

selecting judges. It is a plan designed to place in the governor, and solely in the governor, the matter of choosing judges from a group of lawyers who number more than 5,000 in the State of Maryland, without the help of any commission, and without the assistance of any bar association.

I respectfully suggest to the proponent of this amendment that if the method the governor is going to use to pick the right man for the right job is to call up a friend who knows him, then it is entirely possible that before exercising his choice, and intelligently as he would like to, he might have to call up five thousand people, because there are over five thousand lawyers in the State of Maryland.

Therefore, it is perfectly obvious to me that this amendment should be defeated and defeated resoundingly.

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

**DELEGATE JOHNSON:** Mr. Chairman, I rise to speak in favor of the amendment because I think that Delegate Malkus' amendment, although I doubt very much that it will be adopted by this Convention, is far better than the evil and havoc that we are going to place upon the citizens of this great State of Maryland.

The members of the minority of the Committee on the Judicial Branch, although willing to go along with the majority, with respect to the nominating commission on the appellate court level, do so with very serious misgivings.

In our opinion, Mr. Chairman and ladies and gentlemen, this policy of nominating commissions just will not work, in our very humble opinion, and I submit to you that our opinion is at least as good as the opinion of the majority members of our Committee, who urge adoption because they believe it will work.

We do not think that it will, and we are appalled at the idea of locking what we consider to be an unproven, unworkable plan into our constitution requiring a constitutional amendment to take it away.

We are deeply concerned about what is going to happen in the smaller counties around the State, when there are just enough lawyers to serve on the nominating commissions and still be eligible for judge.

We are deeply concerned with the possible establishing of the nominating com-

missions, either for or against minority groups.

I submit to you, ladies and gentlemen, that it is going to be next to impossible for any member serving on a nominating commission to be objective concerning the selection of judges. Suppose he is a labor man, suppose he is a management man. Suppose he is a member of a minority group, do you think that it is likely that he or she is going to be objective concerning selection of judges?

I submit that this is the word kind of politics. I submit that this is the worst possible scheme or plan whereby we will select judges.

Consider the fact that if we do away with this plan, we will retain the power in the governor, who is solely responsible for the appointment of judges.

**THE CHAIRMAN:** You have one-half minute, Delegate Johnson.

**DELEGATE JOHNSON:** Thank you, Mr. Chairman.

I submit that the governor will look for the best man available, regardless of race or creed, and will pick the top man for the job. He will have all sorts of avenues open to him. If you limit him to the selection of the nominating commission, he is going to be limited to that selection, regardless of whether or not the nominee is the best man for the job or not.

In sincerely believe that this is a serious mistake we are making and for that reason I am going to support Delegate Malkus in his amendment.

**THE CHAIRMAN:** Does any other delegate desire to speak in opposition to the amendment? Delegate Scanlan?

**DELEGATE SCANLAN:** Will Delegate Malkus yield for a question?

**THE CHAIRMAN:** Delegate Malkus, do you yield to a question?

**DELEGATE MALKUS:** Yes, sir.

**THE CHAIRMAN:** Delegate Scanlan.

**DELEGATE SCANLAN:** Delegate Malkus, if your amendment should pass, placing the appointment power in the governor's hand without the embellishment of the nomination commission, would it be your intention to support or oppose the remainder of the sections that provide that the judicial nominee shall run only against his record, or would it be your intention