

the assurance that things are in proper legal order between the governor and his department head? Should he not have a legal representative of his own choosing to work with the department heads and to work with counsel in the departments? Why should this be an elected person rather than a person appointed by the governor?

DELEGATE MASON: The private counsel for the governor certainly could work with the department heads in this unofficial and informal manner. He can advise the governor as to how he thinks he could translate his programs into legal legislation; but when it comes to an official act in the State, that is where the attorney general steps in, because the attorney general not only represents the governor, or the executive department, but he represents the legislature. So would you suggest the legislature have their own lawyer and the judiciary have their own lawyer?

THE CHAIRMAN: Delegate Hanson.

DELEGATE HANSON: If you are asking me the question, I would assume that the judiciary is amply populated with lawyers. As to the General Assembly, that might be a good idea. But back to my question, which revolves around the question of a counsel in a department making a ruling, or the attorney general making a ruling regarding the intent of the legislature, or the manner in which regulations must be issued—all the internal legal housekeeping that has to go on in an administration, in which legal opinions are written. But they are more than legal opinions, they are also public policy, determining the manner in which the administration will proceed, and therefore if the governor is intending to implement a program, should this kind of counsel not be available to him, and not be of his own choosing?

DELEGATE MASON: This kind of counsel is available to him as the attorney general. Now these programs to which you address yourself are programs set up by the legislature, and the attorney general is the one who has to interpret what the law means and translate it into these particular programs for the governor.

Now, you are suggesting that the legislature have their own lawyers so they can determine what the law is, that the governor have his lawyer so he can determine what the law is, that we would fragment the legal work of the State.

THE CHAIRMAN: Delegate Mason.

DELEGATE HANSON: I do not believe that is what I was suggesting altogether. What I was attempting to get you to answer, I will try one more time, is why should the governor in the making of the legal regulations incident to the smooth operation of the administration, not be entitled to a chief legal officer of his own choosing?

What is there about election that makes it better for an elected attorney general to perform that policy legal function than for an appointed attorney general to perform it?

THE CHAIRMAN: Deegate Mason.

DELEGATE MASON: If the attorney general is appointed by the governor, and he makes those decisions for the governor, there would be a possibility of a conflict with the legislature in some areas. He certainly would go along with the governor in all of his decisions, in cases of that type.

We have an elected attorney general to represent not only the governor in the executive departments but also the legislative departments too.

THE CHAIRMAN: Are there any further questions?

Delegate Clagett.

DELEGATE CLAGETT: Delegate Mason, when the governor has under consideration the veto of a bill of the General Assembly, who is his legal counsel?

THE CHAIRMAN: Delegate Mason.

DELEGATE MASON: Usually the attorney general. He determines whether the law is constitutional or not, but if it is a question of policy and the governor wants to veto it as a matter of policy, he can have other advisers. It would not be a legal question.

THE CHAIRMAN: Delegate Clagett.

DELEGATE CLAGETT: When the General Assembly attempts to override the veto of the governor, who is the legal counsel?

THE CHAIRMAN: Delegate Mason.

DELEGATE MASON: Well, if legal counsel is needed the attorney general is the legal counsel.

THE CHAIRMAN: Delegate Clagett.

DELEGATE CLAGETT: Is that not a possible conflict of interest situation for the attorney general?