

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: The restriction applies to active judges and not retired judges?

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: That is correct.

THE CHAIRMAN: Are you ready for the question? Delegate Johnson.

DELEGATE JOHNSON: I want to make our position clear. If we take out the term "or make any contribution" the sentence would still be in effect that the judge could not hold any office in any political party or an organization.

In our view there are, as I understand it, Democratic and Republican sustaining funds and it would seem to me that if a judge would want to willingly contribute to a party of his choice he should be entitled to do so.

THE CHAIRMAN: Delegate Marvin Smith.

DELEGATE M. SMITH: The point has been made back here that it would be absolutely against the canons of judicial ethics for a judge to make such a contribution.

THE CHAIRMAN: Is there any further discussion?

*(There was no response.)*

Are you ready for the question?

*(Call for the question.)*

The Clerk will sound the quorum bell.

The question arises on the adoption of Amendment No. 47 to Committee Recommendation JB-1.

A vote Aye is a vote in favor of Amendment No. 47. A vote No is a vote against.

Cast your votes.

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

*(There was no response.)*

The Clerk will record the vote.

There being 16 votes in the affirmative and 92 votes in the negative, the motion is lost. The amendment is rejected.

THE CHAIRMAN: Delegate Marion, do you still desire to offer your amendment AB?

DELEGATE MARION: Yes, Mr. Chairman.

THE CHAIRMAN: The pages will distribute amendment AB. This will be Amendment No. 48.

The Clerk will read the amendment.

READING CLERK: Amendment No. 48 to Committee Recommendation JB-1 by Delegate Marion: On page 7 section 5.24, Restriction of Non-Judicial Activities, lines 36 through 38 strike out " , or receive any remuneration for his judicial service except as provided herein".

THE CHAIRMAN: The amendment is proposed by Delegate Marion. Is it seconded?

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

The amendment having been seconded, the Chair recognizes Delegate Marion to speak to the amendment.

DELEGATE MARION: Mr. Chairman and fellow delegates, I hope this matter could be disposed of rather quickly. I do not think this is a matter of great policy, but I propose the amendment because I can see no purpose for the language that I propose to delete in this particular section.

If this amendment is adopted, the first sentence in section 5.24 would end with a period after the word "campaign" in line 36, and the remainder of the sentence would be deleted.

I see no purpose for this language in section 5.24. In the first place it seems out of place because it refers to remuneration for his judicial service, and it is placed in a section which restricts the judge's non-judicial activities; and in the second place, it seems either superfluous or redundant, because the first sentence in section 5.23 provides that "each judge shall be compensated for his judicial service solely by the State".

I inquired of Mr. Robert Martineau, Secretary of this Convention, who was the chairman of the judicial subcommittee of the Constitutional Convention Commission, and he in effect confirmed my view that it was redundant. Our able staff adviser of the Committee on the Judicial Branch, Mr. Adkins, on a memorandum to the members of the Committee, has indicated that this language seems redundant, and I would hope that it could be deleted for that reason.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Mr. Chairman, I have great confidence in the proponent of