

of a legal rubber stamp and a convenient oracle of the law for the governor's purpose. I think I am one of those who would like to see the attorney general in Maine elected at large by the people."

The attorney general of Alaska, who is appointed by the governor, had this to say:

"Again, from my own experience, if I were given the choice, I would be inclined to favor the elective position over the appointive, for the simple reason that I believe that a lawyer can function more effectively if he has freedom of action in his own specialized field."

In addition to the attorney general's statement from Alaska, who was appointed by the governor, the attorney general of Hawaii, who is appointed by the governor, has recently indicated that it would be better as a matter of principle to have an attorney general for the whole State, rather than just the executive department.

In closing, I would like to quote from a statement made by Louis J. Lefkowitz, Attorney General for New York, to the New York Constitutional Convention in favor of the elected attorney general.

"To sum it up, an elected attorney general has a measure of independence and a sense of personal and direct responsibility to the public. The elected official has a natural and impelling desire to be creative and to exercise broader initiative in the service of the public. He is free of the fear of dismissal by any superior official if he should exercise contrary independent judgment. He is in the best position to render maximum service to the people and impartial advice to the governor, the legislature, and state departments and agencies. He can appear in court without fear or favor, an attorney in the fullest and finest sense of the word."

Ladies and gentlemen of this Committee, Mr. Justice Holmes has been frequently quoted in this Convention as saying "The law is not logic, but experience."

I suggest to you that we cannot be blind to the fact that experience in this State and other states unmistakably teaches that an elected attorney general, clothed with the independence and responsibility to the people, is far superior to an appointed attorney general, subservient and accountable only to the governor.

Therefore, on behalf of the minority committee, I urge you to retain the office of attorney general in this constitution.

Mr. Chairman, I will yield to questions.

(President H. Vernon Eney, resumed the Chair.)

THE CHAIRMAN: Are there any questions of the minority spokesman?

Delegate Sickles.

DELEGATE SICKLES: I wonder if the spokesman for the minority would explain in just a minute where the assistant attorneys general are located, where they are employed, and what their functions are? I am a bit confused. I was looking at the report of the attorney general rather quickly, and I have a list of twelve in the civil division and ten in the criminal division. I know I read somewhere else that there are some more. Where are they located, and what do they do?

DELEGATE MASON: They have, as you indicated, twelve in the civil division and ten in the criminal division.

They have about thirty-some, I do not know the exact number—it is in the report—assigned to the other agencies. Most of them are assigned to the State Roads Commission. They work in condemnation cases for the State Roads Commission.

They do have other attorneys assigned to the Department of Motor Vehicles and some other state agencies.

DELEGATE SICKLES: Are they physically located with these other agencies, or are they physically located in the house of the attorneys general?

DELEGATE MASON: They are physically located with the other agencies, although they come under the supervision of the attorney general; and I might add that some of them are paid out of the budget of these agencies. Now, to take advantage of federal funds, a lot of these attorneys are paid out of the budgets for the agencies that are handling federal work.

THE CHAIRMAN: Delegate Sickles.

DELEGATE SICKLES: By what method does the attorney general supervise the performance of these attorneys general who are not under his direct control?

DELEGATE MASON: Every opinion written by an attorney general, whether he is in the main office or in an office of another part of the Executive Branch, must be reviewed by the attorney general's office.

THE CHAIRMAN: Delegate Sickles.