

tion and carry them on by your assistance, that that which is to be effected here may always begin from You, and through You be brought to completion; that the results of this Convention may tend to the preservation of peace, the promotion of happiness, the increase of industry, sobriety and useful knowledge; and may perpetuate to us the blessings of equal liberty. Through Thy divine providence. Amen.

THE PRESIDENT: Roll Call.

*(The roll was called.)*

THE PRESIDENT: Has every delegate answered roll call? The Clerk will record the roll call.

The Chair recognizes Delegate Powers, Chairman of the Committee on Calendar and Agenda.

DELEGATE POWERS: Mr. President, in view of the fact that today's calendar and agenda went to the printer about 4:00 P.M. yesterday afternoon, I would like to move to amend the calendar so as to provide that we resume consideration of Committee Report EB-1 and that the Debate Schedule No. 5 reflect the change that was made yesterday afternoon in that item 1 would be deferred until after items 2 and 3 were concluded. That is to say, we would conclude the consideration of the controller and treasurer, both of whom would be involved in the Board of Public Works, before we resume consideration of the Board of Public Works.

With that change, I move that the calendar be adopted.

THE PRESIDENT: Is there a second?

*(The motion was seconded.)*

THE PRESIDENT: All in favor of the motion to adopt the calendar, — Delegate Kiefer.

DELEGATE KIEFFER: Can there be any discussion on this, Mr. President?

THE PRESIDENT: Yes.

DELEGATE KIEFFER: I find myself, sir, in a very unhappy position and I think that I speak for a great many people in this Convention. Looking over the situation in the last day or so, sir, I find that people with whom I have a great deal in common, a great deal of admiration and respect, like Governor Tawes, Judge Shaw, Judge Sherbow, Judge Dorsey, Judge Sybert, Senator Della, Delegate Malkus, Delegate Hoster and many others are taking differing

positions. I face a situation that I think a lot of people do, a certain amount of confusion. This is why I rise at this time in connection with this amendment to the agenda.

There is a basic problem that is basic to this Convention, I think, sir, and that is the problem that is first of all one of tradition, the upsetting completely of certain Maryland concepts in the election of attorney generals, comptrollers, treasurers and so forth, and also in connection with the Board of Public Works. These are things that have long been traditional in our government.

At the same time, sir, there is a very basic fundamental concept which goes even deeper and stronger which applies to this State, to every state and the nation, and that is the complete separation of powers into executive, legislative and judicial.

This is a concept that ought not to be marred and we know that. I think Judge Childs has argued strongly for that in the Committee on Personal Rights and the Preamble. I think it has been brought out also in General Provisions.

The point I wish to make is this. It seems to me if we can carry on with this debate at this point, we are in a position where a strong group feeling one way may win out by a few votes over a strong group that may feel the other way when basically I do not think there is a real disagreement or real separation.

I think we want to do what is best for the State of Maryland and I am wondering, sir, if it is not possible to work out a plan, a scheme that would satisfy all the people, not a compromise.

I found in the Committee of Personal Rights and Preamble where we had some pretty controversial subjects, that after debate on all sides, we reached a decision almost unanimously on basic issues, because this was not a compromise but a realization that a solution was possible.

I am wondering if some kind of a select committee could be appointed to see if it could not work out a framework here which would establish what we want to do with the separation of these powers and at the same time provide for the basic traditional offices for which we all have a lot of regard.

I do not want to do Louie Goldstein out of a job or Bill Birch. It seems we would all feel more comfortable or more happy