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CALLING CONVENTION FOR REVISION OF CONSTITUTION

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ARGUMENT AGAINST ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 90.

First—There should be no legislation fixing a minimum wage for either women or minors.

Women are fitted to perform, without previous experience and study, but very few avocations.

In many cases a woman without experience is helpless, while if given time and an opportunity she readily becomes useful and a valuable worker.

To fix a wage arbitrarily, and say unless paid this sum she shall not be employed at all, takes from her the opportunity many times to any employment whatever and the help, encouragement and assistance of those employers who otherwise would give her a chance.

Second—There is as much difference in the capacity and ability of different women as of different men—either may be in such condition, mentally or physically, as to need great care and attention before they can adapt themselves to any kind or character of employment. These

people need especial care and well directed persevering effort to bring them to such condition that they are of any value as help. They therefore should be encouraged, not discouraged, their endeavors to be self-supporting, or at least partially so. A fixed minimum wage destroys all their opportunity.

Third—These same reasons apply to minors, with the additional reason that experience teaches us that children should be taught how to work, allowed to work, and encouraged to work, and permitted to work, regardless of the matter of any recompense whatever. Our cities are filled, our streets are lined with men who will not work, the great reason being because they were never taught how to work, nor encouraged in any work. To say that a child shall not work without a fixed pay deprives the child of opportunities which have always made the willing child of to-day the future leading man of our country. It is fundamentally wrong.

WILLIAM B. SHEARER,
Assemblyman First District.

ELECTION OF UNITED STATES SENATORS.

Assembly Constitutional Amendment 92 amending section 20 of article V of constitution.

Eliminates provisions of present section prohibiting governor from being elected United States senator during his term of office, and instead provides that such senators shall be elected by the people of the state in the manner provided by law.

Assembly Constitutional Amendment No. 92, a resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section 20 of article V thereof, relating to the election of United States senators.

The legislature of the State of California at its regular session commencing on the sixth day of January, in the year one thousand nine hundred and thirteen, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California, the following amendment to the Constitution of the State of California so that section 20 of article V of said constitution shall read as follows:

PROPOSED LAW.

Section 20. United States senators shall be elected by the people of the state in the manner provided by law.

Section 20, article V, proposed to be amended, now reads as follows:

EXISTING LAW.

Section 20. The governor shall not, during his term of office, be elected a senator to the senate of the United States.

ARGUMENT IN FAVOR OF ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 92.

The object of the amendment is to make the Constitution of California conform to the Con-

stitution of the United States in its provision for the election of United States senator. The United States Constitution provides that the senate shall be the judge of the election, return and qualifications of its members. The present provision of the Constitution of California, providing that the governor shall not, during his term of office, be elected as senator to the senate of the United States, is, therefore, in conflict with the Constitution of the United States, and this conflict should be removed by the adoption of proposed amendment.

The reason for the provision in the state constitution, prohibiting the election of a governor of the state to the United States senate, no longer exists. When members of the United States senate were elected by the legislature, it might have been possible for the governor to use undue influence on the legislature to secure his own election to the United States senate, but now that members of the United States senate are elected by a direct vote of the people, there is no reason for any restrictions upon the right of the people to choose whom they see fit to fill the office.

L. D. BOHNETT,
Assemblyman Forty-fourth District.
WILLIAM B. BUSH,
Assemblyman Twenty-sixth District.

CALLING CONVENTION FOR REVISION OF CONSTITUTION.

Assembly Concurrent Resolution 17.

Recommends that electors vote for or against a convention for revising the constitution; provides that if majority vote in favor thereof, the legislature shall at next session provide for election of delegates to such convention and the holding thereof at state capitol within three months from date of election calling the same, and that it shall continue in session until it has completed the work of revision and provided for submission thereof to electors.

Assembly Concurrent Resolution No. 17, a resolution recommending the calling of a convention for the revision of the Constitution of the State of California, recommending that the electors of the state vote at the next general election for the calling of a convention to revise the constitution, and to provide the number and qualification, compensation, and manner of electing the delegates to such convention.

Resolved by the assembly, the senate concurring, That the legislature of the State of California, at its regular session, commencing on the

sixth day of January, one thousand nine hundred and thirteen, two thirds of all the members elected to each house concurring, hereby recommend that the electors of the state vote at the next general election upon the proposition to call a convention to revise the state constitution, such proposition to read as follows:

Section 1. Two thirds of the members elect to each branch of the legislature for the thirtieth session of the legislature of the State of California, commencing on the sixth day of January, one thousand nine hundred and thirteen, do

hereby recommend to the electors of the state to vote at the next general election for or against a convention for the purpose of revising the constitution of the state. Such vote to be taken for the reason that two thirds of the members of each branch of the legislature, at said regular fortieth session, deem it necessary to revise such constitution. At such next general election the ballot used shall, in addition to the other names and matters required by law to be printed thereon, contain the words "For the convention," and the words "Against the convention," written or printed thereon in a suitable place, with the appropriate space for each elector to designate his intention with respect to such proposition. The election officers at each and every voting precinct in the state shall make and ascertain, and make returns of the number of votes cast in favor of a convention, and the number of votes cast against a convention, as aforesaid, in like manner and with the same particularity as other votes are required by law to be counted and returned, and an abstract thereof shall be transmitted by each and every county clerk of the state, and each and every registrar of voters in any county, or city and county, of the state, to the secretary of state, in the same manner, and within the same time, that votes for state officers are now by law required to be transmitted.

Sec. 2. The secretary of state shall have authority to compel the mailing of such returns, and when received, shall prepare and lay before the governor of the state a complete abstract of the whole number of votes cast "for" and "against" a convention. If it shall appear from the returns of the county clerks and registrar of voters that a majority of the electors voting at such general election on the proposition for a convention shall have voted in favor of calling such convention, it shall be the duty of the governor to forthwith issue his proclamation, announcing the fact that such convention has been called; and thereupon, it shall be the duty of the legislature at its session next after such election, to provide by law for the election of delegates to such convention, and for the holding thereof at the state capitol. Such convention to meet within three months from the date of the election calling it, and shall continue in session until it shall have completed the work of revision, and provided for submitting the same to the electors for approval or rejection.

ARGUMENT IN FAVOR OF ASSEMBLY CONCURRENT RESOLUTION NO. 17.

In his masterly and widely read work entitled the "American Commonwealth," published in 1893, James Bryce referred to the California constitution as a conspicuous example of what a state constitution ought not to be. Since 1893, what Mr. Bryce has predicted has proven true; our constitution has been repeatedly amended, until now it has become a crazy-quilt of direct legislation.

When the constitution was adopted the so-called "sand lot" agitation was at its height; fear of the legislature and distrust of their representatives, inspired by the "sand lot" agitators, induced the people to adopt the constitution, "limiting in every possible way the powers of the state legislature and leaving it little authority except to carry out by statutes the provisions of the constitution." The result was inevitable: statutes of vast importance to the people passed by the legislature have necessarily been held unconstitutional by the courts, and subsequent legislatures have found it necessary to propose amendments to the constitution to cure the defects pointed out by the courts; then, in most cases, nearly two years elapsed before the people ratified the amendments, and following those defects, still later legislatures had to convene before statutes desired by the people three or four years before could become effective.

At every session of the legislature since the adoption of the constitution numerous amend-

ments have been proposed: in thirty-five years eighty-two amendments have been adopted, and twenty-two amendments are even now pending before the people for adoption or rejection.

With the initiative and referendum firmly grounded in our political system, we should have a constitution imposing as few restrictions upon the legislature as possible. Under the initiative the people may pass a law if the legislature refuses to do so, and by means of the referendum they may veto an objectionable measure passed by the legislature. A code of direct legislation such as our present constitution has become is wholly unnecessary, is difficult, if not impossible, for the ordinary citizen to understand, and by making our system of state government so cumbersome and complex it necessarily tends to retard our material development.

The desirability of a brief, simple and clear constitution is admitted by all, but the argument is frequently heard that the time is not opportune; that the people are not ready to have this blessing thrust upon them. The person advancing such an argument usually believes that the people must be educated to his way of thinking before they attempt to adopt a constitution for their government. That argument can be, and always will be, advanced by the man who feels that the people as a whole are not competent to know or say what they want. The answer to the argument is, let the people themselves determine the question for themselves. If they say they desire a new constitution they will elect delegates to frame that constitution, and if that constitution so framed is acceptable to them, they will adopt it, otherwise they will reject it.

It is in the belief that a majority of the people do desire a new constitution, and that having expressed that desire will frame and adopt a constitution in accord with our educational and economical advancement, that the question is submitted to them for decision.

W. A. SUTHERLAND,
Assemblyman Fifty-first District.

ARGUMENT AGAINST ASSEMBLY CONCURRENT RESOLUTION NO. 17.

Let us admit that the ideal state constitution is a brief, concise statement of fundamental principles; also that our present constitution is long, cumbered with legislative matter, and contains unwise restrictions upon legislative power.

It is, nevertheless, unwise to vote at present for a constitutional convention. There is absolutely no popular demand, and mighty little of any sort, for a new constitution at this time. By frequent amendment, the state is getting on fairly well under the present constitution.

There is no likelihood whatever that this convention would frame an approximately ideal constitution. There is absolutely no agreement even among advocates of a new constitution as to the "fundamental principles" to be incorporated therein.

California is now trying out many new governmental policies. Their opponents say these are due to temporary hysteria. Their advocates are sure the fundamental principles involved are permanent. Whichever is right, the political unrest of the present is not a propitious time in which to frame a new "brief, concise" constitution which shall approach the finality talked of by advocates of a new one. Nor can there be any assurance that the constitution adopted would be less frequently amended than the present one.

Unwise or not, the present tendency is toward long constitutions. Since the adoption of California's in 1879, twenty-one other states have

adopted new or revised constitutions. California's was shorter than the average, and absolutely shorter than the majority of these.

The action of the California Bar Association at its annual meeting in November, 1913, upon this question, is most significant. The association is composed of representative lawyers throughout the state, and of all shades of political opinion. The matter was thoroughly considered, with the result of a vote of 44 to 5 *against* the convention. By such vote, it was, "*Resolved*, that the California Bar Association, in annual meeting assembled, recommends to the people at large to *vote against calling a convention* to revise the present constitution." (See the published proceedings for full discussion.)

Even those who believe that a new constitution is desirable in the near future should now vote "*Against the Convention*." For, before any such convention is held, there should be an amendment adopted changing both the method of choosing its members and the powers conferred upon

it; otherwise, its work can be fully expected to be futile, and the expense wasted.

The necessary changes are set out in detail in the argument (printed elsewhere in this pamphlet) for the adoption of Assembly Constitutional Amendment No. 88, which will also be voted on at this November election. Its adoption must necessarily remain in doubt till after the election. Hence it is folly to vote "For the Convention" on the unwarranted assumption that this needed amendment will be adopted.

Vote "Against the Convention" because:

First—There is no general demand for a new constitution.

Second—The probable expense will be close to a million dollars.

Third—The method of selecting and the powers of such a convention should first be changed.

Fourth—No constitution greatly improving the present one can be expected at this time.

WM. C. CLARK,

Assemblyman Thirty-seventh District.

SACRAMENTO STATE BUILDING BONDS.

FOR THE STATE'S BUILDINGS BONDS. []

This act provides for the issuance and sale of state bonds in the sum of \$3,000,000 for additional state buildings in Sacramento, payable in fifty years, and bearing interest at four per cent.

AGAINST THE STATE BUILDINGS BONDS. []

An act to provide for the issuance and sale of state bonds to be known as "state building bonds," to provide a fund for the erection and equipment of state buildings in the city of Sacramento for state purposes, creating a commission to determine the amount to be expended for furnishing and equipping said buildings and accepting a suitable site, creating a sinking and interest fund for the payment of interest on said bonds and the redemption of the same, making an appropriation therefor, making an appropriation of five thousand dollars for the expenses of printing and lithographing said bonds and providing for the submission of this act to a vote of the people.

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

Section 1. For the purpose of creating and providing a fund for the indebtedness hereby authorized to be incurred, as hereinafter provided, the state treasurer shall immediately after the issuance of the proclamation of the governor, provided for in section ten hereof, prepare six thousand suitable bonds of the State of California, in the denomination of five hundred dollars each. The whole issue of said bonds shall not exceed the sum of three million dollars, and said bonds shall bear interest at the rate of four per centum per annum from the date of issuance thereof, and both principal and interest shall be payable in gold coin of the present standard of value, and they shall be payable at the office of the state treasurer, at the expiration of fifty years from their date. Said bonds shall bear date the second day of July, 1915, and shall be payable on the second day of July, 1965. The interest accruing on such of said bonds as are sold shall be due and payable at the office of the state treasurer on the second day of January and on the second day of July of each year after the sale of the same. At the expiration of fifty years from the date of said bonds all bonds sold shall cease to bear interest, and the state treasurer shall call in, forthwith pay and cancel the same out of the moneys in the sinking and interest fund provided for in this act. All bonds issued shall be signed by the governor, and countersigned by the controller, and shall be endorsed by the state treasurer, and the said bonds shall be so signed, countersigned, and endorsed by the officers who are in office on the second day of July, 1915, and each of said bonds shall have the seal of the state impressed thereon. The said bonds signed, countersigned, endorsed and sealed as herein provided when said shall be and constitute a valid and binding obligation upon the State of California, though the sale thereof be made at a date or dates after the person signing, countersigning and endorsing, or any or either of them, shall have ceased to be the incumbents of such office or offices.

Sec. 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to

or mutilation of the bond. Said bonds shall be consecutively numbered, and shall bear the lithographed signature of the state treasurer who shall be in office on the second day of July, 1915. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds and the issue and sale thereof to a purchaser, unless such accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

Sec. 3. The sum of five thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the expenses that may be incurred by the state treasurer in having said bonds prepared.

Sec. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be sold by the state treasurer at public auction to the highest bidder for cash in such parcels and numbers as shall be directed by the governor of the state; but the state treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date and he may, by public announcement, at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, to such time and place as he may select. When a sale is continued, as hereinabove provided, no notice need be given other than the public announcement of the continuance, as hereinabove provided. Before offering any of said bonds for sale, the said treasurer shall detach therefrom all coupons which have matured before the date fixed for such sale. Due notice of the time and place of sale of all bonds must be given by said treasurer by publication in one newspaper published in the city and county of San Francisco, and also by publication in one newspaper published in the city of Oakland, and by publication in one newspaper published in the city of Los Angeles, and by publication in one newspaper published in the city of Sacramento, once a week during four weeks prior to such sale. In addition to the notice last above provided for the state treasurer must give such further notice as he may deem advisable, but the expenses and costs of such additional notice shall not exceed five hundred dollars for each sale so advertised. The costs of such publications shall be paid out of any moneys in the state treasury not otherwise appropriated on controller's warrants duly drawn for such purpose. The proceeds of the sale of such bonds, except such amount as may have been paid as accrued interest thereon, shall be forthwith paid over by said treasurer into the state treasury, and must be by him kept in a separate fund, to be known and designated as the "state buildings fund" which fund is hereby established. Any and all sums which may have been paid as