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## The Evolution of the Scope and Political Ambition of the State Attorneys General

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# **The Evolution of the Scope and Political Ambition of the State Attorneys General**



Honors Thesis

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## **Abstract**

The state attorneys general (AGs) play a crucial role in government, on both a state and national level. They provide the legal voice of the state in matters ranging from the defense of state laws to consumer protection and, for some, criminal prosecution. The increase in the amount of multistate litigation undertaken by the attorneys general and their growing influence over policy reflect an expansion in the scope of this office. Furthermore, the AG's office provides an effective record-building platform from which candidates can, and often do, establish campaigns for higher office. The 1998 Tobacco Master Settlement Agreement (MSA), a massive settlement with 46 state AGs costing the tobacco industry nearly \$250 billion over 25 years, may be a landmark case signaling expansion in both the scope of the office and the tendency of officeholders to run for a higher office. Using an analysis of the number of multistate cases settled during an individual AG's tenure and their subsequent decision to seek election to a higher office, this research seeks to identify trends and relationships in the office of the state AGs.

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## Introduction

The attorneys general (AGs) are without question an important official in state governments across the country. This office, which is traced back to the English government, has been active in American governance since the colonial period. With a statewide constituency and potential for statewide name recognition, the AGs have the capacity to make strong impacts, which can be translated into runs for higher office. As Provost (2003) claims that “because attorneys general have so many duties that involve so many substantive issues, their ability to influence state politics is tremendous (39).”

The office is found in every state, but there are a number of notable differences existing between the individual offices. The offices are established in law in each state, although the sources of their authority are derived from differing combinations of constitutional provisions, statutes, and common law. Not all AGs have the same areas of jurisdiction. For example, some AGs have jurisdiction over criminal prosecution, but other states house this jurisdiction elsewhere. In 43 states, the AG is popularly elected to four year terms (with the exception of Vermont, where the AG serves two year terms). Seventeen of these states impose term limits on their AG. Additionally, the AG election does not fall in the same year as gubernatorial elections in a small number of states, meaning the already down-ballot race is often subject to low-voter turnout. For many years, it was considered an office in which the AG candidate simply rode the coattails of the governor into office through a “majority-party-takes-all dynamic (Smith et al. 2005: 118).” Every calendar year there is at least one state electing a new AG, with the vast majority (over 30) being elected in midterm election cycles. The AG is appointed by the governor in Alaska, Hawaii, New Hampshire, New Jersey, and Wyoming, by secret ballot of the state legislature in Maine, and by the state Supreme Court for an eight year term in Tennessee.

Despite differences, AGs across the nation maintain the ability to represent their states in legal matters. Common law holds that AGs are “the proper representative of the people of the state in all courts of justice (COAG 1977: 194).” They do not require the approval of the governor or the legislature in order to act (Provost 2009). AGs are

members of the executive branch, and while most interact voluntarily or informally, some attorneys general have either the ability or requirement to work closely with the state legislature in shaping policy that will eventually become the laws AGs are charged with defending. In fact, they often take on roles crossing branches of government through responsibilities that can be viewed as “quasi-legislative and quasi-judicial (“Appointing State Attorneys General: Evaluating the Unbundled State Executive: 980).” One area of AG authority that eventually spread to become a national standard among offices was work specifically geared toward consumer education and protection. Finally, all attorneys general have the ability, if not responsibility, to issue advisory opinions on the state constitution and law.

An understanding of the abilities and characteristics of the individual offices is important, but attorneys general have, over time, exercised their ability to work collaboratively. Attorneys general can work alone, but have found more success in investigating, suing, and/or settling when they join forces. An early example of this success is the multistate antitrust action states took against the Standard Oil Company in 1907, leading to the establishment of the National Association of Attorneys General (NAAG). This bipartisan organization continues to facilitate the sharing of ideas, policies, and best practices and creates a forum from which many multistate legal actions can arise.

Multistate legal challenges by the attorneys general allow these state officials to have a prominent role on the federal lawmaking stage (Provost 2006). However, they also have the capability to be influential outside of these cases. AGs can (and often do) submit amicus curiae briefs in the cases of other states to demonstrate the importance of the matter to the court (Provost 2003). They are able to testify not only at legislative hearings in their respective statehouses, but can give testimony in US Congressional hearing as federal policies are being debated and created. Finally, AGs often exercise the ability to send official letters to Congressional leaders on Capitol Hill to publicly voice an opinion on a matter before the legislature or a federal issue impacting the states.

While the structural foundations of the attorneys general’s power are important to understand, the support AGs receive from outside policy and political groups has been crucial. NAAG, which was founded in the wake of an important multistate settlement

over 100 years ago, continues to be a resource for the AGs in collaboration and coordination in state level work with a national impact. Similar in intention to NAAG bringing attorneys general together for a common purpose, both major political parties formed their own super PACs to facilitate collective partisan action. In 1999, under the auspices of fighting back against regulatory lawsuit abuse, a group of Republican AGs formed the Republican Attorneys General Association (RAGA) (Smith et al. 2005). The formation of RAGA was followed closely by its Democratic counterpart, the Democratic Attorneys General Association (DAGA). The two super PACs continue to grow in size and influence. All three organizations regularly host meetings that allow attorneys general and their staff to interact with one another and corporate and industry leaders. However, a primary function of RAGA and DAGA is to recruit candidates, fundraise, and campaign in support of their party.

As evidenced by the argument that AGs have become more powerful, the ability to join forces across states and party lines, and the increasing frequency of the practice, clearly denotes the necessity of attorneys general maintaining close professional relationships with one another. Thus, the clear partisan separation existing between RAGA and DAGA makes the formal non-aggression agreement between the two both interesting and imperative. The non-aggression pact simply holds both organizations to a promise to not actively campaign in opposition to any currently sitting AG of the opposite party. This practice, although certainly surprising and potentially inconvenient in the modern world of partisan politics and super PACs, has benefitted attorneys general by maintaining a level of civility and comradery among serving AGs that allows them work together in the face of partisan differences that may characteristically separate other politicians from such productivity.

A notable instance of multistate litigation that thrust the attorneys general into the national spotlight was a 1998 settlement with the nation's top four tobacco manufacturers to settle a number of state lawsuits related to medical costs of smoking-related diseases. Forty-six states were party to the MSA ("NAAG Center for Tobacco and Public Health"), which requires annual multi-billion dollar payments to the states and US territories. The MSA tightened restrictions on tobacco manufacturing and marketing, and it continues to provide for smoking cessation initiatives, especially geared toward American youth.

According to NAAG, smoking in the US has decreased by more than 48% since the settlement (“NAAG Center for Tobacco and Public Health”). Although this is not the first or only example of successful, large-scale multistate litigation, the attorneys general received widespread attention as a result.

Because the attorneys general have a statewide constituency and many have the experience of campaigning to enter the office, it is not shocking that AGs often choose to seek a higher office. In fact, a common joke in the realm of attorneys general is that AG stands for “aspiring governor” or “almost governor” instead of “attorney general.” Due to their exposure and ability to campaign on the record of achievements from tenure as an AG, these officials are in a very effective position to express political ambition by using the office of AG as a stepping stone to higher office. In fact, both RAGA and DAGA promote the role they play in selecting AGs who later become potential candidates for higher offices.

From the variety of factors that influence attorneys general and the sparse research readily available on the office, relatively little is definitively known about this important office. Has the scope of the office expanded over time through increased litigation, authority, and public perception? Are attorneys general typically politically ambitious? Did the Tobacco MSA have an impact on increases in litigation and/or ambition? This research seeks to answer these questions through an analysis of literature, case data, decisions of AGs to seek higher office, statistical relationships, and interviews with several current and former attorneys general.

## Literature Review

The office of the state AG is one that possesses a long history of public service and influence. A commission created by the National Association of Attorneys General, the Committee on the Office of the Attorney General (COAG), published the comprehensive report *Powers, Duties and Operations of State Attorneys General* detailing the origins of the office and its evolution over time. The roots of the office can be traced back to a similar role of the sovereign's legal representation in 13<sup>th</sup> and 14<sup>th</sup> century England. The office was later established in a modified capacity in the American colonies and was ultimately carried into state governments. Initially, not every state always had an AG, and it was not always a permanent office in the states that did have one. Eventually the AG's office became a staple of state government across the country, and it was included in the first draft of 34 of the 50 states' constitutions (COAG 1977). States now establish the office either through state constitutional provisions or statutes, and it gains further authority through a "long line of case law" dating back to 1850 (COAG 1977).

The basic responsibilities of the attorneys general are similar across the country, although the "office of Attorney General must be viewed in the context of the government of which it is a part (COAG 1977: 29)." They are responsible for defending the state constitution and its laws and they have the power to initiate legal action on behalf of a state and its citizens. As a number of state governments went through a period of restructuring in the 1960s, the NAAG commission reported that AG offices saw few changes- possibly because there was a reluctance to increase the authority of the office, or, conversely, because of a reluctance to diminish their power by transferring responsibilities elsewhere (COAG 1977).

AGs have consistently exercised their power over time, and historical reviews of the office prove that AG independence has been longstanding (Tetrault 2010). Tetrault (2010) researches the existing tensions between AGs and state insurance commissioners to demonstrate the independence the AGs possess by becoming "involved in the oversight of the insurance matters, thereby encroaching upon the jurisdiction of or

clashing directly or indirectly with the authority to state insurance commissioners (Tetrault 2010: 1).” The example of this intergovernmental relationship makes the claim that the structure of the executive branches of state governments gives AGs the ability to “establish himself as a populist foil to...the governor” and can “make accusations and charges with almost no accountability (Tetrault 2010: 4).” Although claiming these officials operate under no accountability may be somewhat drastic, Provost (2006) reaffirms that the authority of the AG is determined, at least in common law, to be the representation of the public interest and characterizes it as a “vastly powerful office” with the “power to influence the state policy agenda in a multitude of ways (611).” The work of AGs does not require any sort of approval or support in pursuing cases, while even governors require coalition building and/or legislative support to carry out their agendas (Provost, 2009). This authority, he says, “has provided us with very few examples of governors actually trying to limit SAG authority and this is perhaps the best evidence of a lack of control (613).” This lack of gubernatorial control, indicative of AG independence, is further perpetuated by the AGs’ broad authority and “virtually total autonomy over consumer-protection issues (Provost 2003: 43).” Sometimes attorneys general have gone so far as to claim that the role of their office is to serve as a check on and balance to the power of the executive office of the state. Although this relationship may seem debatable, it raises a number of questions regarding just how much power and/or accountability the AG does or should have. Most significantly, it begs Matheson’s question: “who guards the guardians? (Tetrault 2010: 3)”

This independence is tangibly reflected in two prominent examples. In the 1990s, Mississippi’s then-Governor Kirk Fordice sued then-AG Mike Moore in an attempt to prevent Attorney General Moore from initiating a state lawsuit against tobacco manufacturers (Provost 2003). Attorney General Moore not only demonstrated his authority to pursue the suit, but began a successful multi-billion dollar campaign that eventually led to the significant downturn in smoking across the nation. A more contemporary example is the legal battle that recently ensued between Colorado Governor John Hickenlooper and Attorney General Cynthia Coffman. Gov. Hickenlooper opposed AG Coffman’s decision to include Colorado on a multistate lawsuit being pursued against the US Environmental Protection Agency (EPA) (Paul 2006). The

governor sought the state Supreme Court's opinion on the AG's authority to join the suit without his prior approval. The constant power struggle between governors and attorneys general over time in high-profile cases demonstrates just how powerful each office has the potential to be.

While some literature can create an image of an all-powerful AG, research still maintains the office of governor to be the most powerful and prestigious in each state, which is logical given its level of public recognition. The notion of AG being a "springboard" or "stepping stone" alone reflects that the office is not the highest available. Although Provost (2009) states that "some observers have suggested that the position nearly rivals the governor's office in terms of power and prestige (4)," he characterizes the office as being "increasingly recognized as a prominent springboard into various higher offices (1)." This reveals that many officeholders do not see AG as their ultimate career goal, but rather as a place along their path to higher office. While research into AG authority and policy roles does reveal the power of the attorneys general, this notion is tempered by the reminder that "Governors, in short, are the top dogs in the states (Smith et al. 2005: 253)." Some may still debate the merits of the perceived or actual powers of one office versus another, but the struggle ultimately reflects the importance of the AG's office while still reinforcing the perception of the governor as the highest political figure within a state.

Multistate litigation has long been a practice in the AG offices. While this research makes the claim that the Tobacco Master Settlement Agreement was a turning point for AG power and ambition, it was not the first instance of important multistate litigation. In 1907, attorneys general formed NAAG as a means of discussing "a common approach to antitrust issues related to the Standard Oil Company (*National Association of Attorneys General*)." Clearly, this collaboration was imperative as it led to an organization that has been at the forefront of AG interaction for over 100 years. Iowa Attorney General Tom Miller points out the importance of multistate litigation beginning in the 1970s when a number of individual states wanted to pursue legal action against General Motors, but decided to work together when they became worried that GM would "out-resource" them (Greenblatt 2003). Provost (2006) argues that multistate litigation was "probably inevitable" because single office resources are not sufficient for pursuing

such large cases. The settlements with big tobacco, which were initiated by Mississippi Attorney General Mike Moore and eventually settled by every state after an unsuccessful proposed act of the US Congress, is undoubtedly an important case. Regardless of its influence on the office, the case set new industry standards and served as an additional reminder to corporations about the ramifications associated with poor and/or deceptive practices. The success of these suits is reflective of the strong work of attorneys general over time and has led to a growing desire among companies and the US Chamber of Commerce to be involved in AG races as litigation by the AGs against businesses grows (Smith et al. 2005; Provost 2006). Corporations being sued by the AGs have started requesting more states join onto lawsuits before settling as a means of preventing litigation later in the future by additional states, especially larger states such as California and New York (Provost 2006). In fact, RAGA initially grew out of a perceived abuse in the frequency of these lawsuits, although they have arguably not become any less prevalent since the organization's foundation. Provost (2003) describes AGs that frequently participate in these suits as "entrepreneurial," explaining that their actions have an impact on a national scale. He describes the multistate litigation-joining motivations of the attorneys general as being both for political profit and for agenda setting in what laws or violations matter most (Provost 2003). This same research finds the AG's office to be an "excellent laboratory for studying entrepreneurs" as the officials use their resources and powers of litigation differently, but often collaboratively, across the country (Provost 2003). Overall, state AGs realized that multistate lawsuits allowed them to "outgun wealthy business interests," and these suits became increasingly logical as businesses expanded into national chains across state lines (Provost 2009).

Such expansive legal work has been crucial in determining the relationship between the AGs and the federal government. Kincaid (1990) quotes President Woodrow Wilson in saying that the "cardinal question of our constitutional system" is the relationship that should exist between the federal government and the states. Kincaid goes on to describe the shift in the 1970s and 1980s from a cooperative style of federalism to a coercive style of federalism. Because of this changing dynamic between the federal and state governments, states began a sort of "resurgence" in response to federal (usually unfunded or seemingly burdensome) mandates imposed on states and

federal preemption of state and local authority (Kincaid). It is thus plausible to expect during this time for the role of AGs, especially in suits involving responses to the federal government's mandates and preemptions, to increase. Although Kincaid's research places a greater emphasis on the role of the governors in responding to expanding regulation during the shift into cooperative federalism, attorneys general led the legal pushback of this era (COAG 1977). Furthermore, the trend of attorneys general fighting the federal government has only continued. An AG participating in an interview detailed later in this research explained that multistate lawsuits against the White House or federal government can frequently be seen as a reflection of the relationship between the party of the AGs involved in the suit and the party in control of the White House. However, both partisan and bipartisan suits can reflect the role the White House and federal government commonly plays as a common and convenient enemy (Conlan 1991).

One of the areas that has seen some of the most influential evolution for the office is that of consumer protection. This area began as a small number of attorneys general filing lawsuits against corporations in the name of enforcing laws that would benefit consumers. Eventually, NAAG created a commission dedicated entirely to this area of law which the AGs agreed was so important. The Committee for Consumer Protection began a cooperative interstate information exchange in 1969, and in 1971, it formally endorsed holding bi-annual meetings for AGs' consumer protection staff. NAAG publicly recommended that states locate their consumer protection agencies within the AGs' offices (COAG 1977). COAG (1977) reported that "The fact that most consumer protection programs evolved as part of Attorneys General's offices would seem to indicate that this is a logical out-growth of the office's traditional functions (320)." Provost explains that participation in these lawsuits is largely determined by the interests or needs that will resonate most with voters and within the business communities in the AG's state. Consumer protection settlements result in constituents benefitting directly, states receiving a significant sum of money to increase government funding, and ending business practices that deceive and harm consumers. These specific types of cases are important because they reflect not only the power of attorneys general to act as corporate law enforcement officials, but how their work brings tangible results to their states and their constituents as individuals.

While NAAG has been a nonpartisan vehicle of cooperation for the attorneys general over time, the establishment of two partisan super PACs has created additional influence of outside groups in the work of attorneys general. Both of these groups influence the campaigning, policymaking, and litigation of attorneys general of their respective parties. RAGA, founded in 1999, and DAGA, founded in 2000, give AGs and their staffs chances to interact with their own partisan delegation through regular meetings, which also serve as opportunities to meet with lobbyists and government affairs industry representatives. Potentially more importantly, both organizations are involved in the recruitment and election of candidates from their parties. RAGA founder and former Alabama Attorney General Bill Pryor defended the necessity of recruiting quality candidates to the office since so aspire to run for governor and US Senate (Greenblatt 2002). In fact, both RAGA and DAGA point to the frequency of this trend on their websites. In reference to recruiting and supporting candidates, RAGA's website states, "RAGA is improving the talent base from which many future Governors and U.S. Senators will be drawn. ([www.republicanags.com](http://www.republicanags.com))" In the Mission portion of DAGA's website, the following statement is included: "Increasingly the office of the attorney general has served as a stepping stone to higher state and federal office. ([www.democraticags.org](http://www.democraticags.org))" Thus, RAGA and DAGA can contribute to the substantive work of the AGs, but they also attempt to expand upon the potential of attorneys general to later win an office higher than what they currently hold.

Finally, political ambition is a concept that has long been a part of holding public office. Schlesinger (1966) analyzed ambition, saying it "lies at the heart of politics (1)." Swinerton (1968) researched different types of ambition among appointed state executives— "progressive<sup>1</sup>," "discrete<sup>2</sup>," and "static<sup>3</sup>." Provost (2003) cites research that finds increased policy activity among legislators with progressive ambition. These related findings can be applied to the office of the state AG and its officeholders. Simply seeking the office of AG at all reflects a degree of political ambition, and election independent of the governor allows the AG to develop a power base of their own (Smith et al. 2005).

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<sup>1</sup> Officeholders who plan to use one office as a stepping stone to another higher office

<sup>2</sup> Officeholders who are interested only in serving the term to which they are elected and then withdrawing from holding elected office

<sup>3</sup> Officeholders who are interested in maintaining lengthy service in one office

Assuming that these officeholders possess more progressive ambition would not be an outrageous notion. Provost (2009) suggests that this “assumption of universal progressive ambition is more plausible in the case of state AGs (4).” Attorneys general can exercise their ambition by running for a host of other offices, both at higher and lower levels than AG. Many joke that AG is often short for “aspiring governor,” and Provost (2009) concludes that the office of AG is “increasingly recognized as a prominent springboard into various higher offices (1).” In light of the many evolving and understudied aspects of the AG’s office, the evolution of political ambition may be one of the most interesting underlying motivators for many AGs by having a significant impact on the ways in which they choose to exercise the power of their offices.

The office of the state AGs is relatively understudied in political science literature. This office provides an interesting perspective on the power and influence of state officials on policies both within and stretching far outside of their state lines. The political ambition that many identify in this office reflects a trend that may be common among elected politicians. This ambition may not necessarily be negative as the office provides a relatively effective platform for introduction to state and national policymaking for candidates aspiring to higher positions of greater visibility and influence. Only so much can be gained from researching data related to individuals and making assumptions about their characteristics, thus necessitating input from AGs themselves.

## Attorney General Interviews

In order to better understand how political ambition shapes the activities of AGs, I conducted interviews with a number of AGs. This research greatly benefitted from the opportunity to conduct these interviews with sitting and former attorneys general to gain their insights on the office and the claims of the research. The AGs consulted in the research represented current and former attorneys general, Republican and Democrats, males and females, and all methods of selection. Interviews were conducted with the promise of total confidentiality in order to have the most candid and insightful conversations, thus any identifying characteristics and direct quotes are not included. These interviews give both institutional information as well as an understanding of the human, emotional reasoning that plays an active role in the decision making and careers of the state attorneys general. The goal of the interviews was to get an initial assessment of how AGs view their offices as well as their post-AG career ambitions and trajectories.

The interviewees began by describing their career paths and motivations to become an AG. They shared stories of career paths almost always driven by a desire of a career in public service. Many explained that AG seemed to be a natural expansion of the work they had already begun. Several noted a deep respect for the office, and they were encouraged by the potential to work in an influential office where their legal expertise could be used to bring about positive change in each of their states.

Because the topic of political ambition has led to the joke of AG standing for aspiring governor or almost governor, the interviewees shared their thoughts on whether or not they are currently or did at one point plan to seek higher office, if they personally viewed the office as a stepping stone, and if they believe there are any positive or negative impacts as a result of the “almost governor” joke. A number of AGs viewed holding a higher office, specifically governor, as a natural progression or sort of promotion. As it is normal for the average person to want to climb the corporate ladder when working in the private sector, so too they often saw it as normal for AGs wish to rise to higher levels of government office. While AG may be a person’s highest political ambition, it is also almost expected that many would desire election or appointment to a

higher office. Although aware of the office's tendency to be used for campaigning for another office, none of the interviewees said that the potential political springboard was an influential factor in their decision to become AG.

Personal factors matter in an AG's decision to seek office. Many AGs explained the importance of timing in their decisions to run (when a seat was open or they did not expect a primary challenge) and the consideration of another campaign's effects on their family. The appointed attorneys general interviewed disagreed with the characterization of the office as a stepping stone in appointing states. Although the research does not analyze this claim, it seems reasonable that appointed attorneys general begin with a lesser degree of political ambition (if any at all) in comparison to attorneys general who choose to go through the process of campaigning for the office.

When discussing the implications of using the almost/aspiring governor joke, the attorneys general expressed a range of sentiments. Overall, many agreed that it simply reflects a reality in which they exist—many AGs do run for governor, so it is an accurate statement. One explained that tensions and/or disapproval of administration among the different branches of government is a significant factor in attorneys general seeking a governorship, more so than political ambition. Another AG explained that this term is more common within the AG world and few members of the general public know or care. Many believe that it does not always have negative connotations, but reflects the importance of the office and the officeholder in state government. It has the potential to give the AG a higher profile in state matters, drawing constituent attention to work they are doing on the state's behalf. Those that believe it may be a negative term explained that it draws attention away from the work the AG is doing by shifting focus to potential runs for office or by making claims about the political motivations of the AGs. It can also create the impression that the officeholder is just passing through or using the office simply for its political potential. In contrast, several AGs shared that they do not always believe it is accurate. While many do run for higher office, governor is not always the chosen office. It is not an equally effective stepping stone in each state, especially in states that appoint their AGs. Finally, it was made clear that, while this joke may be used in realm of the AGs, it is not the AGs themselves that typically (if ever) perpetuate its usage. This could possibly indicate the importance of the office to the officeholders

themselves—while they may wish to run for a higher office, they avoid downplaying the importance of the office of AG.

Questions then shifted to perceptions of multistate litigation and settlements. Interviewees were asked if they personally perceived an increase in these cases, how important they found it to work across state lines, and if they had any thoughts on the impacts of the 1998 Tobacco Master Settlement Agreement. All of the AGs were quick to voice support for the beneficial nature of multistate legal action. They explained that this is a clear way to share advice and best practices on issues facing the states. These cases allow collaboration on complex legal matters, and this collaboration allows AGs to save taxpayer money by pooling the resources of multiple offices. Interviewees described multistate work as evidence that attorneys general exercise great strength in numbers. This strength is often most prized among smaller states that may not possess as much political and/or corporate clout or have access to as many resources (from both a financial and staffing perspective) as larger and/or wealthier states. Additionally, these suits and settlements are often the source of significant funding for many states, adding to the appeal of being a party to the case. The MSA, for example, requires tobacco companies to pay billions of dollars annually to the states. All of the AGs were quick to specify that joining forces is not a novel concept, as clearly evidenced by the myriad multistate lawsuits and settlements throughout history.

However, a number of interviewees did agree that they perceived an increase in the frequency of these cases during their tenure as AG. One specifically explained that a change created by the increase was the institutionalization of multistate collaboration—some states began dedicating staff to work specifically on these cases. Furthermore, a few attorneys general explained that personal relationships influence states joining forces on legal issues, most specifically through *amicus curiae* briefs. These documents of support from their colleagues aided in the perception of their issue as important before the court. There were several instances mentioned in which attorneys general joined a case or submitted a brief on an issue they were not heavily invested in at the request of another AG they were friends with. Ultimately, the attorneys general seemed to be of the opinion that multistate litigation is both increasing and very effective, and the MSA's greatest

impact was on the public perception of the role and abilities of the attorneys general to significantly impact public policy and corporate responsibility.

The attorneys general proceeded to discuss the influence of other states' AGs on their own work. They agreed that they do develop close friendships with their counterparts in other states and these relationships are critical in their ability to reach across partisan lines in working on national issues. They are able to develop trusted relationships to provide them with sources of best practices and sounding boards for issues they are working to resolve in their home states. One interviewee raised the interesting point that, while the typically good working relationships among all of the AGs can be beneficial, it has the potential to lead AGs to be less thoughtful in where they should draw a line in using their resources to help a friend on an issue that may be irrelevant to them or their state.

In direct relation to the discussion of friendships and working relationships across state and party lines, multiple AGs specifically mentioned the non-aggression pact between RAGA and DAGA as the most critical factor in preserving these relationships between the AGs. They explained that, because so many issues do cross state lines or have certain regional impacts that may not reflect regional party affiliation, they often need to reach out to colleagues on the other side of the aisle. Because of the agreement to not campaign against their fellow attorneys general, the AGs are able to maintain a professional relationship with one another that more readily transcends partisanship than most other political offices can experience.

The interviewees moved on to a discussion on the purpose and substantive value of RAGA and/or DAGA, and then compared these organizations to their experience at NAAG. All did agree that, from the knowledge they had of RAGA and DAGA, the largest purpose was to fundraise and campaign for the affiliated attorneys general and candidates. A few believe the organizations serve no other purpose. However, the rest did agree that substantive work related to the office was accomplished through RAGA and DAGA. Many mentioned the benefits of being able to check with or coordinate with members of their own party delegation on how to handle certain issues. Some interviewees expressed that RAGA and DAGA helped them to realize when it was

appropriate or necessary to either reach across the aisle or work closely along party lines on certain matters.

Comparatively, they all agreed that NAAG meetings allowed for more balanced substance than what was typically found at their partisan meetings, and it allowed for the development of bipartisan relationships that clearly cannot be facilitated through super PACs. NAAG proved beneficial to many of them in learning not only when but how to work across ideological divides. Finally, a few AGs again mentioned the importance of NAAG in facilitating the formalization of the nonaggression pact between RAGA and DAGA that allows the attorneys general to continue bipartisan collaboration.

Outside of relationships with other AGs, the ability to work with other state officials is also important. Given the joke about AGs as almost or aspiring governor, the AGs' relationships with the governors they serve alongside could potentially be strained or jeopardized. All of the AGs expressed the importance of a professional, working relationship with the governor to be most effective, although this collegial relationship is not always a reality. Many also noted an inherent, underlying power struggle of sorts between the two offices. While it may at first seem logical that attorneys general would prefer to serve with governors of the same political persuasion as themselves, several explained that serving with a governor of the opposite party creates a healthy tension and balance of ideologies, and allows both officials to feel more confident in challenging the other over important issues. One AG said that this potential for challenges (regardless of party differences) is also helpful because it brings attention and exposure to the office when they publically challenge, and at times even defy, the governor.

One of the most interesting topics addressed by many of the AGs in regards to their relationships with governors was the differing responsibilities of the AG's office and the governor's office. They maintained the importance of being independent from the governor and reiterated that the AG, not the governor, is the expected to be the voice of the people. This leads to clashes between the AG and the governor over the appropriate role of the AG in determining when a state will be involved in any sort of legal action. AGs across the nation have come to the defense of their colleagues, defending their roles as the people's lawyers. Interviewees mentioned several court cases that have upheld this

relationship, deciding that only the AG of a state can claim to make an argument on behalf of the people.

Due to the differing methods of selection across the country and represented by the interviewees, they shared their perspectives on the most appropriate way of choosing an AG at the state level. Interestingly, most of them said they could see the merits of both election and appointment, although all defended the process used in their home state. Those favoring election expressed the necessity of being accountable to the people of the state, while AGs favoring appointment said that they were able to focus more on substantive work because they were not required to campaign during their tenure in office. The most interesting argument provided in favor of appointment was the importance of selecting a qualified attorney to serve in the office. Although there are not necessarily specific requirements set forth about what qualifies an attorney to be AG, it is logical to assume that state officials and voters alike would desire the most qualified attorney to hold the office. In fact, prior research holds that appointed AGs typically appear to be better credentialed than elected AGs. This is reflected by the tendency of appointed AGs to go on to become judges, while elected AGs are more likely to run for political offices (“Appointing State Attorneys General: Evaluating the Unbundled State Executive” 986). By removing the campaigning aspect of selecting an AG, it creates the potential for at least a slightly greater degree of importance to be placed on legal skill over campaigning prowess. Surprisingly, the reasoning behind each AG’s defense of selection methods was based on the importance of the office being independent of the governor and/or being accountable to the people of the state.

An important relationship for the attorneys general within their states is that with their respective legislatures. There are different opportunities, based both on state laws and customs as well as the personal attributes of the officeholders, for AGs to work or coordinate with lawmakers in their respective statehouses. The most common themes in this answer involved the myriad ways that AGs can formally and informally shape or influence the policy that ultimately becomes state law. Many brought up the point that, not only do they want to accomplish positive changes that are important to them, but they also see the practicality of being involved to some degree in laws that they may one day be expected to defend.

Finally, interviewees discussed their perception of the duty to defend their states' constitutions and laws. All of the AGs expressed a firm commitment to the responsibility to defend and uphold their constitutions and laws. However, some said that they would sometimes hire outside counsel to defend laws they did not feel they could personally defend. Others said that it was part of the commitment to the office to defend everything that comes before the office, regardless of personal opinion. While some explained that they would defend anything that they did not find blatantly unconstitutional, others said it was not within the scope of the AG to judge constitutionality. One AG explained that decisions to defend, not defend, or appoint outside counsel on an issue will always lead others (and even the AGs themselves) to question the decision and the motivations behind it.

## Hypotheses

With evidence that the overall activity of attorneys general has increased, the office's ability to garner attention on a national scale, the potential for record building for future campaigns, and the governors' inability to exercise control over the AGs' authority to sue in the name of the public interest (Provost 2006), it is clear that the office of state AG is a force to be reckoned with. Based on previous research and through insights gained from interviews with attorneys general, it is clear that multistate litigation is crucial part of the office. Furthermore, there are a number of factors that play into the decisions to join multistate lawsuits, just as there are a number of factors leading to campaigns for higher office, which may be perceived as a natural progression of the office.

A clear example of the attorneys general's influence is the 1998 Tobacco Master Settlement Agreement. Greenblatt (2003) referenced this suit as states' AGs refusing to be "out-resourced" by big tobacco (again). The suit's display of institutional power, in addition to its success in winning hundreds of billions of dollars over time from tobacco companies signals a greater awareness of the capabilities of the attorneys general. Because of this widely acclaimed, nearly nation-wide success for the attorneys general, the November 1998 MSA could be expected to mark a turning point in political ambition, and forms the basis of my first hypothesis: H<sub>1</sub>: *Attorneys general serving at the time of or after the MSA are more likely to run for higher office than the AGs who served before the MSA.*

Research conducted by Sidorsky (2015) analyzes the tendency of women to be politically ambitious in comparison to their male counterparts. She finds that, generally, women exhibit less political ambition than men. Provost (2009) agrees that political ambition is likely lower among female AGs versus their male colleagues. In addition to existing literature, the significantly lower number of women than men serving as AG historically across the country does not initially seem to provide contradictory evidence to these theories, leading to my second hypothesis that H<sub>2</sub>: *it could be reasonable to assume female AGs would be less likely than male AGs to seek higher office.*

Provost (2003) makes claims about the policymaking role of active “entrepreneurial” attorneys general, claiming that they have “tremendous influence” over policy through litigation. He argues that AGs “see intense participation in multi-state cases as a way to curry favor with voters (43).” Provost’s (2003) research also reflects that AGs who are considered more aggressive in shaping policy express more progressive ambition. This forms the basis of the third hypothesis: H<sub>3</sub>: *The more active/litigious AGs are the more likely they are to run for higher office.*

Swinerton (1968) analyzes political ambition existing among state executives, creating the classifications of “progressive,” “discrete,” and “latent” ambition. These categories can be used to analyze attorneys general’s career and political ambition in their decisions to leave office, seek an office of an equal or lesser status, or seek higher office. “Appointing State Attorneys General: Evaluating the Unbundled State Executive” makes the argument for the appointment of these officeholders as a means of reducing politically motivated decisions and controlling for the current “problem” of AGs exercising Swinerton’s (1968) progressive ambition by using the role to seek higher office. Provost (2009) makes the claim that a person with political ambition would be more attracted to holding an elected office initially. When interviewed, appointed AGs also reaffirmed that states using appointment do not experience the same degree of political ambition in AGs because these AGs are not primarily politicians and do not have the experience of campaigning to be elected to this office, and I hypothesize as such: H<sub>4</sub>: *In states where the AG is popularly elected, AGs who were elected to office are more likely to seek higher office than AGs who were appointed to fill a vacancy.*

Historically, the offices of the AG, have been controlled by the Democratic Party. After the foundation of RAGA in 1999, Republicans gained a larger share of the offices across the country, increasing from 12 AGs to 20 by 2003. The 2014 midterm election cycle was the first time in the nation’s history that Republican attorneys general held a majority of seats. As AGs increasingly moved away from being an office controlled by the majority-takes-all dynamic with the governor’s race, more focus was drawn to their campaigns. One of the reasons that Republicans began campaigning for the office more was that “the job came to be seen as a more important stepping stone to the governorship than in the past, so Republicans became increasingly unwilling to concede this training

post (Smith et a. 2005: 118).” Fifth, I hypothesize that: *Republican AGs are more likely to run for higher office than Democratic AGs (H5).*

Many states did not institute term limits on AGs until the early 1990s. Currently, only 17 of the 43 electing states impose these term limits.<sup>4</sup> Because AGs tend to be aware of their ability to campaign for a higher office and because timing is so influential in deciding to seek a higher office, it seems reasonable to expect that *attorneys general serving under term limits seek higher office more frequently than AGs not serving under term limits (H6).*

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<sup>4</sup> Alabama, Arizona, Arkansas, California, Colorado, Florida, Indiana, Kentucky, Michigan, Montana, Nevada, New Mexico, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota

## Data Source

To collect information on the attorneys general, I began with a knowledge base obtained by working for the Republican Attorneys General Association. Through this work, I learned much about the history of the office and the personal histories of the officeholders. The extensive career and biographical data analyzed was initially obtained through searches on sites such as Wikipedia. The information found on Wikipedia was supplemented and confirmed by searches through AG websites, Secretaries of State websites, local newspaper stories, obituaries, current employment profiles, PoliticalGraveyard.com, OurCampaigns.com, and online resources through NAAG, RAGA, DAGA, and the Council of State Governments. Case data used in analyzing multistate litigation and amicus brief history was published by Paul Nolette.

Biographical data was collected on each AG to measure the independent variables of the research. Information collected is listed in the following table: method of selection, number of cases settled during the individual's tenure, currently serving or formerly served, time of service in relation to the MSA, number of months served, political party affiliation (or switch) while in office, service under term limits, gender, work in the public sector prior to service as AG, any level of elected or appointed public office prior to service as AG, work in the AG's office prior to service as AG, offices sought during or after tenure as AG, and post-AG occupation.

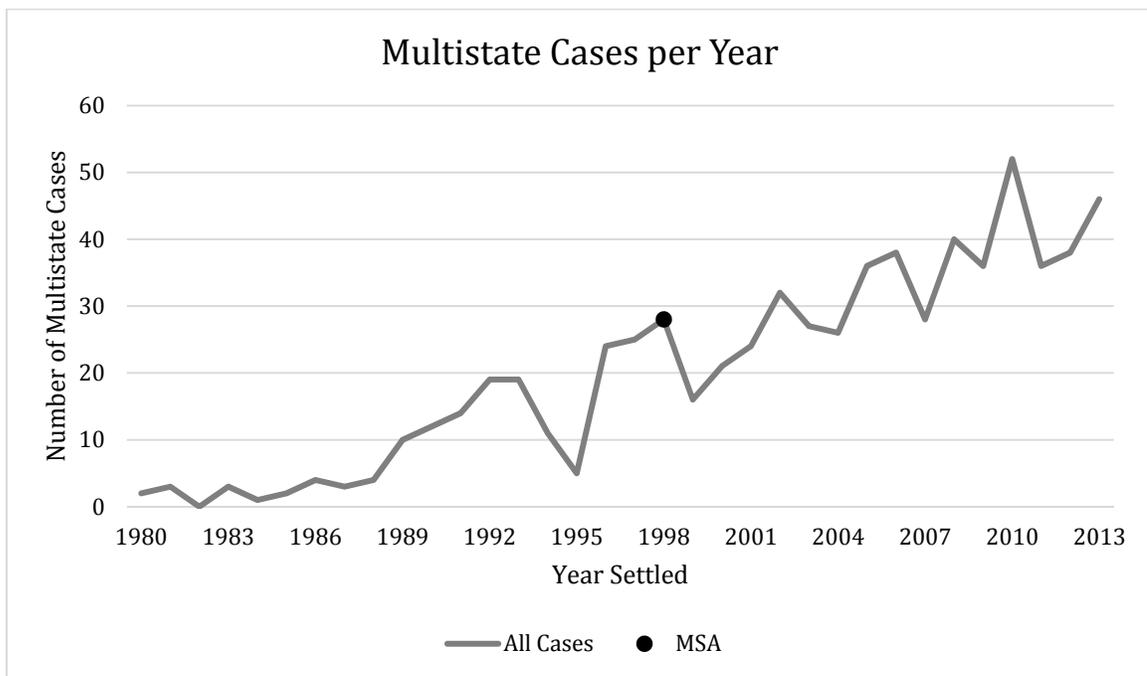
Variable	Description	Measure
Method of selection	Whether elected only or appointed to fill a vacancy	1=Elected 0=Appointed
Number of cases settled during the individual AG's tenure	Count of the cases settled during tenure	# of cases
Currently serving or formerly served	Is the AG currently serving or has the AG left office?	1=Current 0=Former

Time of service in relation to the MSA	If the AG served before, after, or during the MSA	1=Served during or after the MSA 0=Served prior to the MSA
Length of tenure	Count of number of months in office	# of months
Political party affiliation	Republican or Democrat	1= Republican 0=Democrat
Service under term limits	Was the AG barred by term limits from seeking reelection	1=Term limited 0=No term limits
Gender	Male or female	1=Male 0=Female
Prior work in the public sector	Did the AG work in the public sector before being elected or appointed	1=Prior public sector employment 0=No prior public sector employment
Prior elected or appointed office	Did the AG hold a public office before being elected or appointed	1=Prior office held 0=No prior office held
Prior employment by the AG's office	Did the AG work in an AG's office before being elected or appointed	1=Prior employment in an AG's office 0=No prior employment in an AG's office
Offices sought during or after tenure as AG	Did the AG seek a higher office after being sworn in as AG	1=Sought higher office 0=Did not seek higher office
Post-AG occupation	Did the AG hold a higher office after the completion of their tenure	1=Elected to higher office 0=Not elected to higher office

Due to the extensive opportunities available with the potential data in terms of the timeline under which this research had to be completed, not all potential sources of analysis could be included. Only states where the AG is elected rather than appointed are analyzed. Currently serving attorneys general are not included in assessing political ambition through running for higher office because the overwhelming majority of sitting AGs have been elected since November 2014. Therefore, at the time of this project's completion, most of the AGs are less than halfway into serving their current terms, meaning not all who will run can reasonably be expected to announce their intent at this point. "Higher office" is defined as, on a state level, governor or state supreme court. On a federal level, it is classified as US Senate, presidential appointments to federal judgeships, and Cabinet positions. Finally, the case data from Nolette's research, which only includes the years of 1980-2013, was used. This time frame was not altered in order to give both a historical perspective while capturing a relatively similar amount of time both before and after the MSA.

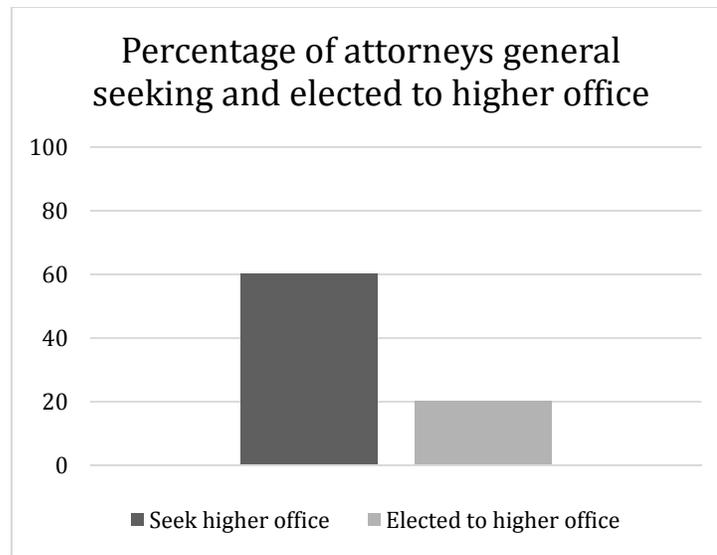
## Data Analysis

There was a wide array of interesting data to be collected on the attorneys general. The following graphs illustrate some of the most basic research findings: the number of multistate cases completed in the studied time frame, the number of AGs who seek higher office versus the number of AGs who are elected to higher office, the number of male AGs versus the number of female AGs, and the number of AGs who worked in the public sector, held an elected or appointed office, or worked in the AG's office prior to their own tenure as AG.



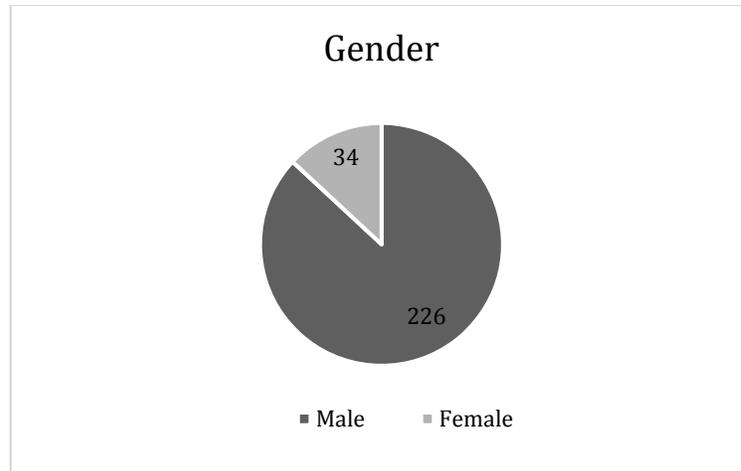
*Figure 1*

Over the time period studied, the number of overall multistate cases did increase (Figure 1). This reflects a growing scope of the AG's office as states become increasingly involved in litigating the interests of the public. However, the Tobacco MSA does not appear to reflect a turning point in this trend. While the number of cases does, for the most part, continue in an overall upward trend, the MSA does not provide evidence of creating a sharp increase in these cases.



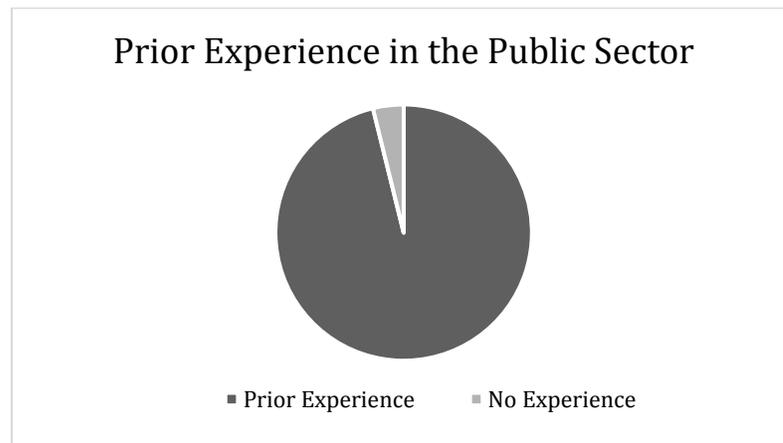
*Figure 2*

Of the attorneys general whose period of service occurred at any point during 1980 through the 2015 election cycle, only 20.38% of all AGs were successful in winning election to a higher office (Figure 2). This reflects that, if the office is used as a political stepping stone, it is not a very successful one. During this same time period, 60.19% of AGs made an attempt to run for a higher office. 33.85% of those who declared intent to run for a higher office ended up being elected. Thus, a majority of AGs do express political ambition by running for a higher office, but less than half of those running will be elected and less than a quarter of all AGs from 1980-2015 have gone on to serve in a higher office since leaving the AG's office. While the office certainly seems to have potential to be a political stepping stone and claims of record building through litigation and policy influence are reasonable, attorneys general as a group seem to be ultimately unsuccessful in winning races for higher political office.



*Figure 3*

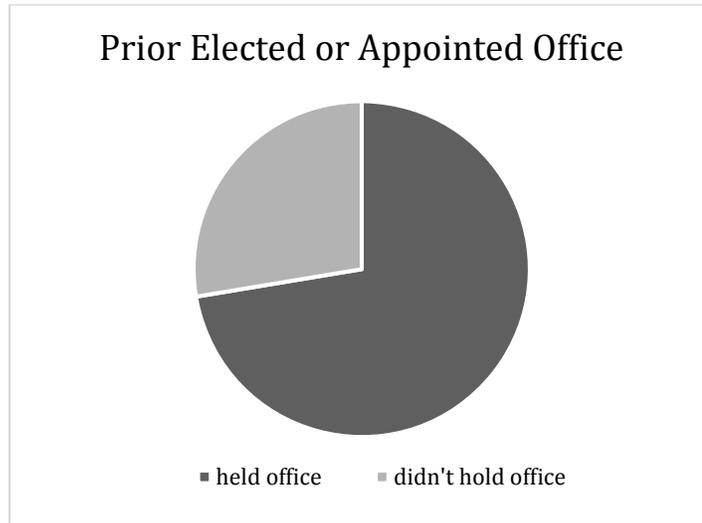
While later analysis will reflect that gender is not a statistically significant indicator of the likelihood to run for higher office, it is important to mention the gender distribution of officeholders over time (Figure 3). 13.08% of the attorneys general included in the dataset were women (34), while 86.92% were men (226).



*Figure 4*

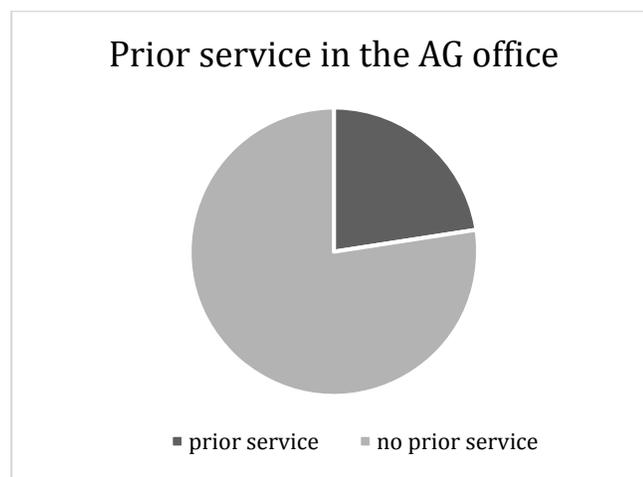
During interviews with a number of attorneys general, the notion of public service was a consistent factor in the decision to run for or accept appointment as AG (Figure 4). The graph above shows the number of attorneys general, including sitting AGs, who worked in the public sector in some capacity before their tenure as AG. 96.14% of attorneys general had experience working in the public sector. While public service may not be an explicit motivation for all or even for a majority of attorneys general, such a high volume of AGs beginning their careers with work in some field of public service

leads to the understanding that prior public service is a necessary experience for successful attainment of the AG office.



*Figure 5*

A number of attorneys general held some form of an appointed or elected office before their time as AG (Figure 5). 72.37% had been elected or appointed to some type of public office before becoming AG. Although the number is not as high as those who worked in the public sector, this percentage reflects that this office is not an entry level public leadership position for nearly three quarters of the officeholders. This also alludes to political ambition, as many AGs have a public record to campaign on to successfully reach this office.



*Figure 6*

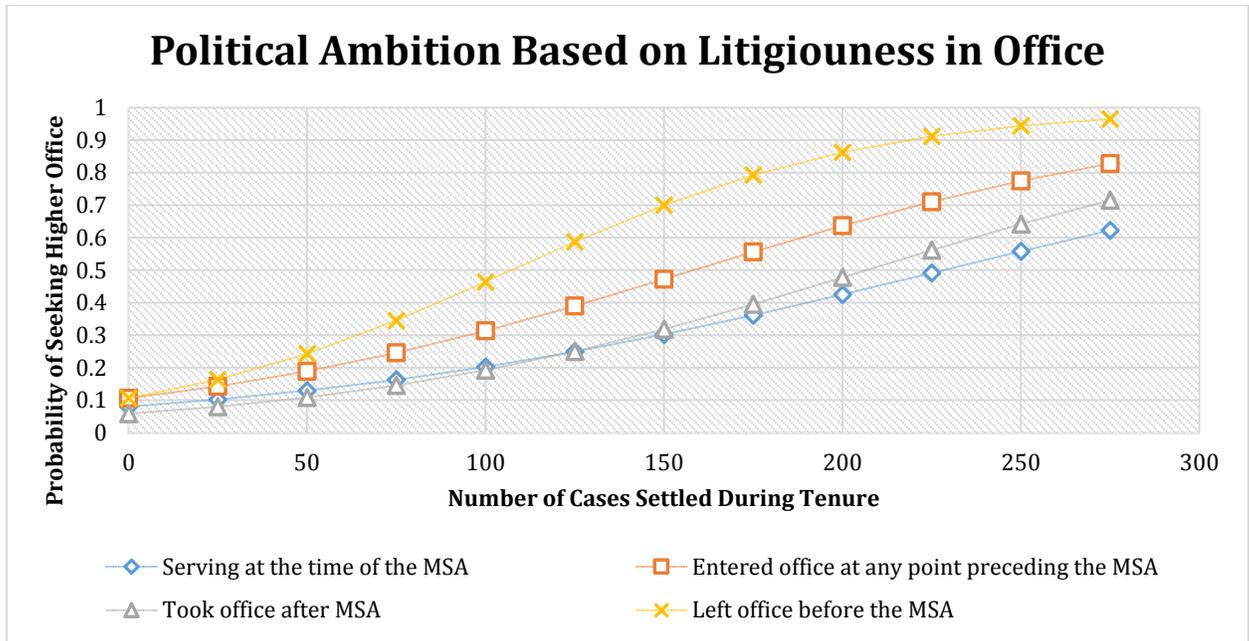
A potential method of recruiting future attorneys general to the office is beginning as staff attorneys in the offices they seek to hold (Figure 6). Theoretically, working as one of the vast number of attorneys employed by AG offices across the nation, the exposure to the office and the relevant experience could lead to a large portion of AGs beginning their career in this office. However, only 22.57% of attorneys general from 1980 through present day worked in an AG's office before holding the position themselves. Although many did not begin their career this way, due to the high volume of AGs who had previously been elected or worked in the public sector, there may be a high probability that they worked with or in close proximity to an AG.

Statistical analysis software (STATA) was used to assess the first claim that AGs would be more likely to run for office if they served during or after the tobacco settlement (with the exception of currently serving AGs). The likelihood of an AG to run for higher office was analyzed based on whether or not the AG was in office at the time of the MSA (Table 1), took office after the settlement (Table 2), or had completed their service before the settlement (Table 3).<sup>5</sup> This analysis revealed that the likelihood of AGs to seek higher office was only statistically significant for AGs completing their tenure prior to the MSA. Thus, the hypothesis was incorrect in the claim that the MSA was a definitive turning point for *increased* political ambition.

The data collected on the AGs contained far fewer instances of women holding the office of AG, although the number of female AGs has increased since 1980. In analyzing the likelihood of women to run for a higher office after holding the position of AG, the data reflected a statistical insignificance. Thus, gender is not a reliable predictor of an AG's likelihood for seek a higher office, meaning that the second hypothesis was incorrect.

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<sup>5</sup> Tables are at the end of the section.



*Figure 7*

The likelihood of AGs to run for a higher office was calculated for different time periods (serving before the MSA, serving at the time of the MSA, and serving after the MSA) based on the number of cases completed during their service increased from 0 to 275 (from the lowest number of cases to approximately the highest number of cases attributed to a single AG's tenure within the dataset). The findings reinforced the negation of the first hypothesis—the probability of running for higher office for AGs serving at or after the MSA was lower than the probability of AGs completing their service prior to the settlement. However, all three reflected the same trend that confirms the third hypothesis. For attorneys general serving in each time frame, the probability of seeking higher office rose as the number of cases attributed to that AG rose (Figure 7). Although the data analyzed only included states in which the AG is traditionally elected, there is still the possibility for alternate selection methods to be utilized in these states. In addition to being elected, AGs can be appointed to fill a vacancy, or they can be appointed to fill a vacancy and then be re-elected to the office as an incumbent.<sup>6</sup> Confirming the claim made by the appointed AGs in interviews, appointed AGs even in electing states may also demonstrate less political ambition, thus leading to the potential claim that elected AGs in electing states have the highest chance of running for higher

<sup>6</sup> Georgia did not have an AG race without an incumbent since the 1960s for this reason.

office. The analyses of all three time frames proved the statistical significance of elected AGs being more likely to seek higher office, thus validating the fourth hypothesis.

Although the majority of AG offices were occupied by Democrats for the majority of the nation's history, Republicans began controlling more of these seats following the establishment of RAGA and the increased perception of the office as a "training post" for the governorship that the party was "increasingly unwilling to concede (Smith et al. 2005: 118)." For this reason, it would be reasonable to infer that Republican attorneys general possess more progressive political ambition, making members of the GOP more likely to seek higher office than their Democratic counterparts. While it is interesting to learn about the historical partisan control of the office, analysis proved that, regardless of time served in relation to the MSA, political party was not a statistically significant factor in predicting campaigns for higher office. Thus, the fifth hypothesis was rejected.

Finally, the sixth hypothesis makes the claim that attorneys general serving under the constraint of term limits would be more likely to run than AGs serving in states that do not impose limits. It seems logical that both exposure to the potential to run for higher office and the awareness of an inevitable departure from the AG role would make a person more likely to seek a higher office. However, the data rejected the sixth hypothesis by reflecting the statistical insignificance of term limits on an AG's likelihood of running for higher office.

Ultimately, fewer factors were found to be significant indicators of ambition than were initially expected. Gender, political party, term limits, and service at the time of or following the Tobacco MSA were not statistically significant in predicting progressive ambition. The number of cases settled during an AG's tenure and being only elected (in electing states) to the office were strong indicators that AG would seek higher office. Furthermore, completion of tenure prior to the MSA was significant in predicting the probability of an AG to run for a higher office. The number of AGs beginning their careers in the public sector and the large majority holding some type of public office prior to election reflect a degree of experience that may be initially required in order for an individual to become AG.

Data for AGs serving at the time of the Tobacco MSA						
Seek Higher Office	Odds Ratio	Robust		P> z	[95% Conf. Interval]	
		Standard Error	z			
Gender (Male)	1.34248	0.669488	0.59	0.555	0.505147	3.567779
Number of Cases Settled During Tenure	1.010701	0.004148	2.59	0.009	1.002604	1.018864
Elected to Office	16.42189	10.3303	4.45	0.000	4.785959	56.34783
Political Party (Republican)	0.724735	0.23431	-1	0.319	0.384576	1.365765
Served Under Term Limits	0.876527	0.31156	-0.37	0.711	0.436724	1.759233
Served at the Time of the Tobacco Master Settlement Agreement (Nov. 1998)	0.810314	0.355803	-0.48	0.632	0.342686	1.916064
_cons	0.081834	0.056522	-3.62	0.000	0.021136	0.316846

Table 1

Data for AGs serving after the Tobacco MSA (Jan. 1999+)						
Seek Higher Office	Odds Ratio	Robust		P> z	[95% Conf. Interval]	
		Standard Error	z			
Gender (Male)	1.435077	0.680084	0.76	0.446	0.566879	3.632957
Number of Cases Settled During Tenure	1.01353	0.006038	2.26	0.024	1.001765	1.025434
Elected to Office	14.99416	9.117949	4.45	0.000	4.553093	49.37849
Political Party (Republican)	0.733006	0.235131	-0.97	0.333	0.390897	1.374524
Served Under Term Limits	1.007856	0.377818	0.02	0.983	0.483399	2.101315
Served after the tobacco Master Settlement Agreement (Jan. 1999 and on)	0.521533	0.260602	-1.3	0.193	0.195862	1.388718
_cons	0.083956	0.057933	-3.59	0.000	0.021711	0.324651

Table 2

Data for AGs completing serving before the Tobacco MSA						
Seek Higher Office	Robust Standard			z	P> z	[95% Conf. Interval]
	Odds Ratio	Error				
Gender (Male)	1.117344	0.5694425	0.22	0.828	0.411511	3.03384
Number of Cases Settled During Tenure	1.019947	0.0069099	2.92	0.004	1.006493	1.03358
Elected to Office	16.05948	9.798449	4.55	0.000	4.857174	53.09813
Political Party (Republican)	0.7819876	0.2557844	-0.75	0.452	0.411885	1.484649
Served Under Term Limits	1.214931	0.4816884	0.49	0.623	0.5585635	2.642596
Completed Service Prior to MSA	3.381222	1.749264	2.35	0.019	1.226613	9.320515
_cons	0.0319332	0.0245348	-4.48	0.000	0.0070835	0.143958

Table 3

## Conclusion

The state AG's office is one that plays a key role both in state and federal policy. Often times, the officials holding the office go on to campaign for higher office, although they are not always successful. Overall, this research was effective in determining factors that both are and are not relevant to the evolution of the office of state AG and the political ambition of the officeholders. It allows readers to understand the potential held within the office of the attorneys general, both in policy and politics.

This research presents many findings that have been relatively understudied in political science literature, but there are many more aspects of the offices that should be given further consideration in future research. States that appoint the AG should be included in the data set to form a more complete understanding of all of the attorneys general rather than only those in states that elect AGs. Case data should also undergo a deeper analysis, possibly giving special attention to legal action involving the federal government where the states are acting under the auspices of the 10<sup>th</sup> Amendment. Campaign finance data could provide a better idea of the growing political value of the office. State and office budget and size could be interesting in analyzing the relationship and/or correlation, if any exists, between the sizes of budgets, staff, and population and the frequency of an AG to be party to multistate litigation.

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## Appendix I-Interview Questions

- Can you describe the career path that led you to become an attorney general?
- What motivated you to run for attorney general? Did you know prior to running for AG that this was a terminal office for you, or did you intend to eventually seek higher office?
- Did you ever or have you ever considered running for a higher office? Why?
- It has been commented that “AG” is often times short for aspiring governor as opposed to attorney general. What are your thoughts on this? Do you think it has positive or negative connotations?
- In recent years, there has been an expansion in multi-state litigation, whether it be against a corporation, the federal government, or another state. How do you/did you see this influencing the work you do/did as attorney general?
- What are/were your relationships with other state attorneys general like? Did your relationships with them ever impact the work you did in your own state?
- Do you believe that RAGA/DAGA has been beneficial to the work of the AGs? Not necessarily to the financial aspect of campaigning, but the substantive work the AGs do?
- How did your interactions with NAAG or the other AGs involved in NAAG impact your own work as AG?
- In many states the governor and attorney general are of the same party, but in other states they are of different parties. Do you see this as influential in any way? How important is it to have a good relationship with the governor, personally and/or professionally?
- In your opinion, is this an office that should be elected? Why?
- As an AG, can/did you introduce a legislative packet or work with the legislature in drafting policy? If so, how did you determine what policies to prioritize?
- Have you ever defended or refused to defend a law that you did not personally agree with? Why?

## Appendix II-Interviewee Data

- 14 Total Interviews
- Current vs. Former
  - Current: 5
  - Former: 9
- Elected vs. Appointed
  - Elected: 10
  - Appointed: 4
- Male vs. Female
  - Male: 11
  - Female: 3
- Republican vs. Democrat
  - Republican: 9
  - Democrat: 5

Attorneys general were chosen for interviews based first on personal accessibility/convenience. The list expanded at the recommendation and referral of the AGs to their colleagues. Ultimately, the most influential factor in who I spoke to was who responded to my emails.