

amble article, and it is something that I strongly believe in, but there are cases, and this is one of those cases where I think that a provision like this would essentially destroy the whole nominating procedure.

In discussing this with an individual lawyer who may seek nomination as a judge, it might be necessary to say things which, while true and approvable, would necessarily adversely affect this lawyer in his practice if he were not chosen.

It seems to me that if this procedure is allowed, it were to be, or that it would not work.

THE CHAIRMAN: Is there any other discussion? Delegate Gleason.

DELEGATE GLEASON: Mr. Chairman, it seems to me that this amendment puts us right at the crossroads of what some of us have been talking about, the lack of an element of responsibility where nominating commissions will in fact over a period of time select the judges of this State.

I had understood from the majority that this process was to provide a method whereby the job would seek the man, not the man seek the job.

We are not talking here about a group of people that have been elected by the electorate. We are talking about people that have been put together by a combination of factors, lawyers and the appointive process. I think there may be a case where executive sessions with respect to elected officials dealing with individuals subject to appointment to statewide jobs, but this is an entirely different matter. This is a matter where people are going to be operating and giving to the governor of this State no more than five men.

I think this is a perfectly proper amendment, and I certainly would hope that the Committee of the Whole would approve it.

THE CHAIRMAN: Does any other delegate desire to speak in opposition? Delegate Marvin Smith.

DELEGATE M. SMITH: Mr. Chairman, may I echo what Mr. Willoner has said here and say to you, sir, that there are times when people might be regarded by some folks as proper for the bench and yet others of us might know circumstances with reference to those individuals that make them manifestly improper for appointment to the bench. This discussion would of necessity have to come up in the nominating commission, and having that

discussion on the record, might serve to destroy an attorney against whom there might not be grounds for going before a grievance committee, but nevertheless who might be improper for appointment to the bench.

THE CHAIRMAN: Does any delegate desire to speak in favor of the amendment? Delegate Koger.

DELEGATE KOGER: Mr. Chairman, I would like to speak in favor of the amendment. I think if we have any officeholders who should be beyond reproach, like Caesar's wife, it should be a judge. I think we should know all about them. I think that all hearings for judges should be open to the public, so that we will know the kind of men that we are trying to appoint to office.

THE CHAIRMAN: Delegate Schneider.

DELEGATE SCHNEIDER: Mr. Chairman, I do not have too much in the way of new things to offer, but I really would like to reemphasize the fact that if this commission is to operate in the manner in which it is at least contemplated to operate, they are going to have to bring up personalities. They are going to have to bring up things which not in the best sense should be made public about some of these people who are candidates for judgeships. They are going to have to completely investigate these people, and if we want them to come up with good nominees, they are going to have to go down to the deepest depths into this man's history, into all of the skeletons in his closet. We want this information to come out in the public, but I do not think we want these people to be liable to possible slander and libel suits. I do not think we want to seriously cramp the effectiveness of the commission and make them afraid to speak up because the public and the press is there. I think this amendment would very seriously hurt our nominating commission.

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

DELEGATE MASON: Mr. Chairman, I rise to speak in favor of the amendment. I do so because I think we can draw an analogy from this amendment with the method in which judges are appointed to the federal bench.

The names of nominees to the federal bench are submitted to the Judiciary Committee, and I think they rigorously examine every candidate and every nominee neces-