

competence on the bench to convince you that we ought to do something about the judiciary. I do not think that anyone in this room would disagree with the proposition that we do not get the best people to be judges, and we do not get the best people because they are a fiction of a process which involves at one level politics of the bar association and on another level unrestricted politics.

I am ashamed of a profession which is not appalled by the very idea that not the very best, but just the merely qualified people serve in its highest position. I urge you to vote against the amendment.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Delegate Weidemeyer.

DELEGATE WEIDEMEYER: Mr. President and delegates of the Convention: I rise to speak in favor of the amendment, although I am generally opposed to the so-called Niles plan for selection. I do it in deference to the minority who have offered it as a compromise only affecting the Court of Appeals and intermediate appeal court. I say that our good friend hit the nail on the head when he said if you are for this type of appointment and selection, you are just transferring politics from one area to another. This built-in nominating commission would, in my opinion, give rise to the most insidious politics in judicial selection that this State has ever seen.

I say that in our bar association and in our public lay members, we would have politicians of the most insidious type who could not even be elected dogcatchers, yea, they could not be elected to catch a filthy cat. Yet they would be eligible. Why? They do not submit themselves to the public. Yet they would be perfectly qualified for these commissions while other members of the bar association and the public would not be if they would not remove themselves from judicial appointment for two years, as is required by other sections of the judiciary article.

They would not say that they would not run for public office. So this is a built-in thing for these fellows who plan everything behind the scenes and never submit themselves to the general public.

We ought to let the bar association make the selection, and if the bar association is wrong the governor need not appoint from the list that the bar association gives.

Our present system is fine. I will go along with this amendment as to Court of Appeals because the Court of Appeals' opinions cannot be analyzed by the public. The trial judge can be analyzed by the public, and the members of the bar. I propose to come in with a proposal that a judge who is not opposed must run on his record, and if he has opponents, that the opponents can run on their records, too, and the people can vote on these records or oppose them all.

THE CHAIRMAN: Delegate Dukes.

DELEGATE DUKES: Those who say the most say the least. I began my professional career at the age of 13 in a cotton mill in North Carolina; I know something about people. I do not think we will be perfect, but I think we should do the best we can. We will do our best if we put in our plan. I agree to some degree that you must take what lawyers tell you with a grain of salt, but hospitals are still run by doctors and churches by priests and schools by educators, and I think you should pay some attention to what the authorities in judicial administration have been telling the people for years, and that is that this program is the best that has been designed.

THE CHAIRMAN: Delegate Bennett.

DELEGATE BENNETT: I rise in support of the Committee's plan.

THE CHAIRMAN: Delegate Penniman.

DELEGATE PENNIMAN: Mr. President, I was in the Senate of Maryland when we passed what we called the Sitting Judges Bill, when a sitting judge could run on either ticket. From my observation I think it is the last thing that the Maryland legislature has ever done that is of a forward nature in regard to the judiciary. In the closing hours of the last night we passed a bill that the sitting judges should run on both tickets. It was a step in the right direction, and it has worked fairly well.

I recently had a conversation with a fellow lawyer who was a close friend of a new judicial appointee. He said he told him no one could tell anything about him after only two years; that he was still on good behavior. He said he wanted to know what the judge would be doing six years later; that was when he could be truly evaluated.

I am against this amendment because I believe that anything we do will be a step forward in the right direction in the selection of proper judges.