

I respectfully suggest that judges cannot dominate lawyers, especially in the matter of such as a nominating commission. The lawyers, as well as the laymen, are going to exercise their own judgments in the matter of selection. At the bench, when the judge is on the right side of the bench and for purposes of rulings and accepting rulings, the lawyer is on the wrong side of the bench, it is another matter; but in my humble judgment, the lawyer and the judge and the layman will approach the responsibility of the nominating commission in the best interests of the State and join forces in selecting those best equipped and without fear or friendship. I, therefore, oppose the amendment on the basis that a judge can make and will make a valuable contribution to the nominating commission.

THE CHAIRMAN: Delegate Johnson.

DELEGATE JOHNSON: Are we under controlled debate?

THE CHAIRMAN: Yes, you still have time to allocate.

DELEGATE JOHNSON: I believe Delegate Harkness wanted to speak to this amendment, Mr. Chairman.

THE CHAIRMAN: How much time?

DELEGATE JOHNSON: Two or three minutes, whatever Delegate Harkness would need, I believe.

THE CHAIRMAN: Delegate Harkness.

DELEGATE HARKNESS: Mr. Chairman, very briefly I want to call to this body again, which I did last week, the principle that disturbs me about the whole judicial article. If the delegates would make a careful reading of section by section, they will see that we are heaping upon the judiciary of this State the highest power that I know has been bestowed upon the judiciary of any state.

First we have judges appointing judges. Now we have judges on the nominating commission to recommend judges for appointment.

I call to the attention of the delegates that when this matter came before the bar association a number of years ago, Judge Menchine from Baltimore County at that time opposed have a judge on the nominating commission. He just a few weeks ago appeared before the Committee on the Judicial Branch and again expressed his opposition a second time. He questions both the wisdom and the propriety of having a

judge on the nominating commission that is going to make the recommendation for the selection of another judge.

It is my firm belief that no judge should be on such a commission. We believe that a commission without the benefit of a judge will arrive at a fair and just decision. We feel that such a position eliminating the judge will make it far more acceptable to the public. We feel that if we want to really get an independent recommendation from the nominating commission, we should omit the judge from the commission.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: How much controlled time do we have, Mr. Chairman? Fifteen minutes?

THE CHAIRMAN: You have thirteen and a half minutes yet to allocate.

DELEGATE MUDD: I delegate three minutes to Delegate Hodge Smith.

THE CHAIRMAN: Delegate J. H. Smith.

DELEGATE J. H. SMITH: Mr. Chairman and members of this Committee of the Whole: I will be very brief. All the evidence before our Committee was to the effect that there should be a judge on these nominating commissions.

Now it was repeated time and again in the evidence before our Committee, that not only have they had a judge on the commission in Missouri, where this plan has been in effect for twenty-seven years, but they have found his advice very helpful.

It is not a matter of great moment, but the answer keeps coming back, who knows better than a judge the capabilities of an attorney who appears before him. He has a chance to see his written work, he has a chance to hear his arguments in court; and we just felt that this was a wise move.

THE CHAIRMAN: Delegate Johnson.

DELEGATE JOHNSON: Mr. Chairman, I yield three minutes to Delegate Neilson.

DELEGATE NEILSON: Mr. Chairman, I do not know that I will need the three minutes, and I thank Delegate Johnson for the opportunity to speak on his behalf and on behalf of the minority who proposed this report.

I believe that the knowledge of the city judges, of course, would be most helpful to the commission that is making the in-