

DELEGATE JOHNSON: We considered the possibility that the electorate could elect whomever they pleased, but in our view if this were in fact a government of the people and by the people, and if the government is for all practical purposes "to the people," and if they in fact provide the office of judge through their taxes, they should have a right to determine who in their opinion should fill that position.

If there is a risk involved, as you indicated, we are willing to take it.

THE CHAIRMAN: Delegate Rybczynski.

DELEGATE RYBCZYNSKI: Delegate Johnson, I would like to ask you the same question I asked your Committee Chairman.

What was the discussion in our Committee as to how a lay member of this nominating committee would know the qualifications of the various attorneys in a large metropolitan county or a large city?

DELEGATE JOHNSON: I am at a distinct disadvantage because I do not believe I was present when Chairman Mudd answered the question. But let me say that in my own opinion most of the witnesses and even in our discussion we indicated in all probability that the lay members of the nominating commission really would not know too much about the general or the majority of the lawyers in the area. This is one of the reasons, at least in the minority view, why we did not think a nominating commission would be effective.

THE CHAIRMAN: Are there any further questions?

Delegate Schneider.

DELEGATE SCHNEIDER: Delegate Johnson, in the telephone conversation we had with Judge Holt and several members of the Missouri Nominating Commission, what was the job held by the layman member of the Commission with whom we talked? Do you remember?

DELEGATE JOHNSON: I do not.

DELEGATE SCHNEIDER: It was something like a corporation head or president of a company?

DELEGATE JOHNSON: I do not know. If you have that information, I would not mind a bit if you told us.

DELEGATE SCHNEIDER: It is probably on my desk and it would take me twenty minutes to find it. I know it is some-

thing on that level. Do you envision that the governor would put sheepish laymen on this commission that would be easily led by lawyers, or he would put men of stature that would not be easily persuaded without good reason.

THE CHAIRMAN: Delegate Johnson.

DELEGATE JOHNSON: I have no idea what a governor might do.

THE CHAIRMAN: Delegate Schneider.

DELEGATE SCHNEIDER: Do you envision that this nominating commission would blindly make its nomination, or would you envision perhaps that they would look at the resumes and also interview and test public sentiment by perhaps hearings and other methods of this sort?

THE CHAIRMAN: Delegate Johnson.

DELEGATE JOHNSON: I think a lot will do either. That is what concerns me.

THE CHAIRMAN: Delegate L. Taylor.

DELEGATE L. TAYLOR: Delegate Johnson, do you feel that a voter is more qualified to make a selection of the qualifications of a judge, or would a layman be more qualified?

DELEGATE JOHNSON: Would you repeat that?

THE CHAIRMAN: Delegate Taylor.

DELEGATE L. TAYLOR: Would a voter be more qualified to ascertain the qualifications of a judge, say compared to a law member of a nominating commission? Which one would be more qualified, in your opinion?

THE CHAIRMAN: Delegate Johnson.

DELEGATE JOHNSON: If I may answer the question in this way, it is the opinion of the minority that it is the right of the citizens of Maryland, all the citizens of Maryland, to have some say in who their judges will be. To that extent they are qualified.

THE CHAIRMAN: Delegate Taylor.

DELEGATE L. TAYLOR: Do you feel that a lay member would have more time to reflect and to think and to really determine the qualifications of a candidate for the judgeship?

THE CHAIRMAN: Delegate Johnson.

DELEGATE JOHNSON: Certainly a lay member of a nominating commission