

assuming that chief legal officer headed up the legal department?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: I think it would be exactly the same relationship which exists between the attorney general of the United States and the special counsel for the president. The special counsel to the president advises the president on things that are really personal powers and duties of the president, and the attorney general advises him on things of a government-wide nature.

THE CHAIRMAN: Delegate Clagett.

DELEGATE CLAGETT: For information, does that government counsel have a desk in the Department of Justice?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: No, he does not.

THE CHAIRMAN: Delegate Clagett.

DELEGATE CLAGETT: Does he have any connection with the Department of Justice?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: No, he does not.

THE CHAIRMAN: Delegate Clagett.

DELEGATE CLAGETT: Then it is contemplated by the Committee where it makes its statement in the memorandum lines 50 and 51 that the governor would be free to appoint legal counsel, that he would be free to appoint that legal counsel which would be separate and distinct from any connection or responsibility to the legal department of the State?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: That is correct.

THE CHAIRMAN: Are there any further questions?

Delegate Clagett?

DELEGATE CLAGETT: Just this, Mr. Chairman.

What specific authority does the governor have to appoint such counsel and where would it be found?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Just his authority as governor. He could use his authority as governor to provide for a staff in the budget. He could put the legal counsel in his budget, and if the General As-

sembly did not strike it out, I suppose the counsel would be authorized when the budget became law.

THE CHAIRMAN: Are there any further questions, Delegate Clagett?

DELEGATE CLAGETT: No, sir.

THE CHAIRMAN: Delegate Sickles.

DELEGATE SICKLES: Delegate Morgan, Delegate Bamberger raised the point with respect to this provision being substantially identical with the current Constitution and it led me to realize that we are now continuing the requirement on the part of the attorney general to respond to an opinion if requested by key people.

In the past it said a governor can make a request. We have added any other officer or agency of the State. Can we interpret this sentence which starts on line 21 to mean a responsibility on the part of the attorney general which he cannot overlook but as far as the other parts of the executive branch, either that there could be either by executive order or legislature a condition of the circumstances under which the request would be made?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: I do not think there is any question about that.

THE CHAIRMAN: Delegate Sickles, in your question you referred to line 21. So that the record may be clear, what are you referring to?

DELEGATE SICKLES: I was looking at the committee memorandum.

THE CHAIRMAN: I assume you mean the lines on 11 and 12 of page 2 of the committee recommendation?

DELEGATE SICKLES: That is correct, Mr. Chairman.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: Mr. Chairman, in the first section of the article you indicate the qualifications for election. Now I presume these qualifications do not apply in case the governor has to fill the vacancy by appointment, that is a five-year limitation?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: It is not provided for under the proposed amendment, that is correct.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: Chairman Morgan, because of your responses to questions