

his private counsel. In Maryland, all governors have had their private counsel, including the present governor. They do not carry him on the pay roll because of an apparent constitutional prohibition; but all governors have what they call an informal counsel.

Now, in New York they have an elected attorney general and the governor has private counsel; but the duties of the private counsel are restricted. He only acts in personal matters for the governor. He does not represent the State in any cases in court. He acts about fifteen percent of the time in legal matters dealing with extradition, writing speeches for the governor, and giving him informal advice on his legislative program; but he does not go into court under any circumstances.

THE CHAIRMAN: Delegate Della.

DELEGATE DELLA: Could he give advice to the other departments of the executive department?

DELEGATE MASON: No. The only advice he can give would be the informal advice he would give to the governor, but the attorney general would be the official lawyer for the State. He would give advice to all other departments.

THE CHAIRMAN: Any other questions of the minority spokesman?

Delegate Hanson.

DELEGATE HANSON: Delegate Mason, to follow up some of the questions which Delegate Sickles was asking, do you not think an attorney general who was appointed by the governor, who found himself in a position that would compromise his professional ethics, would not resign in such a situation?

DELEGATE MASON: Well, he should, yes.

THE CHAIRMAN: Delegate Hanson.

DELEGATE HANSON: Is a governor not entitled to legal assistance of his own choosing in developing his program, and seeing that his program is implemented in a proper and legal way?

DELEGATE MASON: The governor is entitled to legal assistance, but not necessarily of his own choosing, to develop his programs. I think that is the job and function of the person elected by the electorate of the State as the official lawyer for the State.

Now, the governor's private counsel can advise him with respect to his legislative

program, but this advice is not binding on state government.

THE CHAIRMAN: Delegate Hanson.

DELEGATE HANSON: I am not a lawyer, Delegate Mason, and it just perplexes me as to why I should vote for a man for governor who comes before the people and describes the program that he wants to establish, and then possibly by chance or design, however the case might be, end up with an attorney general who is opposed to his program, and he is left without an attorney who is an integral part of the government. Why should that attorney be elected rather than appointed? I am afraid I just do not understand that.

DELEGATE MASON: I thought I indicated that by being elected he would have that degree of independence that he would not have if he were under the influence of the governor in matters which were against his own conscience and against the law; so that he could act freely and give impartial advice.

You are suggesting that an attorney general, because he is elected, would not cooperate with the governor; but every witness who appeared before our Committee, and the governor himself, said they received the maximum cooperation from the attorney general.

THE CHAIRMAN: Delegate Hanson.

DELEGATE HANSON: Then why do you tell us that every governor has had his own private counsel? Why in the world does the governor need a private counsel if there is an attorney general? Why can we not organize the government in such a way that the governor and the attorney general can be expected to work together?

Why should we amend the constitution to create a second lawyer?

DELEGATE MASON: It is not a question of the governor having an additional lawyer. This additional lawyer is 85 percent a political adviser. He handles things like extradition hearings, clemency hearings; he writes speeches for the governor, and he advises the governor as far as his legislative program is concerned. The governor needs somebody. Maybe he has a lawyer-client relationship with him. He does not have that relationship with the attorney general, who is elected by the people.

THE CHAIRMAN: Delegate Hanson.

DELEGATE HANSON: What about the relationship in terms of legal regulations,