

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

*(There was no response.)*

If not, the Chair recognizes Delegate Bennett.

DELEGATE BENNETT: Mr. Chairman and ladies and gentlemen of the Convention: What we are considering is a subject of overriding importance to the success of the Convention. What we are trying to do is get a plan that will produce the best judges.

What makes a good judge? Of course, a good judge must be honest. He must be of unquestioned integrity. He must have learning. He must have scholarship, and he must have sobriety. These, I say, go, without saying, and there are ways in which the voters can pass upon these qualifications.

But there are other and rarer qualifications that distinguish the mediocrities from the others. Those are more difficult: patience, an unruffled temperament, a personality that assures and creates confidence in the judiciary. If the common people do not have confidence in our judiciary, our whole democratic system fails.

Above that, a judge must have a wide knowledge of the social and economic conditions of the area he is to serve. That is important because ninety-eight percent of the people that come before the courts are there on pleas of guilty. Questions of learning and scholarship and legal technicalities are of secondary importance.

He must know the frailties of human nature, what motivates them. He must be compassionate and administer even-handed justice, and make a reality of what is blazoning above the Supreme Court Building: "Equal Justice Under Law."

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

Delegate Kahl?

DELEGATE KAHL: I think you will have more politics. I resent a nominating commission to say who my judges are going to be. I am not a lawyer. I am not even a housewife, yet; but I am a citizen of Maryland. I want to take part in what happens in Maryland. Someone said the citizenry has a part. I do not see where they have any part in the selection process. I urge you to vote for our amendment.

THE CHAIRMAN: Delegate Hargrove.

DELEGATE HARGROVE: As a practicing attorney, very often we are called upon by the courts to prepare memoranda and information for the benefit of the court in deciding a case.

I think I have such information here for the delegates.

As for the recent trends so far as the merit plan is concerned throughout the United States, we heard a lot of talk about this system not being workable and being rejected by many other states in toto. That is not true. I want to tell you about the recent use of the Niles Plan or Missouri Plan or the merit plan.

In Missouri the plan itself is being expanded to cover a wider area of that State. In 1966, it was extended to cover the lowest court of Kansas City. It is to be voted on in April to cover the whole county of St. Louis. In 1966, Alaska extended the plan to the district court. It was formerly only applied to the public courts and the superior courts of that State.

In 1966 Colorado extended the plan to all courts of record in the state of Colorado. In 1966 Vermont applied the plan to all its courts.

In 1965 in Utah the legislature failed to approve the merit plan and the people rose up in that State in protest. In 1967 they brought the plan to cover the entire state and this year the plan was applied throughout the State on all levels.

In 1967 Oklahoma sent the plan to all courts filled by gubernatorial appointments. Previously it only applied to the juvenile courts of that State.

In 1967 Arkansas applied it for the first time, but did not apply it to the lowest level.

In New York the plan was recommended to the bar association which rejected the Constitution of New York primarily because it did not include this reform. I want to add that New York City uses a nominating commission for the selection of judges who are appointed by the mayor of New York City. This is evidently enough that the nominating committee plan is a workable plan. I might add also that there has not been a jurisdiction retreating from this plan to some other system after having once tried it.

I urge your rejection of the amendment.

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