

land should not appeal the case without the concurrence of the executive branch of the government.

Now, if the attorney general and the governor work out some arrangement with respect to criminal matters, that may well be tolerated and provided for by the General Assembly, but it seems to me that you do not tell your client what you have done on his behalf and to what you have pledged him after you have actually done it and without consulting him.

The attorney general is a lawyer, and he serves a client, and I believe that the purpose of my amendment is to see to it that he acts as a lawyer and not as a policy maker or policy setter.

THE CHAIRMAN: Delegate Mason.

DELEGATE MASON: Would it not be better, then, for this lawyer whom you describe to be appointed by the Governor, rather than be elected?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I think that that question has pretty generally been disposed of, and I will not seek to argue it again.

THE CHAIRMAN: Delegate Mason, Delegate Gallagher has only a few minutes left for questioning. There are other delegates who desire the floor. Do you yield the floor?

DELEGATE MASON: Yes.

THE CHAIRMAN: Delegate Boyer.

DELEGATE BOYER: I am wondering if these limitations on the legal powers would not deprive the Attorney General of his investigatory powers in fields such as savings and loan, or consumer protection. Is this your intention?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I would not so interpret this language as such a limitation.

THE CHAIRMAN: Delegate Boyer.

DELEGATE BOYER: Assuming just for the sake of argument that this amendment does pass and is acceptable, would it not be consistent with the Constitution that we allow also the General Assembly to prescribe the duties of the comptroller and other officers?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I do not believe there is anything which prevents the General Assembly from conferring addi-

tional powers and duties upon the comptroller.

THE CHAIRMAN: Delegate Dukes, you have an opportunity for one or two short questions.

DELEGATE DUKES: Delegate Gallagher, you said the legislature could give the attorney general practically no powers. Could it also make him legal advisor to all the boards, commissions, and departments in the State?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Yes. I believe it could, in the absence of other constitutional provisions, one of which I plan to offer.

THE CHAIRMAN: Delegate Dukes.

DELEGATE DUKES: And also the power over the performance of all legal personnel within those departments?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I do not so interpret this amendment as providing that effect.

THE CHAIRMAN: One more question, Delegate Dukes.

DELEGATE DUKES: Could it provide that any opinion he gave in his position as exclusive legal advisor to any of these boards or departments was binding on that board?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I believe it could.

THE CHAIRMAN: I assume to the extent such provision would not be in conflict with other constitutional provisions.

DELEGATE GALLAGHER: Yes, sir.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Mr. Chairman, the recommendation which we have reported out to the Convention was really a compromise between two points of view: One, the desire to have constitutional duties of the Attorney General set out, and the other group which wanted to have the General Assembly prescribe the duties of the Attorney General. What we reported really represents a compromise between those two points of view. It specifies certain duties of the attorney general in the constitution, and also gives the General Assembly broad powers to confer additional