

in the State of Missouri is that large numbers of lawyers can be considered by the commission without fear that if they are not placed upon the list which is submitted to the governor, that that fact will be generally bandied about in the public press. If we want to have a large number of lawyers considered by a nominating commission, we will not require, as this amendment proposes to do in all of these meetings and all of the discussion about the qualifications of all of these persons under consideration, that it be made available and generally public knowledge. I urge defeat of the amendment.

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

*(There was no response.)*

Does any delegate desire to speak in opposition? Delegate Rybczynski.

DELEGATE RYBCZYNSKI: I would like to ask either Delegate Gleason or Delegate Marion a question concerning their previous statements.

THE CHAIRMAN: Which do you desire to question?

DELEGATE RYBCZYNSKI: Since Delegate Gleason made the statement first, I will ask him if he will yield.

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

DELEGATE GLEASON: I yield.

THE CHAIRMAN: Delegate Rybczynski.

DELEGATE RYBCZYNSKI: Delegate Gleason, if you will recall, yesterday I asked the question of several people as to how the lay members of these commissions will know about the lawyers about whom they are to judge. In other words, my experience is that lay people simply do not know enough of the lawyers who are practicing to know who is actually best qualified. They do not see them in court, they do not see them in their offices.

Now, today you have said and Delegate Marion has said, that the job must seek the man. If applicants or qualified people for the judgeships are not to submit their own names and their friends are not to submit their names, how are these lay people going to find out about the people who are best qualified for these jobs?

THE CHAIRMAN: Delegate Gleason.

DELEGATE GLEASON: Well, I can say to the delegate, I imagine that the names that will come before the commission will come from a variety of sources. First of all, the members themselves will have names of their own volition. Names will be submitted by bar associations, other organizations, et cetera.

Now, I do not expect the requirement that these sessions be open to the public will drag into public scrutiny all the details of individuals' lives, because I imagine that the members of this commission will act responsibly.

My only argument is that we are not dealing here with an elective process. Since we are not, it seems to me that that check on the people's right ought to be instituted on a constitutional level because we are in an innovation stage in setting up the commissions in the first place; but the names themselves come from a variety of sources. I presume they will come from members of the government, they will come from members of the General Assembly, from the governor, from places elsewhere, but the thing that disturbs me about the commissions themselves is, that there is absolutely nothing in this provision that is going to say how they shall operate, whether the list is ever made public, and so how are people supposed to know?

THE CHAIRMAN: Delegate Mudd, will you yield to a question from Delegate Bard?

DELEGATE MUDD: Yes, Mr. Chairman.

THE CHAIRMAN: Delegate Bard.

DELEGATE BARD: Delegate Mudd, what is the nature of the report of the nominating commission? Might it be more than a mere listing of names?

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: It is entirely possible in my judgment, Delegate Bard, that the commission in its wisdom might elect to give the governor some summary of the qualifications of those on the list, and could pass on to the governor some of the information that prompted the commission in selecting for nomination those who are transferred to the governor for consideration for appointment.

THE CHAIRMAN: Delegate Bard.

DELEGATE BARD: Then, Mr. Chairman, I should like to say just a few words against the amendment.