

I believe that the important factor is that we will be aware of the characteristics of those who are to be considered seriously. I think this is the key point here. Will we know what the characteristics are of those who are to be considered seriously?

Here we do have an analogy to the federal experience.

THE CHAIRMAN: Are you ready for the question? Delegate Harry Taylor, for what purpose do you rise?

DELEGATE H. TAYLOR: I have a question I would like to ask the sponsor of the amendment.

THE CHAIRMAN: Delegate Malkus, do you yield to a question?

DELEGATE MALKUS: Yes, Mr. President, I always yield, at all times.

THE CHAIRMAN: Delegate Harry Taylor, state your question.

DELEGATE H. TAYLOR: Is this the secret amendment we heard about this morning?

THE CHAIRMAN: Delegate Malkus.

DELEGATE MALKUS: I cannot answer that question. There are a lot of secrets going on here. I will be very frank with you, Harry, I don't know.

THE CHAIRMAN: Are you ready for the question?

*(Call for the question.)*

The question arises on the adoption of Amendment No. 40 to Committee Recommendation JB-1.

A vote Aye is a vote in favor of Amendment No. 40. A vote No is a vote against. Cast your vote.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 22 votes in the affirmative and 104 in the negative, the motion is lost. The amendment is rejected.

The pages will now please distribute amendment DM. This will be Amendment No. 41. The Clerk will read the amendment.

READING CLERK: Amendment No. 41 to accompany Minority Report JB-1 to Committee Recommendation JB-1, by Delegates Johnson, Harkness, Hickman, Kahl,

Murphy, Siewierski and Rush: On page 6, section 5.21, beginning at line 26, strike out all the words down through the period in line 43, and insert in lieu thereof the following: "Section 5.21 Term of Office of Judges of Appellate Courts. The continuance in office of each judge of the Court of Appeals and the Intermediate Appellate Court shall be subject to approval or rejection by the electorate at the next general election following the expiration of two years from the date of his appointment and every 10 years thereafter so long as he retains his office. The continuance of office of such judges shall be subject to approval or rejection by the electorate of the entire State."

THE CHAIRMAN: The amendment has been moved by Delegate Johnson, is seconded. The Chair recognizes Delegate Johnson to speak to the amendment.

DELEGATE JOHNSON: Mr. Chairman and fellow delegates, I sincerely hope that the meaning of our amendment, as indicated in our minority report, is clear.

There is no attempt here to mislead you.

The minority has been carrying the ball pretty much with respect to differences of opinion with the Majority Report, and I think it is only fair, fitting and proper that we should continue to present to you for your consideration, serious deliberation and debate, matters which we think go right at the heart of principle and democracy in our republican form of government.

I want to indicate at the outset that, because of the actions of the Committee of the Whole with respect to nominating commissions, because of that action, fellow delegates, and not in spite of it, but because of it, we deem it even more fitting and right to urge adoption of this amendment.

Now, what this does, of course, is establish initially a different means of retaining, a different means of tenure, a different means of election between the appellate court judges and the superior court and district court judges.

Mr. Chairman and fellow delegates, in the opinion of the minority members of the Judicial Branch Committee, there is this great myth that when a judge has to submit himself to a general election even though he is a sitting judge, he is likely to be beaten, so to speak; and, therefore, high-minded, dedicated, upstanding, qualified persons will not give up their alleged