

Senators Adelman of the 42nd and Meyer von Bremen of the 12th offered the following substitute to SR 85:

A RESOLUTION

1 Expressing support for the Attorney General of the State of Georgia and urging
2 him to maintain his constitutionally decreed independence from the Governor and
3 other branches of state government; and for other purposes.

4 WHEREAS, the Attorney General of the State of Georgia has announced his
5 intention to pursue the appeal currently pending before the United States Supreme
6 Court in *Georgia v. Ashcroft*, 195 F. Supp. 2d 25 (D.C.D.C. 2002), prob. Juris.
7 Noted., 71 U.S.L.W. 3137, 71 U.S.L.W. 3483, 71 U.S.L.W. 3486 (U.S. Jan 17,
8 2003); and

9 WHEREAS, Article V, Section III, Paragraph III of the Constitution provides that
10 "Except as otherwise provided in this Constitution, the General Assembly shall
11 prescribe the powers, duties, compensation, and allowances of the above executive
12 officers and provide assistance and expenses necessary for the operation of the
13 department of each"; and

14 WHEREAS, Code Section 45-15-9 of the Official Code of Georgia Annotated
15 provides that "The Attorney General shall represent the state in all actions before
16 the Supreme Court of the United States. . . ."; and

17 WHEREAS, Code Section 45-15-3 of the Official Code of Georgia Annotated
18 provides that "It shall be the duty of the Attorney General: . . . To represent the
19 state in all civil actions tried in any court;" and

20 WHEREAS, Code Section 45-15-34 of the Official Code of Georgia Annotated
21 provides that "The Department of Law is vested with complete and exclusive
22 authority and jurisdiction in all matters of law relating to the executive branch of
23 the government and every department, office, institution, commission, committee,
24 board, and other agency thereof."; and

1 WHEREAS, under these Constitutional provisions and statutes, the independence
2 of the Attorney General from the Governor and other branches of government is
3 made plain; and

4 WHEREAS, the Governor of the State of Georgia has exceeded his authority in
5 directing the Attorney General to dismiss this appeal; and

6 WHEREAS, certain members of the Georgia Senate have introduced a resolution
7 alleging the Attorney General is acting illegally in continuing this appeal in the
8 face of the Governor's opposition; and

9 WHEREAS, it is clear that the Attorney General, in independently carrying out his
10 legal duty, is complying with the Georgia constitution and Georgia statutes.

11 NOW THEREFORE BE IT RESOLVED by the Senate that this body expresses its
12 support of the Attorney General of the State of Georgia in carrying out his duties
13 under the law.

14 BE IT FURTHER RESOLVED that the Governor of the State of Georgia and
15 members of the Senate are urged to refrain from future attempts to impermissibly
16 encroach on the duties of the Attorney General of Georgia.