

specific carries over the general, and that obviously where there would be a conflict, a specific provision would carry over the general provision in the constitution.

If I am wrong, I am sure that our Committee on Style would add that, if it should be added.

Am I right or wrong?

DELEGATE JAMES (presiding): I think this time you are right.

DELEGATE WILLONER: How about that!

*(Laughter.)*

DELEGATE MARION: We considered and rejected an amendment which would have required that meetings of judicial nominating commissions be open to the public. We rejected that for what I think are good and sufficient reasons.

If you were to provide as implementation of this section a piece of legislation, would you include the protection for those commissions in that legislation?

DELEGATE WILLONER: Out of abundance of caution, however, I think it falls in the same category as when you are discussing personnel matters. Because you would go over a number of people and be able to freely discuss a person's qualifications or disqualifications, those meetings would have to be secret.

Once a decision has been reached on who is going to get the nominations, then any deliberations on those people should be open so that there can be a full exposure of those people whom the governor would have a choice to elect as a judge.

DELEGATE JAMES (presiding): Delegate Willis.

DELEGATE WILLIS: Delegate Willoner, several questions. I do not know quite how far this goes.

Suppose the head of an institution of higher learning would like to have a staff meeting with the heads of his departments. Would that be open and would he have to give prior notice of it?

DELEGATE WILLONER: My opinion would be no, and I might add in answering that, of course, this is subject to judicial construction. There are a lot of open meeting statutes on the books, Maryland has several. Of course, Maryland has an automatic inclusion that every meeting shall be open where there is a decision taken. But

you can always have an executive session. There is no enforcement and no notice or anything else, and it is pretty meaningless.

But where the language has some meaning the courts have restricted it. I do not think you would have to worry about staff meetings unless they were staff meetings where you were going to decide something that needed to be publicly articulated. As a matter of fact, I am sure the courts would not go that far, but I would like them to, however.

DELEGATE WILLIS: We spoke of institutions of higher learning. Would you bring it down to local boards of education and staff meetings, where county commissioners have quarterly meetings of all the heads of their departments? I believe that is a little different.

DELEGATE WILLONER: I do not quite understand. The purpose is to get at those decisions that affect the public interest. If you are having troubles with students at school, it is obviously not intended to cover that kind of thing.

DELEGATE JAMES (presiding): Delegate Pullen.

DELEGATE PULLEN: Mr. Chairman, I should like to ask if this recommendation would apply to all institutions subsidized in part with public money, federal, state or local.

DELEGATE WILLONER: That is a test that has been used in some states. However, it is beyond the ken of this provision.

DELEGATE JAMES (presiding): Delegate Miller, did you wish to be recognized?

DELEGATE B. MILLER: I find that you have fourteen members of your Committee on the Minority Report, and I am at a little bit of a loss. Did your Committee consider this matter in committee?

DELEGATE WILLONER: The Committee did consider this matter in committee. The majority of the Committee approved it, and then for personal reasons which I will leave to Delegate Hostetter to explain, the Committee removed it, but the rest of the Committee felt it was important enough that we should proceed with the Minority Report, every member of the Committee being in agreement with it except our chairman, and Delegate Bennett.

DELEGATE JAMES (presiding): This was a closed meeting at which the decision was made?