

1 a judge is removed from office for misconduct in office
2 or other similar thing, that his right to a pension shall
3 be as provided in the order of removal, because we thought
4 it very inappropriate and very difficult to define by law
5 or anything, before the facts, what the penalty ought to
6 be. The circumstances under which a judge would be
7 removed from office will vary from time to time. In some
8 cases, the stripping of his retirement benefits may be
9 appropriate. In other cases, it may not be, particularly.

10 MR. SAYRE: I see your problem, but wouldn't
11 it be -- I was just thinking here, after fifteen years
12 of meritorious service, a judge then suddenly becomes
13 a very bad man and he is removed for cause, but he has
14 acquired pension rights and survivorship rights. You are
15 leading up to rule how this is being handled.

16 MR. MARTINEAU: We leave it up to the sentence
17 of the court, in effect.

18 MR. SAYRE: Couldn't this be done by law,
19 where by law you leave it to rule? In other words, leaving
20 this aspect to law, you can do it that way, but it --

21 THE CHAIRMAN: I think you are talking in cross