

of the Court of Appeals to in turn appoint other chief judges in the judicial system who have absolutely no term, but merely serve at the pleasure of the original appointed chief judge of the Court of Appeals.

I ask you to consider whether or not under a system of this nature, as proposed by the majority, there would be or could be a fair, free and open exchange and discussion concerning matters important to the judicial system.

I ask you to consider what would happen upon the retirement of the chief judge of the Court of Appeals. Would not the newly appointed chief judge to the Court of Appeals give serious consideration to cleaning house and appointing all new chief judges on the intermediate court, appellate court and district court level. He may not do that, but the possibility exists.

I submit that the proposition advanced by the minority is the answer to this difficult problem, for it provides that the other chief judges of the other courts would have the same right and term as the chief judge of the Court of Appeals, namely, the other designated chief judges by the governor, which serve until they either resign the position of chief judge or until they retire.

The chief judge of the Court of Appeals would, under our proposal, remain the administrative head of the judicial court system; so he would have direct control, direct supervisory control over all of the other judges, and we strongly urge the Committee of the Whole to adopt our amendment pertaining thereto.

Under section 5.30, the only difference that you will find in the Minority Report with respect to this section goes to the manner of appointing clerks on the district court level.

While we strongly support the majority's position that the clerks on the superior court level should be selected in a manner prescribed by law, we think that it is absurd not to provide in a similar manner that the clerks of the district court be at least appointed, not selected, under our proposal, like the majority. They could not be elected to office, but we submit that they should be appointed in a manner prescribed by law and that the judiciary should not have to concern itself with hiring and perhaps even firing district court clerks.

Our reasons are essentially those that we formerly gave in our proposition with respect to the commission.

DELEGATE HENDERSON: Mr. Chairman.

THE CHAIRMAN: Delegate Henderson.

DELEGATE HENDERSON: A point of order or a point of inquiry. Delegate Johnson is now discussing section 5.30. I thought that was reserved for later and that we presently had under discussion sections 5.29 and 5.31.

THE CHAIRMAN: He is presenting the entire portion embraced within sections 5.29, 5.30 and 5.31. We will then take up each section seriatim.

DELEGATE HENDERSON: Thank you.

THE CHAIRMAN: Proceed, Delegate Johnson.

DELEGATE JOHNSON: Thank you, Mr. Chairman.

So under our amendment we would hope to remove the judiciary from this awkward mess and awesome responsibility of having to appoint clerks of court in every county throughout the State. We submit that there is a real difference between commissions and clerks of court.

We fully anticipate the possibility that the legislature may turn right around and give the power of appointing clerks of court to the judges, and if this be the way, so be it; but at least if we provide thusly by law, the situation could be changed without the need of a constitutional amendment.

In some of our opening remarks the other day, I mentioned that Maryland was only one of twenty-seven states that provided for appointment of clerks on the Court of Appeals level. This is a good procedure, and we endorse it and sincerely hope that it will not be changed and feel certain that it will not be, but by the same token, all the rest of the states do not even permit the judiciary to appoint clerks on that level; and none of the states, absolutely none of the states permit the judiciary to appoint clerks of court on the lower levels; so we submit that our position on matters pertaining thereto is in the mainstream, and we would like to see Maryland remain in the mainstream in matters of this nature.

Under section 5.31, the Committee of the Whole, for all practical purposes, has taken care of the concern of the minority. Rather than submitting an individual Minority Report on each section where the words "by rule" were used, we hoped and perhaps we