

worked well together in a cohesive and constructive manner. As an institution the board has managed to earn and retain the confidence of the General Assembly, which has heaped more and more responsibility on it.

One effect, not often recognized, of placing jurisdiction in the board rather than in the governor alone (or in some other executive official) is to open up the decision-making process to public scrutiny. Decisions made by single officials may have to be explained later, but the process by which they are made is often shielded from public view. That is not the case with the board. Even before the organized drive for "open government" in the 1970s, board meetings were announced in advance and were open to the press. The effect of this accessibility has generally been salutary. Governor Mandel once observed:

The press coverage served a good purpose. Those appearing, particularly to [i.e., from] agencies and departments became aware that they better be fully prepared, because the board was prepared and the media was present. Again we began to receive more complete and better documentation, and of equal importance, matters of a questionable nature, that formerly would slide by, were not even presented.²

Although it was asserted by the Constitutional Convention Commission that former governors William P. Lane, Theodore R. McKeldin, and J. Millard Tawes believed that consideration should be given to "reorganizing" the board,³ there seems to be no sentiment among its current members for curtailing its authority, much less doing away with it. Comptroller Goldstein and Treasurer James, in particular, are strong advocates for continuing the board as it now exists, as was former Governor Mandel. He felt that it was "the best source for the Governor to get an overview and to know the day to day operation of the State Government," noting further that:

Every phase of the State was touched by the [board's] agenda. And the officials responsible for a particular agency knew it. . . . And when you asked questions the employees knew they better be on their toes. I always felt that I was more knowledgeable and better prepared by being a member of the [board]. The work of the board is almost a blueprint of the State operation.⁴

Comptroller Goldstein (a board member at this writing for twenty-four years) and Treasurer James have echoed these sentiments, which are also supported by my own contacts with the board. The three members are necessarily exposed to more information, and more reliable information, about the operations of state government through service on the board than any of them could acquire otherwise, and the discussion among the three knowledgeable officials probably produces a more informed decision than might otherwise be obtained. A dissent by any one member is likely to receive public attention, which at least subconsciously tends to force the other members to rethink their own positions.

In all, it seems clear that the board has been a good thing for the state. The delegates to the 1864 Constitutional Convention accidentally stumbled onto something worthwhile.

2. Personal letter to author, 24 March 1981.

3. *Report of the Constitutional Convention Commission*, p. 153.

4. Personal letter to author, 24 March 1981.