

clude in the new Constitution a prohibition of the death penalty in the State. He says that that is a proper function of the Legislature. What do you think?

A. I agree that the prohibition of the death penalty should not be included in a constitution, although I understand it has been in some state constitutions. The prohibition that is in the existing Constitution and is recommended for continuance of prohibition against cruel and unusual punishment relates directly to any constitutional need in this area. Now, it's up to the State Legislature, apart from the Constitution, to define in the statutes what is cruel and unusual punishment, and therein is the place to debate capital punishment.

Q. Governor, Mr. Lowe also said that he felt, regardless of the capital punishment issue, that if the Convention were to take this creation before the voters today, it would be unlikely to be accepted. Do you agree with that analysis?

A. I have no way to judge whether Mr. Lowe is right or wrong in that respect. I think it's pretty hard to say, because the Convention has just been working a short time. What would happen today, it would just be speculative to say.

Q. On another Convention issue, would you prefer that the Governor appoint his Attorney General and Comptroller?

A. I feel very strongly that the Comptroller should be an appointive office. I understand that the Constitutional Convention Commission voted 10 to 2 or 12 to 2, I'm not certain which, in favor of an appointed Comptroller. There are additional arguments for the Attorney General remaining elective. I personally favor, at this point, an Attorney General who would be appointed by the Governor. But I don't feel nearly so strongly about that office as I do about the office of Comptroller, and the reasons for this will be given in some definition by me when I testify generally before the Convention in the next two weeks.

Q. Is your opinion at all colored by your difficulty you had with Mr. Goldstein as compared with the good relationship you have had with Mr. Burch?

A. Now, that's a natural question. But I would have to say not in the slightest. I'm trying to make this judgment on the basis of the functions of the two offices and the need for autonomy and independence, as opposed to the close necessity of fiscal cooperation between the Budget Bureau and the Comptroller's Office.