

ferent area, and, therefore, I think that probably it should be tried first, and in deference to the minority.

THE CHAIRMAN: It will be. His will be offered first. I am suggesting to you only that you give consideration to whether you want to offer yours as a substitute or separate.

DELEGATE WEIDEMEYER: Since mine is a little different area, I would prefer not to confuse the two.

THE CHAIRMAN: All right. Delegate Johnson, will you approach the rostrum, please?

The pages are now distributing the printed copy of Amendment No. 38. The Clerk will ring the quorum bell, please.

Amendment No. 38 in printed form has also been distributed. We are still waiting for the other printed amendment. In the meantime, Amendment No. 40 has been withdrawn temporarily. Strike the No. 40 and retain the amendment. It will be offered later.

Delegate Malkus has an amendment to section 5.20. Please send the amendment forward.

The amendment will be numbered 40. Are the pages distributing the amendment? The amendment is submitted by Delegate Malkus. Is there a second?

*(Whereupon, the amendment was duly seconded.)*

The amendment having been seconded—the Clerk will read the amendment.

READING CLERK: Amendment No. 40 to Committee Recommendation JB-1 by Delegate Malkus: On page 6 section 5.20, Rules Governing Nominating Commissions, in line 24 after the period add this new sentence: "All meetings of commissions shall be public meetings and shall be open to the public and the press."

THE CHAIRMAN: The amendment having been seconded, the Chair recognizes Delegate Malkus to speak to the amendment.

DELEGATE MALKUS: Mr. President, I cannot speak very long on the subject matter, and I do not think I have to speak long on the matter, but this commission is going to decide who the judges are going to be, which should be of public interest. I have always felt that anything of public interest should be open to the public, and to the press.

I have raised a lot of war with the press, but the press is necessary and whatever happens to this amendment, I guess does not make any difference, but I think the people have got a right to know.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Mr. Chairman, ladies and gentlemen of the Committee: I rise in opposition to this amendment. It is obviously not correct as stated by the proponent that the purpose and function of these commissions will be to name the judge. The purpose and function of these commissions is to determine the eligibility and qualifications of those who may be receptive to appointment to the bench.

Beyond that, these commissions have no power.

The whole theory of nominating commission procedure is that these unpaid commissions shall be obligated to obtain the best information available and on the basis of that information, determine the qualifications of those who might seek appointment to the judiciary.

The rules as now provided to govern these commissions require several names to be submitted to the governor. He makes the choice. It is entirely conceivable to me that in some delicate areas, if this commission is to do its job, as it is the wish, I am sure, of this Convention, that it do, some of these meetings may have to be of a non-public or to some extent executive sessions.

I, therefore, feel that a mandate in the constitution with the requirement that all meetings of the commissions shall be public meetings and open to the public and press could in some measure greatly detract from the efficiency of the work of these commissions, bog down their activities, and detract rather than improve the work contemplated to be performed by these commissions.

I, therefore, urge you to vote against this amendment.

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

*(There was no response.)*

Does any other delegate desire to speak in opposition? Delegate Willoner.

DELEGATE WILLONER: Mr. Chairman, I am part of the minority that is going to submit a "right to know" provision as part of the personal rights and the pre-