

haps, or where we may need a distinction at one time which we do not need at another.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: So if we adopt this language, the governor would still be free to employ his own attorney?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Yes, and to make certain of that I propose to offer a specific amendment to that effect.

THE CHAIRMAN: Delegate James Clark.

DELEGATE J. CLARK: Delegate Gallagher, if this provision were adopted, would it not be possible for the General Assembly to strip the attorney general of all of his powers and duties?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Yes, it would be possible.

THE CHAIRMAN: Delegate James Clark.

DELEGATE J. CLARK: I would think this would be most dangerous.

THE CHAIRMAN: Delegate Dorsey.

DELEGATE DORSEY: Delegate Gallagher, as Chairman of the Committee on the legislative branch, you expected this Convention to back you up, did you not?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Yes.

THE CHAIRMAN: Delegate Dorsey.

DELEGATE DORSEY: Now, after three months of considerations by the Committee on the Executive, and after consulting with the Chief Judge of the Court of Appeals of Maryland, do you expect this Convention now to strike down everything that this Committee of the Executive Branch has done, and adopt your amendment?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Well, if it is a felonious intent, I regret it. I do believe I supported the recommendations of the Committee throughout, but, on the other hand, I do not believe that the report we have before us this morning carries quite the same strength that the earlier report did, for reasons best known, I think, to him.

THE CHAIRMAN: Delegate Dorsey.

DELEGATE DORSEY: I might say the report you have his morning carries the

unanimous endorsement of the Executive Committee.

THE CHAIRMAN: Are there any further questions of the amendment's sponsor?

Delegate Schloeder?

DELEGATE SCHLOEDER: Mr. Gallagher, I wonder if you could further clarify the difference between legal and executive duties, following Delegate Hardwicke's question.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I believe that the distinctions between legal and executive are well known, particularly to lawyers, and I suspect that the attorney general could render a wonderful opinion with respect to that if he were called upon to do so.

The legal aspect has to do with interpreting laws and giving advice with respect to the effect of laws and the effect of certain actions under laws as they may exist.

The executive function, on the other hand, has to do with carrying out the laws, and implementing the laws.

THE CHAIRMAN: Delegate Schloeder.

DELEGATE SCHLOEDER: A further question. I am not an attorney, and maybe you could help me by giving me an example of a legal duty and an executive duty that will maybe clarify it for me.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I believe Delegate Bamberger gave you a good example this morning. I think the question of whether or not an appeal is to be taken to the Court of Appeals or the Supreme Court of the United States on behalf of the State of Maryland is a policy decision which the governor of this State ought to make. I believe that when one surrenders that power to the attorney that it is the attorney who is not only making, it seems to me, a legal prophecy, namely that he is going to be successful, but he is also carrying the weight and authority of the State on one side or the other of a question, and if he intervenes as *amicus curiae*, he is certainly indicating what the posture of the State may be in a given matter, and I think that this is something that belongs in the hands of the executive branch.

THE CHAIRMAN: Are there any further questions?

Delegate Schloeder?