

think that the nominating commission is a vast improvement, even over the federal system of nominations, but once the nominations have reached the executive authority, the appointing authority, then the people have a check in the federal system by the hearings and then with the acceptance or rejection by the elected officials in the Senate.

It seems to me demeaning. If we want to improve the quality of the judiciary and to have that judiciary remain free and independent, it is demeaning to have a secret poll of lawyers.

THE CHAIRMAN: You have one-quarter minute, Delegate Mitchell.

DELEGATE MITCHELL: It is demeaning to have those judges run at all. It seems to me that we violate the system of free and open elections by not letting others run. In a democracy any man ought to be able to run for any office that is open through the elective process and to limit that is, I believe, eroding the principle of the democratic system.

THE CHAIRMAN: Your time is up, Delegate Mitchell.

I take it that was a statement and not a question, Delegate Mudd.

Is there any further discussion?

Delegate Caldwell.

DELEGATE CALDWELL: Mr. Chairman, members of this Convention, for the last couple of days, all I have been hearing from the proponents of the Majority Report, is that this system will give us the best of the best.

Let's assume this nominating commission makes an all-out effort to give the best selection for the judge, but suppose when this person is put on the bench, they find that he does not have the proper temperament, and he does a mediocre job.

Let's assume, however, that his activities and his decisions are not repugnant enough to show a vote of non-confidence. Yet, he remains on the job.

In the wings we may have very good candidates, good judge material, but these men or women will never have an opportunity to become a judge.

I say that this system cannot produce the best judges for our State.

THE CHAIRMAN: Is there any further discussion? Does any person desire to speak in opposition? Are you ready for the question?

*(Call for the question.)*

The question arises on the adoption of Amendment No. 41 to Committee Recommendation JB-1.

The Clerk will sound the quorum bell, please.

A vote Aye is a vote in favor of Amendment No. 41. A vote No is a vote against. Cast your votes.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 38 votes in the affirmative and 88 in the negative, the motion is lost. The amendment is rejected.

The Chair proposes to call up amendment BH of Delegate Schloeder and to suggest that Delegate Chabot offer his amendment BG as a substitute. Mr. Rybczynski.

DELEGATE RYBCZYNSKI: Mr. Chairman, while this is being distributed, may I ask the Chair to welcome to the Convention my nephew, Gary Rybczynski, who is a second-year law student and who will be functioning, I hope, one of these days under this system we are now enshrining into the Constitution; and also my secretary, Miss Caroline Bauer.

THE CHAIRMAN: Delighted to have them here.

*(Applause.)*

For what purpose does Delegate Schloeder rise?

DELEGATE SCHLOEDER: Mr. Chairman, would you repeat what you said? I was gathering some of that wool that Delegate Mudd talked about.

THE CHAIRMAN: I propose to call up your amendment BH, and I am suggesting that Delegate Chabot, whose amendment is very similar, be prepared to offer his as a substitute.

DELEGATE SCHLOEDER: Mr. Chairman —

THE CHAIRMAN: Delegate Schloeder.

DELEGATE SCHLOEDER: At this time I was prepared to withdraw that amendment entirely.

THE CHAIRMAN: The Chair would be delighted to acquiesce.

*(Applause.)*

Delegate Chabot, is it contagious? Delegate Chabot.