

thing in that vicinity, but by the same token, they indicated that you really could not be certain about that, but the consensus seemed to be 50,000 to 60,000 population per judge.

THE CHAIRMAN: Delegate Rush.

DELEGATE RUSH: Then the figures we heard yesterday were just grabbed out of the air, evidently?

THE CHAIRMAN: I am sorry, the Chair did not understand your question.

DELEGATE RUSH: The figures we heard yesterday were just reached up and pulled out of the air?

THE CHAIRMAN: Is that a question?

DELEGATE RUSH: That is a question.

THE CHAIRMAN: What is the question?

DELEGATE RUSH: Where did they get the figures from?

DELEGATE JOHNSON: I do not know. I think Delegate Bradshaw can best answer that. I believe he indicated from the Bureau of Legislative Reference, or Dr. Cooper, I think he said.

THE CHAIRMAN: Are there any further questions?

Delegate Hodge Smith.

DELEGATE J. H. SMITH: In view of the Supreme Court requirement of advising criminals as to their right of counsel, arrest procedure, et cetera, does the minority feel that these commissioners are really court officers now?

DELEGATE JOHNSON: Court officers now, or under the proposed system?

THE CHAIRMAN: Delegate Smith.

DELEGATE J. H. SMITH: Now, or under the proposed system.

DELEGATE JOHNSON: I think they are court officers as attorneys are officers of the court. I think that is an analogy. We are officers of the court. I do not know whether or not I am — I am sure I do not have any judicial function, but I am considered an officer of the court as you are, Delegate Smith, so I would think that they would be an officer of the court in the manner of a clerk, some type of an officer of the court. I am using that term extremely generally.

THE CHAIRMAN: Delegate Hodge Smith.

DELEGATE J. H. SMITH: Then as an officer of the court, a clerk, do you not think the court should have the right to appoint him?

DELEGATE JOHNSON: If you think the court should have the right to determine whether or not you should be a lawyer, I think that would then be the case. I doubt you do. The specific answer to your question is no.

THE CHAIRMAN: Are there any further questions?

Delegate Cicone.

DELEGATE CICONE: Delegate Johnson, to whom would these commissioners then be responsible? You say they have non-judicial functions, yet they are going to operate under the rules of the court. Would they be responsible to the legislature or to the judiciary.

DELEGATE JOHNSON: First of all, we are saying that what is non-judicial is the selection and appointment of the commissioner. We say that function is non-judicial. We would hope that they would come under a merit system and that they would have an opportunity to exercise the privileges and pleasures of their offices, and the duties of their offices, and be dismissed only for cause. We are appalled at the idea that a commissioner will be, first of all, selected by a district court judge, and then "serve at his pleasure." We are opposed to that in principle.

DELEGATE CICONE: What redress would the judicial system have if these commissioners are appointed and they are not qualified? How would they be removed from office? That could tie up the administration of justice.

DELEGATE JOHNSON: If in fact they do not perform their functions they may be dismissed anyway. Any merit system employee may be dismissed if he does not carry out his duties.

THE CHAIRMAN: Delegate Schneider.

DELEGATE SCHNEIDER: Mr. President, I would just like to clear up one thing that was erroneously said on the floor about the United States commissioners.

THE CHAIRMAN: Is this a question?

DELEGATE SCHNEIDER: Yes.

Delegate Johnson, is it not true that United States commissioners are appointed by the judges of the United States District Court, and serve then in the administrative