

referring to the Institute of Judicial Administration Survey of the judicial system in Maryland, conducted in 1967, with regard to that question.

I personally favor the federal system of judicial appointment, but I think it is probably too radical a change for the State of Maryland. However, I think section 5.14 and this section retain the basic virtues of the federal system while retaining in the people the right to approve or disapprove their judges.

I suggest that you strongly reject this amendment.

THE CHAIRMAN: There is available fifteen minutes of controlled limited debate. Does any delegate desire to speak in favor of the amendment?

*(There was no response.)*

Are you ready for the question?

Delegate Johnson.

DELEGATE JOHNSON: Mr. Chairman, because of a note that I received, I believe that I should make it perfectly clear that it is the intention of the minority to submit, if this amendment is adopted, another amendment pertaining to a term of office of superior court and district court judges, providing for an open election, a non-partisan open election, with the sitting judges designated as "the incumbent", on the voting machine for a larger term than has been provided by section 5.21.

Mr. Chairman, and ladies and gentlemen: There are many reasons why we should not permit the judges to run in an open election, but it seems to me that these reasons boil down to one, that the best of the best allegedly will not take the job. That seems to be one of the reasons which I do not particularly subscribe to, and another reason seems to be that these elections are sometimes unpleasant, or that a candidate for the election for the office of judge would not be able to have his case tried very well in front of the judge he was running against. It seems to me that we are dealing with such a small group of people, number one, the judge who refused to place himself before the electorate, and the lawyer who is afraid to stand before the judge he is running against. I submit to you that that is not a very solid reason for doing away with the process that we have had for one hundred years.

Somebody is going to have to show me where the people, the citizens of this State, have any say in the election, or selection

of their judges. It is not a perfect system, we submit, but neither is the system supplied by the majority.

We think that there is a difference. We hate to see this Convention take this step, which we have considered to be a backward step, and therefore we urge the adoption of the amendment so that we can then deal with the election of judges on superior court and district court levels.

THE CHAIRMAN: Is there any other discussion?

Delegate Mitchell.

DELEGATE MITCHELL: Mr. President, I have grave concern, and I would like to ask Delegate Mudd a question.

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

DELEGATE MUDD: Yes.

THE CHAIRMAN: Delegate Mitchell.

DELEGATE MITCHELL: Delegate Mudd, what is the purpose of the election as you have provided in the Committee recommendation?

Is it not that the people might check on the judges?

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Obviously and definitely it is an opportunity for the people to vote yes or no on the judge continuing in office and with the benefit of knowledge of his record as the judge during the time he has served.

THE CHAIRMAN: Delegate Mitchell.

DELEGATE MITCHELL: But as a matter of fact, is the principle of the sitting judge running against his record not in violation of the constitutional requirement that all of our elections be free and open?

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: You are just as free to vote against him as you are for him.

THE CHAIRMAN: Delegate Mitchell.

DELEGATE MITCHELL: But in a democracy, and this is what concerns me, this is mentioned as the last stronghold of a democratic section of government; and what concerns me further is the eroding of the principle of free elections by this method. It seems to me that it is better not to have any election at all and have the check of the people at the appointment level. That is as in the federal system, with the hearings before the Senate. I