

1                   MR. WINTERS: Well, in the vast majority of  
2 instances they have been, and that is properly so. And  
3 it has even been so, universally true, that there have  
4 been charges that there is no substance to the non-  
5 competitive election, that it has been, as they say,  
6 freezing them in office. Well, that is not true,  
7 because there have been a couple of instances in which  
8 a judge who came up that way was not reelected. It is  
9 enough to prove that it can work, that it is not a mere  
10 empty gesture and yet not enough to interfere with the  
11 general principle that it does offer the kind of security  
12 that a good lawyer wants to have before he gives up his  
13 practice.

14                   MRS. BOTHE: How many states have a nominating  
15 system with a judge running against his record?

16                   MR. WINTERS: Well now, there are two things  
17 there, one, the nominating system, and the other, tenure  
18 by non-competitive election. And some states have both.  
19 Some states have the one and some have the other. If  
20 you add all of those together, there are about a dozen,  
21 I think I could name them from memory. For example, my