

1934

ATTORNEY GENERAL

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<p>ATTORNEY GENERAL. Initiative Constitutional Amendment. Declares Attorney General, State's chief law officer, shall see all State laws enforced, directly supervise district attorneys, sheriffs and other enforcement officers designated by law, and require from them written reports concerning criminal matters. Empowers him to prosecute, with district attorney's powers, violations within superior court's jurisdiction; assist district attorneys when public interest or Governor requires, and perform other duties prescribed by law; Governor and Controller allowing his necessary expenses from general fund. Makes his salary same as Supreme Court Associate Justice, prohibiting him from private practice, and requiring his entire time in State service.</p>	YES	
	NO	

(For full text of measure, see page 7, part II)

Argument in Favor of Initiative Proposition No. 4

To convict criminals we must first catch them. The vast majority of felonies committed in this country go down into history as unsolved crimes. Even when we know who the criminals are it is not only difficult but often impossible to arrest them, and the manner in which the Dillingers, the "Baby Face" Nelsons, the Machine Gun Kellys, the Tuohys and numerous other criminal gangs have been playing hide and seek with the public authorities has truly become a National disgrace.

This is not the fault of any one agency or of one State. The fault lies largely in the lack of organization of our law enforcement agencies. We are operating under a system of law enforcement which was established centuries ago when our population was small, our colonies separated by wilderness, when there were no repeating firearms and when the fastest mode of transportation was the horse and buggy. That system which gave to every county, city and town the right to regulate its own police affairs without supervision or interference from anyone could function efficiently in the simple society that existed in those days, but in our present complex society of one hundred and twenty-five million people, geared up as it is with railroad trains, automobiles, airplanes, machine guns and automatic pistols, that system has become inadequate.

The law enforcement business of California is a gigantic business costing the people of the State thirty million dollars a year, and it is being run in a most unbusinesslike manner. There are in this State 276 incorporated cities and 58 counties, each of which is handling its

law enforcement work in its own way without supervision. Any private business operated in this manner could result in but one thing—bankruptcy.

The amendment makes possible the coordination of county law enforcement agencies and provides the necessary supervision to insure that result. Without curtailing the right of local self government and without creating any new commission to accomplish this purpose, it merely enlarges the duties of the Attorney General so as to give him that supervision and make him responsible for the uniform and adequate enforcement of law throughout the State. In short, the Attorney General is made the supervisor and coordinator for our county law enforcement agencies. He is required to devote his entire time to the duties of his office and his salary is fixed at that of an Associate Justice of the Supreme Court.

The adoption of this amendment will make possible the organization of our law enforcement agencies which is so sadly lacking at the present time. Such a result is not only advisable but is positively necessary if the law is to be adequately enforced and life and property protected. We can not hope to successfully fight organized crime unless our law enforcement agencies are soundly organized and their activities coordinated.

VOTE YES ON NUMBER FOUR.

EARL WARREN,
District Attorney of Alameda County and
Secretary of the District Attorneys'
Association of California, Oakland.

W. C. RHODES,
Sheriff of Madera County, Madera.

"no," he shall not be elected, and may not thereafter be appointed to fill any vacancy in that court, but may be nominated and elected thereto as herein above provided.

Whenever a vacancy shall occur in any judicial office above named, by reason of the failure of a candidate to be elected or otherwise, the Governor shall appoint a suitable person to fill the vacancy. An incumbent of any such judicial office serving a term by appointment of the Governor shall hold office until the first Monday after the first day of January following the general election next after his appointment, or until the qualification of any nominee who may have been elected to said office prior to that time.

No such nomination or appointment by the Governor shall be effective unless there be filed with the Secretary of State a written confirmation of such nomination or appointment signed by a majority of the three officials herein designated as the commission on qualifications. The commission on qualifications shall consist of (1) the Chief Justice of the Supreme Court, or, if such office be vacant, the acting Chief Justice; (2) the presiding justice of the District Court of Appeal of the district in which a justice of a District Court of Appeal or a judge of a superior court is to serve, or, if there be two such presiding justices, the one who has served the longer such; or, in the case of the nomination or appoint-

ment of a justice of the Supreme Court, the presiding justice who has served longest as such upon any of the District Courts of Appeal; and (3) the Attorney General. If two or more presiding justices above designated shall have served terms of equal length, they shall choose the one who is to be a member of the commission on qualifications by lot, whenever occasion for action arises. The Legislature shall provide by general law for the retirement, with reasonable retirement allowance, of such justices and judges for age or disability.

In addition to the methods of removal by the Legislature provided by sections 17 and 18 of Article IV and by section 10 of this article, the provisions of Article XXIII relative to the recall of elective public officers shall be applicable to justices and judges elected and appointed pursuant to the provisions of this section so far as the same relate to removal from office.

The provisions of this section shall not apply to the judge or judges of the superior court of any county until a majority of the electors of such county voting on the question of the adoption of such provisions, in a manner to be provided for by the Legislature, shall vote in favor thereof.

If the Legislature diminishes the number of judges of the superior court in any county or city and county, the offices which first become vacant, to the number of judges diminished, shall be deemed to be abolished.

ATTORNEY GENERAL. Initiative Constitutional Amendment. Declares Attorney General, State's chief law officer, shall see all State laws enforced, directly supervise district attorneys, sheriffs and other enforcement officers designated by law, and require from them written reports concerning criminal matters. Empowers him to prosecute, with district attorney's powers, violations within superior court's jurisdiction; assist district attorneys when public interest or Governor requires, and perform other duties prescribed by law; Governor and Controller allowing his necessary expenses from general fund. Makes his salary same as Supreme Court Associate Justice, prohibiting him from private practice, and requiring his entire time in State service.

YES	
NO	

Sufficient qualified electors of the State of California have presented to the Secretary of State a petition and request that the proposed amendment to the Constitution, by adding section 21 to Article V thereof, hereinafter set forth, be submitted to the people of the State of California for their approval or rejection at the next ensuing general election. The proposed amendment to the Constitution is as follows:

(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. 21. Subject to the powers and duties of the Governor vested in him by Article V of the Constitution, the Attorney General shall be the chief law officer of the State and it shall be his duty to see that the laws of the State of California are uniformly and adequately enforced in every county of the State. He shall have direct supervision over every district attorney and sheriff and over such other law enforcement officers as may be designated by

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law, in all matters pertaining to the duties of their respective offices, and may require any of said officers to make to him such written reports concerning the investigation, detection, prosecution and punishment of crime in their respective jurisdictions as to him may seem advisable. Whenever in the opinion of the Attorney General any law of the State is not being adequately enforced in any county, it shall be the duty of the Attorney General to prosecute any violations of law of which the superior court shall have jurisdiction, and in such cases he shall have all the powers of a district attorney. When required by the public interest, or directed by the Governor, he shall assist any district attorney in the discharge of his duties. In addition to appropriations made by law for the use of the Attorney General, the Governor and the Controller may in writing authorize the setting aside and the payment

in accordance with law, from moneys in the State treasury not otherwise appropriated, of such sum as they consider proper for the necessary expenses of the Attorney General in performing the duties imposed by this paragraph.

He shall also have such powers and perform such duties as are or may be prescribed by law and which are not inconsistent herewith.

The Attorney General shall receive the same salary as that now or hereafter prescribed by law for an associate justice of the Supreme Court, and he shall not engage in the private practice of law, nor shall he be associated directly or indirectly with any attorney in private practice; and he shall devote his entire time to the service of the State.

All provisions of this section shall be self-executing, but legislation may be enacted to facilitate their operation.

PERMITTING COMMENT ON EVIDENCE AND FAILURE OF DEFENDANT TO TESTIFY IN CRIMINAL CASES. Amends section 13 of Article I, and section 19 of Article VI, of Constitution.

5 Declares in any criminal case, whether defendant testifies or not, court and counsel may comment on his failure to explain or deny any evidence against him. Declares court may instruct jury regarding law applicable to facts of case, and comment on evidence, testimony and credibility of any witness. Requires court inform jury in all cases that jurors are exclusive judges of all questions of fact submitted to them and of credibility of witnesses.

YES	
NO	

Sufficient qualified electors of the State of California have presented to the Secretary of State a petition and request that the proposed amendment to the Constitution hereinafter set forth be submitted to the people of the State of California for their approval or rejection at the next ensuing general election. The proposed amendment to the Constitution is as follows:

(This proposed amendment expressly amends existing sections 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.

Amendment of section 13 of Article I:

Sec. 13. In criminal prosecutions, in any court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf, and to appear and defend, in person and with counsel. No person shall be twice put in jeopardy for the same offense; nor be compelled,

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in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; but in any criminal case, whether the defendant testifies or not, his failure to explain or to deny by his testimony any evidence or facts in the case against him may be commented upon by the court and by counsel, and may be considered by the court or the jury. The Legislature shall have power to provide for the taking, in the presence of the party accused and his counsel, of depositions of witnesses in criminal cases, other than cases of homicide when there is reason to believe that the witness, from inability or other cause, will not attend at the trial.

Amendment of section 19 of Article VI:

Sec. 19. ~~Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.~~ The court may instruct the jury regarding the law applicable to the facts of the case, and may make such comment on the evidence and the testimony and credibility of any witness as in its opinion is necessary for the proper determination of the case. The court shall inform the jury in all cases that the jurors are the exclusive judges of all questions of fact submitted to them and of the credibility of the witnesses.