

DELEGATE JOHNSON: Mr. Chairman, to the best of my knowledge, the Minority of the Committee did not prepare in advance an amendment to 5.16 because we did not contemplate that there would be trial court nominating commissions.

THE CHAIRMAN: Amendment F?

DELEGATE JOHNSON: Other than its elimination, Mr. Chairman.

THE CHAIRMAN: Do you have one to 5.19?

DELEGATE JOHNSON: Not other than with respect to deleting section 5.19, inasmuch as it pertains to judicial members of the nominating commission.

THE CHAIRMAN: Very well. Controlled time applies to those amendments as well.

DELEGATE MUDD: In view of that, Mr. Chairman, I reserve the time I have for other possible amendments.

THE CHAIRMAN: Delegate Johnson.

DELEGATE JOHNSON: Mr. Chairman, I yield the remaining time to Delegate James Clark.

THE CHAIRMAN: Did you understand my comment just made, that your controlled time would apply as well to your amendment to 5.19 and 5.16, if you offer it?

DELEGATE JOHNSON: Well, let's say that I was operating on what I called the Chair's former ruling, that inasmuch as we did not prepare an amendment to section 5.16, all there would be if this amendment were adopted is a housekeeping amendment.

THE CHAIRMAN: The Chair has an amendment marked F, Minority Report amendment to section 5.16. Do you wish to withdraw that?

DELEGATE JOHNSON: Mr. Chairman, I do not have it in front of me. I will check as soon as we hear from the next speaker during uncontrolled debate.

THE CHAIRMAN: May I suggest that we proceed now with uncontrolled debate, and that you save your time then?

DELEGATE JOHNSON: What time is remaining? I do not want to be left with two minutes under the remaining sections, Mr. Chairman, if that is your rule.

THE CHAIRMAN: I understand that you have three minutes.

DELEGATE JOHNSON: Is it the ruling of the Chair that the three minutes pertain to all of the other sections?

THE CHAIRMAN: They pertain to amendments submitted by the minority to those sections, not to other amendments in general. They pertain to any amendments that the minority submits to sections 5.15, 5.16, 5.17, 5.18 and 5.19. I have two. Let me suggest that we proceed to uncontrolled debate. The Chair will recognize you after you have had a chance to look at these amendments and decide what you want to do.

Will one of the pages please give these amendments to Delegate Johnson? The Chair will recognize anyone desiring to speak in favor of the amendment. For what purpose does Delegate Scanlan rise?

DELEGATE SCANLAN: I have a question of Chairman Mudd, but I will defer it.

THE CHAIRMAN: Delegate James Clark, do you desire to speak in favor of the amendment?

DELEGATE J. CLARK: Yes, sir.

THE CHAIRMAN: You may proceed.

DELEGATE J. CLARK: Mr. Chairman, ladies and gentlemen of the Convention, I rise to support this amendment because I think the reasoning behind it is sound. I am a little worried about putting too much power in the hands of the judiciary. I think this is the road we are going down. Although I basically favor the plan before us, I would feel a lot better about it if we would even the power between the lay people and the members who represent the bar.

I have an amendment which would do the same thing in the selection of the trial judges. Therefore, I feel impelled that the same principle applies here.

It also seems to me that the argument which has been made that this puts the judge in a very bad position is an excellent argument.

I think we have to start at the beginning to worry more about what the public is thinking about what we are doing here, and not just think about what we are going to do.

I think the public would feel much better if this amendment were adopted. I think that they would feel that the lay representatives on these commissions would at least have an equal chance, and this is impor-