

While I have consistently endorsed the Niles Plan in principle, I believe certain practical impediments exist which will actually undermine its laudable purpose. I would particularly draw your attention to those sections dealing with the composition of judicial nominating commissions. Section 5.15 grants the Appellate Courts Nominating Commission composed of six lay persons and six lawyers (along with a judge) the sole power to designate the lawyers who may be appointed appellate judges. It becomes instantly apparent that one half of the State's twenty-four subdivisions cannot possibly be represented on this Commission. If a member is chosen on the basis of appellate circuits there can be only one law and one lay member from each. This almost courts manipulation and could promote log-rolling.

We must ask ourselves honestly whether we have not simply exchanged masters rather than secured independence; whether we have truly removed the courts from politics or simply moved the politics from the General Assembly to the Bar Association; whether the judicial nominating system as proposed in the draft Constitution does not militate against the appointment of the independent lawyer, the rural lawyer, the lawyer with a small, private practice.

I have great concern over the constitutional propriety of Section 5.17, which grants the Supreme Court the right to decree what class among lawyers of the State will be eligible to serve and what class among lawyers will participate in their selection. I urge you to seek alternative constitutional safeguards which might more effectively and realistically and rigorously achieve an independent judicial branch.

Article VI properly authorizes strong executive leadership in the preparation and presentation of the State budget. Of particular interest is the controversial matter of whether or not the present time limit on State indebtedness should be increased beyond 15 years. For most purposes, pay-as-you-go is a commendable objective and one which I have consistently supported. The inclusion of \$10 million as a current payment on capital improvements in the fiscal 1968 budget attests to this fact.

Respected and experienced State fiscal experts are concerned about the impact of any bond period extension on the State's credit rating. I share their concern should such a privilege be uncontrolled and abused. However, we face a need to implement unusual and massive programs to purify our air and waters, to provide modern transportation systems, to meet the challenge to public safety.