

A vote Aye is a vote in favor of the second part of Amendment No. 9. A vote No is a vote against.

Delegate Beatrice Miller.

DELEGATE B. MILLER: Mr. Chairman, I asked for a division of the question because I feel that there are basically two different considerations here. I would agree with the majority who voted that a member of the commission should not become a judge, but I do not think that we can or should expect a member of the commission who would be a valuable and respected member of the community from assuming other duties or participating in other forms of government, and I would urge that we vote for this amendment.

THE PRESIDENT: Any further discussion? Are you ready for the question?

*(Call for the question.)*

The question arises on the second part of Amendment No. 9 to put a period after the word "commission", in line 4, delete the remainder of lines 4 and all of lines 5 and 6. A vote Aye is a vote in favor of this deletion, and a vote No is a vote against.

Cast your vote.

Delegate Kosakowski, you may announce your vote.

DELEGATE KOSAKOWSKI: I would like to vote No.

THE PRESIDENT: Has every delegate voted?

Delegate James Clark.

DELEGATE J. CLARK: No.

THE PRESIDENT: Has every delegate voted?

Does any delegate desire to change his vote?

The Clerk will record the vote.

There being 47 votes in the affirmative and 66 in the negative—47 votes in the affirmative and 68 votes in the negative, the amendment is likewise rejected.

Are there any further amendments to section 5.20? The Chair hears none.

Are there any amendments to section 5.21? The Chair hears none.

Are there any amendments to section 5.22?

Delegate Bamberger, do you desire to offer your amendment H?

DELEGATE BAMBERGER: Yes.

THE PRESIDENT: Pages will please distribute Amendment H. H for Harry.

The Clerk will read the amendment. This will be Amendment No. 10.

READING CLERK: Amendment No. 10 to Committee Recommendation JB-1 as amended by Report S&D-8, by Delegate Bamberger: On page 7, section 5.22, Judicial Term of Office, in lines 33 through 41, inclusive, strike out beginning with the words "The Court of" in line 33 down to and including the words "of the poll." in line 41.

THE PRESIDENT: The amendment having been submitted by Delegate Bamberger, is there a second?

DELEGATE BENNETT: Second.

THE PRESIDENT: The Chair recognizes Delegate Bamberger.

DELEGATE BAMBERGER: This is the amendment which was originally offered by Delegate Bennett. We have been up this hill and down it before. The last time we had been up the hill it took only one more vote to go over the top, so I thought we ought to try it again.

The purpose of this amendment is to remove from the constitution the requirement that there shall be a secret poll of the lawyers concerning the qualifications of a judge who is standing for reelection, and that that poll shall be published. As I remember it, the principal argument which was made for this proposal was that the public would like to know how lawyers felt about the judge on the bench.

I suggest that they be told without having to provide in the constitution that kind of secret poll. My concerns about that are really two. I think we always know there are a fixed percentage of people who always vote against things. A judge may be a very good and strong judge, who runs his courtroom well and decides cases fairly. The lawyers do not run the courtroom and yet some may be displeased with his decisions, or with his conduct as a judge, or some just do not like him. So there is a poll and there will be, let us say, at best fifteen percent of the lawyers who might vote against him. It seems to me that is an unfair blemish to put on a judge who may be a perfectly good judge.

Secondly, I have some concern with the kind of hidden, insidious pressure that this may put on the judge who is sitting