

taken most of the day with respect to this provision, there is one constant "them" that has been reiterated over and over again, and it comes from those with the support of the minority as well as those with the support of the majority amendments. They are not really happy; they are not reassured with the majority recommendation. They have not found the sense yet which would give them the assurance they need.

We have heard much discussion on this floor today about the present system of appointing judges having produced corruption in the judiciary. We heard reports that nominations to the Republican party in the City of Baltimore can be had with a certain sum of money. I myself have heard stories about appointments to the bench at various levels in the State of Maryland that could have been obtained for a certain amount of money, but let me make clear, I know of no corrupt judge personally. I know of no judge who has paid any money for his appointment. I know further of no judge who has committed himself to give a certain line of decisions in behalf of certain individuals for this political support.

I do know, as all lawyers know, that there are some judges who are more inept than other judges, some judges who do not have that mysterious quality which we define as judicial temperament, which in my mind is just a lot of common sense grafted on an abundance of scholarship and knowledge of the law.

What is there troublesome about the majority recommendation in section 5.14?

First of all, it seems to me that it has not met the test of experience, or of time, except in one state. I have heard it said by the minority spokesman that no state in the union has adopted the majority recommendation in the detail with which it comes before this body. That statement has not been challenged by the Chairman of this Committee; so to my mind as a lawyer, that is an uncontroverted fact as of this time.

Secondly, it does not seem to me that the majority recommendation has met the test of necessity. No one who has spoken for the majority has said that we have bad judges in the State of Maryland. The most that they have reiterated is that we can have better judges, with the system that they propose.

It does seem to me that to fly into the unknown in the further hope of something

better by sacrificing something that has worked is neither in the interest of wisdom nor prudence. The next troublesome aspect of the majority recommendation 5.14 is that it has not met the test of necessity for removing the appointment of judges from the political process, and this is where I think we have some real hard thinking to do.

This proposal of the majority is based solely on the stark premise that you cannot trust either the governor or the legislature and there is no other way that you can look at it.

Mr. President, we might have had in the State of Maryland in the past period of thirty to forty years a series of corrupt governors, but we have not had that. We might have had for that period of time a series of corrupt legislators, but we have not. However, even if we had, the premise of the majority is one that I can never agree to, because there is no substitute, regardless of the process of filtering that you may recommend, for an honest man in political office who wants to do a public service for the entire State and the entire electorate and who has been elected by the people.

The real issue that is involved in the Committee's proposal is whether this Convention of delegates is going to remove the element of responsibility from the process of selecting their judges.

The more I look at this article, and I have to say that you cannot look at 5.14 alone—you must look at the entire article, the more disturbed I get, because with all charity to the majority of the members of the Committee, and many of them are my friends, it appears to me that this article was written by judges and for judges, and that it does not properly delegate power to the people, in the way we did for the executive and the legislative branches. I see no case for setting it up this way for the judiciary.

We do not say that we should devise a system for the selection of governor to avoid going outside of the political process. I am sure we could devise a screening committee that would come up with a governor who has more intellect, more prudence, more of everything else than any process of political elections, but the fact remains, will he be a good governor; and we say the check is in the people, and that is where it should be. Nor do we say on the other hand that we should divorce the selection of our senators or delegates from the political process.