

DELEGATE SYBERT: Mr. Chairman, fellow delegates:

I had the honor and the pleasure of serving six years as attorney general of Maryland. I feel that some of the speakers here today have misconceived the function of the attorney general. The attorney general is not the lawyer for the governor or for the departments of state government, or the legislature, as such. He is, as Delegate Cardin so well pointed out, the lawyer for the State.

As Judge Henderson pointed out, his function is largely quasi-judicial. His main function is to give opinions on what he finds the law to be to any department of the State, governor, or legislature; as he finds the law, not as the inquirer would like to have the law be.

If he is asked a question as to the constitutionality of an act going to the legislature, whether by the governor or by either house of the legislature or any individual legislator, he must, after proper research, give the same answer. Therefore, I feel it is imperative that the attorney general be entirely independent, and that is the way it has been set up in the present Constitution. It is not in any one of the other three branches, but it is in the separate Article VI, recognizing that the attorney general is a unique officer. And that is why, in my opinion, it has been separately set up.

THE CHAIRMAN: Delegate Mason, you have about a minute and a half to yield.

DELEGATE MASON: Mr. Chairman, I yield two minutes to Delegate Sherbow.

THE CHAIRMAN: It is a little difficult to do that in the time allowed.

You have just about two minutes, I believe, Delegate Sherbow.

DELEGATE SHERBOW: Mr. Chairman and ladies and gentlemen, I shall be within that time.

A long time ago a great American said, "I know of no way of judging the future but by the past." I also know that you will agree with me that the people are frequently way ahead of their elected representatives. When the people look at the past and judge the future, they will recognize that there have been truly great men in the elected constitutional office of attorney general, men like Albert C. Ritchie, Alexander Armstrong, a Republican who

served when there was a Democratic Governor; Thomas H. Robinson, who came from a small county; William Preston Lane, Jr., who went on to be Governor; Herbert R. O'Connor, who went on to be United States Senator, and Hall Hammond. I mention none of those who sit in this Convention.

It is time we stop thinking in terms of government by computer and slide rule and think in terms of government by the people. They are smarter often than those who presume as we do to speak for them. They are way ahead of us. They will want in the future what they have had that has served them so well, outstanding, topnotch, the leaders of the bar in the constitutionally determined office of attorney general.

THE CHAIRMAN: Your time has expired, Delegate Sherbow.

For what purpose does Delegate White rise?

DELEGATE WHITE: On a point of personal privilege, Mr. Chairman.

THE CHAIRMAN: State the privilege.

DELEGATE WHITE: I wish to relate to the Committee of the Whole that I personally have reached a point of achievement in Annapolis which amazed me. This morning it was brought to my attention by a delegate that a landlady advertised a room for delegates, and reading the announcement he noticed in parenthesis (White), and I am real glad.

*(Laughter.)*

THE CHAIRMAN: Now we have a period of limited but uncontrolled debate. Does anybody desire to speak in favor of the amendment?

Delegate Dorsey.

DELEGATE DORSEY: Mr. President, as I recall history when this nation was founded nearly two centuries ago there were two schools of thought, one espoused by Hamilton and the other by Jefferson.

Hamilton believed in an aristocracy of wealth, far removed from the people; and Jefferson believed in a democracy by men close to the people. Hamilton, in one of his writings said that the people are great beasts and not to be trusted, while Jefferson believed that no nation was fit to live in in which the average man could not participate.

I say to this Convention that the issues here today are as clear and fundamental