

DELEGATE MORGAN: Mr. Chairman, I have difficulty in knowing just what this language means.

Could the attorney general, for example, be given authority to investigate the ethical conduct of somebody who held public office?

THE CHAIRMAN: Delegate Morgan, the Chair cannot hear you. Hold the microphone very close to your mouth, please.

DELEGATE MORGAN: Could the attorney general, for example, be given authority to investigate the ethical conduct of some public official where there is no question of law involved at all? I just do not know. I really do not know what the attorney general's responsibilities as chief legal officer of the State are, unless you go back and—he shall represent the State in all civil cases and represent the State—

THE CHAIRMAN: Delegate Morgan, may the Chair cut across? I understood Delegate Bamberger to say in response to several questions asked previously that he was using the phrase chief legal officer in the same sense in which the Committee uses it in the first sentence and that its meaning was as there stated as amplified in the report of the committee and, secondly, I understood him to say in response to questions that he did not concede that it would not or could not be the responsibility of a chief legal officer to make almost any kind of factual investigation.

Did the Chair correctly understand you, Delegate Bamberger?

DELEGATE BAMBERGER: Yes.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: What I am trying to say, Mr. Chairman, is that I think that language of this sort will just result in litigation, as to what the language means, if the General Assembly investigates some function in the attorney general, why then somebody is going to contend that that is not one of his responsibilities as chief legal officer of the State.

I really think it better to leave it the way it is in the committee recommendation and rely on the legislature to exercise restraint in the non-legal functions that it gives to the Attorney General.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Delegate Byrnes.

DELEGATE BYRNES: Yes, Mr. Chairman, I would like to suggest to the Com-

mittee that I am just at a complete loss to understand why the Committee Chairman is unwilling to accept this language. It seems to me, or at least since 10:00 o'clock this morning, the debate has ranged around only one question and that is not whether or not we should have the state legal officer elected, but whether or not the attorney general should be the chief legal officer. We thought if we could see clearly that we had an elected attorney general who would be appointed as a lawyer for the State, it would be a perfectly satisfactory arrangement, but every attempt that has been made all morning to clearly state in the language what is clearly stated by the majority recommendation has been met with frustration. I think this is finally the amendment which should bring us all together and clearly state the majority and minority and everyone else's opinion that the legal officer of the State should clearly be nothing more than the legal officer of the State.

Thank you.

THE CHAIRMAN: Delegate Rybczynski.

DELEGATE RYBCZYNSKI: If everyone will take his blue page and read with me on page 2, starting at line 4, this is what the Bamberger amendment will do. It will say, "and shall have such other powers and duties with respect to civil and criminal cases or proceedings and with respect to his responsibilities as chief legal officer of this state as may be prescribed by law."

This is the exact same thing that was tried by Delegate Gallagher this morning. It amounts to exactly the same thing. If it gets any more than the 38 or 39 votes that Delegate Gallagher got this morning, I will be surprised.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

DELEGATE BAMBERGER: I have to respond to Delegate Rybczynski to say that is absolutely not what it does. The amendment which was sponsored by Delegate Gallagher and others this morning which I understand is Amendment No. 1 struck from this provision all of the explicit powers of the attorney general and said he shall have only those powers which the General Assembly prescribes for him. This does not do that. This does not delete from the blue sheet any of the explicit powers prescribed for the attorney general and merely says those powers which the General Assembly may investigate in the attorney general are powers as a lawyer, not as