

boards of directors of various corporations; there is more than one way to do favors.

THE CHAIRMAN: The Chair recognizes Delegate Mitchell for one minute.

DELEGATE MITCHELL: Mr. President, fellow delegates, I must reluctantly vote against this amendment because the changes that have been made in the Committee recommendation are limited to the appellate courts.

I believe that the nominating commission is a great improvement over the present bar association proposal's candidates. However, I am opposed to the presence of a judge on the nominating commission, and the chief judge of the Court of Appeals being given the power to make an appointment. I think it is irregular and unconstitutional to have the judge select and appoint another judge.

THE CHAIRMAN: The time for debate having expired, — Delegate Koger, for what purpose do you rise?

DELEGATE KOGER: Mr. Chairman, I wish to oppose the amendment. When you first called upon me I was not exactly ready but I am ready now.

THE CHAIRMAN: The time-keeper tells me there is a half-minute left. You may proceed if you can for half a minute. That is all the time we have under the schedule.

DELEGATE KOGER: Mr. Chairman, I believe that the most permanent gain that the Negro had made in Maryland has come through the decision of the courts. The Maryland court in most cases has been the Negro's champion, far and beyond other branches of government, but I think today they are beginning to change.

Being from a family of lawyers, though I am not a lawyer myself, I believe that we need specialized people in these positions and, therefore, I am in favor of having lawyers appoint the judges.

THE CHAIRMAN: The time for debate having expired, the questions arises on the adoption of Amendment No. 23.

The sponsor of the amendment desires to change or to modify the first four lines. The Chair thinks the modification is desirable and if you will take your copy in front of you I will state it for you.

As revised, the first four lines would read as follows: On page 4, section 5.14 Nomination and Appointment strike out

all of lines 35 through 44 inclusive and the words "occurrence of the vacancy" on line 45, and insert in lieu thereof "the following", "and then" would follow lines 6 to 17 inclusive, plus the word "vacancy", on line 8.

The effect of the amendment would be to leave in as a part of section 5.14 if the amendment is adopted, the last sentence, beginning on line 45, with the words "If the government fails."

Is the change clear, Delegate Johnson?

DELEGATE JOHNSON: Mr. Chairman, you did correctly state the amendment to our amendment. I just want to make clear that that final sentence, "after judicial nominating commission," and so forth is subject to further amendment at the conclusion.

THE CHAIRMAN: The section is open to further amendment. Delegate James.

DELEGATE JAMES: Mr. Chairman, I may be leading the stupidity group here but I do not know what the amendment does. It seems to me a very unsatisfactory way to do business.

THE CHAIRMAN: Let me restate it. The amendment would eliminate the first two sentences of section 5.14 and substitute the language appearing in lines 9 to the first word of line 18. It would leave in the third sentence. So that there will be no doubt about it at all, the Chair will read section 5.14 the way it would appear if the amendment were adopted.

"The governor shall fill a vacancy in the office of judge of the Court of Appeals and the intermediate appellate court by appointing one person from a list of no fewer than three, nor more than five eligible persons nominated by a judicial nominating commission. The commission shall make nominations to fill a vacancy not more than thirty days prior to, no more than sixty days after the occurrence of the vacancy. If the governor fails to appoint one of the nominees within sixty days after receiving the list, his power to make the appointment shall end and the chief judge of the Court of Appeals shall appoint one of the nominees."

Is there any further question as to the effect of the amendment? Delegate Borom.

DELEGATE BOROM: Mr. Chairman, I take it that we completely forget about the last sentence in the Minority Report? Is this thought before us at this point now?