

able to do so, a terse, explicit, simple, straightforward document couched in simple and non-legalistic language, eliminating therefrom all matters of detail which are more statutory than constitutional in character. We also contemplate that the three major branches of government, the Executive, the Legislative and the Judicial, shall each in its sphere have and exercise all the rights and powers which it should have and exercise, and to the greatest extent reasonably practicable, each be independent of the other. We further hope to provide a document which will not require frequent amendment with changing times, but instead will confer on the three major departments of government the power to cope with and provide for changing conditions as they occur.

“A provision in the Constitution granting ‘constitutional autonomy’ to the University of Maryland would, it seems to me, run afoul of these principles and open the door for numerous other state agencies to seek similar grants of ‘constitutional autonomy’ so as to make them independent of the Executive Branch or the Legislative Branch or the Judicial Branch, as the case might be. In addition, the University of Maryland is not an instrument of government to be established or created by the Constitution and it really has no place in the Constitution.

“There are other difficulties. We have decided, if we possibly can, to eliminate from the Constitution all provisions incorporating by reference the common law or previously or presently existing provisions of the Constitution or statutes. This would mean that we could not, as suggested in the forms submitted by Dr. Elkins, pro-

vide that the University of Maryland should continue to exist in the same ‘nature and form’ as it had at the time of the adoption of the Constitution, but instead, we would have to spell out in detail the nature, form, powers, obligations and duties of the University of Maryland. This would not only be contrary to what we are attempting to do in the Constitution but would, it seems to me, also be most unwise from the point of view of the University of Maryland because it would then remove all flexibility and power to make changes except by constitutional amendment. This, I think you would agree, would be most undesirable. I personally think it would be unwise even to fix the number of regents, their terms, and their manner of appointment in the Constitution so that any change at all in these requirements could be accomplished only by constitutional amendment.

“If the Constitution were to contain a provision with respect to the University of Maryland which said nothing more than that it should be governed by a Board of Regents, I question that no real autonomy would be achieved because so many other matters would be left open to supervision or regulation by the legislature or by the governor; and yet the alternative, which would be to include in the Constitution detailed provisions such as are contained in the Autonomy Act of 1952, would, I think, be most unwise not only because it would encumber the Constitution with unnecessary detail, but because it would lock the operation of the University in a constitutional vise which would greatly limit, if not destroy, the flexibility which is so essential to enable it to adapt itself to changing conditions.