

counsel are vastly different from those performed by the attorney general, and he is the chief legal officer for the entire State.

In the present Constitution there is a provision which might be construed as prohibiting the governor from hiring his own private counsel without approval of the General Assembly.

The minority, in its proposed draft, will suggest the removal of this alleged prohibition against the governor hiring his own private counsel.

During the debate on the legislative article we heard the argument that each county should have a delegate to call its own. During the debate on the judicial article, we heard the argument that each county should have a district and superior judge to call its own.

Now, ladies and gentlemen, in debating the executive article, we hear the argument that the governor should have a lawyer he can call his own.

To put it bluntly, and with no intention of humor or whimsy, I suggest to you that if the governor is given authority to appoint the attorney general to serve at his pleasure, that is exactly what he will get, a lawyer he can call his own.

Now, this brings into focus the gut issue for this Committee, and that is, should the constitution provide for an appointed attorney general to serve at the pleasure of the governor, or should the constitution provide for a constitutionally elected attorney general to serve at the pleasure of the people?

I suggest to you, fellow delegates, that the constitution should provide for an independent, constitutionally elected attorney general, not a lawyer the governor can call his alone, but a lawyer the people can call their own.

The overwhelming weight of opinion in other states favors the elected attorney general. In support of this statement, I will read from page 2 of the Minority Report, lines 6 to 18:

"Forty of our sister states have a constitutionally elected attorney general, and two others have statutory provisions for his election. Two of these, New York and Michigan, recently had constitutional conventions which voted to retain the office as a constitutionally elected one, thereby affirming the fact that such status is not incompatible with modern efficient state government. In two of the states where the attorney general is not elected, Maine

and Alaska, it is interesting to note that the incumbents have recommended that the office not be an appointed one."

I would like to call to the attention of this Committee a few comments from attorneys general of other states with respect to the question of the elected attorney general vis-a-vis the appointed attorney general.

In the 1863 Michigan Convention, which provided for an elected attorney general, it was said—and I quote: "We favor the election of the attorney general, the chief law enforcement officer of the State. In a representative government, appointment of the chief law enforcement officer would place him in a position of obligation which would make his duties more difficult. If the attorney general were appointed, he would be subjected to the influences of the appointing authority. Presently he is able to make an independent legal judgment, which might differ from the political decisions of other members of the executive branch.

"The governor has to make many decisions. Many of them are political decisions. I do not think that the best interests of the State can be served if the attorney general is appointed so that he must confirm the political decisions of the governor. I think that the people of the State of Michigan have a right to the services of an attorney general who can say no when the law and the interpretation of the law demand that he say no."

The attorney general of Ohio stated: "The attorney general's office should be run as a law office, with a completely objective approach to the legal problems of an administration, and should not be relegated to a position of house counsel, finding ways and means to support executive policy. By being elected, the attorney general is responsible only to the people of the State, and this, to my way of thinking, is as it should be."

The attorney general of Ohio commented: "When you place the chief legal officer of the State under the appointing power of the governor, you rob him of the complete independence that is his when elected by the people. It is this very independence which results in the fearless and efficient administration of justice."

The Attorney General of Maine, who is appointed by the legislature, made the following comment—and I quote:

"If the attorney general is appointed by the governor there is always the question of whether or not he becomes in the nature