

I would like to ask if you can visualize any better man than a large city banker to be the representative of the legislature on this new type of Board we are talking about, in place of the Board of Public Works.

THE CHAIRMAN: Delegate James.

DELEGATE JAMES: If you are speaking of this particular moment, I cannot. I would not want to say. If you searched Maryland over you could not possibly get a better man, but year in and year out over the long term of things, the chances are you would get a man without the broad qualifications, experience and position in the community that the present system provides.

It is a very grave risk that you might have a lesser quality.

THE CHAIRMAN: Delegate Boyce.

DELEGATE BOYCE: Would you say you were opposed to the possible auditor being selected by the General Assembly to sit on this type of Board?

THE CHAIRMAN: Delegate James.

DELEGATE JAMES: I am not against this Constitutional Convention doing anything. I assisted in providing for a possible auditor even if this were defeated. This will be enacted by the next General Assembly.

THE CHAIRMAN: Delegate Boyce.

DELEGATE BOYCE: Would you be unalterably opposed to that man replacing the treasurer to sit on this Board?

THE CHAIRMAN: Delegate James.

DELEGATE JAMES: I am not going to say I will be unalterably opposed to anything, because many times I am wrong and I reserve the right to correct an incorrect decision.

I would say that probably the post-auditor should not sit on this Board. I do not think the post-auditor should be in an administrative position. He should be what I would like to call a critic at large, and a critic cannot be in the position of a reformer.

THE CHAIRMAN: Delegate Boyce.

DELEGATE BOYCE: Thank you. I appreciate that. I appreciate the fact that I too, am wrong quite frequently. I worry about this office, because I see no need for it to go into the constitution.

Can you explain that need to me? I did not get that in your talk.

THE CHAIRMAN: Delegate James.

DELEGATE JAMES: I feel that section 4.23, if I am not mistaken, of the Committee's recommendation, which reads "All personnel in the state government not specifically dealt with in this article shall be appointed and may be removed"—appointment would be appointment by the executive. Therefore, the legislature could not necessarily designate the treasurer as a representative on any administrative board, because he would be part of the executive branch.

DELEGATE BOYCE: You are saying he ought to be in the constitution so he could be appointed by the legislature?

DELEGATE JAMES: There is a big difference.

DELEGATE BOYCE: What is the difference.

DELEGATE JAMES: The election is a collective process involving a meshing of numerous views to achieve a single result.

The appointive power is one exercised by a single individual. It involves the exercise of executive authority as distinguished from legislative authority.

DELEGATE BOYCE: Then you disagree with the testimony of the late Preston Lane before the Constitutional Commission when he said "I do not see much sense in having the legislature elect the treasurer. The treasurers are more responsible to the governor than the legislature."

DELEGATE JAMES: That would be a logical conclusion.

DELEGATE BOYCE: You disagree, I suspect, with Governor Tawes in his appearance at the Constitutional Convention when he said "I think the state treasurer should be appointed by the governor, maybe with the advice and consent of the Senate."

DELEGATE JAMES: If that is Governor Tawes opinion, which I do not believe it is, I think you are using unfair tactics.

DELEGATE BOYCE: I do not know what unfair tactics are.

DELEGATE JAMES: I think you are putting in something which he later changed.

DELEGATE BOYCE: I think a lot of people are doing a lot of changing, but I