

05

9

THE DYNAMICS OF A CONSTITUTIONAL CONVENTION

Address Delivered By

H. Vernon Eney, President

Constitutional Convention of Maryland

At The

State Constitutional Revision Conference

School of Law, University of Washington

June 13, 1968

01-01346

THE DYNAMICS OF A CONSTITUTIONAL CONVENTION

BY

H. VERNON ENEY, PRESIDENT
CONSTITUTIONAL CONVENTION OF MARYLAND

Much has been said and much has been written in recent years as to whether full-scale state constitutional revision can best be accomplished by a constitutional convention or by some other method, or indeed as to whether complete revision of a state constitution at one time should even be attempted. As a result of the Maryland experience of 1967-1968, much more will undoubtedly be said and written on this subject. It is not the purpose of this paper, however, to discuss this question; instead, my assignment is to talk about the tasks and problems involved in planning and conducting a state constitutional convention in these days and times.

Let me point out that I do not profess to be an expert or to have wide knowledge in this field. My experience is limited to one constitutional convention, that of Maryland, and I have never undertaken any exhaustive research as to constitutional conventions held in other states. I therefore do not in this paper propose to attempt to describe an ideal convention or even to try to point out ways in which the Maryland convention could

have been improved. Rather, I intend to confine myself to a description of the Constitutional Convention of Maryland of 1967-1968. It is for you to draw from it such lessons as you can and reach your own conclusions as to those aspects which are desirable and good and those which for one reason or another are not effective in producing the desired result.

There could be considerable discussion as to what kind of convention is best calculated to produce modern constitutional revision--that is, whether the convention should be authorized to draft an entire new constitution to be voted on as one item or should be directed to prepare a series of amendments to be voted on separately; whether the convention should have unlimited scope or should be limited to the consideration of specified subjects; whether the convention should be limited in its duration or should be authorized to sit as long as necessary. These questions also are beyond the scope of this paper which will be limited to a discussion of a particular kind of constitutional convention--namely, one limited in duration but unlimited in subject matter which is to draft an entire new constitution and not a series of constitutional amendments.

The one lesson above all others which was impressed upon me by our experience in Maryland was the enormous amount of detail involved in planning for and conducting a constitutional

convention. Necessarily, therefore, this paper will treat matters of great detail and this always tends to become tedious and tiresome. I will do my best to avoid making it too much so.

In order to bring some semblance of order to my presentation, I will arrange my discussion under five main headings: planning for the convention, conducting the convention, logistics of the convention, execution of the new constitution and post-convention activities.

PLANNING FOR THE CONVENTION

It would be nice if those planning a constitutional convention were gifted with prophetic vision or, better still, had available a fully reliable crystal ball, but unfortunately, such aids cannot be obtained and preliminary questions, the decision of which may well determine the fate of the entire effort, must oftentimes be decided without any sound factual basis for the making of the decisions. One can only hope that the course of events will in time prove the soundness of the decisions.

The constitutional convention is not a self-generated organism which comes into full-blown existence at one fell swoop. On the contrary, its birth is preceded by a long, difficult period of pregnancy and the events which occur during this period can have a profound effect on the activities of the convention and on its product. Maryland's

Constitutional Convention of 1967-1968 was no exception to this rule.

Efforts at constitutional revision in Maryland go back nearly forty years, but current planning for a constitutional convention began with the unsuccessful efforts of Governor Tawes in 1965 to have the legislature authorize the appointment of and provide the funds for a preparatory commission. Rebuffed by an as yet unreapportioned legislature, Governor Tawes on his own initiative in June, 1965 appointed the Constitutional Convention Commission of Maryland and assigned to it the task of planning and preparing for a constitutional convention.

There was therefore no statute which outlined the duties of the Constitutional Convention Commission. Instead, the charter of the Commission was the public statement made by Governor Tawes when he appointed its members. In this statement, the Governor instructed the Commission to conduct an inquiry into the necessity for and the extent and nature of any amendment, modification or revision of the Constitution of Maryland, with particular respect to whether a constitutional convention should be held, the procedures for calling such a convention, the basis for representation at the convention, and the procedures for the election of delegates thereto. The Commission was further directed to submit its findings, recommendations and specific proposals regarding amendments or revision of the Constitution to the Governor and to

the General Assembly prior to its 1967 session.

The Commission very quickly reported to the Governor its opinion that the Constitution of Maryland was in urgent need of extensive revision which could be accomplished properly only by a constitutional convention. It recommended that such a convention be called at the earliest practicable time. Following this recommendation, the Commission submitted to the General Assembly in January, 1966, a recommendation that the General Assembly provide for a referendum election to be held in September, 1966, to take the sense of the people as to whether a constitutional convention should be called. The Commission further recommended that in the event the vote on the referendum was favorable, a convention should be convened in 1967.

The General Assembly of Maryland followed these recommendations and enacted legislation providing for a referendum election on the calling of a constitutional convention and providing further that if the people approved the call of a convention, a constitutional convention should convene in Annapolis on September 12, 1967. The legislation further provided that the convention should have 142 delegates, that being the same number of delegates which the reapportioned House of Delegates would have in 1967, thereby guaranteeing that

each county would have at least one delegate.

At the referendum on September 13, 1966, the vote was 160,280 for and 31,680 against calling a constitutional convention. This was a majority of about five to one, but the total vote was less than 14% of the total number of registered voters in Maryland. This contrasts sharply with the 46% voter turnout in the special election on the ratification of the proposed new constitution twenty months later.

Let me interpose at this point that one of the important functions of any preparatory commission which should not be overlooked is the necessity of encouraging citizen participation. Not only is this essential if there is to be a referendum on whether or not a convention shall be called, but also it is necessary if the work of the Commission is to be understood by the people. Citizen participation is also essential so that the Commission will not be doing its work in an ivory tower. On the other hand, participation by citizens does not come automatically. It must be encouraged and encouraged strenuously. In connection with a referendum, I do not suggest that a preparatory commission should carry on a campaign to approve the calling of a constitutional convention, but it should certainly at least stimulate the formation of a citizens' committee to accomplish this purpose.

Pending the referendum, the Constitutional Convention Commission had continued its preparations for the convention. I will not attempt here to detail the work of the Commission. It is set forth fully in the final report of the Commission which was published in 1967 and widely circulated.^{1/}

Three important decisions of the Commission require brief comment however. These were the decisions to make specific recommendations in three areas--the ^①drafting of a convention enabling act, ^②the drafting of suggested rules of procedure for the convention, and ^③the preparation of a draft constitution.

Perhaps the most important of these decisions was that the Commission should prepare a draft constitution for the consideration of the delegates to the Constitutional Convention. So far as I am aware, this had not been done by any previous preparatory commission. This decision was not taken lightly but was preceded by considerable discussion and thorough consideration. The decision to draft a set of proposed rules for the Convention was also made after similar discussion and

^{1/} REPORT OF THE CONSTITUTIONAL CONVENTION COMMISSION (Maryland, 1967). Copies will be available for distribution to the participants in this conference.

consideration by the Commission. I think that undoubtedly both the draft constitution and the draft rules had a profound effect on the work of the Convention and each served the purpose for which it was intended and materially aided in expediting the work of the Convention, without at the same time forcing the hand of the Convention or stifling initiative on the part of the delegates.

Of equal importance perhaps was the decision to make specific recommendations to the legislature as to the provisions of a convention enabling act. In my opinion, the role of a preparatory commission in the drafting of a convention enabling act cannot be overemphasized. It is here that many basic decisions crucial to the work of the Convention must be made. One may of course contend that a constitutional convention, once called, is entirely free of all restraints that may have been imposed by a legislative convention enabling act. But as a practical matter, this principle is seldom, if ever, tested because the risks are too great. Consequently, the convention is in fact controlled by the convention enabling act and by the appropriation which provides the funds for the operation of the convention.

There are many basic questions which must be resolved by the convention enabling act. How are the delegates to be selected--by election or by appointment

or some by one method and some by the other? Are there to be ex-officio delegates? What qualifications should be prescribed for delegates? Should state and federal office-holders be permitted to serve as delegates? Are the delegates to be selected in a partisan or non-partisan manner? What geographic representation shall there be? How many delegates shall there be? Shall they be selected by districts or statewide, or should some be selected by districts and some statewide? Shall the districts be single-member districts or multi-member districts?

Shall the convention be limited or unlimited in scope and, if limited, what subjects are to be considered? Shall the convention prepare an entirely new constitution or a series of amendments, or should this question be left to the determination of the convention? Shall the new constitution be submitted as one "package" or in separate articles or divisions, or should this too be left to the determination of the convention?

When shall the convention convene? Shall there be a preliminary organization session and, if so, shall its purpose and duration be limited? If there is to be an organization session, what interval shall there be between the organization session and the first plenary session of the convention? Shall the duration of the

convention be limited and, if so, what shall the limit be? If the duration of the convention is to be limited, shall the convention have the authority to extend its session and, if so, for what period?

Shall the number of votes required to approve the new constitution or any part thereof be stipulated in the enabling act or should this be determined by the rules of the convention? How much money is needed to operate the convention? What compensation should its delegates receive? Should the convention have complete control over its appropriation, or should the expenditure of its funds be subject to the approval of some existing state agency?

Should the constitution be submitted to the people for ratification or should it become effective upon its adoption by the convention? If there is to be a ratification election, should it be held at the same time as either a primary or general election, or should there be a special election? What interval should there be between the adjournment of the convention and the ratification election?

These are some of the myriad questions which must be answered by the convention enabling act. They cannot be answered casually; they must be carefully thought through in the full realization that their decision

might profoundly affect the operation of the convention and its outcome. This was certainly true in Maryland.

The Commission made recommendations on all these matters in a special report to the legislature accompanied by a draft of a convention enabling act to supplement the 1966 statute calling the convention. At its next session after the 1966 referendum, the General Assembly appropriated funds and enacted a convention enabling act which substantially followed the recommendations of the Commission. This act provided that any person possessing the age and residence qualifications was eligible to be elected a delegate to the constitutional convention; that all the delegates were to be elected by legislative districts in a non-partisan special election to be held on June 13, 1967; that the Convention should thereafter convene on some day to be designated by the Governor for the sole purpose of organizing, adopting rules of procedure and electing its officers; that its plenary session should begin on September 12, 1967; and that the Convention should complete its work by December 12, 1967, but could extend its session to a date not later than January 12, 1968 upon the affirmative vote of a majority of its elected members.

The convention enabling act fixed the salary and expense allowance of the delegates but authorized the

Convention to make such other expenditures as it deemed proper for its work so long as the total did not exceed its appropriation. The act also prescribed other details concerning the operation of the Convention, including the required vote for final approval of each separate article or division, and provided that any new constitution finally approved by the Convention should be submitted to the people for ratification at a special election to be held on May 14, 1968. Although the act did not in so many words so provide, it clearly contemplated an entire new constitution to be voted on as a "package".

The convention enabling act did not require any nominating procedure for candidates; anyone possessing the necessary qualifications of age and residence could, upon payment of a nominal filing fee, qualify as a candidate. As a result, 742 persons filed certificates of candidacy for the 142 delegate seats. A copy of the Commission's interim report containing the entire draft constitution and an extensive commentary on the draft and a copy of the Commission's report on a convention enabling act were mailed to every candidate and, in addition, the entire draft constitution and much of the commentary was printed in the four large daily metropolitan newspapers published in Baltimore and in Washington.

Two weeks after their election, the newly elected delegates met for a four-day orientation seminar which had been arranged by the Commission as a part of its preparation for the convention. The orientation seminar was held at Goucher College and consisted of a series of talks and panel discussions dealing with various aspects of state government and with current issues of constitutional revision. The primary purpose of the seminar was to acquaint the delegates with the actual operation of the government of the State of Maryland under the present Constitution and laws.

The schedule was a rigid one, embracing two sessions in the morning, two in the afternoon and two in the evening, except on the first and last days when there were four sessions each day rather than six. The delegates stayed together throughout the day and most of them remained at the college overnight. This afforded opportunity for discussion among the delegates at the morning and afternoon coffee breaks and at the breakfast, luncheon and dinner hours. The presence of the delegates at the seminar also afforded an opportunity for distributing to them a wealth of printed material which the Commission had assembled.

Although attendance on the part of the delegates

was entirely voluntary and not compensated, 139 out of
the 142 delegates attended at least some of the sessions.
The seminar was believed to be highly successful. It
certainly served a worthwhile purpose, not only in acquainting
the delegates with the actual as opposed to the theoretical
operation of the state government, but also in giving them
the opportunity to get to know each other on a friendly
and informal basis and in affording them the opportunity
to engage in public discussion, if not debate, with other
delegates.

7 | One of the matters discussed at the orientation
seminar was the actual conduct of a constitutional conven-
tion and of course the suggested draft of rules of procedure
prepared by the Commission, a copy of which had been given
to each delegate, was thoroughly discussed. Immediately
after the seminar, the temporary chairman of the Convention
designated in the enabling act appointed a temporary
Rules Committee and directed it to meet prior to the or-
ganization session of the Convention so that it would be
able to recommend a set of rules to the Convention at its
organization session. He also appointed a Program Committee
to prepare the program for the organization session of the
Convention.

Both of these committees met in Annapolis prior
to the organization meeting. The Program Committee prepared

a formal program which, among other things, contained a program note outlining the procedure to be followed in nominating and electing the officers of the Convention at the organization session. This program was printed and distributed at the opening of the session.^{2/} The temporary Rules Committee had a five-hour meeting which it devoted to a consideration of the draft rules suggested by the Commission and numerous amendments proposed by members of the committee. The revised draft of rules approved by this committee were then distributed to the delegates prior to the organization session of the Convention.

CONDUCTING THE CONVENTION

The Organization Session

The delegates met in Annapolis on July 11, 1967 for their organization session and, within a matter of a few minutes, had adopted the program prepared for the session by the Program Committee. The delegates then received a report from the temporary Committee on Rules, debated at length the rules of procedure presented by that report, and acted upon a number of amendments which were proposed. The Convention finally adopted rules of procedure which were complete except for rules as to the registration of lobbyists which were purposely deferred. The Convention then elected an honorary president, a president

^{2/} A copy of the printed program is attached.

and two vice-presidents, authorized its president to appoint committees, to appoint and employ such additional staff and employees as he might deem necessary, and to fix their compensation. All of this was accomplished in one session from 12 Noon until 7:30 P.M. with two very brief recesses.

As might well be expected, one of the principal matters of debate before the Convention at this organization session was the extent of the authority to be vested in the president. Various procedures were suggested both with respect to employment of staff and appointment of committees, but finally full authority was conferred upon the president in both these matters except that he was directed to confer with the two vice-presidents as to appointments of committees and with the committee chairmen as to committee staff appointments. It was specifically provided that the president should be the chief executive officer of the Convention and that all other officers and employees of the Convention should be under his general supervision. ^{3/}

Another rule which provoked some debate was one providing that all delegates other than officers should be seated on the Convention floor alphabetically rather than

^{3/} Printed copies of the rules will be available for distribution to the participants at this Conference.

by district or county delegations, by party or by any other grouping. This method of seating had been recommended both by the Commission and by the temporary Committee on Rules. By later amendment, the four front seats on the Convention floor were assigned to the honorary president, the president and the two vice-presidents.

The rules also provided for the organization of the committees of the Convention. There were eight substantive and four procedural committees. The substantive

committees were those charged with drafting provisions of the proposed Constitution. The procedural committees were a Committee on Style, Drafting and Arrangement; a Committee on Calendar and Agenda of the Convention; a Committee on Rules, Credentials and Convention Budget; and a Committee on Public Information.

The importance of the committee structure on the work of the Convention and the document produced by it should not be minimized. Our eight substantive committees were the Committee on Personal Rights and the Preamble, the Committee on Suffrage and Elections, the Committee on the Legislative Branch, the Committee on the Executive Branch, the Committee on the Judicial Branch, the Committee on Local Government, the Committee on State Finance and Taxation, and the Committee on General Provisions. This last committee had included in its assignment education and amendments to the Constitution. It will thus be seen that each of these eight committees dealt with a matter which was unquestionably one of constitutional stature. There were no committees the existence of which would encourage the consideration or inclusion of matters which were more of a legislative than a constitutional character. For instance, there was no committee on welfare, none on conservation and none on similar subjects. This

was not mere happenstance but was deliberate, and the committee organization and its effect on the ultimate product of the Convention were thoroughly discussed by the temporary Committee on Rules and fully understood by the delegates to the Convention.

At the adjournment of the organization meeting, the Convention had an honorary president, a president, two vice-presidents and an appropriation but no staff and no budget. The tasks facing me as the newly elected president of the Convention were many--the completion of the organization of the Convention by the appointment of committees and committee chairmen, the selection of a staff, the preparation of a budget, and attention to the myriad other details which it would be necessary to work out to enable the Convention to begin its operations without a hitch on September 12. Let me discuss these somewhat briefly.

Appointment of Committees

The appointment of the committees and committee chairmen which was accomplished during the summer of 1967 was a task of major proportions. I felt that the committee system could be effective only if each committee represented a cross-section of the entire Convention. Otherwise the

committee might agree upon a recommendation after long hours spent in hearings, discussion and deliberation only to have the Convention reject the recommendation when it was submitted for consideration of the Committee of the Whole.

Accordingly, a reasonably complete biographical resumé, a photograph, and a letter indicating his first, second and third choices in committee assignments were obtained from each delegate. In those instances in which I had been unable to confer personally with a delegate with respect to his committee assignment, his photograph was helpful in bringing to mind recollections of the delegate either at the Goucher orientation seminar or at the organization session of the Convention. It developed however that there were very, very few delegates who were not known in some degree at least either to me or to one of the two vice-presidents.

A number of factors had to be taken into consideration in making committee assignments. These included the express preferences of the delegate, his age, occupation, sex, race, background, experience, possible conflicts of interest, and of course the necessity of achieving to the greatest possible extent a balance on each committee with respect to geographic area, occupation, fields of particular

interest and the other considerations. Unavoidably, practically every committee was heavily overbalanced with lawyers, but this it was impossible to avoid since slightly more than one-half of the delegates were lawyers.

In order to coordinate effectively the work of the various committees, the two vice-presidents were assigned as liaison members to each of four committees and the president was assigned as a liaison member to each of three committees. In order to establish a definite liaison between the eight substantive committees, the Committee on Calendar and Agenda and the Committee on Style, Drafting and Arrangement, each of the eight substantive committees had at least one of its members assigned to each of these other two committees.^{4/}

In determining the size of the committees, effort was made to estimate the work load of each committee and the need for subcommittees. There were of course no rigid criteria which were applicable except the requirement of the rules that each delegate serve on at least one substantive committee and the self-imposed requirement that, except for officer liaison members, no delegate should serve on more than one substantive committee.

^{4/} Attached is a copy of the committee assignment charts and explanatory letter sent to all letters.

Recruitment of Staff

The most pressing task after the organization session was that of appointing the top administrative officer or officers. In some conventions, the secretary is a delegate elected by the convention and his duties are largely ceremonial. In such cases, the chief administrative officer of the convention is usually a staff member sometimes called an executive director. In our Convention, however, the rules provided that the secretary should not

be a delegate but should be appointed by the president and should be a paid member of the staff. Under the rules, the secretary was the chief administrative officer responsible only to the president and all other staff members and employees of the Convention were responsible to him. Although not specifically provided for in the rules, we also had a chief of staff who was directly responsible for the entire professional staff and through whom the professional staff reported to the secretary. The chief of staff and all other non-delegate officers, except the parliamentarian, reported to the secretary. These other non-delegate officers were the chief clerk, the reading clerk, the journal clerk, the sergeant-at-arms, and the chief of pages.

The parliamentarian reported directly and only to the president and with the president and the chairman of the Committee on Calendar and Agenda worked out many of the parliamentary procedures which were used in the Committee of the Whole and in the sessions of the Convention. When not occupied with his regular duties, the parliamentarian, who was a highly qualified professional person, served as a research assistant under the supervision of the chief of staff.

The recruitment of a staff was difficult and time-consuming but of tremendous importance. Every effort was made to secure the best possible persons on a full-time basis, but this was not easy in view of the rather limited salary and service for a temporary and uncertain period of three to four months. Initially we had hoped that every person on the staff would be one possessing professional qualifications. We had hoped for instance that the secretarial staff would consist principally of college students majoring in political science or in some other way having a direct interest in the work of the Convention. We had also hoped that all the desk officers and administrative assistants would be persons with these qualifications and we particularly wanted to fill the top staff positions with the most qualified professional persons we could find. We did not succeed entirely in these objectives, but we did to a large extent.

The largest single staff classification was of course the secretarial staff consisting of thirty-nine persons, which was augmented by about five other persons performing various other services of a clerical nature. We had a group of fourteen administrative assistants including one assigned to each substantive committee, one assigned to the president, three to the secretary, and

two to the chief of staff. Each substantive committee also had assigned to it a staff adviser. In addition, there was a research staff consisting of ten research assistants working under the direction of a director of research who in turn was under the supervision of the chief of staff. There were also eighteen other professional assistants. All in all, the Convention had 103 employees not including the pages, about whom more later.

As I have mentioned above, we wanted every person on the staff, no matter what his position, to be one of professional or almost professional attainments. We therefore naturally sought the aid of colleges in our recruiting efforts. In August, we had a meeting with representatives of nineteen colleges and universities in Maryland and asked whether they would cooperate with the Convention by making college seniors or post-graduate students available to us as administrative assistants, and advanced post-graduate students, candidates for doctorates or professors available to us as staff advisers. We did not succeed in this effort. The college representatives pointed out that we were imposing well-nigh impossible conditions by insisting upon full-time employees to begin work almost immediately and to continue without interruption

for a period of three to four months. The colleges expressed willingness to cooperate to the fullest extent to lend advice and assistance and to work out with us a program of making available on a part-time basis teams of persons possessing the qualifications we sought. Nevertheless, they indicated kindly but quite bluntly that we could not possibly hope to have such persons available on a full-time basis.

This was disappointing but not completely unexpected. We had experienced the same problem in recruiting staff for the Commission although to a much lesser extent. We did however succeed in recruiting as administrative assistants the kind of persons we were seeking. For instance, the administrative assistants to the president, the secretary and the chief of staff were all college seniors sufficiently advanced in their studies to skip one term at college and willing to do so. The administrative assistants to the committees were all either college seniors in the same situation or recent college graduates.

Our secretary was a lawyer, a former assistant attorney general and a member and the secretary of the Constitutional Convention Commission. The chief of staff held degrees in political science and in law and had been the executive director of the Constitutional Convention Commission. The chief clerk was a lawyer with considerable

previous experience as a drafting assistant in the Department of Legislative Reference of Maryland. The reading clerk was a college senior majoring in history. The sergeant-at-arms was a recent law graduate. Only the journal clerk and the assistant journal clerk had previous legislative experience, both having performed similar duties for the legislature.

Of the nine staff advisers to the committees, five were lawyers, three were college professors and one was a business consultant.

We wanted to employ college students and young graduates as members of the staff of the Convention because of our belief that a constitutional convention was an event of great historical importance in which every effort should be made to involve young people so as to stimulate their interest in government and particularly in the kind of government to be created for their state. For these same reasons, we wanted to involve a selected group of high school youngsters and determined to do so by employing such a group as pages for the Convention.

The program for the employment of high school seniors as pages at the Convention succeeded beyond our fondest hopes. A great deal of time and effort was required for its implementation; but, with the aid of the State Board of Education and the cooperation of various county

superintendents, we worked out an arrangement under which seventy-six selected high school seniors served as pages on the floor of the Convention and assisted as mailroom attendants and messengers for the committees when the Convention was not in session. These youngsters were nominated by the principals of their schools and recommended as being sufficiently advanced in their studies that they could spend two two-week periods at the Convention working full-time. This gave us about sixteen pages at a time, approximately half of whom changed each week. The boys stayed in dormitories at St. John's College in Annapolis under the supervision of several of our administrative assistants acting as proctors, and the girls were housed in private homes in the Annapolis area.

The pages included approximately an equal number of boys and girls and nearly all were about seventeen years of age. Each was assigned to a specified group of delegates and, in addition to acting as their messenger, was required to keep the desk, proposal books and report books of each delegate in order. They worked hard and performed a real service for the Convention while enjoying the unique opportunity to participate in a great undertaking. They were paid \$60 per week but out of their salaries defrayed all of their expenses in Annapolis. They were required to keep

up with their school work during their two-week absences from school and, since most of them were in accelerated classes and in highly competitive positions with their classmates, they were most anxious not to fall behind in their studies and jeopardize their chances of entering a college of their choice. At the same time, they were not only witnessing but were a part of an experience in democracy which was available to but a very few persons. All who observed this program in operation felt confident that the experience of these youngsters would stimulate their interest in public affairs and that among this group of seventy-six young people would be found some of the leaders of Maryland of tomorrow.

Planning The Work Of The Convention

The committee assignments were made known to all delegates in late August and very shortly thereafter a meeting of all committee chairmen and the officers of the Convention was held. At this meeting, the plans for the Convention, a tentative timetable, and the projected work and procedure of each of the committees was discussed. Each committee chairman was requested to plan the work of his committee immediately so that at the opening session on September 12, 1967, each committee chairman would be able to announce a schedule of committee hearings to begin

hopefully at 9:00 A. M. on Wednesday, September 13, 1967, the second day of the Convention. There was a general discussion of the objectives of the Convention, with particular emphasis on the procedural aspects and the necessity of adhering rigidly to a pre-planned schedule in order to complete the work of the Convention within the allotted time.

The work plan for the Convention and for its committees had to give recognition to two basic concepts. First, the Convention was preparing a constitution to be ratified by the people of Maryland and therefore the views of the people of Maryland as to what should be contained in the constitution were of primary importance. Second, the Convention, by the terms of the enabling act which brought it into being, had a limited duration. Its plenary session which was to begin on September 12, 1967 was required to end on December 12, 1967 unless a majority of the whole number of elected delegates extended the session to a date not later than January 12, 1968. Unless it completed its labors before that time, the Convention died at midnight on January 12, 1968 and, unlike Lazarus, it could not rise again.

The Convention did convene on schedule at 12 Noon

on September 12, 1967^{5/} and committee hearings began at 9:00 A. M. on September 13, 1967 as had been hoped. By the first of December, it was apparent that the Convention could not complete its task by December 12, 1967 and accordingly the duration was extended to January 12, 1968, which was the maximum permissible period. The proposed new Constitution was finally adopted on January 8, 1968 and the Convention adjourned sine die on January 10, 1968. Naturally, this course of events was not known to us in September when we were planning the work of the Convention.

Obviously, the additional period of one month by which the Convention could extend its session was

^{5/} A colorful ceremony was arranged for the opening of this session. A copy of the printed program is attached.

intended as a cushion to meet emergencies and it would have been foolhardy for the Convention to plan its work to encompass a period of 123 days. Instead, we followed the only possible course and planned the initial schedule to complete the work of the Convention by December 12, 1967 if at all possible.

Giving effect to the two basic concepts, a very general timetable was arranged by allocating the ninety or ninety-one days available as follows: thirty days for hearings, thirty days for discussion and drafting, and thirty days for debate and decision. This three-month period embraced thirteen weeks and, if the Convention did not sit on Saturdays and Sundays, there would be a total of only sixty-five days available. It was recognized that this was not likely to be enough and, accordingly, it was contemplated that the Convention would be holding many sessions on Saturdays and undoubtedly would be holding sessions at night.

To coordinate the work of the committees and of the Convention as a whole, the four officers met regularly every other morning in the president's office and more frequently when circumstances required it. In addition, the committee chairmen and the officers met weekly throughout the Convention. This group acted as a policy-making and coordinating committee. They discussed primarily problems

of procedure and overlapping of work, coordination of reports and so forth. The weekly meetings of the committee chairmen also provided an opportunity for the president and the chairman of the Committee on Calendar and Agenda to "keep the heat on" the committee chairmen so that the work of the committees would proceed according to schedule.

There was little discussion of substantive constitutional questions at these weekly meetings and no effort by the committee chairmen as a group to make decisions on the questions being considered by each committee. Indeed, each committee chairman would have deeply resented any interference with the work of his committee by any kind of super-committee of committee chairmen.

In the initial planning for the Convention, it was felt highly desirable that there be a period of at least ten days towards the end of the Convention when a careful reassessment of what had been done could be made and an opportunity afforded to the staff to check very carefully the actions taken and the drafting which had been accomplished to make sure there were no oversights, omissions or errors. However, it was utterly impossible to allow for such a ten day period in the projected initial ninety day period. Hope was expressed that the last ten days of the ninety day period would be available for a bit of quiet reflection, study and revision, but it was

really contemplated that the ten days would have to come after the ninety days and that therefore it was almost inevitable from the start that the Convention would have to extend its initial ninety day period by at least ten days or two weeks. There was, however, every hope that the work would be completed by Christmas.

Planning The Work Of The Committees

As noted above, care was taken in making appointments to the various committees to make each committee representative of the entire Convention to the greatest possible extent. This of course would not guarantee that all committee recommendations would be accepted by the Convention, but it did mean that a recommendation carefully worked out in committee and acceptable to the great majority of the members of the committee would more likely be acceptable to the Convention. This arrangement of course would result in the committees having members with sharply divergent views and this very divergence of views would prolong discussion and slow the deliberations of the committee. But it was believed that the time lost here would be more than compensated for by the time saved in the Committee of the Whole and on the floor of the Convention.

On the other hand, recognition had to be taken of the fact that issues on which a committee divided closely would undoubtedly be fully debated on the floor and no one

could say whether the views of the majority of the committee would prevail or whether the views of the minority would prevail, or whether the issue would have to be returned to the committee for further study.

The work of the committees, however, was to be much more than merely a discussion of issues and the arrival at a consensus. Each committee would be required to draft the language of the constitutional proposal it desired to submit to the Convention and would be required to prepare for submission to the Convention an accompanying memorandum outlining the constitutional issues involved and the reasons for the committee's recommendation. This discussion and drafting in the committee would also be a time-consuming process because it would necessarily create divergencies of opinion which perhaps had not theretofore been apparent. In addition, the rules provided that if twenty per cent or more of the committee opposed the recommendation, they could submit a written minority report.

The subject of committee recommendations and supporting memoranda was carefully considered by the officers in planning the work of the Convention and was discussed at length at the weekly meetings of committee chairmen. It was recognized that the preparation of

both the majority and minority memoranda would be an exacting, time-consuming chore, not only because they would be historical documents representing the views of delegates to the first constitutional convention which Maryland had held in one hundred years, but because these memoranda--both majority and minority--would be the primary source for interpretation of the constitution in the years to come. In addition, these memoranda would furnish the basis for the debates on the floor of the Convention and they therefore should be both informative and persuasive if the committees' recommendations were to be accepted by the Convention.

It was therefore necessary that the committee memoranda be detailed, explicit and clear and yet at the same time brief and concise because each of the committees would add tremendously to the burden of written material which each delegate would be required to study carefully. And so it was determined that these reports should be short enough to be read, long enough to carry the day and clear and explicit enough to be of real value in interpreting the constitution in the future. Quite obviously, the preparation of such papers was not a matter of a few hours' effort. A high standard of excellence was most desirable, but care had to be taken that insistence upon a high standard

of excellence did not unduly delay the beginning of the debate and decision phase of the Convention's efforts. The calendar was inexorable and there was no alternative to completion of the task.

In establishing the portions of the timetable to be allowed for drafting and discussion and for debate and decision, there were no guidelines which could be of assistance and at best the times allowed were only reasonable estimates of what might be anticipated. More importantly, however, they became target periods and it was believed essential that the Convention adhere as closely as possible to the timetable thus established. This became the major undertaking of the Committee on Calendar and Agenda.

Planning For The Debates

In the initial planning, consideration also had to be given to the anticipated nature of the debates. Under the rules, every committee report on a delegate proposal and every committee recommendation would be debated first in the Committee of the Whole; but, under the projected plan whereby the committees would draft the constitutional language, few if any delegate proposals would ever be reported out by a committee for consideration by the Committee of the Whole. Accordingly, the probability was that the Committee of the Whole would be discussing and debating

only committee recommendations. In their planning sessions, the officers gave a great deal of thought to the question of the debates in the Committee of the Whole and the matter was also discussed in the weekly meetings of committee chairmen and officers.

The discussion finally narrowed down to two alternatives: (1) to have each committee present for debate and discussion in the Committee of the Whole not committee recommendations as to constitutional language, but rather statements of principle upon the adoption of which the committee would then draft its recommendations; and (2) to have each committee submit committee recommendations as to constitutional language upon the adoption or amendment of which there would be no necessity for further committee action.

We finally concluded to follow the second course and this decision necessarily determined in a large measure the character of the debates in the Committee of the Whole. Had the first method been followed, the debate would in all probability have consisted of fairly extended speeches upon matters of principle with detailed consideration of the specific language perhaps left largely to the committee involved and ultimately to the Committee on Style. By following the second course, the debate became largely

discussions of specific language with, of course, heated debates upon occasion on sharply controversial issues.

With debate of this character, control of debate became a matter of urgent necessity and it was obvious that the simple rule limiting the length of each speech to fifteen minutes would not be an effective limitation on debate. We therefore resorted to the device of having the Convention adopt a debate schedule for every major debate in the Committee of the Whole. The debate schedule was worked out in advance in a conference between the president, the chairman of the Committee on Calendar and Agenda, and the chairman and minority spokesman of the committee whose recommendation was to be the subject of the debate. The debate schedule was presented to the Convention by the chairman of the Committee on Calendar and Agenda and usually adopted without discussion.^{6/}

The Convention Sessions

One of our problems was the matter of regulating the length of the daily sessions of the Convention. Although this is in a sense merely a matter of setting the times of convening, recessing and adjourning each session, actually much more is involved. There must be a balancing of the

^{6/} A typical debate schedule is attached so as to make unnecessary further description of the procedure we followed. A timekeeper was used and the debate schedule adhered to strictly.

work load of the Convention and the work load of the committees. There is also a point at which human fatigue sets in and there is a diminishing return from the continuance of a session. On the other hand, there are certainly times when it is imperative that a debate under way be continued until a decision is reached no matter how long the session nor how late the hour.

There is no fixed rule which can be followed in these situations. In our case, the decision was largely that of the president working in close cooperation with the chairman of the Committee on Calendar and Agenda.

In the early stages, the problem was not great because the Convention sessions, although held daily, were short, lasting from one-half hour to perhaps two hours. The remaining hours of the day and evening were therefore available for committee work and delegate study. The problem became more acute however when the sessions of the Committee of the Whole began because at this point most of the committees were still working very hard drafting recommendations and supporting memoranda. There had to be time for these matters as well as for debates in the Committee of the Whole and, because the Convention was limited in duration and our schedule generally was tight,

we could not afford to lose any time. This therefore made it necessary to so plan that the Committee of the Whole had a constant backlog of work but not an unreasonably large backlog that would disrupt the entire schedule. This required the constant effort of the chairman of the Committee on Calendar and Agenda and he and the president met daily to revise the tentative schedule for the ensuing two weeks.

Drafting The New Constitution

I have said nothing thus far about the primary purpose of the convention, which was the drafting of a new constitution. This was accomplished only by the most careful and painstaking work by all members of the staff, by the committees and by each and every delegate.

The biggest problem perhaps was the coordination of the work of the committees. As is indicated above, we tried to accomplish this in four ways: first, through the efforts of the president; second, through the regular daily meetings of the officers; third, through the weekly meetings of the committee chairmen; and fourth, through the constant activity of the chairman of the Committee on Calendar and Agenda.

Probably the most important and consistent effort at coordination in our Convention was that made by the president with the very able assistance of the

chairman of the Committee on Calendar and Agenda. It was the president who referred the various delegate proposals to the appropriate committees and therefore determined the work load of the committees. Then, by means of daily reports from the staff of each committee, the president was kept aware of the progress being made by each committee. These reports however were at best imperfect and it was necessary that the president constantly check on the status of the work of each committee by means of frequent conferences with the committee chairmen. It was through the medium of such conferences that the president was alerted to problems as they were arising and before they became of major proportions. In many instances, I was able to avert trouble by a seasonable conference--sometimes by separate conferences with opposing forces in a committee, and sometimes by a conference with the committee chairman and one or two other members of the committee.

In any event, I found that this function of the president consumed a great deal of time.

The Committee on Style, Drafting and Arrangement plays a tremendously important role in the drafting of the constitution by any convention. Its exact function will largely depend upon the latitude allowed to the committee under the rules of the convention--that is, upon whether all matters of style and arrangement are left finally and

irrevocably to this committee or are to be determined ultimately by the convention. Under our rules, the ultimate decisions as to style, drafting and arrangement were to be made by the Convention, but all of us hoped that the Convention would not undertake to rewrite everything the Committee on Style, Drafting and Arrangement had done.

Our rules required that every committee recommendation, after being reported to the Convention, be first considered in the Committee of the Whole and then the report of the Committee of the Whole on the committee recommendation was required to be referred to the Committee on Style, Drafting and Arrangement. In due course, the Committee on Style, Drafting and Arrangement submitted its report with respect to the committee recommendation as it was perhaps amended and reported out by the Committee of the Whole. In its report, the Committee on Style, Drafting and Arrangement was required to recommend such changes in style and arrangement as it deemed desirable and, in addition, it was charged with the responsibility for calling to the attention of the Convention any inconsistencies or errors of substance which it had noted. Changes to be made by the Committee on Style, Drafting and Arrangement were however to be limited to changes of style and arrangement.

The report of the Committee on Style, Drafting and Arrangement with respect to a committee recommendation

was considered as a part of the second reading of the committee recommendation. After second reading, the committee recommendation as then amended was again referred to the Committee on Style, Drafting and Arrangement. The report of that Committee with respect to the committee recommendation as it may have been amended on second reading, with such further style amendments as might be recommended in the report, was thereafter to be considered on the third and final reading of the entire proposed Constitution unless the Committee on Style, Drafting and Arrangement submitted a special report with respect to a committee recommendation to be considered after second reading and before third and final reading. There were no such special reports in the Maryland Convention.

As can be seen from this statement of the function of the Committee on Style, Drafting and Arrangement in the Maryland Convention, it was necessary to coordinate carefully the work of this committee, the work of all other committees and the sessions of the Committee of the Whole if bottlenecks were to be avoided. This we endeavored to do by three means.

First, we had the Committee on Style, Drafting and Arrangement meet in the very beginning of the session to prepare a set of drafting rules or guidelines which

were to be followed by all committees in drafting their committee recommendations. These rules or guidelines were approved by the Convention during the first few weeks. Notwithstanding the establishment of such guidelines, no two committees or individuals would be apt to draft constitutional language in the same style. We felt, however, that the adopting of drafting rules and adherence to such rules by all committees would go a long way towards minimizing what would otherwise be a wide variation in style and use of language and that the amount of rewriting to be done by the Committee on Style, Drafting and Arrangement would therefore be greatly reduced. I think the adoption of the drafting rules or guidelines did greatly assist in achieving a higher degree of uniformity in drafting style from the very beginning.

did we have that?

Second, as above noted, we established close liaison between the Committee on Style, Drafting and Arrangement and every substantive committee by having each member of the Committee on Style, Drafting and Arrangement also assigned to a substantive committee and by making certain that every substantive committee had at least one member who also served on the Committee on Style, Drafting and Arrangement. We made it clear that the substantive committee assignment of such liaison members was to be regarded as

their primary assignment in the first several months of the Convention but that after the first Committee of the Whole report on a committee recommendation, the Committee on Style, Drafting and Arrangement assignment of such liaison members was to be regarded as their primary assignment. This liaison arrangement not only served the purpose of keeping the Committee on Style, Drafting and Arrangement apprised of the work of each of the substantive committees, but it also served the even more important purpose of providing a means for the discussion and resolution by the Committee on Style, Drafting and Arrangement of drafting problems not covered by the drafting rules as such drafting problems arose in the course of the drafting of committee recommendations by the several committees.

Third, we established very close coordination between the president, the chairman of the Committee on Calendar and Agenda and the Committee on Style, Drafting and Arrangement. This was accomplished in a number of ways. As indicated, I as president was an officer liaison member of this Committee and therefore sat in on some of their early meetings. Later, I participated with the Committee in the discussion and decision of basic policy questions involved in the making of stylistic and arrangement changes. In addition, the chairman of the Committee

on Style, Drafting and Arrangement and the chairman of the Committee on Calendar and Agenda met daily with me to arrange the sessions of the Convention so as to afford to the Committee on Style, Drafting and Arrangement sufficient time and opportunity for committee meetings. At this point, almost all other committee meetings had ceased, but the Committee on Style, Drafting and Arrangement was working practically continuously.

Not only did the Convention extend its session for the maximum permissible thirty day period, but we used all but a few days of that additional thirty days except for a brief recess at Christmas and another one at New Year's. It was therefore not possible to have a ten day period when the Convention could be recessed and the Committee on Style, Drafting and Arrangement could make a careful, thorough review of the entire document. The longest such recess we were able to have was for a day and a half before third and final reading. This gave the Committee on Style, Drafting and Arrangement one brief last opportunity for full review. We then had one weekend for a very intensive review by the staff following which the final vote was taken.

In retrospect, I am not sure that a ten day period for review is, as a practical matter, either feasible or desirable. There were a number of critical

decisions made by our Convention based on compromises which were difficult to achieve. If the delegates had recessed for a ten day period and returned to their homes, they would have been subjected again to lobbying and other pressures which might have caused some of the compromises to become "unstuck" and perhaps have resulted in a stalemate or an impasse in the Convention. So perhaps it was better that the delegates remained together without recess until the very end.

One other brief comment as to the drafting of the constitution should perhaps be made at this point. As indicated above, under our rules the Convention and not the Committee on ~~Calendar and Agenda~~ was the final arbiter as to the language to be used. On the other hand, it was imperative that we not use our limited time for long discussions of semantics in the Committee of the Whole. We were able to achieve both results primarily because of the full cooperation of all delegates and by the parliamentary procedure under which we operated in considering the reports of the Committee on Style, Drafting and Arrangement. I will not attempt to describe this in detail, but, in effect, all questions of semantics were referred to the Committee on Style, Drafting and Arrangement without debate and could be considered by the Committee

of the Whole only when the report of the Committee on Style, Drafting and Arrangement as to style amendments was being discussed.

Compromises

Now, just a few words about this matter of compromises. In the broad sense, almost every provision agreed upon by a committee and ultimately by the convention represents a compromise of opposing points of view because rarely can absolute unanimity be obtained, not only as to the principle involved, but as to the language to be used. However, the great majority of these so-called "compromises" are not really compromises in a strict sense but rather an accommodation by each delegate of his views regarding substance, language or style to the views of every other delegate.

Inevitably, however, there arise certain matters of principle as to which there is a sharp conflict resulting frequently in a strong majority and strong minority view, each of which may have a nearly equal number of supporters. In this situation, it is imperative that there be some major compromise by agreement upon some middle ground or course of action or else the entire project will flounder. We had a number of potential situations of this kind in our Convention, but fortunately by the good sense and

careful management of the delegates and committee chairmen, we were in most instances able to avoid a situation in which the opposing sides were drawn up in battle array.

For instance, there was potentially just such a situation existing with respect to the very touchy and emotional issue of church-state relations, but we were able to avoid discord on this issue because all the delegates were anxious to avoid having an emotional issue of this character take hold of the Convention and most anxious to avoid a situation in which a relatively minor issue could assume pre-eminent status. The result was that we had no controversy over this issue and hence it was not necessary to work out a compromise in the sense in which I use the word.

As to some other issues, however, we were not so fortunate. In several of the committees, we had a very close division on three or four very important and critical issues and the majority succeeded in presenting a committee recommendation by a vote of only ten to nine. As might be expected, when such a committee recommendation became the subject of debate in the Committee of the Whole, the vote again was very close and on several such issues we had successive tie votes or votes so close to tie votes that we could not safely proceed. In such situations, it

was necessary to effect or at least attempt to effect major compromises. These could be achieved only with strenuous efforts by the officers and the leadership in the Convention--efforts which sometimes continued for periods of two or three days.

So far as I am aware, there are no pat rules which one can follow in trying to effect such a compromise in a constitutional convention. We were concerned of course that whatever solution was ultimately worked out should be acceptable not only to the delegates but also to the people of the State. We did not want a touchy issue to become a cause celebre in the ratification campaign. We therefore laid down a few very simple rules in trying to work out a compromise on a vital and touchy issue. One was that the proposed compromise should have the support and concurrence of the great preponderance of the committee. We did not insist on unanimity, but we strove to have at least fifteen out of nineteen votes in favor of the suggested compromise. Next, we avoided submitting the compromise to a test vote until soundings had been taken and efforts made to ascertain the sentiment of the Convention as a whole. In this connection, a compromise was sought which it was felt would be reasonably sure of obtaining the support of at least one hundred

delegates. With respect to major compromises of this character--and there were several--we succeeded in both these endeavors and in fact each of the compromises ultimately achieved was supported by not less than one hundred fifteen votes.

We were not always successful in achieving a compromise notwithstanding strenuous efforts to do so. There were two such instances which I recall very well. In one instance, after the efforts at compromise had failed and the question was submitted to vote on the motion to reconsider the earlier vote by which the committee recommendation had barely squeaked through, the final vote resulted in re-approval of the committee recommendation by a heavier majority than anyone had anticipated. In another instance, there had been two successive tie votes on a motion to amend a committee recommendation in an important particular. The fact that efforts to achieve a compromise had been undertaken and pursued strenuously in good faith induced a substantial number of the supporters of the motion to withdraw their support, following which the motion was withdrawn.

What was these

The Drafting Of The Schedules

Up to this point, I have made no reference to the very important schedule or schedules to be attached

to a proposed new constitution. In our case, we used two--namely, the schedule of transitional provisions and the schedule of legislation. Initially, we had planned that these schedules would be prepared by the Committee on ~~Miscellaneous~~^{New} Provisions and be submitted to the Committee of the Whole as recommendations of that committee. In preparation for this, we had at the very beginning requested each substantive committee to keep the Committee on General Provisions currently informed of its probable recommendations so that consideration of the preparation of the two schedules would not be completely deferred until the very end. We also requested each substantive committee to prepare and keep current a check list of matters pertaining to its work which were ultimately to be included in the schedule of transitional provisions or in the schedule of legislation. This arrangement however simply did not work and we became very apprehensive towards the later stages of the Convention lest the drafting of these two schedules present insuperable problems.

We then attempted to have the two schedules drafted by an ad hoc committee consisting of the chairmen of each of the substantive committees. One session of this committee lasting for an entire Saturday proved conclusively that this method would not work either,

primarily because each committee chairman was too much concerned with the work of his own committee and not in a position to give to the preparation of the schedules of transitional provisions and of legislation the kind of thought required. We therefore resorted to the device of having a very small committee consisting of members of the staff working directly under the supervision of the president and one delegate who was not a committee chairman draft the two schedules after conferring separately with the respective committee chairmen as to the matters of their particular concern. This worked fairly well and we were able to prepare the schedules in such form that when they were presented to the Committee of the Whole there was little debate, although the mere presentation of the two schedules did require an extended session.

Needless to say, these schedules are of tremendous importance and are not mere details which can be brushed aside. Very substantial policy questions are involved in the schedule of transitional provisions and to a certain extent also in the schedule of legislation. They are parts of the constitution drafting process which must be carefully thought through and the preparation of the two schedules is a tedious, time-consuming but very important task.

THE LOGISTICS OF THE CONVENTION

Now let me discuss with you very briefly some of the logistics involved in a constitutional convention. Here again, I will not attempt to suggest what may be best or most desirable but only what we did in the Maryland Convention.

Audio System

The audio system is of course of vital importance. We used the existing system already installed in the convention chamber. Each delegate had a microphone available at his desk which was controlled by a master console so that a delegate could use the microphone only when recognized by the presiding officer. The system proved to be very satisfactory. The master console could have been used to cut off a delegate who insisted upon speaking beyond his time, but it was never necessary for this to be done during the Maryland Convention.

Tape Recording

An audio tape of the entire Convention session was made so that it could be reproduced and copies made available in public libraries in the State for future study and research. It was necessary to install two tape recorders in order to have one in continuous operation so as not to interfere with the debate. The audio system was connected

to the tape recorder so that everything spoken was recorded on the tape. By the same token, any statements or comments made other than through the audio system were not recorded on the tape. All told, we have 331 hours of Convention sessions and debate recorded on tape.

Stenographic Record

The Convention sessions were also stenographically recorded and the effort was made to have a copy of each day's transcript on the desk of each delegate the succeeding day. However, as the debates grew heavier and the sessions longer, the transcript fell behind by about ten days. It was originally contemplated that the transcript would be edited as we went along and while the Convention was still in session so that shortly after adjournment we would have a complete edited transcript available for publication. Unfortunately, we were never able to achieve this objective and the work of finally editing the transcript and marking it for the printer is only just now being completed.

Roll Calls

Except for the opening day, all roll calls and roll call votes were taken on the electronic voting board, thereby giving us instantly an accurate written record of the vote. The importance of this is indicated by the

fact that there were 672 roll call votes during the Convention. Remembering how long it took for each manual roll call on opening day, I think it would have been impossible for us to have functioned in the Committee of the Whole as we did without the electronic roll call system. None of our roll call votes were mere formalities because we had voice votes in all instances except when the division was close or a record vote was otherwise required.

Printing and Paper

One of our major logistical problems was that of printing and paper. Because of our desire to avoid proofreading as much as possible, we decided to use offset reproduction of typewritten papers rather than other methods of printing. This proved very effective. We had our own high speed offset presses and cameras and were able to reproduce all Convention documents. This embraced 445 delegate proposals, innumerable supporting memoranda, committee recommendations, committee memoranda, minority memoranda, news releases, bulletins, memoranda to delegates from the president or the secretary, research memoranda, extracts from printed publications desired for research papers, and every other paper that was produced by the

Convention, including the daily journal and the daily transcript. Although these were offset reproductions of the original typewritten or printed documents, we were able to print on both sides of each sheet so as to reduce bulk.

We had nothing whatsoever on which to base our estimates as to quantities of paper which would be needed. We placed an initial order for 500,000 sheets of paper, hoping that this would be somewhere near the total we would require. Actually, we used substantially in excess of 5,000,000 sheets of paper. On the other hand, by sheer luck and nothing else, we came amazingly close in estimating the number of pages of transcript. In preparing our budget we estimated that the transcript would run to 15,000 pages. We were astonished to find at adjournment that the total transcript comprised 14,448 pages.

The use of our own print shop with offset printing proved highly efficient in expediting the debates in the Committee of the Whole. The rules required that all amendments be printed and that a copy be on the desk of each delegate before final action. We were able to have an amendment printed and distributed by the pages

Convention, including the daily journal and the daily transcript. Although these were offset reproductions of the original typewritten or printed documents, we were able to print on both sides of each sheet so as to reduce bulk.

We had nothing whatsoever on which to base our estimates as to quantities of paper which would be needed. We placed an initial order for 500,000 sheets of paper, hoping that this would be somewhere near the total we would require. Actually, we used substantially in excess of 5,000,000 sheets of paper. On the other hand, by sheer luck and nothing else, we came amazingly close in estimating the number of pages of transcript. In preparing our budget we estimated that the transcript would run to 15,000 pages. We were astonished to find at adjournment that the total transcript comprised 14,448 pages.

The use of our own print shop with offset printing proved highly efficient in expediting the debates in the Committee of the Whole. The rules required that all amendments be printed and that a copy be on the desk of each delegate before final action. We were able to have an amendment printed and distributed by the pages

to the delegates about twenty minutes after the delegate left the convention chamber to give instructions to the draftsman for the preparation of the amendment.

Convention Records

The Convention records were the customary ones for an assembly of this kind. There was, first of all, the test book containing the written oaths subscribed by each of the delegates and each of the officers. Then there was the daily journal maintained by the journal clerk. The journal was of course in rough form as legislative journals usually are, but it was microfilmed and the microfilm deposited in the Hall of Records each day. The preliminary editing of the journal fell behind and it was not until near the end of the session that we were able to have offset copies of the journal in this form distributed and formally approved by the Convention. Since that time, there has been some further editing authorized by resolution of the Convention and the journal is now about ready for the printer and formal publication.

There were also the usual record books in which were entered every delegate proposal, every formal written motion, every formal written resolution, every committee recommendation, every committee report and a history of

the disposition of each. These were of course kept current and the originals of these books will be turned over to the Hall of Records in due course.

Research Records

The research records were maintained by the office of the chief of staff. Every request for research--and there were numerous such requests--was duly logged and assigned to a member of the research staff. A research memorandum in response to the request was prepared and, after approval by the chief of staff was transmitted to the person requesting it with a copy to the president, several copies being retained in the office of the chief of staff. In almost every instance, research memoranda were also reproduced in quantity and a copy distributed to each delegate.

Library

The Convention also maintained a library. Some of the publications in the library were assembled for the use of the Convention by the Constitutional Convention Commission and others were loaned to the Convention by the Enoch Pratt Library in Baltimore City. The library was sufficient for the purposes of the Convention inasmuch as the State Library was located in a nearby building and

hence was readily available. In addition, for extensive research we had available the libraries at the Johns Hopkins University, the University of Maryland at College Park and, of course, the Library of Congress in Washington. The Committee on Style, Drafting and Arrangement also had in its own committee room a small but very workable library of the kind of books which such a committee would use, such as an assortment of dictionaries including a dictionary of synonyms and of course a thesaurus.

Physical Facilities

The physical facilities available for the use of a convention are important, but in our case we had to make out with what was available and I rather suspect that this is true in the case of every convention. As is usually the case, we utilized the available legislative facilities. These were certainly not extensive or adequate and were barely sufficient for our needs.

The convention chamber was the chamber of the House of Delegates of the General Assembly. This was quite suitable because the number of convention delegates was the same as the number of the members of the House of Delegates and the other necessary physical facilities, such as the audio system and the electronic roll call board, were already installed.

The real difficulty lay in the lack of adequate

facilities for committee meetings, delegate study and hearing rooms. We had enough rooms available for committee meetings and hearing rooms, but they were not entirely suitable and were scattered in four separate buildings and on varying floors of the different buildings. The facilities for stenographic services were inadequate and private offices for the use of delegates for study or other purposes were non-existent.

It is most important too that adequate and reasonably clean, bright and inexpensive eating facilities be readily available. In our State House, there was only one very small snack bar and for all other purposes the delegates had to depend upon nearby restaurants and hotel dining rooms, where the meals were good and the prices were reasonable. However, the necessity for all delegates to eat their evening meal at the same time caused delays.

The Convention And The Public

The most glaring lack in physical facilities was in the facilities available for visits to the Convention by members of the public. The convention chamber had two relatively small galleries, one in the back and one in the front, each seating a little less than one hundred persons. This was reasonably adequate, but there were simply no

facilities at all for visits to committee rooms. As a matter of fact, there was hardly sufficient space in the committee rooms for attendance by even a very few persons who might be interested in a particular matter under discussion. In instances where it was necessary to take testimony, legislative committee rooms temporarily converted into hearing rooms were used; but they were not adequate equipped or otherwise suitable. In most instances where the committee was hearing from only one or two witnesses, it was simpler to have the hearing in the committee room even though it was congested and there was no space for the public.

We found that a public information office was a necessity. It served as a clearing house for information on committee activities for the news media, as a beginning point for tours by visiting members of the public, and as a means of disseminating general information to the public as to the work of the Convention. We had generally excellent relations with the representatives of the news media and, all in all, the news coverage was decidedly superior. A larger staff in our public information office than we provided would have been helpful. On the basis of hindsight, I think it would have been desirable also for us to have arranged for a much more elaborate clipping service than we had.

One important function of the public information office was to make available to the delegates on a daily basis copies of the principal newspaper articles. This was not done to satisfy the ego of the delegates but rather to give them a feel for the continuing public reaction to the work of the Convention. It also afforded an excellent opportunity to measure the extent to which the work of the Convention was being made known to the public.

EXECUTION OF THE CONSTITUTION

Under the terms of the convention enabling act, there was no necessity for each of the delegates to sign the Constitution. All that was required was the certification by the president and the secretary of the Constitution adopted by the Convention. However, we thought that it would be appropriate and fitting to have the document signed by all the delegates and we therefore arranged a signing ceremony to take place following the brief recess necessary to have the final document printed. At the execution ceremony, every delegate save one who was on his deathbed, walked down the aisle of the convention chamber and affixed his signature to the new constitution proposed by the Convention. The ceremony was very impressive and

was covered by all the major television stations. The document was first officially certified by the president and the secretary and then followed the signing by all the delegates--the honorary president first, then the president, then the first vice-president, then the second vice-president, then the oldest delegate, then the youngest delegate, and then each of the other delegates in alphabetical order. Each delegate was photographed as he signed.

The signing took place in the convention chamber, but the desk used in the ceremony was the desk of the president of the Senate on display in the old senate chamber in the State House at Annapolis. This desk is a very old replica of the original desk in use when George Washington resigned his commission as Commander-in-Chief of the Continental Army.

POST-CONVENTION ACTIVITIES

Publications

One of the very important tasks confronting the officers of a constitutional convention is that of gathering together, arranging and preparing for delivery to the Hall of Records all the numerous records of the convention. This work for us was supervised by a person who in the enabling act was designated as a historian but whose duties as prescribed in the enabling act were clearly those of an

archivist. He of course had been functioning before the end of the convention and reviewing the records of the committees and the officers, but there was still a time-consuming task of collecting all these records, appropriately boxing and indexing them and making them ready for delivery to the Hall of Records.

We also attempted, to the extent reasonably possible, to complete pictorial and other records by asking the news media to give us as many as possible of the photographs which they had taken during the Convention. These were put with the news clippings which had been assembled by the Public Information Service of the Convention so that the historical record delivered to the Hall of Records, while perhaps not complete, nevertheless contains many matters which in the course of even a few months could have been lost irretrievably.

By far the most difficult and time-consuming part of the post-convention activities, however, was that of editing and arranging for publication of the proceedings of the Convention. This would include the journal and a volume containing convention documents such as delegate proposals, committee recommendations, committee memoranda, minority memoranda, delegate memoranda and committee reports and resolutions.

We had also planned to publish the debates. This would have been the largest part of the post-convention publications since it would comprise four volumes. We had also prepared subsequent to the Convention and planned to publish in another volume a two column section-by-section comparison of the present Constitution and the proposed new Constitution adopted by the Convention. In view of the rejection of the Constitution by the people, the question of whether the debates and the comparison of the two Constitutions should be printed must be re-examined. Tentatively, we have determined to print the comparison of the two Constitutions because this will be useful in further efforts at constitutional revision which we hope will be undertaken by the legislature. For the same reasons, we will undoubtedly reproduce at least a few typewritten copies of the debates and I hope we will conclude to print them also.

Ratification Campaign

I indicated at the outset that it was beyond the scope of this paper to consider the reasons why the electorate of Maryland rejected the Constitution proposed by the Convention or to make any attempt to consider what future efforts at constitutional revision should be undertaken in Maryland. However, this paper would not be complete without indicating

factually but very briefly what activities were undertaken by the Convention in connection with the ratification campaign.

The enabling act required the Convention to take appropriate action to inform and advise the public about the proposed new Constitution but left to the Convention the precise manner in which this should be done. The Convention's Committee on Public Information felt that the role of the Convention should be limited to one of public information only and that the Convention should not itself undertake to "sell" the new Constitution. This position was formally approved by resolution adopted by the Convention and, accordingly, the activities of the Public Information Service of the Convention were limited to providing information for the public.

This proposition, although very simple to state, is very difficult to execute because it is not easy to explain the provisions of a document as complex and as basic as a constitution. We considered the preparation and publication of a series of articles something along the lines of the Federalist Papers and a committee of delegates spent a great deal of time working on such a series of articles. Many of these were published in the press, but it is of course impossible to determine how widely such articles

are read. The probability is that relatively few people take the time to read them at all and even fewer persons read them carefully.

We also tried to publish a series of shorter articles and did circulate fairly widely one brochure consisting of eight very short explanations of salient provisions of the proposed Constitution. This again, although a necessary kind of thing, was in the final analysis of rather limited significance.

We did distribute in very large quantity a reprint of a newspaper tabloid which contained the entire text of the Constitution, the two schedules, a series of pictures and an explanatory news article. Approximately 750,000 of these were distributed through the media of schools, libraries, public offices, civic meetings and various kinds of organizations, such as service and civic clubs, League of Women Voters, etc.

By far, the most intensive effort was the encouragement of meetings to discuss or debate provisions of the Constitution which were held throughout the State. Almost every delegate participated in these meetings and great effort was expended by many people to arrange for the meetings and to encourage attendance. I do not know exactly how many such meetings were held in the interval between