

Chapter No. 2055

14/SS26/R425

sj / ec/tb

SENATE
CONCURRENT RESOLUTION
No. 501

Originated in Senate

Jim Welch

Secretary

SENATE CONCURRENT RESOLUTION NO. 501

A CONCURRENT RESOLUTION MOURNING THE LOSS AND COMMENDING THE HISTORIC PUBLIC SERVICE OF FORMER GOVERNOR AND ATTORNEY GENERAL WILLIAM A. "BILL" ALLAIN, AND EXPRESSING THE SYMPATHY OF THE LEGISLATURE.

WHEREAS, former Mississippi Governor William A. "Bill" Allain, an effective Governor who left a positive mark on Mississippi, passed away on December 2, 2013, at the age of 85; and

WHEREAS, Governor Allain laid in repose on Friday, December 6, 2013, at the Mississippi State Capitol and a state memorial service was held afterward; and

WHEREAS, he served as the state's 59th Governor from 1984-1988 after having spent the prior four years as State Attorney General; and

WHEREAS, Governor Allain's vision, leadership and legal ability literally transformed the structure of Mississippi state government. As Attorney General, his signature accomplishment was a successful lawsuit to prohibit members of the Legislature from

serving on executive boards and agencies. In state court, he argued that the Mississippi Constitution of 1890 required separation of powers and that legislative officials could not serve in the executive branch. The Supreme Court of Mississippi in Allain v. Alexander ruled in favor of Attorney General Allain and ordered the separation of the two branches of government. The decision in Allain v. Alexander is often referred to as

"Mississippi's Marbury vs. Madison." His victory in this landmark case strengthened the Mississippi executive branch and streamlined Mississippi government after the court's mandate was carried out in the Administrative Reorganization Act of 1984 (Senate Bill No. 3050); and

WHEREAS, as Attorney General, Allain built a solid reputation as a consumer advocate by preventing utility rate hikes and keeping a nuclear waste site out of the state; and

WHEREAS, while serving as the state's Chief Executive, Governor Allain continued his support for constitutional reform and consumer advocacy. He worked to restructure the State Board of Education and reform the Mississippi Highway Department. An amendment to the Mississippi Constitution allowing the Governor to succeed himself was passed during his term with his backing. However, he chose not to seek a second term as Governor. Governor Allain's administration was also noted for bringing women and minorities into leadership positions of government. Bill Allain demanded diversity and opened doors that had previously been

closed. By doing so, he created opportunities for women to serve the state and to grow professionally; and

WHEREAS, William "Bill" Allain was born on February 14, 1928, in Washington (Adams County), Mississippi. He received his Bachelor's Degree from Notre Dame University and earned his law degree at the University of Mississippi in 1950. Following graduation from law school, he practiced law in Natchez; and

WHEREAS, during the Korean War, Governor Allain answered the call of his country and served three years, much of which was in combat zones, in the United States Infantry; and

WHEREAS, following his discharge from the Army in 1953, Governor Allain practiced law in Natchez until 1962 when he was appointed Assistant Attorney General for the State of Mississippi. From 1962 until 1975, as Assistant Attorney General, he represented the State of Mississippi in cases before state courts, the federal district and Circuit Court of Appeals, and the United States Supreme Court. In 1975, he left the Attorney General's Office and returned to the private practice of law in Jackson, Mississippi, until his election as Attorney General in 1979. After leaving office in January 1988, Governor Allain resumed the private practice of law in Jackson and remained active in legal, political and civic affairs; and

WHEREAS, former Governor William Winter stated, "His legacy will be those reforms he successfully implemented in separating the authority of the Legislature from the executive branch and

making it impossible for legislators to sit on executive boards. He was able to add constructive provisions in the law regulating utilities and service charges, particularly for electric service. He was wedded to the law, was an excellent lawyer, excellent trial lawyer, and excellent Attorney General. I think he generally will be remembered as an honest Governor"; and

WHEREAS, a man of strong faith, Governor Allain was a devout Catholic. Out of the public eye, he spent many holidays serving food to the poor at not-for-profit organizations. To date, Governor Allain is the only Catholic to have served as Mississippi's Chief Executive. Governor Allain is preceded in death by his parents, Captain Henry G. and Alice Leona Smith Allain; brother, Henry T. Allain; and sister, Mary Peale. He is survived by two sisters, Margaret (Maggie) Gibbs of Florence, Mississippi, and Mildred Newsome of Houston, Texas; and numerous nieces, nephews and friends; and

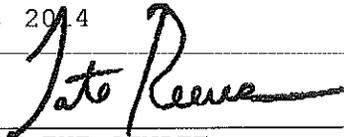
WHEREAS, Governor Allain was known as an accomplished attorney, legal scholar, statesman, fiscal conservative, consumer advocate and a true friend of the people, and he is remembered most of all as a man of principle and courage:

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MISSISSIPPI, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, That we do hereby mourn the loss and commend the historic public service of former Governor and Attorney General William A. "Bill"

Allain, and express the sympathy of the Legislature to his surviving family on his passing.

BE IT FURTHER RESOLVED, That this resolution be presented to Governor Allain's surviving family and be made available to the Capitol Press Corps.

ADOPTED BY THE SENATE
January 15, 2014



PRESIDENT OF THE SENATE

ADOPTED BY THE HOUSE OF REPRESENTATIVES
January 27, 2014



SPEAKER OF THE HOUSE OF REPRESENTATIVES