

tainly is not mandatory on the public in order to disclose the good points or the bad points.

I think if this amendment is passed, the nominating commission is hampered very seriously in considering the best people for the judgeship.

THE CHAIRMAN: Delegate Macdonald.

DELEGATE MACDONALD: Will Delegate Malkus yield for a question?

THE CHAIRMAN: Delegate Malkus, do you yield to a question?

DELEGATE MALKUS: I will, sir.

THE CHAIRMAN: Delegate Macdonald.

DELEGATE MACDONALD: I think this is the one time, Mr. Chairman, that the mike is turned on.

Delegate Malkus, would you agree to an amendment of your amendment reading as follows: "And the governor shall not discuss any appointment with any member of his staff or any other person except at a meeting open to the press and the public"?

THE CHAIRMAN: Delegate Malkus.

DELEGATE MALKUS: Will the proponent of this amendment re-read it, sir?

THE CHAIRMAN: Delegate Macdonald, will you restate your question?

DELEGATE MACDONALD: The question is, will Delegate Malkus agree to an amendment of his amendment, so as to add, on line 7, after the word "press", "And the governor shall not discuss any appointment with any member of his staff or any other person except in a meeting open to the public and the press"?

THE CHAIRMAN: Delegate Malkus.

DELEGATE MALKUS: Mr. President, my voice has just about gone. After this, I am going to go home.

I do not know what my deskmate is trying to do. I know what I am trying to do. This Niles plan provides for a closed shop from the top on down to the bottom, and it has been the intention of some members of this Convention, and you included, Mr. President, that this shall be, and it will be.

I personally have never closed the door to my committee when I was the chairman on any subject matter that the press wanted to record. I believe that we are public chattels, and the public has a right

to know what we do, what we think, and what we are.

THE CHAIRMAN: Delegate Malkus, you have a half minute more to answer the question.

DELEGATE MALKUS: Mr. President, I think maybe I can last that long, but all I want is the people to know who their judge is going to be. Somebody said something about Caesar's wife, but if you are going to be a judge, let's be clean. Let the people know what you are before you are appointed.

This is the only hope we have, Mr. President. This is the only hope we have, because this is a closed shop. Let the press come in and let's listen to what the candidate has to say and what is being said against him. I do not know whether I answered my deskmate's question or not, but I want to say this: I want the people to know who the judge is going to be before he is appointed.

THE CHAIRMAN: The Chair is not clear as to whether you have answered the inquiry. Is that your answer, Delegate Malkus? You were asked whether you would agree to an amendment, and I am not clear whether you are rejecting it or acquiescing.

DELEGATE MALKUS: Mr. President, when I am not sure as to what the amendment does, I will always oppose it. I am not so sure what this amendment does and therefore I would not agree to it.

THE CHAIRMAN: I understand that Delegate Malkus rejects the suggestion of Delegate Macdonald. The Chair recognizes Delegate Marion.

DELEGATE MARION: Mr. Chairman, as Delegate Hargrove pointed out, the analogy which several speakers in favor of the amendment have used is inappropriate because their entire investigatory process is carried on, not in front of the public and not in front of the press, but if one name is submitted to the Senate of the United States, it then becomes public. However, there is no disclosure of all of the names that might have been considered which for one reason or another were not recommended by the President in that instance.

Now, if we truly want to have the job seek the man, as Delegate Gleason indicated, we will vote against this amendment.

One of the factors which makes the nominating commission procedure work so well