

DELEGATE MORGAN: Delegate Case, I will refer you to the Vice-Chairman of the Committee.

THE CHAIRMAN: Delegate Adkins, will you reply to the inquiry.

DELEGATE ADKINS: I will do the best I can, Mr. Chairman. I think the answer to that will have to be no. That was not the intention. The matter was not pinpointed. I am a little reluctant to speak for the Committee. I think the general theory was not to grant that power to the Governor for reorganization.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Delegate Adkins, that being the case, would you or could you accept an amendment to section 4.19 which would make it clear that the section is inapplicable to the academic, in other words, these institutions will retain academic freedom and that this subject will not be the object of gubernatorial interference?

THE CHAIRMAN: Could the Chair make a suggestion, then? I take it from the answer given by Delegate Adkins that the Committee on the Executive Branch was not endeavoring to determine or make a recommendation with respect to the policy of the Convention as to educational institutions but that it anticipated that this would be done by action of the Convention on the recommendations of the Committee on General Provisions. If that were true, that whatever action was taken by the Convention or the Committee of the Whole with respect to the administration of educational institutions would take precedence over this section insofar as it had any application to educational institutions. Is that correct, Delegate Adkins?

DELEGATE ADKINS: I think that is quite correct, Mr. Chairman, if I might be allowed to amplify my answer. I think it was not intended under the organization power of the governor to permit him to interfere at the University of Maryland below the level of the Board of Regents. It was not intended he could withdraw the law school from the University of Maryland and give it to the state colleges. It was not pinpointed. That would be my interpretation.

THE CHAIRMAN: It would seem to me it would be very awkward to cover the language suggested by the situation covered by Delegate Case in this section when we do not have before us the action of the Convention or the Committee of the Whole

with respect to educational institutions. Perhaps the objective, Delegate Case, could be achieved if it were stated quite clearly in the record that there is no intention in acting on these sections to supersede any action with respect to recommendations of the Committee on General Provisions and the action of the Committee of the Whole with respect thereto as educational institutions and that the latter would have priority. This is perfectly satisfactory to me, Mr. Chairman, except on one contingency I sincerely trust does not come to pass. That is that the Committee of the Whole and undoubtedly the Convention does nothing about the power of management including the academic freedom with respect to the University of Maryland the state colleges.

If that should happen and if absolutely nothing be done, in other words, if the minority and/or the majority report of the General Provisions Committee was voted down, then under the technical language that we find here the governor could, if he so desired, change a course at the law school, for example, under the definitional concept that we have had today.

I would be perfectly willing and, as a matter of fact, anxious not to offer an amendment here if it could be understood that if the remote contingency suggested would come to pass, I would still have an opportunity somehow or another to get this matter back before the Convention because, very frankly, I do not think and I would trust that the majority of the delegates here sampled would agree with me that the governor, no matter how fine he would be should have the right to interfere with the academic freedom of our institutions of higher education.

THE CHAIRMAN: The Chair thinks he can give you the information you seek without violating any rules of the Convention by assuring you that the reports of the Committee on Style with respect to Committee Recommendation EB-1 will not be submitted to the Convention until the Committee of the Whole has acted on the recommendation of the Committee on General Provisions.

You would, of course, then have an opportunity on second reading to offer any amendment that might be applicable to the article.

Delegate Case.

DELEGATE CASE: Mr. Chairman, if you will keep that point in mind and let me