

to move to amend the Committee Report or support the Minority Report and require him to run in a contested election?

THE CHAIRMAN: Delegate Malkus?

DELEGATE MALKUS: Mr. President, in answering the gentleman's question, I can do it without hesitation or without reservation. I would, even though I feel the people should have the right to a say and the last say, I would not offer that amendment. I am just trying to get a few crumbs — I want it, but I am not going to ask for it. Does that answer your question?

THE CHAIRMAN: Delegate Scanlan?

DELEGATE SCANLAN: More or less.

THE CHAIRMAN: Delegate Malkus.

DELEGATE MALKUS: While I am on my feet, this gives me an opportunity to talk again, but my friend over there, Mr. Scanlan said earlier today that he wanted to protect the executive power, and that is exactly what I am trying to do with this amendment, protect the executive power.

THE CHAIRMAN: Does any other delegate desire to speak in opposition to the amendment? Are you ready for the question?

*(Call for the question.)*

The Clerk will sound the quorum bell.

The question arises on the adoption of Amendment No. 28. A vote Aye is a vote in favor of the amendment, a vote No is a vote against.

Cast your votes.

Has every delegate voted?

*(There was no response.)*

Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

THE CHAIRMAN: There being 33 votes in the affirmative and 90 in the negative, the motion is lost. The amendment is rejected.

Delegate Dukes, do you desire to submit your amendment CW?

DELEGATE DUKES: I do, Mr. President.

THE CHAIRMAN: The pages will distribute amendment CW.

DELEGATE DUKES: If I may, I will yield to my co-sponsor, Mr. Kiefer.

THE CHAIRMAN: This will be Amendment No. 29. The Clerk will read the amendment.

READING CLERK: Amendment No. 29 to Committee Recommendation JB-1 by Delegate Dukes and Kiefer: On page 4, section 5.14 Nomination and Appointment line 40 strike out the word "five" and insert in lieu thereof the word "ten".

THE CHAIRMAN: The amendment is submitted by Delegate Dukes and seconded by Delegate Kiefer. The Chair recognizes Delegate Kiefer to speak to the amendment.

DELEGATE KIEFER: Mr. Chairman, I have been on the Judiciary Committee of the Bar Association of Baltimore City for four years. I have been on the State Bar Association Judiciary Committee on several different occasions. I have listened to a lot of talk condemning the actions of these committees, that they have been purely political, and I have resented it.

Nevertheless, sir, I favor this general plan. However, I do have some thoughts about it.

I think there are certain modifications which are important to consider. One is the limitation not so much on the bottom end of this selection, but on the upper end. As a member of the Judiciary Committee of the Bar Association of Baltimore City, I have participated on many occasions in considering vacancies for the supreme bench, and also for what is now the municipal court and what I would assume will be the district court.

Time after time, after culling through hundreds of names and efforts, we have come up with lists, and this is not just confined to any one committee. We have come up with lists of from 8 to 13 names. This does not apply in small counties like Allegany but in a city with 1500 to 1800 practicing lawyers, where there is a vacancy on the bench, there are easily ten to twelve or more people equally qualified, and when you come to the municipal or district courts there are perhaps even more.

Now I suggest that this is an important amendment, for three reasons. First, it would be extremely difficult for any commission of appointed people to try to limit to five people the people in the city of Baltimore qualified to serve as a district judge or even the supreme bench.