

sary, he certainly would have the necessary persuasive power to retain the office and the salary.

THE CHAIRMAN: Delegate Sickles.

DELEGATE SICKLES: One further question. You use the word "counsel". We were concerned that this could possibly lead to a conclusion that only one individual could be employed, and he would be working directly for the governor, and this might have the impact of restricting the ability of the legislature to authorize other house counsel, as it were, to be hired by various other branches of the executive branch. Do you mean this when you say "counsel," singularly?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I mean that there would be one person who would be counsel to the governor. To the extent that he may need additional attorneys to assist him in those duties, I would not contemplate this language to prohibit such an activity.

THE CHAIRMAN: Delegate Johnson.

DELEGATE JOHNSON: Delegate Gallagher, since you are giving this office constitutional dignity, is it not possible that the attorney general could render an opinion on a state matter, whether the opinion were sought or not sought by the governor, and if the governor were dissatisfied with that opinion, could he then turn to his counsel as provided by your amendment, and obtain a different opinion, therein having a conflict in the executive branch?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: You are quite correct. As a matter of fact, I believe that under the present circumstances where there is unofficial counsel to the governor that that unofficial counsel may from time to time give the governor different advice from that rendered by the attorney general.

It has already been said here, however, that the governor is not bound by the opinions of the attorney general.

THE CHAIRMAN: Delegate Johnson.

DELEGATE JOHNSON: If the attorney general would represent the State on some matter wherein he rendered an opinion, if the governor's view differed, do you propose or suggest that the governor's counsel would represent him in this matter and oppose the attorney general, who would therein be representing the State?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Well, I contemplate the position of counsel to the governor as one who advises the governor and gives him legal advice. I do not contemplate that he represents the governor as the chief office holder of the State of Maryland. I think in all probability the attorney general still has, under the language that we have adopted heretofore, that particular function.

THE CHAIRMAN: Delegate Dukes.

DELEGATE DUKES: Delegate Gallagher, the comments about other things that counsel could do notwithstanding, is it not so the principal thrust of this would be to appoint special counsel to the governor to serve, as you said, as his lawyer?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: To the extent that counsel to the governor is responsible to the governor only, I would certainly consider him to be his own personal counsel, yes.

THE CHAIRMAN: Delegate Dukes.

DELEGATE DUKES: Is there any question that he could do this with or without such a provision of the constitution?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Well, I think there may be some question about it, and I pointed out there may be times when there would be conflict between the General Assembly and the governor, and in order to assure the continuance of this position, I suggest that it be a constitutional one.

THE CHAIRMAN: Delegate Dukes.

DELEGATE DUKES: If you perform this sort of function, do you think it is wise to place on him the requirement that he have the same requirements as the attorney general? The governor could select the Dean of Harvard Law School. Why should he have to be a member of the Maryland bar for five years to be special counsel to the governor?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: If the Dean of Harvard Law School would like to come to Maryland, I think he ought to reside here the same as anyone who wants to be attorney general ought to reside in Maryland, and be a lawyer for five years and all other requirements.