

## EXECUTIVE AND OFFICIAL COMMUNICATION.

STATE OF MINNESOTA,  
EXECUTIVE DEPARTMENT.

St. Paul, April 13, 1935.

*Hon. G. W. Johnson, Speaker of the House of Representatives:*

Dear Sir:

I am returning to you without my approval H. F. 260. I object to the bill upon the ground that it unwisely restricts the jurisdiction of the State Board of Pardons.

The evident purpose of the bill is to prevent any duplication of effort as between the Board of Pardons and the State Board of Parole. That purpose is a laudatory one, but assumes a condition which does not exist, and which will not exist.

Some of the sponsors of this bill were under the mistaken belief that the Board of Parole has no authority to parole an inmate of a state penal institution until such inmate has been incarcerated for a period of one year, minus time off for good conduct, which would mean for a period of ten months. This is an erroneous belief. The Board of Parole, except in the case of persons serving a life sentence for murder, has a right to parole at any time. It is not the law, but the rules of the Parole Board which provide that paroles will not be considered until an inmate has served for a period of ten months. Upon that premise many members of the Legislature assumed that the Board of Pardons, under the present bill, would still have authority to act in the case of any inmate during the first ten months of such inmate's imprisonment.

By this bill the jurisdiction of the Board of Pardons is limited to the cases of persons who are "unjustly convicted". That would mean persons who were not guilty of the offense for which they were imprisoned, or persons who did not receive a fair trial. The Board of Pardons very properly, in my opinion, now considers the cases of persons who are guilty, but who have been given harsh sentences, or who have been given sentences in excess of those given to other persons concerned in the same crime, and possessing similar antecedents. In some instances, one person out of four jointly implicated in the commission of a crime has received a sentence much less than the other three. That lesser sentence may be due to the fact that such person has influential friends. The fact that the other three, equally guilty with the first, receive more severe sentences, not only embitters the three receiving more severe sentences, but has a detrimental effect upon discipline in the institution in which they are confined. The Board of Pardons now acts in those cases. It would be unable to do so if this bill became a law. It would also be unable, during the first ten months of the incarceration of a prisoner—the rules of the Board of Parole remaining the same—to remedy any harsh sentence.

I highly approve of the general program advocated by the Crime Commission, and this veto should not in any sense be construed as a criticism of that program.

The duplication of effort which the bill seeks to prevent can and will be remedied by the Board of Pardons. That Board proposes to institute rules with reference to its consideration of applications for pardon which will prevent any over-lapping or duplication of effort as between the Board of Pardons and the Board of Parole.

Respectfully yours,

FLOYD B. OLSON,  
Governor.

#### SUSPENSION OF RULES.

Mr. Masek, by unanimous consent, moved that the rules be so far suspended as to give

H. F. No. 1525, A bill for an act authorizing any city of the first class now existing or hereafter organized under a home rule charter under Section 36, Article IV, of the constitution of the state of Minnesota, to indemnify employees of the police department thereof against liability arising out of the discharge of any firearm by them, within or without the corporate limits of said city, while in the performance of their duties after June 1, 1933, and before January 1, 1936.

Its third reading and place it upon its final passage.

Which motion prevailed.

With reference to the printed bill, Mr. Masek moved that H. F. No. 1525 be amended as follows:

In the last line of the title of the printed bill strike out the word and figures "January 1, 1936" and insert in lieu thereof the word and figures "June 1, 1935".

In line 6 of the printed bill strike out the word and figures "January 1, 1936" and insert in lieu thereof the word and figures "June 1, 1935".

Which motion prevailed and the amendment was adopted.

H. F. No. 1525, A bill for an act authorizing any city of the first class now existing or hereafter organized under a home rule charter under Section 36, Article IV, of the constitution of the state of Minnesota, to indemnify employees of the police department thereof against liability arising out of the discharge of any firearm by them, within or without the corporate limits of said city, while in the performance of their duties after June 1, 1933, and before January 1, 1936.

Was read the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill, as amended,

And the roll being called, there were yeas 81, and nays none, as follows:

Those who voted in the affirmative were:

Amundson	Barker	Boberg	Collins	Crissey
Andersen, H.C.	Bennett	Chilgren	Covert	Dahle, C. A.
Anderson, Ray	Biever	Coduti	Cox	Dahle, O. K.