

cause it is human beings about whom we are talking. If the minority is correct in that position, then I ask you, does it not also follow that an elected attorney general might deliberately set out for political reasons to obstruct another, if the attorney general happened to be of a faction different from that of the governor, or of a party different from that of the governor?

Bear in mind that in the hard-fought primary of last year, my good friend, the present attorney general, was not of the same faction as the gentleman who won the Democratic primary for governor.

Does it not also follow that when nominees of an attorney general are selected, not for their legal ability or their vote-getting ability, that sometime in the future as this State expands, under this system we might have an excellent politician but a poor lawyer? I cannot cite chapter and verse, but I do understand that instances have been known in other states in which the attorneys general elected by the people have been something less than that which they might have desired.

Certainly there are those of you who have knowledge within the State of Maryland of state's attorneys who have been something less than what one might desire in that position.

Now, finally, it is the position here that the attorney general should be the adviser to the General Assembly and to the executive. I would point out to you that a man much greater than any of us some 2,000 years ago said that one cannot serve two masters.

I oppose the amendment.

THE CHAIRMAN: Delegate Mason.

DELEGATE MASON: Mr. Chairman, I yield three minutes to Delegate Raley.

DELEGATE RALEY: Mr. Chairman and members of the Committee of the Whole: I believe that the attorney general should be a constitutional office. I believe that the attorney general should be elected. I believe that his duties should be assigned as they are headed to do so in the future. I believe that because I think that the attorney general is entirely different from the comptroller, whose function is purely administrative, whereas the attorney general serves both the legislature, the executive, the judicial, and the people.

And I would like to give you an example of why I believe that, and how I saw it in action. In 1957 I was a member of the

legislature, and down in the Potomac River we were having great problems. We were having what they called the "oyster war" with Virginia, and people were being killed; and I felt that something should be done about it, and wanted some help to get some legislation to abrogate the Compact of 1785, which was a compact made prior to the constitution.

The chief executive of the State did not feel that this should be done. I went to the attorney general, the man who sits behind me today in this assembly, and he helped me, and he helped others, and we did get the legislation together, and it was passed. It did go to the Supreme Court, and it became a compact between the two states which is now serving these states well.

It made the river a productive river.

This happened because there was an independent attorney general who was willing to work for the legislature, and he was not controlled by the executive.

For those reasons, I implore an elected attorney general.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Gentlemen, I yield five minutes to Delegate Hanson.

THE CHAIRMAN: Delegate Hanson.

DELEGATE HANSON: Mr. Chairman, I find myself in much the same position that Delegate Bamberger expressed, that we are debating here the question of whether or not the attorney general should be elected, but we are voting on the question of whether or not the office of attorney general should be included in the constitution.

Since we seem to have no alternative, I plan to speak on whether or not the attorney general should be elected.

I believe, given the kinds of duties that I envision the attorney general having, he should be appointed. It may be possible once we get to specific language to develop an office of attorney general, which we would all agree ought to be an elected office.

Based on the majority and minority reports to this Convention, I must conclude on the basis of the evidence before us at the present time that the attorney general should be an appointed office. The argument is made by the proponents of election that an elected attorney general would be much more independent. In some cases this