

# Alaska Constitution and the Attorney General

## Historic Discussion

### Constitutional Convention

The Constitution adopted during the Alaska Constitutional Convention (Feb. 6, 1956 in Fairbanks), and the current constitution, have no specific reference to the office of the Attorney General. Since the constitution has been ratified by the voters there have been no amendments made to either add or delete references to the Attorney General in the Constitution.

There is a general reference to the Executive Branch Department Heads, of which the Attorney General is the head of the Department of Law (see notes on Constitutional Convention Minutes).

### Constitutional Convention Minutes Summary

Minutes from the Constitutional Convention are available at —

<https://www.alaska.edu/creatingalaska/constitutional-convention/>

(Not printed due to the length of the minutes)

### Highlights relating to the office of the Attorney General

Day 42 — Dec. 19, 1955

Members discussed having a strong executive with the power to appoint all his department heads (including the Attorney General). And the power of the executive to remove at the governor's will.

Day 50 — Jan. 11, 1956

Committee reports on two Executive Branch items

PRESIDENT EGAN: The Convention will revert to the business of introduction of committee reports at this time. The Chief Clerk will please read the committee report.

CHIEF CLERK: "The Committee on the Executive Branch met on January 10 to consider Delegate Proposal No. 44. which would provide for the election of the Commissioner of Labor, and Delegate Proposal No. 45 which would provide for the election of the Attorney General. The Committee members in attendance at the meeting voted as follows on these proposals:

Delegate Proposal 44:

Do Pass: Delegate Barr

Do Not Pass: Delegates Boswell, Harris, Nordale, and V. Rivers

Delegate Proposal 45:

Do Pass: Delegate Barr

Do Not Pass: Delegates Boswell, Harris. and Nordale.

Day 52 – Jan. 15, 1956

During a discussion of the qualifications for the office of The Governor and the election of the Secretary of State (now the Lt. Governor) and succession for the office of Governor.

Delegate John Hellenthal expresses his position on having a strong executive and having an appointed Attorney General.

“I hesitate to talk on this because I think this is a wonderful enactment, and this is the only amendment that I have to offer to the entire matter, but I think it is basic. Now, therefore, I should like the indulgence of the delegates. Now, at the outset I favor a strong executive, never an absolute executive, and I don't think that the amendment would call for an absolute executive. I favor that the attorney general be appointed, that all other department heads be appointed, and I have no other amendment to offer. I do not intend to follow this up, to use this as a play to get the attorney general elected, no. I believe in a strong executive.”

Day 52 – Jan 13, 1956

Presentation from Executive Committee on Committee Proposal 14

Includes lengthy discussion of department heads, qualifications and responsibilities.

Day 55 — Jan. 15, 1966

Proposed amendment brought forward by the minority group in the Executive Committee

Delegate Victor Rivers proposed the following amendment — calling on the Attorney General to be selected from a list of potential candidates brought forward by the Judicial Council

“After Section 14, page 7 of Committee Proposal No. IO/a, insert a new section as follows:

Section 15.

The Attorney General shall be appointed by the Governor from two or more qualified persons nominated in the same manner as judges by the judicial council. He shall have been admitted to practice law in the State and shall have the other qualifications prescribed herein for heads of principal departments and shall be subject to approval by the Legislature in a similar manner.

The Attorney General may be removed by the Governor with the consent and approval of both houses of the Legislature meeting jointly.' Renumber successive sections to conform to the above insertion.”

Lengthy Discussion followed before a roll call vote

Yeas: 18 - Barr, Collins, Cross, H. Fischer, Harris, Hinckel, Kilcher, Metcalf, Nerland, Nolan, Peratrovich, Reader, V. Rivers, Robertson, Rosswog, Smith, Taylor, VanderLeest.

Nays: 36 - Armstrong, Awes, Boswell, Buckalew, Coghill, Cooper, Davis, Doogan, Emberg, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hurley, Johnson, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNees, Marston, Nordale, Poulsen, Riley, R. Rivers, Stewart, Sundborg, Sweeney, Walsh, White, Wien, Mr. President.

Absent: 1 - McNealy.)

Day 58 — Jan. 19, 1956

Delegate James Nolan of Wrangell reported that after a local meeting with the Chamber of Commerce the members were unanimously in favor of electing an attorney general.

Mr. Nolan's comments were made amidst reports from the communities of the convention delegates.