

5.20 would possibly deprive the State and the man shown of valuable talent.

After considerable debate in the Committee and after considering and rejecting Delegate Willis' suggestion that there be a one-year prohibition rather than the two, we concluded that the work of this commission was so important to the overall method of selection and tenure ultimately adopted by the majority of our Committee that every precaution should be taken to insure this commission against any pressures. We intended to make their responsibility one of selecting candidates for the judiciary, without anyone being rewarded in any manner for service on that commission.

We therefore after much consideration and debate adopted these restrictions which we felt were necessary and desirable to insure for this planned selection the cautions that we deemed desirable. I must therefore urge the Convention to vote against this complete amendment, both parts thereof, as it is now divided.

THE PRESIDENT: Any further discussion?

Delegate Bennett?

DELEGATE BENNETT: Mr. President and fellow delegates, I think this is a salutary amendment. This whole recommendation proposed by the Committee really strikes at the heart of getting a valuable nominating commission, and to impose upon them the celibacy of the kind that simply cannot be enforced is not a good thing for this whole plan. I, therefore, think that this as a modification of the amendment would be a very desirable amendment.

THE PRESIDENT: Any further discussion?

Are you ready for the question?

*(Call for the question.)*

The Clerk will ring the quorum bell.

The question will arise on amendment as it has been divided. It will be submitted to you in two parts. The first part will be to substitute for the words "two years" in line 3 on page 7, the words "one year".

A vote Aye will be a vote in favor of this amendment. A vote No is a vote against.

Delegate Hardwicke.

DELEGATE HARDWICKE: Mr. President, I would like to make one brief comment on this amendment before we move.

THE PRESIDENT: You may.

DELEGATE HARDWICKE: It occurs to me that a deal could very readily be made whereby a judge or a person on the commission could be induced to vote for a certain person for judge with the understanding that after he is not on the commission the remaining members of the commission would then vote for him, and it seems to me that the two-year provision is extremely desirable to prevent that very thing from occurring.

If we cut it down to one year you may find that members of these commissions are going to be judges with amazing frequency. The two-year provision is very desirable.

THE PRESIDENT: Any further discussion?

The question arises on the first part of amendment 9 to Committee Recommendation JB-1 as amended by Report S&D-8, the substitution of "one year" for the words "two years" in line 3 on page 7.

A vote Aye is a vote in favor of the amendment. A vote No is a vote against.

Cast your vote.

Has every delegate voted? Delegate Kosakowski, are you having trouble again?

DELEGATE KOSAKOWSKI: I would like to vote No. My button here only votes Aye.

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

*(There was no response.)*

The Clerk will record the vote, with Delegate Kosakowski voting No.

There being 41 votes in the affirmative, and 71 in the negative, the motion is lost, and the amendment is rejected. That is the first part of the question.

The question now arises on the second part of Amendment No. 9 to put a period in line 4 after the word "commission" and strike out the remainder of that line, and all of lines 5 and 6. This would have the effect of striking the prohibition that a member of the commission shall not be eligible to hold any other office of profit for one year immediately following his service.