

1946

# STATE SUPERINTENDENTS OF PUBLIC INSTRUCTION

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**STATE SUPERINTENDENTS OF PUBLIC INSTRUCTION. Assembly Constitutional Amendment No. 36.** Adds Section 2.1 to Article IX of the Constitution. Creates offices of one deputy superintendent of public instruction and three associate superintendents of public instruction to be appointed by the State Board of Education upon nomination of Superintendent of Public Instruction for four year terms without regard to civil service regulations. Permits appointment of additional associate superintendents of public instruction subject to State civil service.

YES	
NO	

(For full text of measure, see page 10, Part II)

**Argument in Favor of  
Assembly Constitutional Amendment No. 36**

This measure is a part of the program of educational legislation sponsored by the Citizens' Advisory Committee to the California State Reconstruction and Reemployment Commission, under which the Strayer Study was made, on funds made available by the State Legislature.

This amendment would make it possible for the State Superintendent of Public Instruction to choose one deputy and three associate superintendents. At present the choice of the assistant State superintendents is limited to civil service applicants and procedures.

This measure in no way precludes the employment of men who are on civil service. It merely adds to the field of possible selection. It enables a State Superintendent of Public Instruction to change associate superintendents, to remove an incompetent one or to employ a more able person.

Well organized educational policy on a State basis requires that the State Superintendent have a capable, harmonious staff who will work well with the superintendent, with each other, and with the educators throughout the State.

This plan of letting the top educational administrator select his staff of associates is generally followed in large school systems, by providing the superintendent of schools selects his own assistant superintendents. This makes for harmonious relations and permits personality factors, leadership, and executive capacity, which are difficult or impossible to measure by tests, to be considered in selecting the members of the executive staff.

This amendment would make possible "new blood" with a change of administration rather than a continuance of the associate superintendents from a previous administration.

This measure will make the State Superintendent a more effective official in carrying out the educational policy of his office.

This measure will put into effect in the office of the State Superintendent of Public Instruction a policy that is general practice elsewhere in schools, in government and in business.

It leaves intact all employees who are on civil service and is in no way a change in the policy of having the vast majority of employees under the security of civil service.

It will make a better State Department of Education.

**GARDINER JOHNSON**  
Assemblyman, 18th Dist.  
**J. G. CRICHTON**  
Assemblyman, 34th Dist.

**Argument Against  
Assembly Constitutional Amendment No. 36**

This proposed constitutional amendment (1) endangers State civil service, and (2) causes serious administrative conflicts in our educational system. The principal effect of this amendment will be to insert the opening wedge leading to the ultimate destruction of California's State civil service. The amendment will accomplish

nothing except to point the way toward a re-establishment of the spoils system in California. In November, 1934, the people of this State by a vote of 1,216,141 to 382,609, the most overwhelming majority ever given to a constitutional amendment, spoke loudly and emphatically against the spoils system in the State Government.

The proposed amendment would give to the department seven employees exempt from civil service. The State Board of Education is politically appointed. The Superintendent of Public Instruction is politically elected. With seven persons who could be politically appointed to the seven highest positions in the department there would remain little incentive or opportunity for advancement for employees in the department.

At the present time Article XXIV of the State Constitution gives the Superintendent of Public Instruction two exempt appointments, just as it does to every other elected official. It gives the State Board of Education one exempt appointment, the same as every other board and commission in the State Government.

*Why should the Board of Education have four more exempt positions to which it can make political appointments while other important State departments, such as Public Works, Agriculture, Corrections, Public Health, Mental Hygiene, Veterans' Affairs, etc., do not find it necessary to resort to this obviously political move?*

If this amendment is adopted it will be claimed as a precedent for the removal from civil service and subsequent placing in the spoils system of many important State positions, which will act to the distinct disadvantage of good government.

It should also be carefully noted that this amendment provides for dual administrative control of the Department of Education. The Superintendent of Public Instruction is elected by the people. The State Board of Education is appointed by the Governor of the State, who may be of a different political party or have different educational theories from the Superintendent of Public Instruction. Yet, the politically appointed State Board of Education under this amendment would appoint four of the top administrative positions in the department. This provision would enable the State Board of Education completely to tie the hands of the elected Superintendent of Public Instruction by appointing to four of the highest positions in the department persons whose policies might be entirely in conflict with those of the superintendent. The person chosen to be Superintendent of Public Instruction would be handicapped in having his policies carried into effect, which would result in our children being the principal victims because of improper or inadequate education. Remember the old textbook feud which raged in the Department of Education several years ago.

A no vote on this amendment is necessary to preserve good State government and good educational standards in California.

**THE CALIFORNIA MERIT SYSTEM  
LEAGUE**  
**JULIUS C. KNOBLAUCH**, President  
**SAMUEL G. HANSON**, Secty-Treas.

[Nine]

<b>8</b>	<b>COUNTY SUPERINTENDENTS OF SCHOOLS. ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 17.</b> Adds Section 3.1 to Article IX of the Constitution. Requires that qualifications and salary of County Superintendents of Schools shall be fixed by the Legislature rather than by local authorities. Permits the Legislature to prescribe different qualifications and salary for each county.	YES	
		NO	

(This proposed amendment does not expressly amend any existing section of the Constitution, but adds a new section thereto; therefore, the provisions thereof are printed in **BLACK-FACED TYPE** to indicate that they are **NEW**.)

PROPOSED AMENDMENT TO THE CONSTITUTION

**Sec. 3.1.** Notwithstanding any provision of this Constitution to the contrary, the Legislature shall prescribe the qualifications required of county superintendents of schools and shall fix their salaries, and for these purposes shall classify the several counties in the State.

<b>9</b>	<b>STATE SUPERINTENDENTS OF PUBLIC INSTRUCTION. ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 36.</b> Adds Section 2.1 to Article IX of the Constitution. Creates offices of one Deputy Superintendent of Public Instruction and three Associate Superintendents of Public Instruction to be appointed by the State Board of Education upon nomination of Superintendent of Public Instruction for four-year terms without regard to civil service regulations. Permits appointment of additional Associate Superintendents of Public Instruction subject to State civil service.	YES	
		NO	

(This proposed amendment does not expressly amend any existing section of the Constitution, but adds a new section thereto; therefore, the provisions thereof are printed in **BLACK-FACED TYPE** to indicate that they are **NEW**.)

PROPOSED AMENDMENT TO THE CONSTITUTION

**Sec. 2.1.** The State Board of Education, on nomination of the Superintendent of Public Instruction, shall appoint one Deputy Superintendent of Public Instruction and three Associate Superintendents of Public Instruction who shall be exempt from State civil service and whose terms of office shall be four years. This section shall not be construed as prohibiting the appointment, in accordance with law, of additional Associate Superintendents of Public Instruction subject to State civil service.

<b>10</b>	<b>SALARY OF THE GOVERNOR. ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 35.</b> Amends Section 22, Article V of the Constitution. Authorizes Legislature to fix the Governor's salary. Provides that Governor's salary can not be less than \$10,000 per year. Prohibits increase or decrease after regular session of Legislature in 1947 of salary of Governor, Lieutenant Governor, Controller, Secretary of State, Superintendent of Public Instruction or Treasurer during their terms of office.	YES	
		NO	

(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. 22.** Notwithstanding anything contained elsewhere in this Constitution, the compensation for the services of the Governor, the Lieutenant Governor, the State Controller, Secretary of State, Superintendent of Public Instruction and State Treasurer may be fixed at any time by the Legislature at an amount not less than ten thousand dollars (\$10,000) per annum, for the Governor, and not less than five thousand dollars (\$5,000) per annum for each of the other State officers named herein. Except by an act passed at the Fifty-seventh Regular Session of the Legislature, the compensation of no State officer named herein shall be increased nor diminished during his term of office.

<b>11</b>	<b>FAIR EMPLOYMENT PRACTICES ACT. INITIATIVE.</b> Declares State policy that all persons have the right of equal opportunity to secure employment. To effect such policy makes it unlawful to refuse to hire, to discharge, or to discriminate in conditions of employment against any person because of race, religion, color, national origin or ancestry. Establishes a commission to prevent such unlawful practices by conciliation or order and by education. Provides for judicial review of commission's orders. Appropriates sum for commission.	YES	
		NO	

(This proposed law does not expressly amend any existing law; therefore, the provisions thereof are printed in **BLACK-FACED TYPE** to indicate that they are **NEW**.)

PROPOSED LAW

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

**Section 1.** This act may be referred to as the "California Fair Employment Practice Act."

**Sec. 2.** All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life, and liberty; acquiring, possessing and protecting property; and pursuing and obtaining safety and happiness. The opportunity to obtain and hold employment without discrimination because of race, religion, color, national origin or ancestry is hereby recognized and declared to be such a civil and constitutional right.

**Sec. 3.** The people of the State of California declare that existing practices of discrimination involving race, religion, color, national origin or ancestry are a matter of State concern because they

- (1) Foment strife and unrest;
- (2) Threaten the rights and privileges of all of us;
- (3) Affect substantially and adversely the interests of employees, and employers, thus depriving the State of the fullest utilization of its capacities for development and advance;
- (4) Menace the institutions, foundations and traditions of our free democratic state and society;

This act shall be deemed an exercise of the police power of the State for the protection of the public welfare, prosperity, health and peace of the people of the State of California. The people declare that the protection and safeguarding of the right and