

DELEGATE KEY: Mr. Chairman, I simply would like to say that my reservation about this particular sentence is what it excludes more than what it includes. I know the lawyers probably do have a greater knowledge of the judges, but it has been my experience in your activity as far as electing judges that such organizations as the League of Women Voters do more to inform the citizenry of actual qualifications of people running, as well as the news media, than the Bar Association or all those other organizations in Baltimore City, and I just wonder if we get constitutional recognition for a mandatory provision like this in the Constitution, if this will not in some way stop other organizations from doing an effective job in electing judges.

THE CHAIRMAN: Does any delegate desire to speak in opposition? Delegate Wagandt.

DELEGATE WAGANDT: Would Delegate Bamberger yield to a question?

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

DELEGATE BAMBERGER: I yield.

THE CHAIRMAN: Delegate Wagandt.

DELEGATE WAGANDT: Would Delegate Bamberger be willing to accept Amendment No. 45 as the substitute, reconsidering this in place of 43? If you will recall, that was Delegate Adkins' "a delicate case" proposal, that the word "shall" be replaced with the word "may."

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: No, I would not. I am concerned with putting in the Court of Appeals the power to decide when there shall be or shall not be a bar poll of lawyers.

I think that the local community can make that judgment, speaking through its lawyers practicing in that community. I would not accept the amendment.

THE CHAIRMAN: Any other delegate desire to speak in opposition to the amendment?

I am sorry, in opposition to the motion to reconsider. Delegate Fornos.

DELEGATE FORNOS: Mr. Chairman, fellow delegates, I am not addressing myself to the merits or demerits of the Bamberger cause. Many good causes have lost by good margins in this State, but on this floor, in this judiciary article, many amend-

ments have passed or failed to pass by a vote of six or seven votes difference; and I suggest that if we are going to go into reconsidering all of the articles that failed closely, maybe we should do so at this time.

THE CHAIRMAN: Does any delegate desire to speak in favor of the motion to reconsider? Delegate Mitchell.

DELEGATE MITCHELL: I yield to Delegate Hanson.

THE CHAIRMAN: Delegate Hanson, do you desire to speak in favor of the motion to reconsider?

DELEGATE HANSON: Yes, Mr. Chairman.

THE CHAIRMAN: You may proceed.

DELEGATE HANSON: I regret that I was absent when the vote was originally taken on this question. Let me tell you now what I would have said then.

First of all, I think that such a provision ought not be in the constitution. Secondly, I think a poll of a large selection of judges is bad policy. There is not only a problem of members of the bar voting against retention of sitting judges, whether the poll is secret or public, but there is also, I think, a very serious problem involved in polling. Those of us who have something to do with polling, especially when people are supposed to make judges in elections based on recommendations allegedly obtained through a poll, first of all, there is the question of to whom the poll is distributed in the first place. Secondly, there is the question of the ability of the respondents to give an intelligent answer in the poll. Delegate Bamberger has already raised this question in pointing out that in metropolitan areas there are many lawyers who do not practice in the courts that serve in those areas and have no better knowledge of the judges serving in that jurisdiction than any person who might be polled on the street as to the qualifications of those judges, and very little in the way of methods of finding out about the qualifications of the judges; so what we are asking for here in many instances is an opinion that was not an informed opinion, and then we are asking voters to make judgments on the basis of an uninformed opinion.

Finally, there is the problem of the return on a poll. Now, I have been in jurisdictions where the bar has been polled in the selection of judges, and this was the organized bar in that jurisdiction which