

spect so as to allow the voters to have a greater choice, and in some respects and in my humble opinion, improves the democratic process.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Mr. Chairman, ladies and gentlemen of the Committee, I can agree with the proponent of this amendment only in one respect; and that is that this is a new idea, but it is a new idea that confuses and compounds the problems.

It has been pointed out in our Committee by persuasive witnesses that in many instances the most formidable opponent that a sitting judge could have would be his record. Now, if that is possibly the most formidable opponent that a sitting judge could have but the alternative is a new candidate who has not been screened by the nominating commission, who has not been rejected in his campaign within the limits of the Code of Judicial Ethics as so carefully pointed out by our Delegate James, then it seems to me that the voting public could be in a complete quandary.

The choice would be unable to reject the sitting judge because his record was such a formidable opponent, because of the possibility that they might get in substitution an untried, unscreened candidate who had nothing more than some political support.

We therefore feel that this proposal, if adopted, would create a chaotic condition, if I may borrow a word from the day before, and I therefore reject or urge rejection of this amendment.

THE CHAIRMAN: Is there any other discussion?

*(There was no response.)*

Are you ready for the question?

*(Call for the question.)*

The question arises on the adoption of Amendment No. 42 to Committee Recommendation JB-1.

A vote Aye is a vote in favor of Amendment No. 42. A vote No is a vote against.

Will the Clerk please ring the quorum bell? 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.

Has every delegate now voted? There is still time for you to cast your vote if you desire to, Delegate Barrick.

The Clerk will record the vote.

There being 23 votes in the affirmative and 93 in the negative, the motion is lost. The amendment is rejected.

I do not believe that two or three minutes is enough time to consider the next amendment, and we will therefore hold that until after recess.

One more amendment to section 5.21, and I think that is the end of it. The Chair recognizes Delegate Powers.

Pardon just a second. Delegate Weidemyer.

DELEGATE WEIDEMEYER: Mr. President, in view of the Committee's action on Amendment No. 42, I wish to withdraw amendment CU, which has been prepared, which related to the same thing. Had this one been adopted, it would have been necessary to go back to an amendment in 5.13, and CU, which is up there prepared does that. I wish to withdraw it.

THE CHAIRMAN: We will withdraw amendment CU.

Does any other person desire the floor?

The Chair recognizes Delegate Powers.

DELEGATE POWERS: Mr. Chairman, I move the Committee of the Whole rise and report that it has not yet concluded consideration of the matter before it.

THE CHAIRMAN: Is there a second?

*(Whereupon, the motion was duly seconded.)*

All those in favor, signify by saying Aye; contrary, No. The Ayes have it. It is so ordered.

*(Whereupon, at 1:00 P.M., the Committee of the Whole rose, and the Convention reconvened.)*

*(The mace was replaced by the Sergeant-at-Arms.)*

## PLENARY SESSION

NOVEMBER 21, 1967—1:00 P.M.

PRESIDENT H. VERNON ENEY,  
PRESIDING

THE PRESIDENT: The Convention will please come to order.

In reporting for the Committee of the Whole, the Chair changes slightly the motion made by Delegate Powers and reports