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## Tennessee Voices

# Wilder's place in history is secure, but his backing of Tennessee Plan stains it a bit

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Larry Daughtrey performed a valuable service for readers of *The Tennessean* in his column last Sunday about state Sen. John Wilder ("Tennessee will never see another lion king like John Wilder").

His article was a reminder of some of Sen. Wilder's great accomplishments during his decades of public service as Tennessee's lieutenant governor. No doubt, Tennessee is a better place to live because of many of the laws that Sen. Wilder helped to pass. It's sad, however, that the final chapter of his long career was spent in service of a poor cause.

Salvaging the so-called Tennessee Plan for the selection and retention of judges is an unworthy objective for Wilder to pursue in the sunset of his public service. It would have been much better for the "Old Lion" to show his younger colleagues that he had the wisdom to recognize when a well-intentioned idea didn't work as expected and the strength to help do something about it.

That the Tennessee Plan is mired in politics is a proposition beyond serious dispute. The fact that Gov. Phil Bredesen has managed, by and large, to appoint excellent judges, especially to the state's highest court, is a tribute to the governor's tenacity rather than evidence that the system works as advertised.

Many Tennesseans may not know — and Daughtrey certainly didn't inform them — that in 1977 the Tennessee Plan was overwhelmingly rejected by the voters as an amendment to the state's constitution; the General Assembly in its wisdom installed it, anyway. Many Tennesseans may not know that special-interest groups with a stake in the composition of the judicial branch of government provide the gatekeepers who determine the candidates for the governor to appoint as judges.

Many Tennesseans may not know that the state constitution explicitly states that the justices of the Supreme Court "shall be elected by the qualified voters of this State." But just about every Tennessean knows that a process where only handpicked incumbents get to run, and no other candidate is on the ballot to oppose them, is not an "election."

The state Senate has done the people of Tennessee a service by blocking the reauthorization of the Tennessee Plan. The governor and General Assembly now have a year to fashion a substitute system that complies with the constitution and actually reflects the geographic and political diversity of the state.

I put forward a possible alternative in this newspaper nearly a year ago ("There is a better way to pick top judges for Tennessee bench," June 24). Democracy may be messy, but this debate is healthy for Tennessee. It's too bad that at the end, the Old Lion was on the wrong side.