

The Clerk will record the vote.

There being 56 votes in the affirmative and 71 in the negative, the motion is lost. The amendment is rejected.

Delegate James Clark, do you desire to offer your amendment DK?

The page will distribute amendment DK.

For what purpose does Delegate Mason rise?

DELEGATE MASON: I rise, Mr. Chairman, to a point of personal privilege.

THE CHAIRMAN: State the privilege.

DELEGATE MASON: I would like to acknowledge that in the rear gallery we have thirty-nine students from Morgan State College, Institute of Political Education, accompanied by Mrs. Odair and Mrs. Mitchell.

THE CHAIRMAN: We are delighted to have you with us.

*(Applause.)*

THE CHAIRMAN: This will be Amendment No. 44.

The Clerk will read the amendment.

READING CLERK: Amendment No. 44 to Committee Recommendation JB-1, by Delegates Clark and Raley: On page 6 section 5.21 Term of Office of Judge, in line 33 strike out the numerals "10" and insert in lieu thereof the numeral "8".

THE CHAIRMAN: Is there a second to the amendment?

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

THE CHAIRMAN: The amendment is offered by Delegates Clark and Raley, and having been seconded, the Chair recognizes James Clark to speak to the amendment.

DELEGATE J. CLARK: Mr. Chairman, by our action we have accepted the Commission's recommendation that we will have non-competitive elections for judges. This is quite a departure from our former procedure in this State. It seems to be that if this is going to be a review of the judge by the people, as proclaimed by the Committee—and I believe that they are sincere in this—that perhaps it would be wise and perhaps the people of this State would feel a little better about this change if we shortened the term. Therefore this amendment is offered to say that the term of a judge will be eight years.

In this little booklet we have about modernizing state governments, we find that

the average term for judges in the United States, for all the states, averaged out to exactly eight. There are few states that have a life-time provision; many of them have terms as short as six years. But the average is eight, and it seems to me that having a judge stand for election every eight years in a non-competitive election is not unreasonable, and I would hope that the amendment would be adopted.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Mr. Chairman, our Committee recognized the thought in connection with this matter that has been advanced by Delegate Clark, the proponent of this amendment, and we agree readily in view of our proposal as to the manner of selection of judges that the tenure should be reduced, that under the idea of a non-competitive election, the judge would be running against his record. His term should be substantially less than fifteen years. The fifteen-year term now enjoyed by members of the Maryland judiciary is among the longest terms allowed the judges in any State of the Union. All I can say in support of the Committee Recommendation on this score is that we agree in principle with Delegate Clark. We did submit to the Committee on the Judicial Branch the exact proposal he has, namely an eight-year term. The vote in Committee on the eight-year term was six for, eight against, three abstaining. A majority of the Committee adopted the ten-year term, and therefore I would urge the defeat of this amendment.

THE CHAIRMAN: Does any delegate desire to speak in favor of this amendment?

Delegate Raley.

DELEGATE RALEY: Mr. Chairman, we are making some of these very fundamental changes and it is to a great extent certainly limiting the power of the people to review the judiciary. There is some validity to the arguments that this is making the judiciary too powerful. An eight year term will make a greater frequency of review. This could be very helpful to the judiciary system and also protect the power of the people, and protect the right of the people.

Think about it a little. An eight-year check, an eight-year review by the people can mean a lot in shaping up the judiciary and the kind of feeling that they have toward the laws of this state.

THE CHAIRMAN: The Chair recognizes Delegate Claggett to speak in opposition to the amendment.