

Delegate Malkus to speak to the amendment.

DELEGATE MALKUS: Mr. President, members of the Convention, I hope that your remarks do not mean that this amendment has the kiss of death.

Now, this amendment, Mr. President, is very brief. I will read what it does: the governor shall fill a vacancy in the office of judge by appointing a person to fill the vacancy.

That takes care of everything else that we have been talking about for a long time.

In this amendment, I do not talk about the evils of politics that my Chairman Number 1 talked about earlier in the evening — I refer of course to those who do not know whom I mean, the great chairman, Gallagher of my committee — but this is an amendment that carries out the voice of the people.

You may all be much more intellectual than the people. I am talking about the average people, and naturally, we are on the upper strata. But the records will show, Mr. President, that during the last eight years every appointment of circuit court judges of the county or to the superior court of Baltimore City — I think that is the name of your high court over there — every one of the appointments in the last eight years that have been submitted to the approval of the people have been approved by the people, and all you are trying to do by all this gingerbread about these various commissions and committees — I wish I had enough time to talk about what I would do about them — is throw out the window the wisdom of the people. You are saying that they are not smart enough to decide who is qualified to be a judge.

Anything that can be done by this so-called Niles plan, or the merit plan, which is a misnomer, any governor can do. He can ask for a committee report of all the lawyers, he can ask for a citizen's report, he can call the respective people in his community who know the subject matter, and he can say to them, who is the best qualified man for judge.

Now, Mr. President, the alarming thing to me is this: that so many people here who benefited by the so-called evil program are enemies of the program, and now opposed to it.

I will be glad to answer any questions that anybody would ask me at any time and I hope there would be some questions.

THE CHAIRMAN: Does any delegate desire to ask Delegate Malkus a question concerning his amendment?

Delegate Koger?

DELEGATE KOGER: Will you yield to a question?

THE CHAIRMAN: Delegate Malkus.

DELEGATE MALKUS: I will be very happy to, Mr. Koger.

THE CHAIRMAN: Delegate Koger.

DELEGATE KOGER: Is there some danger of the governor appointing a political figure rather than a legal expert if he is given an opportunity of appointing without any qualifications?

DELEGATE MALKUS: Mr. Koger, the same danger exists that the governor would appoint some sort of other expert rather than the legal expert.

It would be the same as it has been over the many years in the past. I do not change the law at all. I let the governor in his wisdom make the appointment. I do not even go as far in this amendment as to ask that the people should have a right to review. In the last eight years the governor, for the most part, has been completely right as far as the people are concerned, and a governor is a man of honor, a man that understands what the people want, and if he wants to stay in public office he will appoint the right man.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Mr. Chairman, ladies and gentlemen of the Committee of the Whole: I of course must rise in opposition to this amendment. The obvious purpose of this amendment is to destroy the full effect of the Committee Recommendation.

I repeat again that our Committee, and a talented Committee, spent a great deal of time hearing witnesses, reviewing the best evidence available and debating the best method to improve the selection of judges of Maryland.

We have had a Minority Report. We had delegate proposals referred to us, but this goes beyond any idea that was ever brought to the attention of our Committee, and now represents the idea of one, and only one delegate of this Convention.

It is no substitute for the well thought-out plan submitted to you by the Committee on the Judicial Branch. It is certainly no improvement over the present system of