

FROM THE OFFICE OF GOVERNOR DUKAKIS STATE HOUSE BOSTON 02133

FOR IMMEDIATE RELEASE
MONDAY, JANUARY 5, 1975

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A brief was filed today with the Supreme Judicial Court on behalf of Governor Michael Dukakis urging the Court to find that sections 8A and 25C of the General Appropriations Act of 1975 (Chapter 684, Acts of 1975) are unconstitutional. The brief argues that these sections, which require legislative committee approval before appointments are made within the executive branch, confer executive powers upon Committees of the legislature in violation of Article XXX of the Massachusetts Constitution, which mandates separation of powers between the executive and legislative branches.

The Governor requested the opinion of the Justices on the constitutionality of the two statutory sections by letter on December 4, 1975. Today's brief was filed in response to the Court's request.

In his December request, the Governor stated that, by infringing upon the powers of the executive to appoint personnel, the section in question seriously hampered his ability to perform present and future executive acts and to carry out the responsibilities of his office.

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REPORTERS: A copy of the brief is available in Room 382.