

DELEGATE GALLAGHER: Will the gentlemen yield for a question?

THE CHAIRMAN: Will you yield?

DELEGATE MALKUS: Under the same terms which you offered to yield—one-half your time, and one-half my time.

THE CHAIRMAN: You may proceed.

DELEGATE GALLAGHER: What was the question you were going to ask me?

*(Laughter.)*

THE CHAIRMAN: Delegate Malkus.

DELEGATE MALKUS: He was speaking about corruption in the elections, and as I read the amendment, it relates only to the nomination and appointive authority, and nothing else.

My question was, had he read the section and the amendment?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Yes.

THE CHAIRMAN: Delegate Malkus.

DELEGATE MALKUS: Mr. President, so many have talked about the evils, and, as Judge Henderson said, "this mess", and yet he has been willing to serve in this mess for more than twenty years. It is difficult for me to understand how that could happen.

Mr. Hanson rips our judicial system apart, but he does not mention any judge's name. Which judge is bad?

He is a college professor. He does not have to go before judges. If they are bad, he can stand upon this floor and say they are bad and why.

We want to stand up on the firing line and fire at the opponent, and not do a lot of bushwhacking.

I went to college with Mr. Hodge Smith. He looks older than I do. He refers to the people not having the qualifications to select a judge. Yet if they had the qualifications to select the governor, heaven only knows they have got enough qualifications to select a judge.

THE CHAIRMAN: You have one-half minute.

DELEGATE MALKUS: How much?

THE CHAIRMAN: One-half minute.

DELEGATE MALKUS: I want to make a few remarks relating to my good friend,

Judge Sherbow. He found his law practice much more lucrative, and I am glad for him. He made a very emotional speech, and I was accused of that. He said the people rose up—

THE CHAIRMAN: Your time has expired, Delegate Malkus.

DELEGATE MALKUS: You will let me finish my sentence, will you not?

THE CHAIRMAN: Yes, indeed.

DELEGATE MALKUS: My comment to Judge Sherbow is this: How in heaven's name can the people ever rise up under the Niles plan?

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: I rise to speak in opposition to the amendment. The question is not whether there shall not be a nominating commission or whether there shall be. The question is whether we want to continue the present nominating commission, and the answer to that may explain why, if it is so, no local bar association has endorsed this proposal.

The fact of the matter is now that lawyers who wish to be judges are nominated by bar associations. The fact of the matter is that what this Committee proposes is that that process shall not be in the hands of the people.

This amendment would destroy the application of nominating commissions in which the citizenry share a part for the initial selection of judges. It may be thought that there are no nominating commissions today; that a governor operates in perfect freedom to select the people who are the best people to serve on the bench. That just is not so. There are nominating commissions, and there are bar associations. They sometimes do a very respectable job, and they very often do a poor job. I speak with knowledge, because I have been on a bar association commission.

There is politics involved in the selection of judges. It is not politics in the sense of all the people in the community. It is politics within the bar association, and a bar association which does not represent or include among its membership all of the lawyers in any community. What the Committee proposes to do here is to spread among the people this initial process of selecting not just people who are qualified to serve on the bench, but selecting the best qualified people.

I do not think that we have to make an argument that there is corruption or in-