

SD1187

Testimony

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: Ken_Conklin@yahoo.com
Subject: Testimony for SB1187 on 3/3/2011 4:15:00 PM
Date: Monday, February 28, 2011 4:49:40 PM

Testimony for JDL 3/3/2011 4:15:00 PM SB1187

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Kenneth R. Conklin, Ph.D.
Organization: Individual
Address:
Phone:
E-mail: Ken_Conklin@yahoo.com
Submitted on: 2/28/2011

Comments:

I write in support of this Constitutional amendment.

We need an Attorney General who is beholden to the people of Hawaii rather than to the Governor, so that the AG will have credibility if it ever becomes necessary for the AG to investigate and prosecute wrongdoing by the Governor, cabinet officers, department heads, etc.

I'm old enough to remember a huge controversy at the federal level that was caused by the fact that the President appoints the Attorney General. I'm referring to President Nixon's firing of a series of three Attorneys General within a single day or two because they would not comply with his demands that the AG fire a Special Prosecutor who was investigating the Watergate scandal. Let's hope such a thing never happens in Hawaii; but if it does, I hope we have an elected AG who cannot be fired by the Governor.

Here's a reminder of what happened in the Nixon administration, copied from Wikipedia's page about Archibald Cox:

On May 19, 1973, Cox took a leave of absence from Harvard Law School to accept appointment as the first Watergate special prosecutor. Cox's appointment was a major condition set by the management of the U. S. Senate for the confirmation of Elliot Richardson as the new attorney general of the United States, succeeding Richard G. Kleindienst, who had resigned during the spring of 1973, as a result of the Watergate scandal. That summer, Cox learned with the rest of America about the secret taping system installed in the White House on orders from President Richard M. Nixon. During the next few months, Cox, the Senate Watergate committee, and U.S. District Judge John J. Sirica struggled with the Nixon Administration over whether Nixon could be compelled to yield those tapes in response to a grand jury subpoena. When Sirica ordered Nixon to comply with the committee's and Cox's demands, the President offered Cox a compromise: instead of producing the tapes, he would allow the Senator John Stennis (Democrat -- Mississippi) to listen to the tapes, with the help of a transcript prepared for him by the White House, and Stennis would then prepare summaries of the tapes' contents. Cox rejected this compromise on Friday, October 19, 1973. On Saturday, October 20, 1973, Cox had a press conference to explain his decision.

That evening, in an event dubbed the Saturday Night Massacre by journalists, President Nixon ordered Attorney General Elliot Richardson to dismiss Cox. Rather than comply with this order, Attorney General Richardson resigned, leaving his second-in-command, Deputy Attorney General William French Smith in charge of the Justice Department. Smith likewise refused to dismiss Cox, and he, too, resigned. These resignations left Solicitor General Robert F. Bork as the highest-ranking member of the Justice Department; insisting that he believed the decision unwise but also that somebody had to obey the president's orders, Bork dismissed Cox. Upon being dismissed, Cox stated, "whether ours shall be a government of laws and not of men is now for Congress and ultimately the American people to

decide." His successor as special prosecutor was Leon Jaworski.

I'll never forget the bumper stickers on cars in Boston (especially around Harvard Square in the suburb of Cambridge):

"Impeach the Cox-sacker!" And that's exactly what happened!

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: swartzg001@hawaii.rr.com
Subject: Testimony for SB1187 on 3/3/2011 4:15:00 PM
Date: Tuesday, March 01, 2011 6:57:06 AM

Testimony for JDL 3/3/2011 4:15:00 PM SB1187

Conference room: 016
Testifier position: oppose
Testifier will be present: No
Submitted by: gregory swartz
Organization: Individual
Address:
Phone:
E-mail: swartzg001@hawaii.rr.com
Submitted on: 3/1/2011

Comments:

Making the Attorney General an elected official, rather than an appointed official, may appear to improve the independence of the office, but the harms of directly politicizing the office and its litigation, opinions, and other activities far outweighs the benefit. This adversely affects the public perception of the legitimacy and fairness of the office. The office will be used as a platform for running for higher office. It also opens the door to elected office for the Public Defender, county legal officers, judges, and similar positions.