

for Delegate Henderson, one of my dearest friends and a man whom I respect tremendously.

The legislature having given this power, can take it away. My answer is no, because if the legislature dared to take this power away, the people of Maryland would rise up and in a referendum would overwhelmingly defeat that piece of legislation.

You see, we have had a Board of Public Works in Baltimore City. It has control of half a million dollars and not a billion. We have a strong executive system. The mayor of Baltimore controls the Board of Public Works and I approve of the control of the Board of Public Works by the governor of Maryland, but do not let that elected official, one or two of them, ever get out of this place where they can say "Nay, governor, Nay, Mr. mayor, don't you do that."

If any person in Baltimore City suggested amending our constitution which is called a charter and eliminating the Board of Public Works he could not get a corporal's darn of votes to sustain any such position, because whether you like the people who complain and holler and scream in your favor and mine as a citizen—and believe me there are times when they can be trying on one's patience—let me say to you it is good to have them there.

Let me cite an example, right in this very building that we sit in in this solemn conclave, the Department of Public Works of this state recommended a purchase of a piece of property for \$1,200,000.00. But when it reached the public, the Board of Public Works, the governor under whom that department was responsible, and the state treasurer, it cost the state \$600,000.

I am going to tell you something else about the kind of power you are giving away. Do you know that the Board of Public Works is not required to submit to competitive bidding or to take the lowest bidder. All of this power which you are willing to trust, as I am, to elected officials who are there to prevent those associated with them on the Board from doing anything wrong—would you give this same power to a governor who may meet and see the public when he chooses and as he chooses?

Mr. Chairman, how much total time do I have?

THE CHAIRMAN: About two minutes, I think.

DELEGATE SHERBOW: I am going to speed on. I would like to mention this one fact. There is a reference to the Curlett

Commission report. I was chairman of the subcommittee. You will have to read that Commission report and you will find what it said. I know because I wrote it. I just sent for it.

We were concerned about the fact that the Commission draft had been published and so we said, "We will not act on this whole problem at all of whether or not we should ask for the abolition or what should be done. This is not for us to do."

So what our subcommittee said was in effect and I have all the quotations here, that if you do, make sure there are checks and balances. If you are going to rely on the legislature for those checks and balances, be careful that you do not lose them.

The history of Maryland is replete with the fact that we have had these cross-checks between one branch of government and another and I am thankful that we do. We have them within the same branch. Do not let anybody tell you that you should buy this pet phrase, "no cross-checks or checks within the branch."

THE CHAIRMAN: You have one-half minute, Delegate Sherbow.

DELEGATE SHERBOW: It sounds all right, but we have it in the legislature where we have two houses and we have it in the courts where we have appeals. I say to you it is time we thought of the people; the people want to know. They want to know before the act is sealed and before it is too late, and they want it done openly. They want it done publicly. They need this protection by an elected official. The history of Baltimore and the history of Maryland shows that the people of the State are vastly better off when there is a board and there is representation by elected officials who are there, not to follow the dictates of the executive but to be responsive to the will of the people.

I urge you to vote to keep the Board of Public Works in the constitution. It will be the most important act you can do while you are here.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Mr. Chairman, I yield five minutes to Delegate Gallagher.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chairman and ladies and gentlemen of the Committee of the Whole: The question before the Committee is simply this: shall the Board of Public Works be continued in the constitution?