

#### 4/Introduction

election, the General Assemblies following both the 1930 and 1950 elections refused to call a convention. Apportionment of seats in the General Assembly under the Constitution of 1867 was one of the major grievances against that document, but alternative plans that might have been incorporated into a new constitution placed too many existing senatorial and delegate seats at risk. So, the General Assembly steadfastly refused to call a constitutional convention, much to the dismay of the growing number of Maryland voters who resided in the underrepresented urban areas.

By the 1960s the anachronisms of the Constitution of 1867 could no longer be so blithely ignored. A heightened social consciousness in the public at large, racial strife, political assassinations, and a rapidly shrinking globe caused by the telecommunications revolution, space exploration, and the increasing internationalization of the economy placed greater demands on government at all levels. Governor J. Millard Tawes, reflecting the consensus of many of the state's lawyers, judges, legislators, and students of political science, proclaimed bluntly that the hundred-year-old Constitution of 1867 was "very restrictive to the successful operation of an efficient state government and entirely too clumsy and ineffective as a document of basic law."<sup>2</sup> The next constitutionally mandated poll of the people on calling a constitutional convention was scheduled for 1970, too long to wait in Governor Tawes's opinion. Tawes sought the advice of Attorney General Thomas B. Finan, who, in an opinion issued on 9 February 1965, stated that the General Assembly had an inherent right to call a constitutional convention on its own authority or, alternatively, to order a special election to take the sense of the people on the advisability of calling a convention.

Armed with the attorney general's opinion, Tawes recommended to the 1965 session of the General Assembly that it provide for a commission to study the Constitution of 1867 with a view toward recommending changes to that document and preparing for a constitutional convention. Tawes's recommendations were embodied in a joint resolution creating a constitutional convention commission. The resolution passed the House of Delegates, but the traditionally more conservative Senate refused to report it out of committee. Not to be deterred, Governor Tawes by executive order signed on 16 June 1965 established the Constitutional Convention Commission, composed of twenty-seven appointed members. The Commission was charged with the responsibility for studying the Constitution of 1867 "to ascertain if modification or revision was necessary, whether a constitutional convention should be held, and to prepare specific recommendations with respect to such revision and the holding of a constitutional convention."<sup>3</sup>

With H. Vernon Eney serving as chairman, the Constitutional Convention Commission first met on 21 July 1965. Over the next 23 months the full Commission met 25 times, with Commission committees meeting a total of 143 times. The Commission drafted legislation, at the request of Governor Tawes, calling for a special election at which the people would determine whether a constitutional convention

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<sup>2</sup> *Ibid.*, p. vii.

<sup>3</sup> Letter of transmittal of H. Vernon Eney, chairman of the Constitutional Convention Commission, 26 May 1967, in *Interim Report of the Constitutional Convention Commission* (Annapolis: Constitutional Convention Commission, 1967), p. v.