

1 we keep it in the form we have it for the reason that
2 this illustrates the whole tone of the work of this Com-
3 mission and furthermore, it ties in almost in the matrix
4 of our recommendations, that is that we are not going to
5 think of the controversies of the moment alone but we are
6 going to think more broadly in terms of the times ahead
7 as well as those of the moment. Now, having said this, I
8 would like to say that, and I wish I had said it earlier,
9 that the provisions in respect to a poll of the lawyers
10 did trouble me.

11 It seemed to me that if you had a cantankerous
12 judge who might not be very popular with the lawyers, but
13 on the other hand might in terms of his broad view of the
14 law be quite excellent, here is a little bit of a contest
15 in terms of popularity. I wish that that judgment would
16 have taken place within the same frame of reference as that
17 of the nominating committee, namely, a poll of the lawyers
18 but also some group other than lawyers, and perhaps by
19 working this sort of thing in, it would take care of what
20 troubles Mr. Della.

21. THE CHAIRMAN: Mr. Mitchell?