

a social problem, and to that extent the office is a political one because it responds to the social wills of the people.

We do not think this necessarily means that it must be strictly a partisan office. We suggest that it remain elective, but that it remain a non-partisan election by the process of cross filing.

That is all I have, sir.

THE PRESIDENT: Delegate Morgan.

DELEGATE MORGAN: Mr. President, Delegate Byrnes is correct in telling what went on in the Executive Branch Committee. The Committee at first proposed to provide for cross filing and running without party designation in the schedule of legislation. When we were advised that this was inappropriate, that we could not do that, then we specifically took up the question as to whether to include the cross filing and running without party designation in the constitution.

The Executive Branch Committee felt that the General Assembly ought to have complete flexibility in what they did about the state's attorneys, and so they turned that proposal down. I am sure the executive branch committee would be opposed to this amendment.

THE PRESIDENT: Is there any further discussion?

Are you ready for the question?

Delegate Willoner.

DELEGATE WILLONER: Mr. Chairman, I spoke on this before. I think it is one of the very important things we can do in this Convention. It is a problem that the President's Crime Commission has addressed itself to in studies. Rather than to spell out the many things that we discussed when we discussed this provision on the floor before, I would just like to say that it is an excellent provision and it would go a long way to upgrading state's attorneys' offices in this State.

THE PRESIDENT: Is there any further discussion?

Delegate Churchill Murray.

DELEGATE E. C. MURRAY: Mr. President, I should like to say that as a layman I heartily approve of this, and I hope that the amendment will be supported.

THE PRESIDENT: Is there any other discussion?

Delegate Johnson.

DELEGATE JOHNSON: Mr. President and ladies and gentlemen of the Convention: Although it is perfectly obvious that the intent by the sponsor of this amendment is entirely well meaning, there are some very definite inherent dangers in an amendment of this nature.

First, of course, it is not a matter for the Constitution. There should be, as Chairman Morgan has indicated, flexibility with the legislature. Now, it does not take very much imagination for each and every one of you to realize that you will not improve the quality of the candidates for office merely by indicating a cross filing. I see a move of this particular type as being one which will create greater partisan type elections, rather than less. In other words, I am afraid that there will be more candidates filing because of the cross filing. I think that there will be a much stronger indication of political pressure on each and every one of the candidates running to be on both a Democratic and Republican ballot.

I do not think for a minute that the members of the public will be fooled into not knowing who is a Republican candidate and who is a Democratic candidate. What I am greatly concerned about is a very highly qualified candidate being put in a position where he is going to have to pay a great deal of money in order to be put both on a Republican and Democratic ticket.

So for those reasons and many others, I strongly urge the Convention to reject this amendment and to leave it up to the legislature to so provide, if it can do so. However, it will be subject to change, if this procedure does not work.

THE PRESIDENT: Are you ready for the question?

Delegate Bennett.

DELEGATE BENNETT: I ask my fellow delegates to pause for just a moment to think of the tremendous powers of the state's attorneys. He not only has powers and responsibilities with respect to the actual trying of cases, but he has powers to downgrade the charge, and to accept pleas. But most importantly, he has the power to investigate through grand jury proceedings almost anything in his area or within the State. We have had recently an indication of how far a state's attorney can go in the person of Mr. Jim Garrison of New Orleans who has been investigating, as you know, the Kennedy assassination, a situation, incidentally, which disgraces the ad-