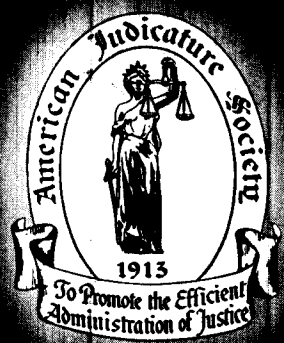


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Editorial

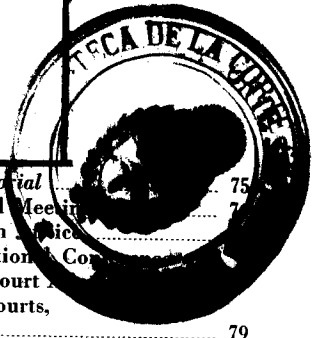
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A Bi-Partisan Judiciary

THE OFFER of Attorney General William P. Rogers to divide the appointments equally between the two parties if the omnibus judgeship bill is passed, and the American Bar Association resolution urging both parties to endorse the principle of a bi-partisan federal judiciary, make timely a reprinting of the following remarks by the late Chief Justice Arthur T. Vanderbilt from his book *The Challenge of Law Reform*:

"A bi-partisan system insures that at least half of the judges will not be appointed for political considerations, but rather because they are competent lawyers with judicial temperament. Because of this practice, moreover, the judges in Delaware and New Jersey are not exposed to the danger of not being reappointed simply because the governor in office at the time they come up for reappointment happens to belong to the opposite political party. An even more important effect of such a practice is that the decisions of a bi-partisan court in cases which are of political importance have more weight with the profession and the public, especially if the decisions are unanimous or substantially so, than would the decisions of a court chosen exclusively or preponderantly from one political party. Paradoxical though it may sound, a bi-partisan judiciary is the only way in our country to achieve a nonpartisan judiciary, and who would deny that justice should be nonpartisan?"