

It will no longer be a balance because the thumb will be placed on the scale in favor of the State Board of Education which is now given control over the entire system, something it has never had by statute; and it is suggested that at this point it would be unwise to give it this power in the constitution.

The majority emphasizes that it is important that the superintendent of schools be appointed by the Board and says that this power must also be written into the constitution. The great weight of authority is to the contrary. Only eleven states throughout the country provide that the superintendent of schools shall be constitution by appointed by the Board of Education.

We think that while this system appears to have worked well in Maryland, there is no reason to assume that there is going to be any radical change in Article 77 in the future. Indeed there has not been any radical change in the past. Most of these provisions have been in effect for nearly a hundred years. The appointment power of the State Board of Education has been in effect since 1916. No witnesses, and I want to emphasize this fact, suggested that this whole constitutional structure that has been presented by the majority should be in the constitution.

Delegate Wheatley is correct: there were twenty-one hearing dates and eighty-three witnesses, and the bulk of these people were in the educational bureaucracy, but what he did not mention was that virtually all of these witnesses addressed their attention to the language of the draft constitution, recommended change in wording here and there, but none, and I repeat, none recommended that we expand this into a nine-section article on the subject of education.

This idea, it is submitted, was solely that of the majority of this Committee and did not represent any part of the testimony of witnesses, much less the bulk of the testimony.

Now, the specter of the local government article has been raised with respect to local boards, and the minority feels that this is really the reddest of red herrings, because under the local government article as adopted by this Constitutional Convention, the position of the State Board and the local boards is absolutely unchanged. If these boards have ever been threatened, and the minority question that they ever have been, the threat is not greater under the local government article as it exists. This lengthy section 5, one of the ones that the majority appears to be pressing seriously

here today, is as I said, virtually as long as all the constitutional language in the existing Constitution. About half the questions from the floor to Delegate Wheatley indicated that its meaning is extremely unclear.

The minority goes much further than that. It is not only unclear, it is unnecessary, and an amendment to strike that entire section offering no substitute language will be offered.

Chairman Moser of the Committee on Local Government will speak during the controlled time and will re-emphasize the fact that this is purely superfluous and also basically incomprehensible.

Now, sections 6, 7 and 8 deal with the emotional subject of autonomy in higher education. I am delighted that the majority in its presentation emphasized so strongly this booklet entitled "The Efficiency of Freedom" by the prestigious Eisenhower Committee in 1959. For one, the minority and the majority are in complete agreement because we both seem to agree that this is the signal treatise, if you will, on this subject; and I think maybe a few words on the subject of autonomy are necessary before I begin.

There are three branches of higher education in Maryland, the University, state colleges, and community colleges. By statute in 1952, the University of Maryland received statutory autonomy. This means that they must present the case to the legislature to justify the total budget of the University. Cuts are made; usually one or two or three percent of the budget is cut by the legislature. When this budget passes, the University remains in complete control of this budget and how the money is used. It may forget the barriers that have been placed in the budget and the earmark uses of the fund and may use the money as it sees fit. It may create new programs, it may abolish old programs, it may shift the budget, as I say, as it sees fit. This is a tremendous power, and a power that is protected always from abuse by the fact that it may be withdrawn by the General Assembly.

Now, this power, which has never been statutorily granted to the community colleges or the state colleges, indeed never even requested by either one of those colleges, is constitutionally given to both of these branches of the tri-party system of higher education by the Majority Report.

Now, turning to page 30 of this booklet entitled "The Efficiency of Freedom", there