

1 public and consider justice, and if a man can't succeed in
2 an election of this sort in running against his own record
3 successfully, I feel that the interest of the public and
4 the interest of justice would best be served by his being
5 put to whatever disabilities and inconveniences might
6 occur when he has to leave the Bench prematurely. Our
7 research has indicated, I believe, that in the history
8 of the nominating commissions and in those States where
9 they exist, only two judges have ever been deposed in an
10 election running against their record, and I believe at
11 least one of them was an incumbent in the State of Missouri
12 who had not been selected by a nominating commission and
13 whose defeat, I think, was certainly demonstrably in the
14 best interest of the public and would have been approved,
15 as I understand it, unanimously by the Bar. So the risks
16 are very, very small and remote as compared to the public
17 interest served by requiring that the judge face it on
18 sufficient occasions to give an opportunity to the public
19 to consider his record.

20 THE CHAIRMAN: Any further discussion? Ready
21 for the question? All those in favor of the motion which