

The Executive Branch Committee recommends that the Board of Public Works not be provided for in the constitution. I oppose this recommendation. I urge that this Convention should provide for the Board of Public Works in the constitution and whether you agree later that the Board of Public Works should consist of three or whether you agree that it should consist of five is a matter for determination, but whichever it shall be, it must be, I say to you, determined by the constitution.

Who says that the Board of Public Works should not be in the constitution? Not the present governor of Maryland, Governor Agnew. He addressed this assemblage and said: "In my opinion the Board of Public Works should be continued but reconstituted." You heard his language, it was repeated here just a moment ago by Delegate Dorsey.

Next, I called as a witness a man who served eight years as comptroller of the State, who served on the Board of Public Works and who served as Governor for eight years, who is Honorary Chairman of this Convention, Governor Tawes, and he too says that we should keep the Board of Public Works in the constitution.

Now, let us just see what the Executive Branch Committee recommendation does. First, it says that the Board of Public Works is an unwarranted dilution of the governor's executive authority and responsibility, but they go on to say this. The Executive Branch Committee acknowledges that under the proposed executive article, the Committee has eliminated the existing constitutional checks within the executive branch.

And yet in its argument that there should not be a Board of three, this is what the same Committee says in its recommendation in Memorandum EB-1, page 22, lines 34 to 42, and I quote them literally: "The Committee recognizes that there are few administrative absolutes and that sometimes a plural decision-making body may be desirable when there is need for continuity in policy or to represent diverse viewpoints."

I am quoting the Executive Branch Committee.

Who else says that we should abolish the Board of Public Works? The draft which you have from the Constitutional Convention Commission does not say abolish it. All that they say is do not put it in the constitution and they say it may be a good thing to have. They do not say in their

draft, "vest all the executive responsibilities in the governor and eliminate the checks completely."

You have this available. We do not have too much time. I shall not read what is in the blue book. Every change relating to the legislature that has come before this Convention has been debated long and over many years, and not one item recommended or brought before this convention by the Legislative Branch Committee is so totally new that you have to say "I only heard of it in the last year or two." The same thing is true of the Judicial Branch Committee.

Everything that they have said you have heard debated, talked about, editorialized, written, and discussed. However, until the Commission draft of less than a year and a half ago, nobody suggested the abolition of the Board of Public Works. It has not received the same scrutiny that all of the other changes, which are suggested here and have yet to come, have received.

Let us go back to those who have studied our government. We had a Commission under one of the great living men dedicated to public service. I refer to Judge Simon Sobeloff, former Chief Judge of the Court of Appeals of Maryland, City Solicitor of Baltimore, chief of the judges of the fourth circuit Court of Appeals, and on and on and on. He was Chairman of the Sobeloff Commission created by the governor of Maryland and this is what his report published in 1952 says at page 20: "The Commission recommended that the Board of Public Works retain its authority over the major decisions involving public works and property."

The Sobeloff Commission recommended further that it retain its authority over the issuance of funds, requests for bids, selecting sites for new institutions and that its authority be broadened.

Now, I say to you in 1953 I think when Judge Sobeloff became Chief Judge of the Court of Appeals I believe Mr. Stockbridge became chairman of the Commission. I believe there were some changes made, but as far as I can see they did not recommend the abolition of the Board of Public Works.

I call history to bear that until the report of less than two years ago, there has been no desire, no need, no recommendation for the abolition of the Board of Public Works as a constitutionally created board in Maryland.

Let me digress at this point from what I have prepared. I have the utmost respect