

be under the control of the General Assembly and the General Assembly would have full power to authorize the governor specifically to remove or require the state's attorney to step aside in any given case.

DELEGATE J. CLARK (presiding): Delegate Bennett.

DELEGATE BENNETT: Do you not think it would be desirable to put something about that specifically in the last sentence relating to the state's attorney because that would certainly be a controversial case.

If you want the governor to have that power, why not say so?

DELEGATE J. CLARK (presiding): Delegate Morgan.

DELEGATE MORGAN: It—

DELEGATE J. CLARK (presiding): The Chair would like to interrupt to announce that the former speaker of the House, Mr. Perry Wilkinson, just came on the floor of the House.

Let us give him a hand.

(Applause.)

DELEGATE J. CLARK (presiding): He is the man who occupied this rostrum when I first came here a few years back. Also, I might announce that we have 50 members of the N.A.A.C.P., Maryland Chapter, from the various counties of Maryland.

I think it would be nice to recognize them.

(Applause.)

DELEGATE SYBERT: Mr. Chairman.

DELEGATE J. CLARK (presiding): The Chair recognizes Delegate Sybert.

DELEGATE SYBERT: May I add to the answer with respect to the question proposed by Delegate Bennett of the Chairman of the Committee, to call attention to the present provision in the Constitution.

DELEGATE J. CLARK (presiding): Delegate Morgan.

DELEGATE MORGAN: I would be happy if you would, Judge Sybert.

DELEGATE J. CLARK (presiding): Delegate Sybert.

DELEGATE SYBERT: Article V, section 3 of the present Constitution with respect to attorney general, provides, in ef-

fect, that at the request of the governor as well as at the request of the General Assembly, the attorney general shall either aid a state's attorney in the prosecution of any criminal case or at the request of the governor or General Assembly, according to law, the governor or Assembly can direct the prosecutor to defend any case in which the State is interested.

So at the request of the governor the attorney general can and has in the past handled cases in which the state's attorney is disqualified for one reason or another under the present Constitution.

DELEGATE J. CLARK (presiding): Delegate Morgan.

DELEGATE MORGAN: It is my understanding, Judge Sybert, and I hope you will correct me if I am wrong, that that language, "he shall prosecute or defend any suit or action," has not been held to authorize the attorney general to go before a grand jury in a particular county and prosecute a criminal case.

Am I correct or incorrect?

DELEGATE J. CLARK (presiding): Delegate Sybert.

DELEGATE SYBERT: The Chairman may be correct but, if so, I have never heard of any such ruling. The broad language of the constitution seems to permit it under the request of the governor and it has been done.

DELEGATE J. CLARK (presiding): Delegate Sollins.

DELEGATE SOLLINS: With regard to section 4.30, how does that differ from the legislative section dealing with the calling of a special session by the governor?

DELEGATE J. CLARK (presiding): Delegate Morgan.

DELEGATE MORGAN: I think the legislative article does not authorize the governor to call the Senate alone into session. At least that is my recollection. In other respects, I think it is probably about the same thing.

DELEGATE J. CLARK (presiding): Delegate Sollins.

DELEGATE SOLLINS: With regard to section 4.04, the salary of the governor, you have eliminated the present constitutional provision which states the salary.

Have you provided for transitional legislation which will specify the gubernatorial salary in the future?