

April 7 , 2006

The Honorable Thomas V. Mike Miller, Jr.
Senate President
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 1075 – *Gubernatorial Appointment of Cabinet Secretaries* – for both constitutional and policy reasons.

Article 8 of the Maryland Declaration of Rights provides:

“That the Legislative, Executive and Judicial powers of Government ought to be forever separate and distinct from each other; and no person exercising the functions of one of said Departments shall assume or discharge the duties of any other.”

The Constitution of Maryland and the Laws of Maryland provide that Governor shall nominate, and with advice and consent of the Senate, appoint the members of his cabinet who thereafter serve at the pleasure of the Governor. In both a constitutional and statutory sense, those appointed as principal department secretaries are “civil officers of the State”. See the Constitution of Maryland, Article II, Section 10.

Senate Bill 1075, notwithstanding decades of practice to the contrary, seeks to subvert the separation of powers doctrine of Article 8 of the Maryland Declaration of Rights by allowing the Senate to usurp the constitutional and historical authority of the Governor through the transparent ploy of discharging a department head by refusing to “reconfirm” that civil officer whose term would otherwise carry over at the pleasure of the Governor. This represents a sham which is contrary to The Maryland Declaration of Rights and the Constitution of Maryland.

In addition, Senate Bill 1075 offends the history of the State of Maryland which has enjoyed the “cabinet form of government” since the early 1970s. From that time to the present Maryland has had the services of three Democrat governors who were each elected to two consecutive terms and who each had cabinet secretaries whose services continued from the first gubernatorial term into or throughout the second and having each only been *once* confirmed by the Senate.

The Honorable Thomas V. Mike Miller, Jr.
April 7, 2006
Page 2

Other than the sponsor, no one testified in favor of Senate Bill 1075. It, of course, comes as no surprise to any observer of the Maryland governmental or political scene that for the last 40 or so years no reformers, crusading journalists, or “good government types” have raised so much as a whisper of a need to offend against the Constitution of Maryland in the manner of Senate Bill 1075. That is because there is no defensible need, rather, only expediency.

For the above stated reasons, I have vetoed Senate Bill 1075.

Very truly yours,

Robert L. Ehrlich, Jr.
Governor