

vision one night was needed in this Convention; so I rise in opposition.

The minority says that we should have the nominating commission for the higher courts, but not the lower courts. The lower courts are the people in every-day walks of life. It would seem to me just as important, more so, for the citizenry to have a judge with whom they must deal personally to be selected by a method which utilizes the most expert minds and opinions in the legal field, rather than having to rely on the limited knowledge of the same. I feel, therefore, that the majority does not take something from the people, but that it will give them something they never had.

THE CHAIRMAN: Does anyone want to speak in favor of the amendment?

Delegate Grumbacher.

DELEGATE GRUMBACHER: There were several surveys made in Missouri. One has just been completed. The entire results have not been published. One excerpt says personal interviews with various parts of Missouri saw quite different effects. Supporters think it recruits better judges, men not badgered by the hazards of the election process. Opponents agree they are different from elected judges, but only that they are more likely to favor corporate lawyers.

I like corporation lawyers, but I would prefer to be judged by politicians. I think that the politicians and corporation lawyers are equally honest, but the politicians have a little more blood in them.

I think also, I firmly believe that most of the difficulties with our present system can be relieved by the creation of the Commission on Judicial Disabilities as is proposed in sections 5.25 to 5.28.

THE CHAIRMAN: Does any other delegate desire to speak in opposition?

Delegate Bothe.

DELEGATE BOTHE: I would like to speak also on a point of personal privilege.

I would like to call your attention to Judge Robert B. Watts, Associate Judge of the Municipal Court of Baltimore City. He is undoubtedly the best and perhaps the only living example of the working of the present judicial system in many of its manifestations.

THE CHAIRMAN: We are delighted to have him here.

*(Applause.)*

You may now speak in opposition to the amendment.

DELEGATE BOTHE: I would like to depart from my introduction and say that Judge Watts, who is a greatly respected lawyer, was appointed to the original municipal court in Baltimore City.

After his probationary term which he served with great distinction, he had to run under our system citywide for a ten-year term.

Judge Watts is a member of a minority group and was the first of his race to run citywide. There was a great deal of apprehension as to whether this factor would cause difficulties in his election. It did not in a primary race, which, if I correctly recall, had five incumbents and one competitor. Judge Watts led the ticket by a considerable vote.

However, in the general election he was defeated because the competitor had won the Republican nomination.

Most people were of the view that the defeat was caused by the fact that his last name begins with a "W". The governor shared that feeling. When the first vacancy arose, the governor appointed him as the first Negro judge in Baltimore City.

He was not appointed to a higher court, for reasons which the governor attributed to an incident many years before in his personal life, which I happen to deem irrelevant to his qualifications to serve.

In 1966 he was elected to a ten-year term on the municipal court after an arduous and expensive political campaign.

I ask you to consider on the assumption that we want judges of this caliber, the caliber of Bob Watts at our bench at every level, whether the competitive election is the best way to get and keep the best men on the bench; and secondly, whether screening by a nominating committee would not better assure that the best lawyers would be selected on the basis of their qualifications to serve.

THE CHAIRMAN: Delegate Malkus.

DELEGATE MALKUS: Mr. Chairman, we have talked about everything except the amendment. All the amendment does is make the Niles plan, whether that is good or bad, apply to the appellate court. I rose particularly to ask several questions, and was denied that privilege.

THE CHAIRMAN: Delegate Gallagher, for what purpose do you rise?