

● State Constitutional Revision

AGNEW, WILLS EXPLORE FAILURE IN MARYLAND



Chairman of the Citizens Commission on Maryland Government, George S. Wills (r.) also serves as Public Relations Director for the Johns Hopkins University's Homewood Institutions. In addition, he is Assistant to Dr. Milton S. Eisenhower, Chairman of the President's Commission on the Causes and Prevention of Violence in the United States.

PREFACE

In writing "Requiem for a Constitution", George Wills holds out the hope that Maryland's 1968 Constitution will not have died in vain. His epitaph, analyzing the reasons behind its failure, offers insight and guidance for others involved in achieving state constitutional reform.

Obviously, this is "cold comfort indeed" to those of us who had hoped Maryland's new constitution would serve as a model of what to do rather than an example of what not to do. But while we may regret history, we cannot reverse it, and hopefully future state constitutions will be saved as a result of the wisdom salvaged from the wreckage of our "ship of state."

In retrospect, I think all participants in Maryland's Constitutional Convention can point to specific areas where modification or compromise could have proved helpful. Yet, there was no single factor which caused its failure but, rather, a very real combination of ideas and events. Mr. Wills offers a full and fair evaluation of each factor and their almost phenomenal coalescence which led to our constitution's defeat.

I have complete confidence that the state constitutional reform will ultimately prevail in Maryland and in every state where it is required. We cannot accept, in the rejection of one constitution, a repudiation of the concept of constitutional reform. We can learn from our failure the pragmatic perimeters of compromise essential to achieve success. It is in this spirit that Mr. Wills has written this article and it is in this spirit that it should be received.

Spiro T. Agnew,
Vice President of the United States
Former Governor of Maryland

By George S. Wills
(First of Two Parts)

May 14, 1968: "A Blow to Maryland . . . And for the Nation". This was the description given by *The Washington Post* for the 366,438 to 283,048 electoral decision to defeat a new Constitution for the State of Maryland. *The Baltimore Sun* regretted that the proposed charter "was firmly rejected by Maryland voters everywhere but in the Washington suburbs. The monumental construction by the Constitutional Convention and its commission, painstakingly crafted over three years, has been smashed."

Bitter commentaries by two powerful and influential newspapers who had given strong editorial support to the master plan for a vastly reorganized government structure in the Free State. What happened? Why did this blueprint for political change fail, after having been endorsed by all living governors, a majority of senior judicial officials, the State's industrial and professional elite, many prominent political leaders and the mass media?

The roots go deep in this "Requiem for a Constitution", and the reasons for such overwhelming rejection of three years' work are complex.

Examines Convention

In order to ascertain the early history of the demise of the Maryland Constitution, it is necessary to examine the Maryland Constitutional Convention, an assemblage of 144 delegates that met for four months in Maryland's historic State House to fashion a new framework of government. Just two doors away from the Old Senate Chamber where Washington resigned his Continental Commission, these delegates, who had been selected in a non-partisan statewide election, prepared a document that in its broad outlines would provide for

—a greatly strengthened Chief Executive with broad reorganizing powers, including authority to consolidate over 240 agencies, boards, and commissions into twenty major departments;

—a more visible Legislature with a limitation upon its size and length of session, in addition to the requirement that its members be elected from single-member districts;

—a "non-political" judiciary where a judge appointed by the Governor upon the recommendation of a Bar Association-citizens committee would run for reelection against his own record, instead of in a political campaign against a "live" opponent;

—A Local Government Article that would provide for mandatory home rule throughout Maryland by 1970 and for the establishment of "popularly elected regional govern-

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Council Schedules Orientation For Minority Group Students

By Samuel M. Bradley

Selected students from minority groups will attend a special program at the Law School this summer, sponsored by the Council on Legal Education Opportunity (CLEO), aimed at better preparing them to enter the nation's law schools.

The CLEO program was organized with the aim of helping Negro, Indian, and Spanish-speaking students who could succeed in Law School with special attention but who fail to pass the rigorous standards and tests for admission to law school. The initial impetus for the project came from the director of the Office of Economic Opportunity (OEO) Legal Services Program, who called together bar leaders, law school deans and others to consider ways to bring minority group members into law schools and the legal profession. The Council was organized in December, 1967, and is composed of representatives of the American Bar Association, the National Bar Association, the American Association of Law Schools and the Law School Admission Test Council.

Funds for CLEO were made available by OEO and the Ford Foundation. The OEO funds are used to operate law school regional training institutes and the Council's national office, which is located at Morehouse College in Atlanta. Students who successfully complete a summer institute and are admitted to a law school receive a \$1500 scholarship per year while they are in law school. For a student to be eligible for Ford assistance, the law school he attends must provide a tuition scholarship.

The Law School's summer institute will run from June 15 through July 31, and will admit approximately forty minority group stu-

dents. The program's staff will include students and professors from the Law School and from Harvard University's Law School. Co-directors of the institute will be Law School Associate Professor John N. Moore and Assistant Dean Peter W. Low.

According to Professor Thomas S. Currier, who participated in drawing up the Law School's application to CLEO, the curricula of the summer institutes, which are not designed to be a microcosm of the first year of law school, differ in orientation depending upon the arrangement between the participating law school and the Council. Some of the institutes attempt to stimulate motivation to pursue the law as a career by offering pre-law training sessions for students who have completed their junior year of college. Other institutes seek to assist college graduates in gaining admission to law schools and prepare them for successful completion of their legal training. The emphasis of the Law School's program will be geared to the latter objective.

Offers Introduction

Although the subject matter of the courses has not yet been determined, the Law School's institute will be divided into three two-week sessions. The first term will consist of an introductory course emphasizing basic legal techniques. Two more advanced courses will be given in the remaining sessions. At the conclusion of the program, each student will have been exposed to three professors and three courses.

Since the emphasis of the CLEO program is on individual and personal attention to students, classes will consist of ten students, with a faculty member and teaching assistant. (Please see Page 3, Col. 5)

Treasury Selects Cohen Officer For Tax Policy

By James H. Rollins

Weeks of speculation ended last Wednesday when Secretary of the Treasury David M. Kennedy announced the selection of Professor Edwin S. Cohen as Assistant Secretary for Tax Policy.

In a press conference at the Treasury Building, Secretary Kennedy introduced Professor Cohen to a group of journalists and reporters who regularly cover Treasury Department affairs, saying that he was delighted that Mr. Cohen had decided to join the administration. "He is not only qualified but has the ability to work around the clock on tax policy. He will be a strong addition to our team," added Mr. Kennedy.



Mr. Cohen

Professor Cohen, 54, has been active in the tax field for thirty-three years, most recently serving as a member of President Nixon's task force on tax reform during the presidential campaign. He has also worked with the taxation section of the American Bar Association and served as special consultant on tax matters to the American Law Institute.

Foundation Gives Financial Support To Legal Society

Officials of the Henry Luce Foundation, Inc. recently announced the authorization of a \$72,000 grant to the Association of Student International Law Societies (ASILS).

ASILS is a national organization whose membership is composed of thirty international law societies, including the John Bassett Moore Society, a charter member. ASILS is affiliated with the American Society of International Law, of which former Dean Hardy C. Dillard is a past president. Bernard J. Mikell, a third-year student, is president of ASILS and is in charge of administering the \$72,000 grant.

The grant was awarded to ASILS to cover a three year period and is designed to establish a central office for ASILS, appoint an executive secretary and give financial support for an expanded Philip C. Jessup International Law Moot Court Competition. The Jessup moot court competition is sponsored by ASILS and entry is open to teams from any law schools which are members of the organization or are invited to participate. The competition is in three rounds, regional, semi-final and final, and is based on a hypothetical case in international law. Forty-eight schools have entered this year.

Mikell envisions that the grant will help expand this moot court competition greatly, hopefully extending it all over the world. The funds will be used to help pay the traveling expenses of competing teams. This year several teams entered from the United Kingdom and Canada. Mikell hopes that eventually regional competition will be initiated in Africa, India and Mexico. While there are still problems with limited finances and language barriers, Mikell is confident that these can be overcome and a truly international moot court competition established.

Tryouts

Positions on the editorial board of the Virginia Journal of International Law are now open to interested second-year students. A meeting to discuss the tryout program will be held at 4 p.m. today in Room 410.

Center Names Law Scholars For Sesquicentennial Program

Named as Sesquicentennial Scholars, Professors Richard E. Speidel and Walter L. Wadlington will spend next fall semester completing work on casebooks and textbooks in their respective legal specialties.

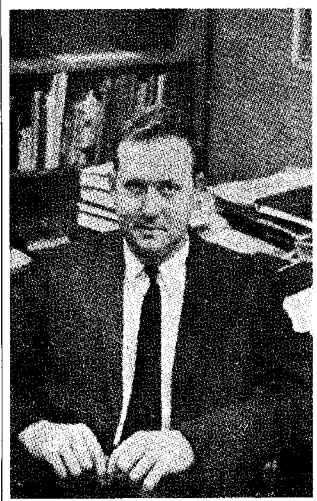
The two members of the law faculty are among fifteen professors named last week as Sesquicentennial Associates of the University's Center for Advanced Studies. Established by the Board of Visitors in conjunction with the 150th anniversary celebration of the University, the program will free the Scholars from teaching duties and allow them to pursue research projects at the University or at other institutions.

Both law professors will be relieved of any teaching or administrative duties during the fall semester. Mr. Speidel plans to complete a contracts casebook written with Professor Edward J. Murphy of Notre Dame Law School and a textbook on contracts. He will remain in residence here during this period and will return to teaching next spring with a commercial transactions course and a contracts seminar.

Mr. Wadlington will finish a text on adoption and will begin co-authorship of a textbook on domestic relations with Dean Monrad G. Paulsen. Although some travel-

ing may be required for research, Mr. Wadlington plans to reside in Charlottesville during his leave.

Both men will be completing other projects prior to commencement of these research activities. Mr. Speidel joins Professor Robert S. Sumner of Oregon and Professor James J. White of Michigan as authors of a casebook on the Uniform Commercial Code scheduled for publication release this May. Mr. Wadlington will spend two months this summer at Brown University teaching an orientation in American law to graduate law students from foreign countries.



Mr. Wadlington

Society Schedules International Law Moot Court Meet

On behalf of the Law School, the John Bassett Moore Society of International Law will host the quarter-finals of the Philip C. Jessup International Law Moot Court Competition scheduled for the end of March.

Participating will be winners from eight law schools in the Southeast. From this and each of six regional competitions, one or two teams will be selected to compete for the national title in the semi-final and final rounds in Washington, D. C. at the convention of the American Society of International Law.

This year's hypothetical involves a conflict before the International Court of Justice requiring interpretation of the law of the sea and the continental shelf. Previous problems have dealt with rights of free passage through international waters and interpretation of the Outer Space Treaty.

Arguments will be made in a fashion similar to standard moot court procedure. Each school is allowed five persons on the team, of whom only two are permitted to argue. Those interested in trying out for a place on the Law School's team should leave a note in the Moore Society box or contact third-year man John B. Dinsmore prior to February 16.