

so I feel that I speak with some authority on this subject, at least.

I regard this amendment as an extremely dangerous one, and I hope it will be defeated. The truth of the matter is that the attorney general has a duty in which he really assumes a quasi-judicial office. He is not primarily an executive, the governor's man. He is not anybody's man. He gives advice and opinions in writing, which since 1916 have built up an imposing body of law, and in giving those opinions he is not favoring one side or the other.

Now, I regard this blue paper which is offered here as the bare bones that should be in the constitution. It says whom he represents. It says that he represents all state departments and must give his opinion in writing. It says that he shall have the responsibility of representing the State and the sole responsibility of handling criminal cases on appeal. That is an extremely important function, particularly since you are electing the state's attorneys, and to have an elected official to pursue those cases in the higher courts has worked extremely well.

It gives him an objective view and gives him much more influence in arguing those cases in the higher court than if he had been concerned with the heat of battle at the trial stage.

The fact that he advises every state department brings considerable order out of what would otherwise be legal chaos, and I think it should not be put in the hands of the Legislature to take away those essential functions of the office.

I hope the amendments will be defeated.

THE CHAIRMAN: Delegate Ulrich, do you desire to speak in favor of the amendment?

Delegate James?

Does any delegate desire to speak in favor of the amendment?

Delegate Sybert, do you still desire the floor?

DELEGATE SYBERT: No.

THE CHAIRMAN: Delegate Cardin?

Are you ready for the question?

Delegate Gleason.

DELEGATE GLEASON: Mr. Chairman, fellow delegates, let me say that in the minds of the co-sponsors of this amend-

ment the issue of an elected attorney general has been decided and decided decisively by the Committee of the Whole.

The question that we are dealing with here is the question of what powers shall rest in the office of the attorney general.

Under the Committee's recommendation, it has been concluded that the attorney general shall have in the future, as he has had in the past, executive power, legislative power and judicial power.

Since we are dealing here, it seems to me, with delegated power of the people, we are delegating power to a fourth branch of the government, and to the extent that we are delegating such power, we are subtracting power from the three branches of the government.

We have marched up the hill, as Delegate Dorsey has said, and have delegated power to the executive branch of the government, to the legislative branch of the government, and to the judicial branch of the government, and we have done that with the purpose of clarifying the areas of responsibility between those branches. But here we are confusing, in marching down the hill, where that power shall rest.

The second point that I want to make is this, that without exception we have provided for the traditional checks on powers in one branch of the government by putting that check into the other two branches of the government.

The judiciary checks on the constitutionality of the acts of the executive and the legislative. The executive, through the veto and through appointive power, checks on the judiciary and checks on the legislative. The legislature, through its power over the purse strings, the power to override legislation vetoed by the governor, checks on the executive and the judiciary, but here the Committee Recommendation says that we are going to blow that check and people will not know in the future, if we do not clarify this responsibility, just who is responsible for government acts.

I certainly hope this amendment is supported.

THE CHAIRMAN: Are you ready for the question?

*(Call for the question.)*

The Clerk will ring the quorum bell.

The question arises on the adoption of Amendment No. 1 to Committee Recommendation EB-2.