

For what purpose does Delegate Clagett rise?

DELEGATE CLAGETT: Mr. Chairman, may we likewise extend equally warm greetings to the remainder of the Hopkins family which is in the gallery back of you?

*(Applause.)*

THE CHAIRMAN: Delegate Willoner.

DELEGATE WILLONER: I ask the Convention to welcome two of my secretaries, Nora Freeman and Janet Sherbert, Mrs. Freeman's daughter Donna, her mother Mrs. Edwards, and Mrs. Sherbert's sons Douglas and Gregory. They are here to check on me and see that I really do exist, since they have not seen me for so long.

*(Applause.)*

THE CHAIRMAN: The Clerk will read the amendment.

READING CLERK: Amendment No. 2 to Committee Recommendation EB-2, by Delegate Gallagher: On page 2 following line 12 of section 4, Powers and Duties of the Attorney General, add this new section:

"Section           Counsel to the Governor

"The governor may appoint counsel who shall have the same qualifications as required for the Attorney General."

THE CHAIRMAN: The amendment is submitted by Delegate Gallagher. Is there a second?

*(The amendment was duly seconded.)*

THE CHAIRMAN: The Chair recognizes Delegate Gallagher to speak to the amendment.

DELEGATE GALLAGHER: Mr. Chairman, ladies and gentlemen, I would like to say by way of preference that I trust Delegate Dorsey will give the same report to his Committee he gave to LB-1, where I note on checking he voted against the Committee on final vote.

Chairman Morgan, in the presentation of the argument on EB-2, stated that it was contemplated that because of the prohibition being removed from the present constitution that the governor could not retain counsel unless specifically authorized by the General Assembly, that that elimination of the prohibition would in fact impliedly allow the governor to appoint his own counsel.

I do believe, because there may be some occasions in the future which may be la-

mentable but nevertheless will be realistic, when the governor and the General Assembly may be at odds with respect to matters of policy or budget or other matters which may separate them, that it would be well to provide in the constitution to allow the governor to appoint counsel.

It would seem to me from what we have known with respect to past practices in the State of Maryland that the governors have from time to time been required to call upon outside counsel, counsel who were not employees of the State of Maryland, and who were not officers of the State of Maryland, for legal advice.

I think it is time that we say to it that this particular function, that of advising the governor as his own counsel, should be recognized in the constitution. The office itself is recognized in many other states, and the office exists quite fruitfully in many other states.

It is not at all unusual for the attorney general and governor to be of opposite political parties. Neither is it unusual when they belong to the same political party to have them at odds within their own political factions, so it would seem to me a wise thing to do, in order to enable the governor to carry out his duties, to have at his elbow a constitutionally recognized state legal officer who shall be his own.

Parroting the words of Delegate Ed Clarke, I think every governor should have a lawyer he can call his own.

Consequently, to establish this office in the constitution would seem to me to be a wise device, and since Chairman Morgan indicated that it was impliedly smiled upon by his committee language, I would trust we could go farther than a smile and institutionalize it in the Constitution.

THE CHAIRMAN: Are there any questions of the sponsor of the amendment? Delegate Marion.

DELEGATE MARION: Delegate Gallagher, would it be possible and would it be your intention by this amendment that counsel appointed by the governor might either be a full time staff position working at the governor's elbow, or might also be an attorney who represented other interests as well but was engaged to represent the Governor as counsel on those matters which the Governor called to his attention on a part-time basis?

THE CHAIRMAN: Delegate Gallagher.