

have any familiarity with the workings of the attorney general's office in the State of Maryland, as far as criminal cases are concerned, you realize we need one place where we can have decisions that are consistent.

If we let every state's attorney appeal and take his own cases to the Court of Appeals, you would have no set fixed law with respect to these cases.

In fact, we only have about five, what we might call, full-time state's attorneys in the whole State of Maryland. Mostly your state's attorneys are part-time. They do not have the staff or the manpower to handle appeal cases. It has been proven that a fresh approach on criminal appeals is better.

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: You recommended though, I believe, in the Majority Recommendation, I do not know that you have dissented from that, that districts may be established by the General Assembly.

I would think the intent of that is to eliminate in the future this problem that you just referred to. My point is, are you really strong on this one point, that the attorney general's office, rather than the state's attorney's office, should handle appeals of criminal cases?

Would you object to an amendment deleting that one point?

THE CHAIRMAN: Delegate Mason.

DELEGATE MASON: I think there is a very good reason for having the attorney general handle all of those appeals, but we do have cases where if a state's attorney is sufficiently interested in a case, we permit him to go to the Court of Appeals and argue the case.

We confer with him on the brief. If he has some additional points he wants to raise, he can do that, so we do work in complete cooperation with the state's attorneys. But I think the appeals should rest with the attorney general's office.

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: Finally, this, sir: You suggest to us that the attorney general has the responsibility to act as counsel for the people, act as counsel for the judiciary, and also for the legislative branch of the government. And I would ask you what your authority for that is, other

than the statement made by Attorney General Burch.

Before you answer, I would like to refer you to page 42 of the most recent MARYLAND MANUAL, where the office recites what it perceives to be its objectives.

It recites six of them and nowhere do I see any reference whatever to these three added objectives, if I may, except in the final one, where it says this: To approve as to form the legal sufficiency all legislation passed by the General Assembly after its presentation to the governor.

This suggests to me that again he is representing the governor in that role, and no one else. But I would ask then, keeping in mind your statement of objectives, that since it does not say anything about representing the judiciary, the legislative branch or the people, but speaks only in terms of representing the executive branch and the agencies, where will I find the authority for your statement and General Burch's statement that he somehow has an additional responsibility?

THE CHAIRMAN: Delegate Mason.

DELEGATE MASON: Well, of course you will not find it in the MARYLAND MANUAL. We do not consider the MARYLAND MANUAL as authority for the duties of the attorney general. I invite you, however, to turn to page three of the Minority Report and you will find the duties of the attorney general amplified on that page, and it specifically sets forth what he does in the legislative branch, what he does in the judicial branch, and what he does with the executive branch.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: Delegate Mason, you stated that the attorney general is the chief legal officer of the State. What quality do you believe is most important in the selection of this legal officer? What quality may I ask you, sir, do you believe is the one that will most help him to be the best legal officer available?

THE CHAIRMAN: Delegate Mason.

DELEGATE MASON: Well, I cannot think of any one particular quality. Of course, he has to be a good attorney, but by being a good attorney does not necessarily make him a good attorney general.

I think there are several qualities he must have. He must be a good public servant, with knowledge of the attorney general's office.