

THE CHAIRMAN: I am afraid your answer may be confusing. You are speaking then of the retired judge? I thought there was a distinction drawn in the last two sentences between the judge removed and a judge retired.

DELEGATE MUDD: You are right. My answer was incorrect. Only in the matter of removal would the court have the right to impair his retirement privileges.

THE CHAIRMAN: And in event of retirement either voluntary or involuntary, the judge would have retirement rights accorded by law?

DELEGATE MUDD: That is correct.

THE CHAIRMAN: Delegate Burdette.

DELEGATE BURDETTE: Mr. Chairman, as a result of the question, I find myself a bit confused and would like clarification, if I may ask the Chairman Mudd.

I had presumed that this section is not explicitly disciplinary, but that it also deals with the question of illness, which a judge may or may not recognize. On the basis of this assumption, if it be correct, I would like to ask whether or not an enforced retirement for illness circumstances might apply just as the last sentence says, and without putting any disability upon the judge's right to draw pension.

THE CHAIRMAN: I think you misunderstood the last answer of Delegate Mudd. He stated unequivocally that the last sentence provided that the judge who was retired, whether voluntarily or involuntarily, had whatever pension rights he had under the law.

Are there any further questions? Delegate Grant.

DELEGATE GRANT: Delegate Mudd, just so we would be clear, in line 15 you refer to "spouse". Was that intended? You refer to "spouse" instead of the word "dependent".

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Is that section 5.25, line 15?

DELEGATE GRANT: Yes, sir.

DELEGATE MUDD: Well, are there any retirement benefits that might survive to the dependent other than a surviving spouse?

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: My question was, do we constitutionally limit this to the sur-

viving spouse, or do we want to allow a flexibility and put in "surviving dependent"?

DELEGATE MUDD: That was my understanding because there is no pension benefit that can now accrue other than to a surviving spouse or retired judge.

THE CHAIRMAN: My recollection of the memorandum, Delegate Mudd, and I may be confusing this with something else said in the Committee Report, was that there was a deliberate intention to limit retirement benefits to a removed judge to his spouse. I may be wrong that that was in the memorandum, but I thought it was.

DELEGATE MUDD: I think we are talking about two different things, Mr. Chairman.

THE CHAIRMAN: Let me restate the question that I understand Delegate Grant is asking: Under the present laws fixing pensions, there are no pensions to dependents of a judge other than a spouse, but Delegate Grant is asking whether or not the limitation in line 15 to surviving spouse is intended to limit the pension granted to, in the event of a removed judge, to his spouse, even though the law should be amended hereafter to provide pensions for the dependents. Is that your question, Delegate Grant?

DELEGATE GRANT: That is correct.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: No, I do not think that was the intention of the Committee. If there are benefits, in other words, there was no intention on the part of the Committee to penalize a retired judge, his surviving spouse, or his dependents.

THE CHAIRMAN: We are talking about removed judge.

DELEGATE MUDD: Removed judge; then only with respect to a spouse, yes, I think that was the intention of the Committee.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: That answers my question.

THE CHAIRMAN: Are there any further questions? Delegate L. Taylor.

DELEGATE L. TAYLOR: Will Chairman Mudd yield to a question.

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