

DELEGATE MARION: Delegate Byrnes, would it help your answer to that question to know that State's Attorney Moylan did favor cross filing and non-party designations when he testified before the Judicial Branch Committee of this Convention?

THE CHAIRMAN: That is hardly a question.

DELEGATE BYRNES: I would answer the question by saying yes.

THE CHAIRMAN: Any delegate desire to speak in opposition to the amendment?

Delegate Morgan.

DELEGATE MORGAN: Mr. Chairman, Delegate Byrnes is correct in saying that the Committee had originally determined to put the cross filing and running without party designation for state's attorneys in the schedule of legislation, but it was ruled that that was inappropriate or not authorized in the schedule under the law which created the Convention.

But the Executive Branch Committee never thought of putting this requirement of cross filing in the constitution. We determined to put it in the schedule of legislation so that the legislature could operate on it and so that necessary flexibility in this field would be maintained.

If we had decided that it should be put in the constitution, we would have done so, and the reason we did not was because we thought the whole business about the state's attorneys, except the fact that they should be popularly elected, should be left to the General Assembly, and this would freeze one particular aspect of the state's attorneys, and it would be contrary to the desires of the Executive Branch Committee.

THE CHAIRMAN: Any other delegate desire to speak in favor of the amendment?

Delegate Boileau.

DELEGATE BOILEAU: Yes, I do, Mr. Chairman.

I hate to disagree with the Chairman of my Committee but I do remember there being two sections offered and language for us to vote on; the second one which did not receive the majority did include a line or two in it that made reference to cross filing and was substantially the same as the amendment offered by Delegate Byrnes.

I might note that the Committee, as Delegate Byrnes so ably pointed out, did

think enough of this office to include it as a constitutional office. There was a great deal of testimony in the Committee about the need to remove it from politics.

I myself intended to vote for the second provision in the Committee. It never did come up for a vote because of the fact that the first section received the majority. I do indeed intend to vote for Delegate Byrnes' amendment at this time; I think it is a very good way to remove this all-important office from the arena of partisan politics. Politics is not barred, but it does not belong in our court system if we can possibly remove it. This is definitely an office within the court system under a quasi-judicial label.

THE CHAIRMAN: Any delegate desire to speak in opposition to the amendment?

Delegate Hanson?

DELEGATE HANSON: Mr. Chairman, I am sorry to oppose this amendment because it has the aura of apple pie and almost motherhood surrounding it. It suggests the interesting proposition on the one hand that we can take the state's attorneys out of politics by making them elected, and on the other hand, realizing a certain amount of inconsistency in that proposition, suggests that we can sanitize the whole process by making them non-partisan or cross file officials.

For my part I want the state's attorney in my county to run on a party ticket and I think I would like to see the state's attorneys in the State running on a party ticket because I think law enforcement is one of the most important political and governmental issues that faces this country, faces this State, and faces any community in this State. I believe that the political parties which are the means by which we develop governmental programs, and pursue those programs, should have to stand accountable in this State for the ability that they have to recruit effective prosecuting officers and to enforce the law effectively.

I believe, therefore, that it is a great advantage to have the prosecuting attorney, if he is to be elected, running on a party ticket, and standing with the officials of local government in the counties, to state on a unified platform their attempt to do something about the crime problem in those counties.

I think it is useful state-wide to have the state's attorneys running on the same