

H J R

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MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, FOR THE RECORD I AM RAMONA BARNES, STATE HOUSE OF REPRESENTATIVES, ANCHORAGE, DISTRICT 10.

AS YOU KNOW THIS RESOLUTION, HJR 22, IS NOT A NEW IDEA. SIMILAR LEGISLATION, HJR 6, WAS INTRODUCED LAST YEAR BY REPRESENTATIVE TERRY MARTIN, AND CO-SPONSORED BY MYSELF AND OTHER MEMBERS. IT HAS ALSO BEEN INTRODUCED IN THE OTHER HOUSE QUITE SOME YEARS AGO.

I BELIEVE THE REASONS FOR CHANGING THE PROCESS OF SELECTING THE ATTORNEY GENERAL ARE JUST AS VALID TODAY AS THEY WERE A YEAR OR TEN YEARS AGO. PERHAPS SOME ARE SATISFIED WITH THE GOVERNOR'S CHOICE FOR THAT OFFICE, BUT I THINK WE CAN AGREE THAT IF WE WERE NOT AND HAD GOOD CAUSE TO RECOMMEND HIS REMOVAL, IT WOULD RESULT IN A POWER STRUGGLE WITH THE ADMINISTRATION. THE RESULTS OF SUCH A STRUGGLE, NO MATTER WHAT THE OUTCOME, WOULD HAVE A NEGATIVE IMPACT ON OUR LABORS HERE IN THIS BODY.

I BELIEVE THAT THE ATTORNEY GENERAL SHOULD SERVE AS AN UNBIASED INTERPRETER OF THE LAW FOR THE CITIZENS OF THIS STATE, THEIR REPRESENTATIVES, AND OUR GOVERNOR. IT IS POSSIBLE, BUT HIGHLY IMPROBABLE, THAT THROUGH OUR PRESENT SYSTEM WE HAVE AN ATTORNEY GENERAL WHO ISN'T IN AGREEMENT

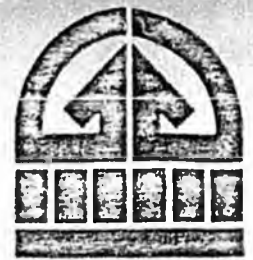
WITH THE POLITICAL PHILOSOPHIES OF THE PERSON WHO APPOINTED HIM. AND SINCE HE SERVES AT THE PLEASURE OF THAT PERSON, THERE IS FURTHER INCENTIVE FOR "POLITICAL LEANINGS" TOWARD ADMINISTRATIVE POLICY AND PHILOSOPHY.

THIS IS NOT A TIME FOR POLITICS. I SINCERELY BELIEVE THAT WE, AS REPRESENTATIVES OF THE PEOPLE, HAVE TO ASK OURSELVES IF THEIR BEST INTERESTS ARE BEING SERVED BY THE PROCESS OF SELECTING OUR ATTORNEY GENERAL.

WHEN OUR CONSTITUTIONAL CONVENTION WAS IN PROGRESS AND THIS ISSUE WAS BEING ADDRESSED, THERE WERE THIRTY-EIGHT (38) STATES WHICH ELECTED ATTORNEY GENERALS. FOR THE RECORD, THERE ARE FORTY-FOUR (44) STATES THAT NOW USE THAT PROCESS. I USE THESE FIGURES TO DEMONSTRATE NOT A "TREND", BUT TO ALLEVIATE ANY DOUBT CONCERNING CITIZEN PREFERENCES OVER A GIVEN PERIOD OF TIME IN OTHER STATES.

LET ME SAY IN SUMMARY THAT I FEEL THAT THE ATTORNEY GENERAL SHOULD BE MOST ACCOUNTABLE TO THE PEOPLE OF THE STATE WHEN INTERPRETING THE LAW. WHILE HE IS NOT A JUDGE, HE DOES INTERPRET THE LAW WHICH GOVERNS PEOPLE, AND THAT CARRIES WITH IT A GREAT RESPONSIBILITY TO THE PEOPLE. SINCE WE ARE REPRESENTATIVES OF THOSE PEOPLE, OUR OBJECTIVE SHOULD BE TO ENSURE THAT THOSE LAWS ARE INTERPRETED BY SOMEONE OF THEIR CHOOSING.

National Conference of State Legislatures



AGENDA

ELECTION vs. APPOINTMENT OF THE ATTORNEY GENERAL
ALASKA HOUSE JUDICIARY COMMITTEE
April 15, 1981
1:15-3:15 p.m. PST

- 1:15-1:25 p.m. Introduction and Welcome
--Representative Fred Brown, Chairman, Alaska House Judiciary
Committee
--Andrea Wollock, NCSL, panel moderator
- 1:25-1:40 p.m. Conrad C.M. Arensberg, Special Deputy Attorney General,
Pennsylvania (NOTE: The Pennsylvania Constitution was amended
in 1978, providing for the election of the Attorney General.
The present Attorney General was elected in November 1980.
Both the Governor and Attorney General are Republicans.)
- 1:40-1:50 p.m. Questions and Answers for Mr. Arensberg
- 1:50-2:05 p.m. The Honorable J.D. MacFarlane, Attorney General, Colorado
(NOTE: The Colorado Attorney General is elected. Both
the Governor and the Attorney General are Democrats.)
- 2:05-2:15 p.m. Questions and Answers for Attorney General MacFarlane
- 2:15-2:30 p.m. Steven A. Merksamer, Special Assistant Attorney General, California
(NOTE: The California Attorney General is elected. The
Governor is a Democrat and the Attorney General is a Republican.)
- 2:30-2:40 p.m. Questions and Answers for Mr. Merksamer
- 2:40-3:15 p.m. General Questions and Answers and Discussion

R E S U M E

Richard Martland
Assistant Attorney General
State of California*

Personal Data:

1955 - Graduate of Stanford University
1961 - Graduate of U. C. Berkley (Boult Hall)

Work Experience:

Employed as head of the State Government Section, Civil Division, Attorney General's Office. 12 year employee.

- * California's A.G. is presently involved in a lawsuit with the Governor of California over the powers of the A.G. Specifically, who does the A.G. represent; the Governor or the public.

R E S U M E

J. D. MacFarlane

ATTORNEY GENERAL, STATE OF COLORADO

Personal:

Residence: 2080 Bellaire, Denver, Colorado (303-377-0490)
Business: 1525 Sherman, 3rd Floor, Denver, Colorado (303-866-3611)
Date of Birth: October 4, 1933
Birthplace: Pueblo, Colorado
Married: December 28, 1962
Wife: Janet Gertmenian (occupation: attorney and Ch. XIII
Bankruptcy Trustee)
Children: Jennifer, John Lewis, and Andrew Galt

Education:

Pueblo Public Schools - graduated Centennial High, 1951
Harvard College - A.B., 1955 - cum laude
Field of concentration: American government
Stanford Law School - LL.B., 1962
Member, Board of Editors, Stanford Law Review, 1960-62,
Managing Editor, 1961-62

Experience:

Management Analyst, Air Staff, HQ U.S.A.F., Washington, D.C., 1955-57
U.S. Army (drafted), 1957-59; served at Ft. Meade, Maryland and Hanau,
Germany (air traffic controller)
Deputy District Attorney, Pueblo, Colorado, 1962-64
Private Law Practice, 1962-70; partner, McMartin & MacFarlane, 1965-68,
all in Pueblo, Colorado
State Representative, 1965-68, Pueblo, Colorado
Member, Joint Budget Committee, 1965-68
State Senator, 1969-70
Chief Deputy State Public Defender for Colorado, 1971-74
Colorado Attorney General, 1975-present

Publications:

Shareholder Suits: Pecuniary Benefit Unnecessary for Counsel Fee Awards,
13 Stan.L.Rev. 146 (1960);
"Underwriter" Concept of Securities Act Extended to Pledgee, 13 Stan.
L.Rev. 652 (1961)
Timekeeping in the Public Law Office, Legal Economics (Mar.-Apr., 1980)
State Government Law Offices, Working with Legal Assistants (proposed
Volume II)

Associations:

American Bar Association
Colorado Bar Association
National Association of Attorneys General
-- Immediate Past President
Member, Administrative Conference of the United States

Activities:

High School -- Football, basketball, track, band, orchestra,
National Honor Society, DeMolay, Key Club

College -- Track, Harvard University Band, Harvard-Radcliffe
Orchestra, Harvard Club and University Scholarships

Law School -- Law Review; Resident Assistant, Law School Dorm;
Assistant Librarian, Law School Library

Professional -- Denver Anti-Crime Council, 1973-74
Colorado Commission on Criminal Justice
Standards and Goals
-- Co-chairman, Courts Task Force, 1975
Chairman, Advisory Board, Colorado Law Enforcement
Training Academy

LeROY S. ZIMMERMAN
BIOGRAPHY

PERSONAL:

Born December 22, 1934, Harrisburg, Pennsylvania
Married - Mary A. Jaymes
Children -
 Susan - 15 years
 Mark - 14 years
 Amy - 9 years

EDUCATION:

Legal -

Dickinson School of Law
Carlisle, Pennsylvania
Juris Doctor Degree - June, 1959

Undergraduate -

Villanova University
Villanova, Pennsylvania
Bachelor of Science Degree - June, 1956
Major: Economics

MILITARY:

United States Air Force Reserves
and Headquarters Staff, Pennsylvania
Air National Guard - 1959-1965

Honorable Discharge with the rank
of Airman Second Class

BAR ADMISSIONS:

Admitted Pennsylvania Supreme Court,
November 14, 1960
Admitted Pennsylvania Superior Court,
November 14, 1960
Admitted United States Supreme Court,
March 1, 1966
Admitted United States Court of Appeals
for the Third Circuit, August 25, 1970
Admitted United States District Court
for the Middle District of Pennsylvania,
1960
Admitted United States District Court
for the Eastern District of Pennsylvania,
January 28, 1969

PROFESSIONAL
POSITIONS HELD:

District Attorney of Dauphin County
since appointment by the Dauphin County
Court on April 20, 1965, to January 7, 1980

Assistant District Attorney of
Dauphin County from May, 1963 to
April 19, 1965

Managing Partner in the Harrisburg
law firm of Hepford, Zimmerman &
Swartz

PROFESSIONAL
ASSOCIATIONS
AND ACTIVITIES:

President - Pennsylvania District
Attorneys' Association, 1970-1971

Member of the American, Pennsylvania,
and Dauphin County Bar Associations

American Judicature Society

Pennsylvania Bar Association:

House of Delegates, 1973-1975;
1979-1981

Member of the Judiciary Committee,
1976 to present

Advisory Committee on Criminal
Justice System, 1972 to present
Vice-Chairman of the Bar, Bench,
Press Committee, 1970

Court Rules and Regulations
Committee, 1974 to present

Vice-Chairman of the Criminal
Law Section, 1970-1978

Joint Council on Standards for
Criminal Justice, 1970 to present

Judicial Retention Committee,
1978-1979

Dauphin County Bar Association:

Chairman of the Dauphin County
Young Lawyers, 1970

Faculty member, Pennsylvania College
of the Judiciary, 1977

Pennsylvania Supreme Court Criminal
Procedural Rules Committee, 1971
to present

Judicial Planning Committee of the
Pennsylvania Supreme Court, 1977
to present

President, Central Pennsylvania
Villanova University Club, 1979

Advisory Committee member to the
Special Task Force on the Office
of Elected Attorney General of
Pennsylvania

Guest Lecturer:

Dickinson School of Law
Villanova University School of Law
Northwestern University School of Law
Harrisburg Area Community College
Pennsylvania State Police Academy
District Justices

PUBLIC SERVICE
AND COMMUNITY
ACTIVITIES:

Central Pennsylvania Chapter March
of Dimes, 1977 to present
Member of the Board of Directors, Foreign
Policy Association of Greater Harrisburg,
1971
Member, Board of Directors, Harrisburg
Area Chapter of the American Red
Cross, 1969-1971
Chairman, Board of Directors, Harrisburg
Area Chapter of the American Red
Cross, 1971
Member of the Advisory Committee of
Harrisburg Area Community College,
1977 to present
Member of the Board of Directors of the
Harrisburg Foundation
Member of the Board of Managers,
Harrisburg Hospital, 1971-1977
Member of the Board of Directors,
Harrisburg Police Athletic League,
1962-1964
Member of the Board of Directors,
Harrisburg Area YMCA, 1968-1970
Member of the Board of Managers,
Harrisburg YMCA Central Branch,
1977 to present
Member, The Historical Society of
Dauphin County
Vice-President, Law Enforcement
Education Foundation of Greater
Harrisburg, 1970-1975
Police Science and Administration
Advisory Council, Harrisburg Area
Community College, 1975-1976
Member of the Regional Planning Council
of the Pennsylvania Governor's Justice
Commission, 1965-1976

Director, Safety Services Clinic,
Harrisburg Area Chapter, American
Red Cross, 1961-1969
Advisory Board, Susquehanna Group Home,
Inc., 1974-1977
Member of the Board of Directors, Tri-
County United Way, 1969-1971

SPECIAL AWARDS:

Accolade Award for "Outstanding Contributions
to the Criminal Justice System of
Pennsylvania" by the Pennsylvania Poly-
graphers Examination Association, 1973
"Boss of the Year Award" by the Keystone
State Chapter of the American Business
Women's Association, 1973
"Outstanding Service Award" by the
Dauphin County Young Democrats, 1973
"Outstanding Leadership Award" by
the Dauphin County Republicans,
1964-1965
Distinguished Service Award,
Cosmopolitan Club, 1977
Distinguished Service Award by
the Crime Clinic of Greater
Harrisburg, 1979
Distinguished Service Award, Dauphin
County Chiefs of Police Association,
1977
Distinguished Service Award, Junior
Chamber of Commerce "Outstanding
Young Man of 1963"
"Mr. D.A." Award, Presented at Testimonial
Dinner, December 5, 1979
Pennsylvania Hall of Fame Award for
"Outstanding Leadership" by the
Young Republicans of Pennsylvania
Pennsylvania Distinguished Law
Enforcement Award by the Pennsylvania
Deputy Sheriffs Association, 1979
Public Service Award for Outstanding
Leadership in the Field of Law
Enforcement and Criminal Justice
in Pennsylvania by the Pennsylvania
County Detectives Association, 1974
Red Cross Safety Service Award, 1970
Special Award, Crime Clinic of Greater
Harrisburg, 1972
Special Award, F.B.I., 1977
Special Award for "Dedicated Service
to the Commonwealth and the Profession"
by Justice Lodge, B'Nai B'Rith, 1978
Special Recognition Award, River Rescue
Inc., 1977
YMCA Central Branch "Super Star Award", 1975

FRATERNAL
ORGANIZATIONS:

Knights of Columbus, Harrisburg
Council 869

Sons of Italy in America
Capitol Lodge 272

PUBLICATIONS:

Annual Survey of Criminal Law for
publication in the Pennsylvania
Bar Association Quarterly, 1974-1980



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL
HARRISBURG, PA. 17120

April 6, 1981

Ms. Andrea Wollock
National Conference of State Legislatures
1125 - 17th Street
Suite 1500
Denver, Colorado 80202

Dear Ms. Wollock;

Thank you very much for inviting this Commonwealth's participation in a panel discussion via telephone concerning the pros and cons of an elected Attorney General. I understand that the state of Alaska is contemplating changing its Constitution and that the House Judiciary Committee of the Alaska General Assembly wishes to hear the advice of other states.

I also understand that you have received copies of the final report of the Pennsylvania General Assembly concerning this Commonwealth's recent change to the elected Attorney General and copies of the implementing legislation which sets forth the powers and duties of the Attorney General. You may wish to send a copy of these materials to Alaska for their use.

I await your further advice as to the exact time and program of the panel discussion. Depending on the format, it may be possible for Attorney General LeRoy S. Zimmerman to make appropriate remarks. But, at any rate, I will make myself available for the entire discussion.

You indicated that you wished some background on Pennsylvania participants and to that end I enclose a full biography of Mr. Zimmerman with the further information that he is a Republican whose term began January 20, 1981, and he is, of course, the first elected Attorney General of this Commonwealth.

As to myself, I think it is sufficient by way of introduction to state briefly as follows:

Ms. Andrea Wollock
National Conference of State Legislatures
April 6, 1981
Page Two

Educated - Harvard University
(A.B. - 1965)

Dickinson School of Law
(J.D. - 1971)

Deputy Attorney General, Department of Justice
1973 - 1979

Private Practice, Harrisburg, Pennsylvania
1979 - 1980

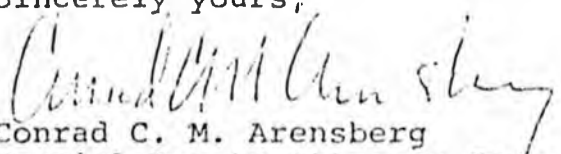
Special Deputy Attorney General
Office of Attorney General
1981 - Present

Commissioner, National Conference of Commissioners
on Uniform State Laws
1977 - 1979

American Law Institute
Elected, 1979

If we may be of any assistance before the time of the panel
discussion, please do not hesitate to call me at 717/783-3085.

Sincerely yours,


Conrad C. M. Arensberg
Special Deputy Attorney General

CA/mm
Enclosure



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

March 27, 1981

MEMORANDUM

TO: Representative Fred Brown, Chairman
House Judiciary Committee

ATTN: Pete Froehlich

FROM: Deb Pomeroy *DP*

RE: Election or Appointment of Attorneys General in Other States
Research Request 81-91

You asked that we provide a breakdown of the 50 states showing which states elected their attorneys general, and which states appointed them.

According to the 1980-81 edition of Book of States (see attached table), 40 states have a constitutional provision requiring the public election of the attorney general. These states are listed below:

Alabama	Illinois	Missouri	Pennsylvania
Arizona	Iowa	Montana	Rhode Island
Arkansas	Kansas	Nebraska	South Carolina
California	Kentucky	Nevada	South Dakota
Colorado	Louisiana	New Mexico	Texas
Connecticut	Maryland	New York	Utah
Delaware	Massachusetts	North Carolina	Virginia
Florida	Michigan	North Dakota	Washington
Georgia	Minnesota	Ohio	West Virginia
Idaho	Mississippi	Oklahoma	Wisconsin

Three states, Indiana, Oregon and Vermont, have a statutory requirement that the attorney general be elected by the public.

Of the states that have appointed attorneys general, Hawaii, Wyoming and New Jersey require Senate approval of the Governor's appointment; New Hampshire requires Council approval; and, Alaska requires approval by both the House of Representatives and Senate.

Representative Fred Brown
March 27, 1981
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The remaining two states have a different requirement than public election or appointment by the Governor: Maine has a constitutional provision that the attorney general be elected by the legislature; and Tennessee requires, by statute, that the attorney general be elected by the state Supreme Court.

dp

Attachment

Table 18
STATE ADMINISTRATIVE OFFICIALS: METHODS OF SELECTION*

State or other jurisdiction	Governor	Lieutenant Governor	Secretary of state	Attorney General	Treasurer	Adjutant general	Administration	Agriculture	Banking	Budget	Civil rights	Commerce	Community affairs	Consumer affairs	Corrections	Data processing
Alabama	CE	CE	CE	CE	CE	G	...	CE	G	CS	...	...	...	(a-1)	B	CS
Alaska	CE	CE	(a-3)	GB	G	GS	A	A	A	A	G	GB	B	A	A	A
Arizona	CE	...	CE	CE	CE	G	GS	B	GS	L	A	G	...	A	GS	AG
Arkansas	CE	CE	CE	CE	CE	G	(b)	(a-9)	AG	AG	G	GS	G	(a-1)	GS	GS
California	CE	CE	CE	CE	CE	G	GS	G	GS	GS	...	G	GS	G	GS	G
Colorado	CE	CE	CE	CE	CE	G	GS	GS	A	(a-6)	A	A	...	(a-1)	GS	(a-7)
Connecticut	CE	CE	CE	CE	CE	G	GE	GE	GB	A	B	GE	(a-9)	GE	GE	A
Delaware	CE	CE	GS	CE	CE	GS	AG	GS	GS	GS	GS	AG	GS	AG	GS	A
Florida	CE	CE	CE	CE	CE	G	GS	CE	CE	A	...	GS	GS	GC	GS	A
Georgia	CE	CE	CE	CE	...	G	GS	CE	GS	G	...	B	G	B	B	(a-7)
Hawaii	CE	CE	(a-3)	GS	...	GS	...	GS	(g)	GS	...	(a-6)	...	GS	(a-2)	CS
Idaho	CE	CE	CE	CE	CE	G	GS	GS	GS	G	B	G	(a-16)	(a-1)	B	(a-22)
Illinois	CE	CE	CE	CE	CE	G	GS	GS	(b)	G	(a-1)	GS	GS	(a-1)	GS	(a-7)
Indiana	CE	CE	CE	SE	CE	G	G	(a-3)	G	G	(a-1)	GS	(a-3)	...	G	A
Iowa	CE	CE	CE	CE	CE	GS	...	SE	GS	CS	GS	GS	(a-6)	(a-1)	GB	CS
Kansas	CE	CE	CE	CE	SE	GS	GS	B	GS	CS	B	GS	...	A	GS	A
Kentucky	CE	CE	CE	CE	CE	G	G	CE	G	AG	B	G	G	A	AG	AG
Louisiana	CE	CE	CE	CE	CE	GS	G	CE	GS	CS	...	GS	GS	GS	GS	A
Maine	CE	...	CL	CL	CL	G	GLS	GLS	ALS	AG	B	(a-23)	G	ALS	AG	CS
Maryland	CE	CE	GS	CE	CL	GS	...	GS	AGS	GS	G	A	AG	A	AGS	...
Massachusetts	CE	CE	CE	CE	CE	G	G	G	G	AG	A	A	G	G	G	A
Michigan	CE	CE	CE	CE	GS	GS	GS	B	GS	CS	B	GS	...	A	B	CS
Minnesota	CE	CE	CE	CE	CE	G	GS	GS	BS	GS	GS	(n)	GS	GS	GS	A
Mississippi	CE	CE	CE	CE	CE	G	...	SE	G	B	...	B	(a-24)	B	A	B
Missouri	CE	CE	CE	CE	CE	GS	GS	GS	AS	A	B	B	(a-9)	(b)	A	A
Montana	CE	CE	CE	CE	A	G	GS	GS	G	G	G	G	GS	G	A	A
Nebraska	CE	CE	CE	CE	CE	G	GS	GS	GS	A	R	GS	G	A	GS	A
Nevada	CE	CE	CE	CE	CE	G	G	B	A	(a-7)	G	G	G(c)	A	B	A
New Hampshire	CE	...	CL	GC	CL	GC	GC	GC	GC	(a-7)	B	GDC	GOC	(a-1)	GOC	B
New Jersey	CE	...	GS	GS	GS	GS	...	BG	GS	GS	A	A	GS	GS	GS	A
New Mexico	CE	CE	CE	CE	CE	GS	GS	(b)	GS	G	G	GS	AG	(a-1)	A	(h)
New York	CE	CE	GS	CE	(f)	G	...	GS	G	GS	G	GS	GS	GS	GS	GS
North Carolina	CE	CE	CE	CE	CE	G	G	CE	BC	AG	G	G	A	A	G	AG
North Dakota	CE	CE	CE	CE	CE	G	(b)	CE	GS	A	...	G	A	A	GS	A
Ohio	CE	CE	CE	CE	CE	G	GS	GS	A	GS	GS	GS	GS	A	GS	A
Oklahoma	CE	CE	GS	CE	CE	GS	...	GS	GS	G	B	G	G	B	B	A
Oregon	CE	...	CE	SE	CE	G	GS	GS	AG	A	CS	GS	A	A	AG	A
Pennsylvania	CE	CE	GS	CE	CE	GS	G	GS	GS	G	GS	GS	GS	A	A	G
Rhode Island	CE	CE	CE	CE	CE	G	GS	CS	G	CS	B	GS	GS	BS	G	A
South Carolina	CE	CE	CE	CE	CE	CE	(a-16)	SE	B	B	B	GS	A	B	B	B
South Dakota	CE	CE	CE	CE	CE	GS	A	GS	G	G	GS	GS	CS	(a-1)	AG	A
Tennessee	CE	(o)	CL	SC	CL	G	G	G	G	A	B	G	(a-9)	A	G	A
Texas	CE	CE	GS	CE	CE	GS	...	SE	B	C	...	G	GS	A	B	A
Utah	CE	SH(h)	CE(k)	CE	CE	G	...	GS	GS	G	...	GS	...	A	HA	GS
Vermont	CE	CE	CE	SE	CE	SL	GS	GS	GS	GS	(a-1)	A	GS	(a-1)	GS	CS
Virginia	CE	CE	GB	CE	GB	GB	GB	GB	B	A	GB	...	GB	(a-24)	GH	GH
Washington	CE	CE	CE	CE	CE	G	GS	GS	A	GS	B	GS	(a-6)	(a-1)	A	B
West Virginia	CE	...	CE	CE	CE	GS	GS	CE	GS	A	GS	GS	A	(a-1)	GS	A
Wisconsin	CE	CE	CE	CE	CE	G	GS	B	GS	CS	A	(d)	GS	(b)	A	CS
Wyoming	CE	...	CL	GS	CE	G	G	B	G	G	...	...	A	A	BG	A
Wyom.	CE	CE	...	GS	A	...	GS	GS	A	GS	...	GS	G	A	GS	G
Puerto Rico	CE	...	GB	GS	GS	GS	...	GS	(a-17)	G	G	G	A	GS	GS	...

*For information for the officials listed in this table can be found in Table 17

- CS - Constitutional, elected
 - CE - Constitutional, elected by legislature
 - SE - Statutory, elected
 - SL - Statutory, elected by legislature
 - SH - Selected by legislature or one of its organs
 - SO - Statutory, elected by state supreme court
- Appointed by
- G - Governor
 - GS - Governor
 - GB - Governor
 - GH - Governor
 - GL - Governor
 - GLS - Governor
 - GLA - Governor
- Approved by
- Senate
 - Both houses
 - Either house
 - Council
 - Departmental board
 - Appropriate legislative committee and senate

- Appointed by
- GOC - Governor and council or cabinet
 - LG - Lieutenant governor
 - AT - Attorney general
 - A - Agency head
 - AG - Agency head
 - AGC - Agency head
 - AS - Agency head
 - ALS - Agency head
 - AGS - Agency head
 - ASH - Agency head
 - B - Board or commission
 - BG - Board
 - BGC - Board
 - BS - Board and commission
- Approved by
- ...
 - Board
 - Governor
 - Governor and council
 - Senate
 - Appropriate legislative committee and senate
 - Governor and senate
 - Senate president and house speaker
 - ...
 - Governor
 - Governor and council
 - Senate

TO: Judiciary Committee
House of Representatives
Alaska State Legislature

March 24, 1981

FROM: Burke Riley

Re: HJR 22 and HJR 23

I appreciate your invitation to appear before the Committee in its consideration of joint resolutions proposing the election of the Attorney General, and regret that absence prevents appearance in person.

The proposal must be viewed against the constitutional concept of the strong executive, one consciously adopted by the framers in recognition of the shortcomings of our then existing executive structure, as well as that of many of the States. By 1955 Alaska's executive authority was fragmented among numerous boards and commissions, a federally appointed governorship, four elective Territorial offices, and others appointive by the governor subject to legislative confirmation. It was a patchwork of divided loyalties that had evolved during the then 42 year span of the Territorial Legislature.

The Territorial governor's institutional strength was that of the incumbent's personality. He was as effective as the power that he might successfully assert. His basic statutory charge was "the interests of the United States Government that may arise within said district" (Alaska).

The framers were keenly aware of the Territory's Topsy-like, jerry-built executive mechanism and its resultant diffusion of authority. They responded by providing in eleven words for a strong executive, one charged with ultimate executive responsibility and alone (but for a running mate on a "ticket") made directly answerable to the people. So it was axiomatic that he be given the means to perform through the appointive power over the State's principal departments.

Thus, in striking contrast to Territorial government (as well as practice in many of the States) executive responsibility was explicitly pin-pointed in one official. As in the federal system, provision was made for the election of a chief executive and the means given him to effectuate his program through the appointing authority over key members of his Administration.

The framers knew their product to be a departure from long established precedent in many of the States, yet made that departure deliberately. They sought to establish a strong, cohesive executive branch to be characterized by the clear placement of responsibility and accountability in one office.

Certainly, 25 years ago no one foresaw the revolutionary social and economic changes then in early prospect for Alaska. Yet one need only review the major legislative issues since, and the major litigation to which the State has been party in recent years, to realize how essential to single policy direction is the relationship between the Governor and the Attorney General. The framers had been aware of an opposite condition (when the two

incumbents were often perceived in adversary roles) a situation better designed for headlines than for effective government. The executive article thus reflects the framers' belief that if the executive is to be the policy directing decision-maker the constitution contemplates, it is essential that he and the entire cabinet be committed to the program the voters endorsed in electing him. Over time and in practice the Attorney General has occupied a key role in effectuating that concept by virtue of his across-the-board counsel and representation.

My observations of both Territorial and State government lead to the personal conclusion that the existing arrangement is the correct one for achieving an effective, responsive executive branch. Similarly, yet of questionable relevance, I've favored the Legislature's providing itself with the means necessary to performance of its enlarged scope and function, such as adequate staff, the Legislative Affairs Agency and its Legal Services arm, the Legislative Auditor and the Legislative Ombudsman.

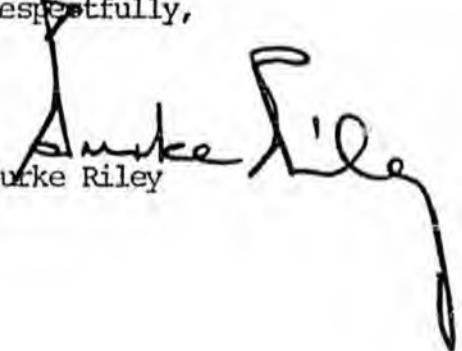
If within the cabinet an exception is made of the Attorney General - by making that office elective - the executive branch will have become something less than the article's opening declaration that "The executive power of the State is vested in the governor."

Thus the amendment proposed doesn't in so many words address the real issue for, whether stated or not, its effect would be to diminish the executive branch. We need only examine the experience of other States for confirmation.

The two resolutions under consideration reflect an age-old condition within democratic systems composed of coordinate branches when perceived imperfections in the political theory of equal and coordinate prompt the desire of one to curtail another. Whereas the executive article as adopted and ratified corrected the disarray that marked the Territory's executive branch, Statehood itself freed the Legislature of the restrictive Organic Act and its litany of thou shalt nots. Thus both branches entered on Statehood with roles clearly established in the classic pattern.

The expression "checks and balances" assumes differences, a characteristic of democratic government. Whatever the motivation, reshaping the structure without compelling cause can lead only to structural instability.

Respectfully,


Burke Riley

TESTIMONY ON HJR 22 AND 23

by Representative Dick Randolph

I am submitting this testimony in opposition to both HJR 22 and HJR 23 which would provide for popular election of the attorney general.

It has long been a general premise of American government that there should be three branches of government which balance each other in the course of the political process. Alaska state government has followed this concept with the executive, legislative and judicial branches of government.

CONTRADICTION:
44 state
elect
their
Attorney
Generals.
now!

In my opinion, creation of an elected attorney general would, in fact, create a new and unnecessary fourth branch of government.

That fourth branch of government could easily become a new empire building element which is only remotely answerable to the other branches of government and which could end up as a competitive political entity not only to the legislature, but also to the governor. This added element of politics within our governmental system will only lead to more fragmented leadership, and be directed by political prowess and competition rather than the best interests of Alaska which depend on strong, united efforts in representing our sparsely populated and detached state. A good example of the problems which further fragmentation would cause can be visualized by considering how Alaska would have faced the D2 crisis with the added element of an independently elected attorney general who would be considering his own political strategy under such circumstances.

how did it fare under Cross - an appointed A.G.?

It should be considered how the budgeting process works in Alaska. Under the current system, although the legislature has the theoretical power to do what they want with the budgets of the executive and judicial branch, they will rarely use that budgetary power because of the separation of powers doctrine and the corresponding weapons which those other branches of government can use in return. The result has been a bloated judicial budget, a bloated executive branch budget, and a governor's office which has become a major department of state government. In exchange for this allowed independence the governor does not veto the legislative or judicial budget, and the judicial branch does not mess with the other branches' freedom to expand. Although the judicial budget is submitted with the executive budget, neither the executive nor the legislature will mess with it.

no reason
on elected
AG's budget
should be any
different
from that
of an
appointed
AG!

oh yeah?

not true

If a new independent attorney general becomes a fourth branch of government, with corresponding powers, the same budgetary empire building will begin to take place.

Rather than devoting his or her attentions exclusively to the accomplishment of justice in Alaska, an elected attorney general will have to devote a significant amount of time to his own reelection and future political plans.

no more than the appointed A.G. devoted
now to reelection of the governor, probably!

It should be considered that the judicial branch of government is already constitutionally controlled by a trade union, that being the Bar Association which dominates qualifications and nominations of judges

← because the
governor
appoints
the judges!

ough the Judicial Council. While many people feel the electorate has control of the judicial branch because the elected governor appoints judges the truth of the matter is that the governor can only appoint judges which the Bar Association places before him through the Judicial Council. In my opinion, the result of this is that an unelected and self-serving trade union controls the judicial (and most powerful branch) of state government.

By having an elected attorney general, attorneys and the Bar Association will increase their influence and control of government. With an elected attorney general, two out of four branches of government will be dominated by the Bar Association. For the similar reasons that may fear military dominance in executive branch government, I fear additional Bar Association and attorney dominance within our state government.

Bar Assn
is against
HR 22
who would
AG be
dominated
by them?
not true in other
states

It also appears to me that a definite amount of duplication would result from this proposal. While there would be an independent attorney general, the governor cannot act without substantial legal advice from his own sources that he or she can trust. Therefore, in addition to an independent attorney general, the governor would inevitably end up with a large legal staff of his own.

Consider the inefficiency and confusion which would result from the situation where a governor's policy with regard to a department of government conflicts with the subjective legal advice and determinations of a politically competitive attorney general. Such a situation will only result in political maneuvering rather than good government.

While some politicians may favor an elected attorney general because they see it as one more opportunity for personal political gain, it is not good for the people of Alaska.

for the people

The people of Alaska deserve the opportunity to vote for a governor who has the leadership and authority to accomplish his mandate in a unified manner. Otherwise, responsibility will be split and accountability will be lacking. When things go bad, the attorney general will blame the governor and the governor will blame the attorney general.

what they deserve is the right to decide if they would like to vote for their AG!

As it now stands, the governor is responsible for his attorney general and is accountable to the people for the operation of state government. Creating an elected attorney general will destroy single responsibility and accountability.

Under the present system, the people know that if they want a change in the direction of state government, they will have the opportunity to elect a new governor every four years or recall him sooner. With an elected attorney general a complete change in executive branch government could only occur once every 12 years at a single election and they would be stuck with the same political attorney general for six years. That is far too long to assure responsibility and accountability.

not true
AG will
be same
4-year
schedule to
governor

Finally, I would propose, instead, the following basic changes to state government organization. There should be a Department of Criminal Justice which would be headed by a Commissioner responsible for all the elements of state government dealing with the criminal process except the judicial branch and the public defender.

and "jacket czar, all state police and all prosecutors and prisons"

separate attorney general's office would be responsible for civil law, advice to state departments and the governor, and the public defender agency. This reorganization would rightfully separate the responsibility within the executive branch of government between criminal justice and other legal functions. The criminal justice system could then be coordinated in a manner that would promote efficiency, accountability, and better justice. The governor would be responsible and accountable to the people every four years for both legal departments of state government. If the electorate was dissatisfied with his performance they could take care of the problem in one sweep every four years if necessary. The people of Alaska deserve that basic right to change their government decisively when it becomes necessary.

Please note that Representative Randolph has introduced HB 536 which is assigned to the Judiciary Committee and which relates to the role of the Attorney General.

referred to Miller:

Duties of AG section —

• legal advisor of state officers

— same as present statute on A.G.
so state officers same as in statute

No - 1st AG only gets $2 + 4 = 6$ yrs.
total
possibility

Anyone can sue anyone. The
question is who will prevail.

Who speaks for the people?

Is not the better question —

"Is not the ~~decision~~ decision ~~to~~
to sue (oil companies & or anyone else,
~~to~~ best made on legal grounds
— not political ones ~~on~~ basis of
the Governor's lies?"

As for putting criminals in jail — Claxson should
realize that judges do that, not AG.

Judges only have to be
residents for 5 years.

They do not trust the people on 2 counts:

1. To make a decision on this
amendment.
2. To pick their own AG
if it passes

only 35%

of 1500

attorneys

assessed

that pool



5³25

~~650~~

.71%

525
3675

37275

373

lawyers against it
how many now
employed by ~~assessors~~
AG?

~~1500
- 35
7500
4500
45075.00~~

235
1500

17500
35

17535

HJR22

Changes from HJR22 to CSHJR22.

- Section 28, line 16, page 2.

1. CS requires AG to:
 - a. Be at least 30 years old.
 - b. Be qualified Alaska voter.
 - c. Be 5 year resident.
 - d. Be U.S. citizen 7 years.
 - e. Be licensed to practice law in Alaska.

2. CS - nonpartisan general election where choice is between highest two after a nonpartisan primary. - Section 29, line 23, page 2.

3. In CS, AG's term is changed from 6 years to 4 years - see Section 34, line 18, page 3.

4. Section 34, sets four year term, beginning first Monday in December, for all elected state officials - including any office in the future.

5. Bill Section 5, line 3, page 4, is a new Section 5 of Article XIII of Constitution - sets term for first AG (1984 election) at 2 years; 4 years for next one (1986 election) and thereafter. Purpose? To put AG on same schedule as Governor, so he cannot keep that office while running for Governor.

March 17, 1982

WHAT WAS NOT PUT IN THE PRINTED C.S. THAT SHOULD HAVE BEEN?

(All references are to corrected C.S.)

Section 34 - line 18, p 3 - sets 4 year terms for all elected state officials, December to December 4 years later. Original bill has 5 year term for ~~Attorney~~ General.

Section 5 - line 3, page 4 - sets terms for 1st A.G. at 2 years, December 1984 - 1986. Thereafter, all AG's will be elected for 4 year terms. The reason for this? To prevent an AG from holding office and running for Governor at same time - people could change both offices at the same election!

WHAT WAS ERRONEOUSLY IN THE PRINTED C.S. THAT SHOULD NOT HAVE BEEN?

Section 30 on page 2 of original bill - setting AG's term at 6 years.

Old Section 5, page 3 of original bill - setting transitional measures.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HJR 22 (Judiciary) - "Proposing amendments to the Title Constitution of the State of Alaska relating to the Attorney General"
Requested by House Finance Date 2/2/82

II. FISCAL DETAIL

Agency Affected Office of the Governor
Program Category Affected Division of Elections
BRU, Program, Or Subprogram(s) Affected Division of Elections
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-	-0-	-0-	

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

No additional fiscal impact would occur with the passage of CS HJR 22 (Judiciary).

IV. DATE 2/3/82

PREPARED BY Danith D. Arnoldt *Danith D. Arnoldt*
AGENCY Office of the Governor/Division of Elections

Original: Legislative Finance PHONE 586-6181
cc: Budget and Management
Prime Sponsor (First Legislator Named)

HOUSE JUDICIARY
COMMITTEE MEETING
AGENDA

DATE: 1-26-82

TIME: 1:15

I. Call Meeting to Order

A. Note Committee Members Present

B. Welcome those Observing

C. Those wishing to testify, sign up. Remind those giving testimony to speak up and state their name.

II. Announce Legislation under consideration:

HSR 22 MARK-UP
HB 578

Other notes or reminders:

12-8-81

TK w/ Billy

Berrin, re: new
system on 730 of

Cost 100, 2nd p. of

H15R22 — to send

draft to us.

Bill

November 3, 1981

A Proposal to Amend Section 5 of HJR22:

*Sec.5 Article XIII, Constitution of the State of Alaska, is amended by coding a new section to read:

SECTION 5. SCHEDULE OF TRANSITIONAL MEASURES FOR AMENDMENTS RELATING TO NEWLY-CREATED STATE ELECTED OFFICES. The first election for any newly-created State elected offices shall be held at the first general election after such office has been created by constitutional amendment. Any statutory or constitutional position which was filled by appointment prior to said constitutional amendment shall continue to be so filled before that first general election after the amendment is created, in accordance with applicable statutes and the constitution.

The terms of office for officials elected to fill newly-created positions or positions changed from appointive to elective status shall begin at noon on the first Monday in December following the general election for that office, and shall expire four years later.

During the transition period after any change from appointive to elective status, appointments to such office, with any necessary legislative confirmation, shall continue in compliance with statutes and the constitution until the beginning term of the first elected office holder.

This section is inapplicable to the legislative and judicial branches of government.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 2, 1981

SUBJECT: Constitutional Amendment Providing
for an Elected Attorney General
(Work Order No. 12-0811)

TO: Representative Ramona Barnes

FROM: John B. Chenoweth
Legislative Counsel

I have altered the amendment proposed in this resolution from the form presented in HJR 6 (1979). The date of election of the first attorney general is moved from 1982 to 1984.

If this amendment is approved by the legislature and the voters in 1982, it would be certified in late November or early December, 1982, and take effect 30 days later, or about January 1, 1983. The first attorney general would not be elected for a period of about 24 months. It is not clear to me from the version presented as HJR 6 that the attorney general serving on the date that the changes made by these proposed amendment continues to hold office during all or a portion of that 24 month period. Also unaddressed, as I read HJR 6, was the question of the filling of a vacancy in the office after January 1, 1983 and before December, 1984: it is certain that the legislature has no confirmation power as to an appointment to fill a vacancy. The governor would have free rein to appoint virtually any attorney having the qualifications for the office prescribed by law, without concern for legislative confirmation. It occurred to me that you would not want this result, even for just a two year hiatus. I have tried to retain some measure of legislative participation through this two-year period by adding the material in *Sec. 5, and hope that it meets with your approval. If it does not, or if other changes are required or desired, please contact me.

JBC:blg

Those (other) AG's

hire staff to run
the office?

What does Rep Grossman
think happens here?

the 'experienced jurist'

was that old Democrat

Tom Stewart.

What is the basis for proposition
that other states may im constitution?

Why don't they adopt it, then -

IT'S NO SACRED LAW!

Let the people decide if they want to
change it.

add sent to Section 30


Provided, however, that the term of office of the Attorney General elected in the 1984 General Election shall be two years, expiring at noon on the first Monday in December, ~~1986~~ 1986, with each ~~attorney~~ the General Attorney General elected in the 1986 ~~gen~~ General Election, and each elected ~~there~~ thereafter, serving the full four year term of office.



Revisi Ord.

81-102

Nov 17, 1981


Nov Jan 6

1. Veterans
2. tax payers

COMPARISON OF
HOUSE RESOLUTION #'s 22 & 23

Section 23

HR 22: The Governor may make changes of executive branch organization or in the assignment of functions among it's units which he considers necessary for efficient administration.

(b) However, the Governor shall make no changes in the organization or function of any unit of the executive branch which is headed by the attorney general.

Where changes require the force of the law, they shall be set forth in executive orders. The legislature shall have 60 days of a regular session or a full session of shorter duration to disapprove these executive orders.

If the resolution is not disapproved by a majority of the members in joint session the orders become effective at a date thereafter to be designated by the governor.

HR 23: Same provisions

Section 24

HR 22: All principle departments shall be under the supervision of the governor except for a unit of the executive branch which is headed by the attorney general.

HR 23: Same provision

Section 25

HR 22: Each department head shall be a single executive unless otherwise provided by the law. He shall be appointed by the governor, subject to majority vote by joint session, and shall serve at the pleasure of the governor, except as otherwise provided in this article with respect to the lieutenant governor and attorney general. Department heads shall be citizens of the United States.

HR 23: Same provision except secretary of state is added to paragraph directly following lieutenant governor and attorney general in line 9, page two.

Section 28

HR 22: Attorney General: Qualification. There shall be an attorney general. He shall be a citizen of the United States and of the State, and possess any additional qualifications prescribed by law.

HR 23: Contains no reference to additional qualifications as prescribed by law.

Section 29

HR 22: Provides for no election date (see section 5).

HR 23: Provides for election date, 1984.

Section 30

HR 22: Same provisions on term.

HR 23: Same provisions on term.

Section 31

HR 22: Same provisions on tenure

HR 23: Same provisions on tenure.

Section 32

HR 22: Same provisions for vacancy.

HR 23: Same provisions for vacancy.

Section 33

HR 22: Same provisions on salary.

HR 23: Same provisions on salary.

Section 34

HR 22: Same provisions concerning duties.

HR 23: Same provisions concerning duties.

HR 22: Contains a section 5 pertaining to article XIII of the constitution and the addition of a new section that reads, "Schedule of Transitional Measures For Amendments Relating to the Office of Attorney General."

HR 23: Contains no parallel provision.



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

January 28, 1982

MEMORANDUM

TO: Representative Barnes

FROM: Leslie Longenbaugh *W*
Research Staff

RE: Relationship of Elected and Appointed Attorneys
General in Other States to Prosecuting Attorneys
Research Request Number 82-9

Bill Cook of your staff asked that we report on the relationship between state attorneys general and state prosecuting attorneys. Specifically, Mr. Cook asked that we survey other states in regard to their election or appointment of attorneys general and prosecutors, and the degree to which prosecutors are independent of the attorneys general.

In most states, both the attorney general and the prosecuting attorneys are elected. Most attorneys general head their states' justice or law departments but have few or no statutory responsibilities concerning the prosecution of either criminal or civil cases. When they do have prosecutorial responsibilities, attorneys general in most states prosecute only appealed criminal cases. The attorney general is charged by statute (AS 44.23.020) with, among other duties, prosecuting violations of State law. The attorney general appoints regional district attorneys to fulfill these prosecutorial duties, and he may remove these appointees from office.

Ruth Blau of the National Association of Attorneys General¹ informed us that most attorneys general are elected; Alaska is among the six states that appoint, rather than elect, their attorneys general. In Maine, the legislature appoints the attorney general; in New Hampshire, the governor appoints with the aid of the Executive Council, made up of county representatives who are not in the state legislature; in Tennessee, the state Supreme Court makes the appointment; and in Wyoming and New Jersey the governor appoints the attorney general.

²Ruth Blau, Publications Director, National Association of Attorneys General, Washington, D.C.; telephone: (202) 624-5454.

Representative Barnes
January 28, 1982
Page 2

According to Ms. Blau, states that elect their attorneys general usually require that the candidates be lawyers and United States citizens; some require two to ten years' residency in their states, and some two-thirds of all states require that attorneys general be of a minimum age. In thirty-seven states, candidates for attorney general must have passed the state bar examination.

The method used in New Jersey in selecting attorneys general and district attorneys is closest to that used in Alaska. As in this state, both attorneys general and district attorneys are appointed rather than elected; the major difference in New Jersey is that the district attorneys are appointed by the governor, rather than by the attorney general, and are subject to approval by the state senate.

Voters in Pennsylvania recently amended their state constitution to allow election, rather than appointment, of their attorneys general. After the constitutional change, a committee of interested attorneys, legislators and other citizens was appointed to decide how best to make the change smoothly. The elected attorney general may serve two consecutive terms of four years each; the election is held in the middle of the gubernatorial term.² The constitutional change in Pennsylvania broadened the attorney general's prosecutorial powers. Also, Ray Zimmerman, the state's first elected attorney general, was a district attorney before his election as attorney general. The new attorney general has made a commitment to cooperating with locally-elected district attorneys in investigations and prosecutions. Like his counterparts in several other states, Mr. Zimmerman has established a special office that helps local prosecutors with their investigations.

In the eastern states of Delaware and Rhode Island, attorneys general are solely responsible for prosecution of all criminal and civil cases, just as is the Alaska attorney general. The National Association of Attorneys General presumes that the two states do not have separate local district attorneys because the states are so small.

The attorney general in Ohio has no prosecutorial duties at all, even in instances of appealed criminal convictions. The attorney general in Ohio thus has little contact with the district attorneys, who are elected locally.

²Robert Gentzel, Assistant Press Secretary, Office of the Attorney General, Harrisburg, Pennsylvania; telephone: (717) 787-3391.

We also spoke with Tom Hinton of the National District Attorneys' Association³, who informed us that prosecuting attorneys in most states are elected from within the county, election district, or other area they serve. According to Mr. Hinton, only in Alaska, Connecticut, and New Jersey are district attorneys appointed rather than elected.

Several states make a distinction in jurisdiction between criminal and civil prosecutions. In Texas, for example, the elected "district attorneys" prosecute only criminal cases, while the also elected "county attorneys" may handle both civil and criminal prosecutions (Misdemeanors).
felonies
"Criminal Dist. Attorney" handles all in those counties w/ a C. D. A.
Some of the minimum qualifications for elected prosecuting attorneys vary widely from one state to the next, although almost all states require that candidates be trained attorneys.

Mr. Hinton stated his belief that a change to an elected attorney general could compromise the integrity of the district attorneys in Alaska, if the attorney general remained charged with their appointment. An example of such a conflict is the possibility that district attorneys' prosecutions sometimes would become entangled with the attorney general's desire to win reelection. He suggested the following methods of selection, both of which he feels would maintain the prosecutors' integrity.

- gubernatorial appointment with approval by one or both houses of the state legislature, a method which would maintain control of prosecutors at the state level; and
- popular election within the regions they serve, a method which would offer the local citizenry more direct control over its prosecuting attorneys.

Mr. Hinton stated his conviction that California has the "most efficient" criminal justice system. The popularly-elected attorney general heads the state department of justice, which performs criminal justice planning and renders legal advice to state government agencies and officials. The attorney general usually has only incidental relations with the locally-elected county & district attorneys, who prosecute all civil and criminal cases during their four-year terms of office. The California attorney general and district attorneys may be impeached and removed from office by the state legislature.

³Tom Hinton, National District Attorneys' Association, Virginia; telephone: (703) 549-9222.

Representative Barnes
January 28, 1982
Page 4

Mr. Hinton has sent us a copy of his organization's 1979 review of all states' methods of selecting district attorneys. When these materials arrive we will forward them to your office.

Please call on us if we can be of further assistance.

LL:dlp



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

March 27, 1981

MEMORANDUM

TO: Representative Fred Brown, Chairman
House Judiciary Committee

ATTN: Pete Froehlich

FROM: Deb Pomeroy *DP*

RE: Election or Appointment of Attorneys General in Other States
Research Request 81-91

You asked that we provide a breakdown of the 50 states showing which states elected their attorneys general, and which states appointed them.

According to the 1980-81 edition of Book of States (see attached table), 40 states have a constitutional provision requiring the public election of the attorney general. These states are listed below:

Alabama	Illinois	Missouri	Pennsylvania
Arizona	Iowa	Montana	Rhode Island
Arkansas	Kansas	Nebraska	South Carolina
California	Kentucky	Nevada	South Dakota
Colorado	Louisiana	New Mexico	Texas
Connecticut	Maryland	New York	Utah
Delaware	Massachusetts	North Carolina	Virginia
Florida	Michigan	North Dakota	Washington
Georgia	Minnesota	Ohio	West Virginia
Idaho	Mississippi	Oklahoma	Wisconsin

Three states, Indiana, Oregon and Vermont, have a statutory requirement that the attorney general be elected by the public.

Of the states that have appointed attorneys general, Hawaii, Wyoming and New Jersey require Senate approval of the Governor's appointment; New Hampshire requires Council approval; and, Alaska requires approval by both the House of Representatives and Senate.

Representative Fred Brown
March 27, 1981
Page 2

The remaining two states have a different requirement than public election or appointment by the Governor: Maine has a constitutional provision that the attorney general be elected by the legislature; and Tennessee requires, by statute, that the attorney general be elected by the state Supreme Court.

dp

Attachment

Table 18
STATE ADMINISTRATIVE OFFICIALS: METHODS OF SELECTION*

State or other jurisdiction	Governor	Lieutenant Governor	Secretary of state	Attorney General	Treasurer	Adjutant general	Administration	Agriculture	Banking	Budget	Civil rights	Commerce	Community affairs	Consumer affairs	Corrections	Date practicing
Alabama	CE	CE	CE	CE	CE	GB	...	CE	G	CS	...	...	...	(a-1)	B	CS
Alaska	CE	CE	(a-3)	GB	G	GB	A	A	A	A	...	GB	GB	A	A	A
Arizona	CE	...	CE	CE	CE	GB	GS	B	GS	L	A	GB	...	A	GS	AG
Arkansas	CE	CE	CE	CE	CE	G	(b)	(a-9)	AG	AG	G	GS	G	(a-1)	GS	AG
California	CE	CE	CE	CE	CE	GS	(b)	G	GS	GS	...	G	GS	G	GS	G
Colorado	CE	CE	CE	CE	CE	G	GS	GS	A	(a-6)	A	A	...	(a-1)	GS	(a-7)
Connecticut	CE	CE	CE	CE	CE	GE	GE	GF	GB	A	B	GE	(a-9)	GE	GE	A
Delaware	CE	CL	GS	CE	CE	GS	AG	GS	GS	GS	GS	AG	GS	AG	GS	A
Florida	CE	CE	CE	CE	CE	GS	GS	CE	CE	A	...	GS	GS	GC	GS	A
Georgia	CE	CE	CE	CE	...	G	GS	CE	GS	G	...	B	B	C	B	(a-7)
Hawaii	CE	CE	(a-3)	GS	...	GS	...	GS	(g)	GS	...	(a-6)	...	GS	(a-2)	CS
Idaho	CE	CE	CE	CE	...	GS	...	GS	GS	G	B	G	(a-10)	(a-1)	B	(a-22)
Illinois	CE	CE	CE	CE	CE	G	GS	GS	(b)	G	(a-1)	GS	GS	(a-1)	GS	(a-7)
Indiana	CE	CE	CE	SE	CE	G	G	(a-3)	G	G	(a-3)	...	...	G	G	A
Iowa	CE	CE	CE	CE	CE	GS	...	SE	GS	CS	GS	GS	(a-6)	(a-1)	GB	CS
Kansas	CE	CE	CE	CE	SE	GS	GS	B	GS	CS	B	GS	...	A	GS	A
Kentucky	CE	CE	CE	CE	CE	GS	GS	CE	GS	AG	B	G	G	A	AG	AG
Louisiana	CE	CE	CE	CE	CE	GS	G	CE	GS	CS	...	GS	GS	GS	AG	A
Maine	...	CL	CL	CL	CL	G	GLS	GLS	ALS	AG	B	(a-23)	G	ALS	AG	CS
Maryland	CE	CE	GS	CE	CL	GS	...	GS	AGS	GS	G	A	AG	A	AGS	...
Massachusetts	CE	CE	CE	CE	CE	G	G	G	G	AG	A	A	G	G	G	A
Michigan	CE	CE	CE	CE	GS	GS	GS	B	GS	CS	B	GS	...	A	B	CS
Minnesota	CE	CE	CE	CE	CE	G	GS	GS	BS	GS	GS	(n)	GS	GS	GS	A
Mississippi	CE	CE	CE	CE	CE	...	...	SE	G	B	...	(a-24)	B	A	B	A
Missouri	CE	CE	CE	CE	CE	GS	GS	GS	AS	A	B	B	(a-9)	(L)	A	A
Montana	CE	CE	CF	CE	A	G	GS	GS	G	G	G	GS	GS	G	A	A
Nebraska	CE	CE	CE	CE	CE	G	GS	GS	GS	G	B	G	G	A	GS	A
Nevada	CE	CE	CE	CE	CE	G	G	B	A	(a-7)	B	G	G	(c)	A	B
New Hampshire	...	CL	CL	CL	CL	GC	GC	GC	GC	(a-7)	B	GOC	GOC	(a-1)	GOC	B
New Jersey	CE	...	GS	GS	GS	GS	...	TG	GS	GS	A	A	GS	CS	GS	A
New Mexico	CE	CE	CE	CE	CE	GS	GS	(b)	GS	G	G	GS	AG	(a-1)	A	(b)
New York	CE	CE	GS	CE	ID	G	...	GS	G	G	G	GS	GS	GS	GS	CS
North Carolina	CE	CE	CE	CE	CE	G	G	CE	BG	AG	G	G	A	A	G	AG
North Dakota	CE	CE	CE	CE	CE	G	(b)	CE	GS	A	...	G	A	A	GS	A
Ohio	CE	CE	CE	CE	CE	G	GS	GS	A	GS	GS	GS	GS	A	GS	A
Oklahoma	CE	CE	GS	CE	CE	GS	...	GS	GS	G	B	G	G	B	B	A
Oregon	CE	...	CE	SE	CE	G	GS	GS	AG	A	CS	GS	A	A	AG	A
Pennsylvania	CE	CE	GS	CE	CE	GS	G	GS	GS	G	CS	GS	GS	A	A	A
Rhode Island	CE	CE	CE	CE	CE	G	GS	CS	G	CS	B	CS	GS	BS	C	A
South Carolina	CE	CE	CE	CE	CE	CE	(a-16)	SE	B	B	B	GS	A	B	B	B
South Dakota	CE	CE	CE	CE	CE	GS	G	GS	A	G	GS	GS	CS	(a-1)	AG	A
Tennessee	CE	(a)	CL	SC	CL	G	G	G	G	A	B	B	G	(a-9)	A	A
Texas	CE	CL	GS	CE	CE	GS	...	SE	B	G	...	G	GS	A	B	A
Vermont	CE	SE(k)	CE(k)	CE	CE	G	...	GS	GS	G	...	GS	...	A	BA	CS
Virginia	CE	CE	GB	CE	GB	GB	GB	GB	B	GB	...	GB	A	(a-24)	GB	GB
Washington	CE	CE	CE	CE	CE	G	GS	GS	A	GS	B	GS	(a-6)	(a-1)	A	B
West Virginia	CE	...	CE	CE	CE	GS	GS	CE	GS	A	GS	A	(a-1)	(a-1)	GS	A
Wisconsin	CE	CE	CE	CE	CE	G	GS	B	GS	CS	A	(d)	GS	(b)	A	CS
Wyoming	CE	...	CE	GS	CE	G	...	B	G	G	...	...	A	A	BG	A
Guam	CE	CE	...	GS	A	...	GS	GS	A	GS	...	GS	G	A	GS	G
Puerto Rico	CE	...	GB	GS	GS	GS	...	GS	(a-17)	G	G	G	A	GS	GS	...

*Salary information for the officials listed in this table can be found in Table 17.

- Legend:
- CE - Constitutional, elected
 - CL - Constitutional, elected by legislature
 - SE - Statutory, elected
 - SL - Statutory, elected by legislature
 - L - Selected by legislature or one of its organs
 - LC - Statutory, elected by state supreme court
- Appointed by:
- G - Governor
 - GA - Governor
 - GAH - Governor
 - GAH - Governor
 - GAH - Governor
 - GAH - Governor
 - GAH - Governor
- Approved by:
- Senate
 - Both houses
 - Either house
 - Council
 - Departmental board
 - Appropriate legislative committee and senate

- Appointed by:
- GOC - Governor and council or cabinet
 - LG - Lieutenant governor
 - AT - Attorney general
 - A - Agency head
 - AB - Agency head
 - AG - Agency head
 - AGC - Agency head
 - AS - Agency head
 - ALS - Agency head
 - AGS - Agency head
 - ASH - Agency head
 - B - Board or commission
 - BG - Board
 - BGC - Board
 - BS - Board and commission
- Approved by:
- ...
 - Board
 - Governor
 - Governor and council
 - Senate
 - Appropriate legislative committee and senate
 - Governor and senate
 - Senate president and house speaker
 - ...
 - Governor
 - Governor and council
 - Senate

To reconsider after more input

Introduced: 3/2/81
Referred: Judiciary and
Finance

BY BARNES, ABOOD, ANDERSON, BEIRNE,
BETTISWORTH, BYLSMA, CUDDY,
HALFORD, HAUGEN, HAYES, MARTIN,
METCALFE, MONTGOMERY, O'CONNELL
AND SUTCLIFFE

1 IN THE HOUSE

2 HOUSE JOINT RESOLUTION NO. 22
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing amendments to the Consti-
6 tution of the State of Alaska re-
7 lating to the attorney general.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. Article III, sec. 23, Constitution of the State of Alaska
10 is amended to read:

11 SECTION 23. REORGANIZATION. (a) Except as provided in (b) of
12 this section, the [THE] governor may make changes in the organization
13 of the executive branch or in the assignment of functions among its
14 units which he considers necessary for efficient administration. Where
15 these changes require the force of law, they shall be set forth in
16 executive orders. The legislature shall have sixty days of a regular
17 session, or a full session if of shorter duration, to disapprove these
18 executive orders. Unless disapproved by resolution concurred in by a
19 majority of the members in joint session, these orders become effective
20 at a date thereafter to be designated by the governor.

21 (b) The governor shall make no change in the organization or func-
22 tion of any unit of the executive branch which is headed by the attorney
23 general.

24 * Sec. 2. Article III, sec. 24, Constitution of the State of Alaska is
25 amended to read:

26 SECTION 24. SUPERVISION. Except for any unit of the executive
27 branch which is headed by the attorney general, each [EACH] principal
28 department shall be under the supervision of the governor.

29 * Sec. 3. Article III, sec. 25, Constitution of the State of Alaska is

1 repealed and readopted to read:

2 SECTION 25. DEPARTMENT HEADS. The head of each principal depart-
3 ment shall be a single executive unless otherwise provided by law. He
4 shall be appointed by the governor, subject to confirmation by a major-
5 ity of the members of the legislature in joint session, and shall serve
6 at the pleasure of the governor, except as otherwise provided in this
7 article with respect to the lieutenant governor and the attorney
8 general. ^[SECRETARY OF STATE] The heads of all principal departments shall be citizens of
9 the United States.

10 * Sec. 4. Article III, Constitution of the State of Alaska is amended by
11 adding new sections to read:

12 SECTION 28. ATTORNEY GENERAL: QUALIFICATIONS. There shall be an
13 attorney general. He shall be a citizen of the United States and of
14 the State, and possess any additional qualifications prescribed by law.

15 SECTION 29. ELECTION. The attorney general shall be chosen by
16 the qualified voters of the State at a general election. The candidate
17 receiving the greatest number of votes shall be attorney general.

18 SECTION 30. TERM OF OFFICE. The term of office of the attorney
19 general is ~~six~~ ^{four} years, beginning at noon on the first Monday in December
20 following his election and ending at noon on the first Monday in
21 December ~~six~~ ^{four} years later.

22 SECTION 31. LIMIT ON TENURE. No person who has been elected
23 attorney general for two full successive terms shall be again eligible
24 to hold that office until one full term has intervened.

25 SECTION 32. VACANCY. In case of a vacancy in the office of
26 attorney general for any reason, a successor shall be elected for the
27 remainder of the unexpired term at the first general election occurring
28 not less than 90 days after the office becomes vacant. The governor
29 may appoint a qualified person to fill the office between the date it

1 becomes vacant and the date it is filled by election.

2 SECTION 33. COMPENSATION. The compensation of the attorney
3 general shall be prescribed by law and shall not be diminished during
4 his term of office, unless by general law applying to all salaried
5 officers of the State.

6 SECTION 34. DUTIES. The attorney general shall be the legal
7 adviser of the state officers, and shall perform other duties prescribed
8 by law.

9 * Sec. 5. Article XIII, Constitution of the State of Alaska, is amended
10 by adding a new section to read:

11 SECTION 5. SCHEDULE OF TRANSITIONAL MEASURES FOR AMENDMENTS
12 RELATING TO THE OFFICE OF ATTORNEY GENERAL. The first election of an
13 attorney general shall be at the general election in 1984. Until the
14 election of the first attorney general as provided by Section 29 of
15 Article III the attorney general shall be appointed by the governor and
16 confirmed by the legislature in accordance with Section 25 of Article
17 III as that section read before its readoption. The term of office of
18 the first attorney general elected in accordance with the provisions of
19 Section 29 of Article III begins at noon, December 3, 1984.

20 * Sec. 6. The amendments proposed by this resolution shall be placed be-
21 fore the voters of the state at the next general election in conformity with
22 art. XIII, sec. 1, Constitution of the State of Alaska, and the election
23 laws of the state.

24
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26
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29

26 MAR 81 -

testimony

① Sen. Vic Fischer -
wants own selected Atty General
Humane of the Gov. + disruption.

② Mr Norman Gorsuch ^{Marsden} - Former Atty Gen. - Self -
urges existing terms of concept

- ① Tendency to separate the administration
- bureaucracy.
- ② Role is to make some consistent interpretation
- ③ Integrity
- ④ Ability to determine competency by the Gov.
- ⑤ Power to prosecute otherwise may lead to
abuses

③ Judge Tom Stewart - Retain the existing system

Original sponsors: Barnes, Abood,
Anderson, et al

Offered: 2/1/82
Referred: Finance

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE JOINT RESOLUTION NO. 22 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 Proposing amendments to the Consti-
6 tution of the State of Alaska re-
7 lating to the election of the attorney
8 general and to procedures governing
9 the election and term for state
10 offices to be elected under the
11 constitution.

12 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

13 * Section 1. Article III, sec. 23, Constitution of the State of Alaska is
14 amended to read:

15 SECTION 23. REORGANIZATION. (a) Except as provided in (b) of
16 this section, the [THE] governor may make changes in the organization of
17 the executive branch or in the assignment of functions among its units
18 which he considers necessary for efficient administration. Where these
19 changes require the force of law, they shall be set forth in executive
20 orders. The legislature shall have sixty days of a regular session, or
21 a full session if of shorter duration, to disapprove these executive
22 orders. Unless disapproved by resolution concurred in by a majority of
23 the members in joint session, these orders become effective at a date
24 thereafter to be designated by the governor.

25 (b) The governor shall make no change in the organization or func-
26 tion of any unit of the executive branch which is headed by the attorney
27 general.

28 * Sec. 2. Article III, sec. 24, Constitution of the State of Alaska is
29 amended to read:

1 SECTION 24. SUPERVISION. Except for any unit of the executive
2 branch which is headed by the attorney general, each [EACH] principal
3 department shall be under the supervision of the governor.

4 * Sec. 3. Article III, sec. 25, Constitution of the State of Alaska is
5 repealed and readopted to read:

6 SECTION 25. DEPARTMENT HEADS. The head of each principal depart-
7 ment shall be a single executive unless otherwise provided by law. He
8 shall be appointed by the governor, subject to confirmation by a major-
9 ity of the members of the legislature in joint session, and shall serve
10 at the pleasure of the governor, except as otherwise provided in this
11 article with respect to the lieutenant governor and the attorney general.
12 The heads of all principal departments shall be citizens of the United
13 States.

14 * Sec. 4. Article III, Constitution of the State of Alaska is amended by
15 adding new sections to read:

16 SECTION 28. ATTORNEY GENERAL: QUALIFICATIONS. There shall be an
17 attorney general. He shall be at least thirty years of age and a quali-
18 fied voter of the State. He shall have been a resident of Alaska at
19 least five years immediately preceding his filing for office, and he
20 shall have been a citizen of the United States for at least seven years.
21 He shall be licensed to practice law in the State and shall possess
22 additional qualifications prescribed by law.

23 SECTION 29. ELECTION OF ATTORNEY GENERAL. The attorney general
24 shall be chosen by the qualified voters of the State on nonpartisan
25 ballots. Candidates for attorney general shall file for the office as
26 prescribed by law. The candidates receiving the greatest and the second
27 greatest number of votes on a nonpartisan ballot at the primary election
28 shall be candidates in the general election. The candidate receiving
29 the greatest number of votes on a nonpartisan ballot at the general

*Changes
in
Committee*

*in Original Sec 30 was 6 year term
for A.G. This is omitted from the C.S.
This is covered in Sec. 34, not in
original, but in the C.S.*

1 election shall be attorney general.

2 SECTION 30. LIMIT ON TENURE. No person who has been elected
3 attorney general for two full successive terms shall be again eligible
4 to hold that office until one full term has intervened.

5 SECTION 31. VACANCY. In case of a vacancy in the office of attor-
6 ney general for any reason, a successor shall be elected for the remain-
7 der of the unexpired term at the first general election occurring not
8 less than 90 days after the office becomes vacant. The governor may
9 appoint a qualified person to fill the office between the date it
10 becomes vacant and the date it is filled by election.

11 SECTION 32. COMPENSATION. The compensation of the attorney
12 general shall be prescribed by law and shall not be diminished during
13 his term of office, unless by general law applying to all salaried
14 officers of the State.

15 SECTION 33. DUTIES. The attorney general shall be the legal
16 adviser of the state officers, and shall perform other duties prescribed
17 by law.

18 SECTION 34. ELECTION AND TERM OF NEWLY ESTABLISHED ELECTED STATE
19 OFFICES. The first election for a state office required by the consti-
20 tution to be elected shall occur at the first general election occurring
21 after the office is established under the constitution. If a vacancy
22 occurs in the office before the first general election held after the
23 office is established under the constitution, the office shall be filled
24 under the law as it existed before the office was established under the
25 constitution. Except as otherwise provided in the constitution, the
26 term of office of a state office required by the constitution to be
27 elected begins at noon on the first Monday in December following the
28 general election for that office and it expires at noon on the first
29 Monday in December four years later.

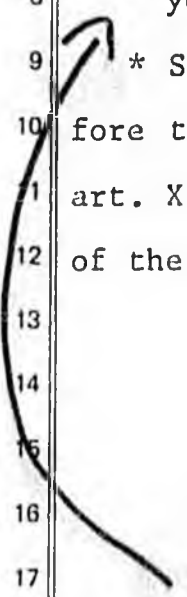
*In
C.S. 1
not
in
original*

this section in C.S., not in original

1 * Sec. 5. Article XIII, Constitution of the State of Alaska, is amended
2 by adding a new section to read:

3 SECTION 5. TERM OF ATTORNEY GENERAL ELECTED IN 1984. The term of
4 office of the attorney general elected in the 1984 general election
5 shall be two years and it expires at noon on the first Monday in Decem-
6 ber, 1986. The attorney general elected in the 1986 general election
7 and each attorney general elected after 1986 shall serve the full four-
8 year term of office.

9 * Sec. 6. The amendments proposed by this resolution shall be placed be-
10 fore the voters of the state at the next general election in conformity with
11 art. XIII, sec. 1, Constitution of the State of Alaska, and the election laws
12 of the state.



*The ~~the~~ Sec 5 in original " Schedule
of Transitional Measures" was omitted
in C.S. — not needed, since this
section and Sec. 34, page 3 ~~was~~
was put in*

15 Apr 81 - Judiciary - Teleconference -
HJR 22 & 23

① Pennsylvania - Mr. Zimmerman - Elected Atty Gen.
Recent change of constitution in their state.
Passed

- ① Feeling in Public at large
high rate of indictments among members
Public trust & awareness.
- * Elected Atty Gen. non receptive to the public
Manipulation of the Law for the Gov.
Chief Law Enforcement Officer & Legal Officer
To overcome bureaucracy of the Govt.

Political Consideration.

- ① Atty Gen. independent from Gov.
- ② Self policy to the Public & responsible to public
- ③

To serve the Gov. & the Public!

Suggest to our bill - Define duties of Atty Gen.

② John McFarland - Colorado - Elected Atty Gen.
4 yr. duty . min. age - 25 yr.
Age requirement

We have a firm system of Atty Gen. Power.
Spell out the duties & position of the Atty Gen.
Should have independence of Gov. or the
legislature. - of political considerations!
Legal Ethics vs. Politics!

Suggestion - Elect separately from the
Governor's ticket.

③ Avrum Gross - AK former Atty Gen -
Accountability of Governor & rest of the agencies
that deal with him.

- 1. Advice civil agencies
- 2. Prosecution of all state laws
- 3. Counsel to the Gov.

Elected Atty Gen. will blame the Governor or
Vice versa. - Who's real fault is it?

The function of the Gov't is headed & accounted by the Gov. His aides will reflect the performance of the Gov. & Gov. is responsible for all.

© Richard Matland - Calif. -

Represent the public interest?

Alaska State Legislature



POUCH V
JUNEAU, ALASKA 99811

April 1, 1981

Ms. Andrea Wollock
National Conference of State Legislatures
1125 17th Street, Suite 1500
Denver, Colorado 80202

Dear Andrea:

I have enclosed some materials for copying and distribution to the participants in the April 15, 1981, interstate teleconference on attorneys general.

The materials include:

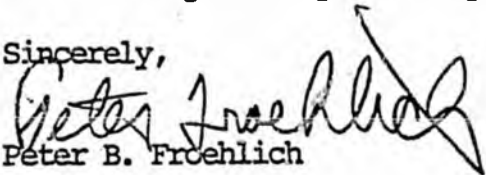
- HJR 22 and HJR 23: the two pieces of legislation now before this committee. Note that HJR 23, by the committee, is the version supported by the majority party in the Alaska State House while HJR 22 is supported by the minority
- a memo describing the situation of the fifty states
- a memo from Burke Riley, a delegate to the 1955-1956 Alaska Constitutional Convention, on the issue
- an excerpt from a book about the proceedings of the Alaska Constitutional Convention concerning the executive branch
- an excerpt of the minutes of the Alaska Constitutional Convention including discussion of the office of attorney general
- five copies of the Alaska Constitution; please note that Article III, The Executive, omits any specific mention of the attorney general. Section 25 of Article III provides that the heads of all departments (including the Department of Law) are appointed by the governor.

I hope that this is not too much material to distribute to the participants. If it is, you may not want to distribute the excerpts from the convention minutes.

Please contact me or Mike Ford by telephone (907-465-3782) if there is anything more we can do in preparation for the teleconference.

Thanks for your help and cooperation.

Sincerely,


Peter B. Froehlich

Enclosures