

decided that we are going to have an independent officer and having decided that this officer was of such stature that it may well be that he would be from time to time in conflict with the Governor and/or the General Assembly, I think it is important in this case, although not in the other cases, that this officer be given a certain number of assistants to enable him to perform his functions without the substantial possibility that the General Assembly will be able to have control over those assistants.

THE CHAIRMAN: Delegate Marion?

DELEGATE MARION: Since under the language of your amendment the General Assembly could prescribe either no deputies or no assistants or hundreds and hundreds of them, would we not be perfectly safe in leaving it out of the Constitution and letting the General Assembly deal with it entirely apart from the Constitution?

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: The statement of facts that you have made with regard to the powers given to the General Assembly is, I believe, a correct one.

I believe it is just as correct under the present Constitution with this power stated. I believe that there is little doubt that the General Assembly will provide enough people to handle the functions of the attorney general's office. The question is whether or not those functions are going to be performed by a group of people who are under the control of the attorney general or whether those functions are to be performed by a group of people whom the General Assembly can put under its own control or under the control of the governor if the governor and attorney general are at odds and the General Assembly sides with the governor.

THE CHAIRMAN: Delegate Sybert.

DELEGATE SYBERT: Mr. Chairman, will Delegate Chabot yield to a question?

THE CHAIRMAN: Delegate Chabot, will you yield?

DELEGATE CHABOT: Yes, sir.

DELEGATE SYBERT: You are aware, of course, that the present constitution in section 3, Article V, provides that the attorney general shall appoint such number of deputies or assistants as the General Assembly may from time to time by law prescribe; you know that, I believe.

DELEGATE CHABOT: Yes, sir.

DELEGATE SYBERT: Were you aware of the fact that in prescribing a deputy and assistants, the legislature provided for that and provided that they shall serve at the discretion of the attorney general?

DELEGATE CHABOT: I was not aware but I assumed that was the case.

DELEGATE SYBERT: Are you aware of the fact that all or virtually all of the states have the same provision because of the highly professional character of the duties of the assistants and deputies?

DELEGATE CHABOT: I was not aware of that. I hoped that was the case. I felt that it was necessary here.

DELEGATE SYBERT: Were you aware because of those facts that they are not anywhere covered under the merit system, at least not in all of its aspects for legal employees.

THE CHAIRMAN: Delegate Sybert.

DELEGATE SYBERT: Would it not as a matter of fact, be intolerable if an attorney general appointed a man as an assistant that he thought was incompetent?

THE CHAIRMAN: May I remind you this period is for asking questions and not debate.

DELEGATE SYBERT: I understand.

THE CHAIRMAN: I know you understand, but your questions are taking on the character of debate.

DELEGATE SYBERT: I will desist.

DELEGATE MASON: Even if the legislature would prescribe by law that the assistants be under the merit system, under your amendment, the attorney general under the rules prescribed by the merit system would have that right to appoint. Is that what you intend doing?

DELEGATE SYBERT: Yes, sir.

THE CHAIRMAN: Are there any further questions or discussion?

Delegate Morgan?

DELEGATE MORGAN: Mr. Chairman, as a result of the discussion about this amendment, I am kind of confused as to what the effect of it is.

The General Assembly would have full powers to authorize the attorney general to appoint such number of deputies and assistants as seem to be needed.

I think this amendment is wholly unnecessary.