

very lucrative law practices for uncertain public service.

This is alleged by the majority and others, despite all the evidence supplied by our outstanding Maryland judiciary at the present, as well as in the past, under our elective system.

Somehow, fellow delegates, this argument is never used with respect to governors, senators, congressmen, legislators, city councilmen or county commissioners; but I submit to you that if the Committee of the Whole and this Convention takes this bold step backwards we would be returning to an era and to a system that preceded this century. If we take this step backwards, I submit to you that a very serious move will be made by like proponents, sometime perhaps twenty-five or fifty years from now with respect to the office of governor or some other high elective office, because if the principle is true that the very best men are not available because of the election process for judge, then it seems to me that same argument could be made with respect to governor.

I am sure that each and every individual in this room would be shocked and horrified by such a proposition. It is perfectly natural, it is perfectly obvious, we do not always get the very, very, very best man for high elective office, because he does not want to run the risk of an election, and that is the risk that we take, in our republican form of government.

As I understand it, we have before us another proposal under another article allowing for elected boards of education in the county.

Now, will this not doom our entire education system, because as I understand the majority theory, qualified persons will not appear in public at any time, nor will they submit their qualifications before the electorate.

As I indicated the other day, it is a fact that in all of the judicial elections for circuit court judges in our State over the past twenty-five years or so, only four men who were originally appointed and who were seeking their first full elective terms have been defeated.

I submit to you that in fewer than a half a dozen other contests was the vote even close, indicating only token opposition, if any, in those elections.

We submit that judges need not fear facing long and costly elections every time they come up for election for a new term.

This is another myth, because in only 50 per cent of the primaries was there a contest and in approximately only one-fourth of the general elections was there a contest.

I ask you to review the actions of the Committee of the Whole yesterday with respect to nominating commissions and to take into consideration what we were about to do today.

Every witness that appeared before our Committee, the proponents and opponents alike of this particular nomination and selection and noncompetitive election process, said that running against a record is tantamount to a lifetime appointment; and you have heard, I believe, and I am sure that you will hear again, that you simply cannot beat somebody with nobody.

Now, although there have been two occasions, I believe, where a judge has been defeated by this process, I understand that these two occasions span twenty-five years, and cover approximately six or seven states that have the noncompetitive election.

I do not think that this is an argument for noncompetitive elections.

Consider that if judges are to be appointed by a nominating commission, as this Committee has already indicated, without the benefit of perusal by persons who have to answer to the people, then should we not seriously consider whether or not we are establishing a system by way of these noncompetitive elections that future generations will be rebuked as the delegates to the 1851 Maryland Constitutional Convention were.

I submit that if we did not have nominating commissions, and if an elected representative of the people would have had final say, full and final say, I doubt very much if this amendment would be offered, although I would probably support it.

I can appreciate the great concern that many members of this body have concerning election of judges, and I am very sympathetic to those rare occasions when either a candidate for the office of judge, or as I understand it, although I have never seen it, a judge goes beyond the bounds of propriety and acts in a way that is not becoming to the office of judge.

THE CHAIRMAN: You have one minute, Delegate Johnson.

DELEGATE JOHNSON: This is a fact, but would we destroy all of the flowers in Maryland because a large number of people suffer with hay fever? Would we close down