

Charleston Daily Mail

Your Views

Thursday October 13, 2005

W.Va. voters should elect W.Va. judges

The West Virginia State Bar recently rejected a recommendation from one of its own committees to change how West Virginians' choose state Supreme Court justices.

The Judicial Selection Committee was formed principally as a result of mean-spirited, mudslinging advertising involved in the last state Supreme Court election.

Its objectives were to identify problems associated with the current system, evaluate viable alternative methods and procedures, determine the feasibility of such alternatives, and make recommendations to the State Bar. Then the State Bar would make recommendations to the legislature.

After many hours of discussions, the committee voted eight to seven to recommend that West Virginia Supreme Court justices be appointed rather than elected.

As one of the seven minority members of the committee, I commend the State Bar for refusing to accept this recommendation.

An appointment system will not eliminate the influence of money and politics in judicial elections. In fact, such a system could further erode public confidence in the selection of judges.

In a recent survey published in the Journal of the American Bar Association, 76 percent of voters surveyed said they believe that money and politics had some influence on judicial decisions. Accordingly, changes are needed to address this perception, but not at the expense of disenfranchising the citizens of West Virginia from the selection of their judges.

The election process could be improved by one or more of the following changes, which are increasingly being utilized by other states: the use of voting guides to inform voters of the candidate's true qualifications; the establishment of an advertising review commission similar to FactCheck.org; the implementation of a public financing plan; campaign spending limits; blackout periods for political advertising prior to elections; and automatic recusal provisions for judges who receive more than an established amount from any contributor (e.g., Alabama sets a \$4,000 limit).

If meaningful election reform is to be accomplished to preserve the integrity of our judicial system, then the governor and the Legislature should focus on ways of eliminating the influence of money and politics in the judicial election process while at the same time preserving the involvement of the people of West Virginia in the selection of their justices.

Politics is not eliminated by an appointment system. It is simply another step removed from the people most

directly affected.

The jury system trusts our citizens to resolve questions of fact that are disputed between parties. We should trust our citizens to pick fellow citizens to decide questions of law.

The appointment of judges by a few well-connected, powerful people instead of the citizens of West Virginia is contrary to our heritage and history. That is why to do so requires a change to our Constitution.

E. William Harvit
Charleston

Harvit is with Harvit & Schwartz in Charleston.

Better to know who fellow protesters are

By investing very little time in research on the Internet, I have come to the conclusion that Charles Krauthammer had it correct in the column, "Look closely at anti-war activists, " that appeared on the Daily Mail's editorial page Oct. 1 Saturday Gazette-Mail.

On A.N.S.W.E.R.'s home page (Act Now to Stop War & End Racism), I found reference to their major participation in the war protest in Washington, D.C., along with their press releases.

And further research shows this organization as a front for the Workers World Party, an openly communist organization (as referred to by Krauthammer). I even found one picture of the protesters, and it did not approach 300,000 participants.

Maybe participants should research who they are protesting with prior to joining in -- unless their politics are the same.

Dwight E. Pauley
Scott Depot

Early education does indeed pay off

The Daily Mail's rush to judgment on early childhood education in its Oct. 11 editorial, "Pre-kindergarten as economic boost?" is unfortunate. Indeed, you managed to criticize the results of the study before it was published.

Among your uninformed criticisms of the study is that it is the product of social engineers. But you are as mistaken as an editorial page is these days (and that is quite a criticism).

The chief researchers of early childhood education include James Heckman, a University of Chicago Nobel Laureate, and Robert Grunewald, a research economist at the Federal Reserve Bank of Minneapolis. Both of these scholars find impacts of early education that exceed those presented by Marshall University researchers at West Virginia's conference.

But to find this out, you'd have had to read the report before you criticized it.

But then again, if you think the economics department at the University of Chicago and the Federal Reserve

System are inhabited by social engineers, you don't do much reading. And that's too bad because the debate on these issues requires thoughtful criticism, which is not what you have displayed.

Policy initiatives that focus on human capital are West Virginia's only future. Gov. Joe Manchin has wisely begun evaluating these options. I am hopeful, for West Virginia's sake, that you begin to engage thoughtfully in this debate.

Michael J. Hicks
Centerville, Ohio

Hicks is a research professor at Marshall University. He did not write the study or participate in its construction.

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