

THE CHAIRMAN: Very well.

Does any delegate desire to speak in opposition to the amendment as modified?

Delegate Case.

DELEGATE CASE: Mr. Chairman, ladies and gentlemen of the Committee: The issue here is clear. Are we to preserve the executive budget that has served us so well in Maryland, or are we to go to something new, something different, something strange?

I submit to you that this question has been before a number of people where it has been decided without the heat and passion of advocacy which may or may not have been displayed in this hall this afternoon. I should like to reason with you, if I may, in the time that is left to me, with respect to the results which these investigators have found.

First, let me suggest to you the Sobeloff Commission to which Judge Sherbow referred, the Commission chaired by the Chief Judge of the fourth circuit Court of Appeals, our highest federal judge, Dean of the University of Maryland Law School, president of the largest savings and loan association in this State, a current federal district court judge, and two judges of the Court of Appeals of Maryland, all on one commission. These gentlemen have no axe to grind. They did not care how this was decided. This issue was put to them. This is what they said in rejecting it. Please let me read this to you:

“The legislature on the one hand is obligated to study the budget requests submitted by the governor to decide whether or not it is in accord with the policies there reflected and to vote such of the appropriations and revenues requested as seem to it to reflect sound public policy.”

They are explaining what the current situation is. To continue: “Whatever its political relationship to the governor, it does not operate at his command.” “It”, means the legislature.

“In a legal sense he is or should be able to command administration, but he is not able to command legislation. The legislature is obligated to use its own discretion in voting the requested appropriations. It can withhold appropriations. It can increase appropriations if it provides the necessary funds. It can enact substantial legislation calling for additional funds which can give rise to

legislative uses of the supplemental budget.”

Bear this in mind, ladies and gentlemen: “The legislature, in short,” the Commission says, “is responsible for state policy and has enough power over the budget to permit it to control that policy. The governor in turn through the agencies subservient to him must carry out the legislative will.”

This was the commission that said the continuation of the executive budget should be maintained. They found, ladies and gentlemen, that the legislature had ample power under the present situation —

THE CHAIRMAN: You have one-half minute, Delegate Case.

DELEGATE CASE: — to control the fiscal destinies of this State.

Now, let me quote to you another study, again not made in the passion of debate, again made in the calm deliberation which should control these very intricate problems. This is the commission which Delegate Gallagher has depended on so greatly in his presentations before this Committee. This is the Eagleton Report on the strengthening of the Maryland legislature. Let me read to you what they said about the problem we are facing.

“As a matter of fact, the budgetary system allows the General Assembly,” meaning our General Assembly “considerable discretion. Therefore, we feel that constitutional limitations now in the law should be continued. Nearly every legislator whom we questioned agreed the system works well now, they said, and another who was asked the same question answered ‘Thank God for it.’ We are convinced that the system does work and little would be gained by constitutional revision.”

I submit to you, ladies and gentlemen, these are not Dick Case’s thoughts. These are not the thoughts of the delegate who seeks to make a change here, for what reason I know not. These are the thoughts of people who have given this matter —

THE CHAIRMAN: Your time has expired. Please bring it to a close.

DELEGATE CASE: Thank you, sir.

These are the thoughts of the commissions and people who have given this matter study, who have no axe to grind, and who recommend a continuation of the existing system.