

But then he says it "may make some sense in basically rural states," which I say is equivalent to rural counties, "with nothing but small, one-man, part-time prosecutors. It just does not happen in metropolitan areas, however."

And then Mr. Moylan in his remarks—and I might suggest Mr. Moylan is President of the State's Attorneys Association of Maryland—to the Maryland Municipal League, some months ago, said this—

THE CHAIRMAN: Delegate Byrnes, two minutes of your time is left.

DELEGATE BYRNES: I will just summarize his comments by saying that he makes it clear that at the prosecuting level where he is referring to discrepancies from county to county, it is rather ridiculous because the city is not as economically viable as its adjoining county to the north for a full time assistant state's attorney to begin at \$8,000; whereas, his part-time counterpart in Baltimore County begins at \$10,000. There are all sorts of inequities in the system today. I quote a portion of his statement, "There is a need not today, but yesterday, and I submit this Convention had better give some real thought to restricting the whole governmental system to meet this incredible law enforcement problem that is already upon us and we will realize very drastically it is upon us within the weeks and months ahead."

The most important argument I would submit to your consideration is presented to the people of the country by the President's Commission on Law Enforcement. That Commission recited all the reasons for deficiencies at the prosecuting level: part-time offices, low salaries, too much of a political atmosphere. They do not suggest an appointive system, but do make it clear that a non-partisan atmosphere would be in the public interest.

This is the purpose and thrust of this amendment, and I urge that you adopt it.

THE CHAIRMAN: Any questions of the sponsor of the amendment?

Delegate Willoner, do you desire to question the sponsor?

DELEGATE WILLONER: Yes.

THE CHAIRMAN: Delegate Byrnes, will you reply to the question?

DELEGATE BYRNES: Yes.

THE CHAIRMAN: Delegate Willoner.

DELEGATE WILLONER: The use of the word "may" would not prohibit the legislature in the future from making it a mandatory provision, would it?

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: I would say yes, and we all know the judges do it on a cross filing basis, and that is statutory.

THE CHAIRMAN: Delegate Willoner. Before you state your next question, the Chair is not clear whether you understood the Delegate's question.

He said, would the use of the word "may" in line 5 of your amendment prevent the legislature from in effect changing that word to "shall", that is to make the provision mandatory?

Delegate Byrnes.

DELEGATE BYRNES: I would say no, sir. I am sorry, I did not.

THE CHAIRMAN: Are there any other questions of the sponsor?

Delegate Jett.

DELEGATE JETT: I did not quite understand, Delegate Byrnes, did you say that Attorney Moylan was in favor of this provision?

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: I said State's Attorney Moylan is on record as urging that we consider the state's attorneys offices in the state as part of the entire law enforcement effort, along with judges, sheriffs, et cetera. The state's attorneys en mass indicated to the Executive Branch Committee that they would look with favor upon this kind of approach, that they be cross filed, but I do not suggest that State's Attorney Moylan personally said "I want cross filing." He did not say that.

THE CHAIRMAN: The time of Delegate Byrnes has expired.

Delegate Marion, did you have a further question, or do you want debate?

DELEGATE MARION: I had one further question, just following up the previous question.

THE CHAIRMAN: A very brief question?

DELEGATE MARION: Yes, sir.

THE CHAIRMAN: State it please.