constitutional direction.

"But the reason for putting it in the fundamental law is to make the system stable so

that one Legislature can not overthrow what another Legislature has done.

"We have experienced the evil which has resulted from the management of these institutions by politicians. If it is placed in the Constitution there will be some stability about it."

Unless the proposed amendment is defeated it will remove the present nonpolitical and efficient prison administration; criminals will be penalized in accordance with their political influence; prison discipline will be destroyed; it will create a feeling of insecurity in the minds of experienced prison officials and employees, who have many years of service to their credit, and it will demoralize prison manage-

ment and endanger public safety and the welfare of our citizens.

**KEEP OUR PRISONS OUT OF POLITICS!**

Vote "NO" on Proposition No. 3.

A. R. O'BRIEN,  
Ukiah.

T. N. HARVEY,  
Bakersfield.

JOHN D. MCGILVRAY,  
San Francisco.

EDWARD L. ABBOTT,  
Santa Barbara.

**INSTITUTIONS FOR FELONS. Senate Constitutional Amendment 37.**

**3** Amends Constitution, Article X, section 7. Declares Legislature may provide for establishment, government and superintendence of all institutions for persons convicted of felonies, and for that purpose may delegate the government and superintendence of such institutions to any public governmental agency, officer or board; and may provide for punishment, treatment and custody of females differently from men similarly convicted. Until Legislature otherwise provides declares effective existing statutes and constitutional provisions purporting to cover such matters.

YES

NO

Senate Constitutional Amendment No. 37—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section 7 of Article X thereof, relating to the Board of Prison Directors.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its fifty-third regular session commencing on the second day of January, 1939, two-thirds of the members elected to each of the two houses of the said Legislature voting therefor, hereby proposes to the people of the State of California to amend section 7 of Article X of the Constitution of said State so as to read as follows:

(This proposed amendment expressly amends an existing section of the Constitution; therefore, EXISTING PROVISIONS proposed to be DELETED are printed in STRIKE-OUT TYPE; and NEW PROVISIONS proposed to be INSERTED are printed in BLACK-FACED TYPE.)

**PROPOSED AMENDMENT TO THE CONSTITUTION.**

**SEC. 7. Notwithstanding anything contained elsewhere in this Constitution, the Legislature may provide for the establishment, government,**

**charge and superintendence of an institution or all institutions for females all persons convicted of felonies. For this purpose, the Legislature may delegate the government, charge and superintendence of such institution institutions to any public governmental agency or agencies, officers, or board or boards, whether now existing or hereafter created by it. Such agency Any of such agencies, officers, or board boards shall have such powers, perform such duties and exercise such functions in respect to other reformatory or penal matters, respecting such females convicted of felonies as the Legislature may prescribe.**

The Legislature may also provide for punishment, treatment, supervision, custody and care of such females in a manner and under circumstances different from men similarly convicted.

All existing statutes and constitutional provisions purporting to create such institution institutions or such agency, officer, agencies or officers or board boards, to so delegate such government, charge and superintendence, to so prescribe such powers, duties, or functions, or to so provide for such punishment, treatment or supervision are hereby ratified, validated and declared to be legally effective, but until the Legislature may repeal, amend, or otherwise modify any such statutes provides otherwise.

**ELECTION RETURNS FOR GOVERNOR AND LIEUTENANT GOV-**

**ERNOR. Assembly Constitutional Amendment 27. Repeals section 4 of Article V and adds section 4.5 to Article V of Constitution. Declares**  
**4** Legislature may regulate by law the manner of making returns of elections for Governor and Lieutenant Governor. Ratifies legislation enacted at Fifty-third Session of Legislature regulating manner of making returns of elections for Governor and Lieutenant Governor.

YES

NO

Assembly Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by repealing section 4 of Article V, and by adding section 4.5 to Article V, relating to the returns of elections for Governor and Lieutenant Governor.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its fifty-third regular session commencing on the second day of January, 1939, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that

[Three]