

DELEGATE SCHLOEDER: No, thank you.

THE CHAIRMAN: Delegate James.

DELEGATE JAMES: Mr. Chairman, may I ask a question of Delegate Gallagher?

THE CHAIRMAN: State your question.

DELEGATE JAMES: Delegate Gallagher, would not such functions as consumer protection and control over registration of securities, and possibly over law enforcement and this type of thing be divested from the Attorney General's office under your proposal?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: No, not necessarily. I would leave these things, Senator James, to the General Assembly, which has an opportunity from year to year to measure the wants of the State and the needs of the State.

THE CHAIRMAN: Delegate James.

DELEGATE JAMES: My point is, putting it in the form of a question, if this language is in the article and the legislature would continue the consumer protection type of enforcement, would not a defendant in a proceeding be able to raise a question that the Attorney General was acting improperly in an executive capacity rather than a legal capacity?

In other words, would you not, by narrowing his duties, enable any defendant to raise a question that the Attorney General was operating in an improper area?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Any defendant may raise any defense. How successful the defense would be would depend upon the judge who heard the case.

I believe that it has been professed here that we do not intend to detract from the executive power of the governor when we create the office of attorney general. All I propose to do by the amendment is to ascertain that by the written word.

THE CHAIRMAN: Delegate Weidemeyer.

DELEGATE WEIDEMEYER: Mr. Gallagher, I want to ask you this. Do you think that the people of Maryland honestly would stand pat for a constitution that provided for them to elect an officer and then for somebody else to find some work for him to do?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I have no way of measuring what the people of Maryland will or will not stand for. I do believe that the General Assembly will act responsibly, and if it believes that the language which has been proposed here by way of duties and powers for the constitution ought to be conferred upon the attorney general, that the General Assembly will do so by statute, and I have every expectation that that would be the case.

THE CHAIRMAN: Delegate Weidemeyer.

DELEGATE WEIDEMEYER: Would you be happy with a General Assembly that wanted to strip the attorney general of any duty or just give him such duties as they may want to give him?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I would not be happy with a General Assembly that would act so irresponsibly as to deprive itself of its legal advisor, or any department of the State of its legal advisor. I cannot conceive that that would happen.

THE CHAIRMAN: Delegate Weidemeyer.

DELEGATE WEIDEMEYER: If we are going to elect an officer, do you not think that we and the people of the State of Maryland ought to know, when we elect him, what his constitutional duties are?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Yes.

THE CHAIRMAN: Delegate Mason.

DELEGATE MASON: Delegate Gallagher, are you suggesting that in criminal cases the attorney general should consult the governor before he appeals a criminal case?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I believe there may be times when that is perfectly appropriate and perfectly proper, but I have really not addressed myself to a final solution of that problem by my amendment. This would be determined as a matter of policy by the General Assembly.

THE CHAIRMAN: Delegate Mason.

DELEGATE MASON: I thought you just said that in all cases of appeal the attorney general should not act before consulting the governor.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I think that as a general proposition the State of Mary-