

efficiency as an attorney general I cannot say, but we have had exceptionally good men who have been attorneys general and who have gone on to high office in this State.

THE CHAIRMAN: Delegate Sickles.

DELEGATE SICKLES: Do you not believe as I do, as a fellow member of this bar, that we who are members of the bar have a code of ethics which is quite high, and that independent of whether we are public servants through the elected process, or whether we are appointed by someone else, that we will keep the requirements of this standard?

DELEGATE MASON: I agree with you completely, but I know of no attorney general who has not maintained those high standards and code of ethics.

THE CHAIRMAN: Delegate Sickles.

DELEGATE SICKLES: I am suggesting that perhaps you are right, but would not the same thing be really true if a member of the bar living up to the code of ethics were also appointed by someone else?

DELEGATE MASON: I do not understand you. What code of ethics are you referring to, and what would an appointed attorney general do that would violate the code of ethics?

DELEGATE SICKLES: It seems to me the thrust of your discussion was that somehow the attorney general appointed by the governor would become, quote, "the governor's man," and this somehow was going to affect his judgment and was going to affect the kinds of opinions that he would render.

I am just suggesting that as a fellow member of the bar, that we ought to suggest to the public generally that we would not be so affected, and that whether he were elected and had to go to the people, that we would not make statements and do things just to please the public, but would do what we thought was right legally; and I think an appointed attorney general would do the same thing.

I am asking you if you would agree with that premise.

DELEGATE MASON: That is a very long and involved question. If you will divide your question, I will try to answer it.

THE CHAIRMAN: Delegate Sickles.

DELEGATE SICKLES: My question I think simply is this: I think that a mem-

ber of the bar has a duty to give legal opinions which are in his best opinion right and proper. You suggest that if he is appointed by the governor, somehow this responsibility and code by which we all live would be violated, and he would become the governor's man; but you suggest that if he were running for election that he would not give in to these temptations. It seems to me that if we do live by this code, and the kind of people who are selected for an attorney general would be such that they could be in public scrutiny, it would make no difference whether he were appointed or whether he were elected, as long as he lived up to the code that you and I live up to.

DELEGATE MASON: I presume that was a question also, but it ended more like a speech, I would only say this: That an elected attorney general has more freedom of action, and independence, than an appointed attorney general.

THE CHAIRMAN: Delegate Sickles.

DELEGATE SICKLES: That leads me to my last question: Do you think the attorney general ought to be allowed to continue his private practice of law?

DELEGATE MASON: I do not think so. I do not think there is any prohibition against it, as long as his private practice is not in conflict with any of his duties as the attorney general, like any other state official. He can perform it, as far as the law is concerned at the present time.

THE CHAIRMAN: Delegate Sickles.

DELEGATE SICKLES: Do I understand your answer would be that you would not oppose the proposition that he should be a full time state officer and not be permitted to continue his law practice?

DELEGATE MASON: I would not oppose that at all.

DELEGATE SICKLES: Thank you.

THE CHAIRMAN: Any further questions of the majority spokesman?

Delegate Della.

DELEGATE DELLA: Delegate Mason, is it my understanding that you are suggesting that the governor be given the authority to advise him?

DELEGATE MASON: That is exactly correct, Delegate Della.

In several states where they have an elected attorney general, the governor has