

tion proceedings in the Court of Appeals, Court of Special Appeals, and in the federal court; but the other 50 attorneys general are engaged in civil work.

I do not believe that it makes a great deal of difference in either the caliber of the attorney general or his fidelity to his client or conforming to the code of ethics of his profession whether he is appointed or elected, and the proof of that is that of the last five attorneys general, three were appointed for their initial term.

Attorney General Finan was first appointed by Governor Tawes; Attorney General Rollins was appointed by Governor McKeldin; and Attorney General Curran was appointed. I do not think that anybody would argue that when Attorney General Finan served as an appointive attorney general he was any better than when he served as an elected attorney general.

THE CHAIRMAN: Your time has expired.

DELEGATE BAMBERGER: I hope we will get to the point of knowing what the attorney general is to do and what his relationship is to be with his various departments and then we can intelligently debate whether he should be elected or appointed.

THE CHAIRMAN: Delegate Mason.

DELEGATE MASON: I will yield three minutes to Delegate Cardin.

DELEGATE CARDIN: Mr. Chairman and ladies and gentlemen of this Convention: If I am to assume that Delegate Bamberger speaks for the majority in that this is a constitutional matter, I would suggest that we end debate now and take a vote, because it is obvious the minority agrees, and if the majority concedes to that, we can save some time. However, I am not at all certain that all feel that way.

I would like to speak, not as a venerated jurist, not as a renowned attorney, not even as an educator, but as a housewife and voter for the past 20 years.

When I voted for the attorney general — and I voted in each election when he ran for office — I voted for an independent attorney general and independent chief legal officer of this State. There was no confusion in my mind then as to what his responsibilities were. I considered him the chief legal adviser to the state government, irrespective of the branch which sought his advice and opinion. I felt that this was vital, because in the executive we have very few who speak for the people, and I

felt that this officer was an officer who spoke for me, the average voter. I feel that it is vital to us to recall an admonition that was given to housewives many years ago, women being anxious to houseclean and to institute efficiency in their homes, and I may say you can use efficiency in housecleaning now. We were advised, wisely, to be careful not to throw out the baby with the bath water.

I suggest we remember this admonition now. There is housecleaning to do in the executive branch, but not in the office of the attorney general. He is not part of the executive branch. He has never been part of the executive branch. He has always been an independent officer, not in competition with, but an adjunct to all branches of the state government, and I think that this is the departure that the minority has from the majority. That Delegate Bamberger has difficulty assessing the responsibilities of the attorney general, I agree. I do not have that difficulty. I wish him to remain a constitutionally designated, independently elected official, owing his responsibilities and allegiance to the voice of the people, not the governor, because I contend that if he is appointed, his job, like the Sword of Damocles, will hang in the balance, and his knee will bend to one man.

I prefer that his job be responsive to the voices of 1,400,000 registered voters.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Mr. Chairman, I will yield five minutes to Delegate Marvin Smith.

THE CHAIRMAN: Delegate Marvin Smith.

DELEGATE M. SMITH: Mr. Chairman, I listened carefully yesterday to the explanations of the majority and the minority. If one thinks carefully about the questions asked and the reasons given, I think that one can conclude that the reasons were very carefully brought out why the attorney general should not be elected.

Now, if I understand the minority position — and I think I do — it is their position that was just put forward on the Sword of Damocles — that despite the canon of legal ethics, despite the oath of the attorney general as a member of the bar, that he might connive with the governor to bring about some illegal act.

Now, Mr. Chairman and ladies and gentlemen, think about that most carefully be-