

THE CHAIRMAN: Delegate Beatrice Miller.

DELEGATE B. MILLER: I would ask the Assembly to welcome two other guests from Montgomery County, Mr. Howard Koss and Miss Deborah Koss, the husband and daughter of Delegate Helen Koss who are also visiting tonight. They are in the gallery to your rear, sir.

*(Applause.)*

THE CHAIRMAN: Delegate Churchill Murray.

DELEGATE E. C. MURRAY: Mr. Chairman and fellow Delegates: I would like to announce the presence in the balcony of Mr. Ulrich, the husband of our fellow delegate.

*(Applause.)*

THE CHAIRMAN: Delegate Hanson, do you desire to offer your Amendment C?

DELEGATE HANSON: Yes, but I would like to yield to Delegate Hopkins for an explanation of the amendment.

THE CHAIRMAN: Very well.

The pages will please distribute amendment C.

This will be Amendment No. 1.

The Clerk will read the amendment.

READING CLERK: Amendment No. 1 to Committee Recommendation GP-10 by Delegates Hanson, Hopkins, Bamberger and Gallagher:

On page 1 strike out all of lines 13 through 17, inclusive, and insert in lieu thereof the following: "tried by the Senate. The concurrence of three-fifths of all the members of the Senate shall be required to convict."

THE CHAIRMAN: The amendment is submitted by Delegates Hanson and Hopkins and seconded by Delegates Bamberger and Gallagher.

The Chair recognizes Delegate Hopkins.

DELEGATE HOPKINS: Mr. Chairman and fellow delegates: It is not our intention to spend a great deal of time on this but I think as the question period has already brought out the fact that there is one issue upon which we should perhaps specifically take a vote. This matter of impeachment was also discussed by the members of the Legislative Committee and I am for some reason a spokesman for some of

the delegates who were not happy about this article. We did talk about it because we thought at one point our Committee would have to draft this. Specifically, after the impeachment by the House, the question is where the trial should be and the majority report puts it in the hands of ten judges as you have just heard explained. We propose that we put it back in the hands of the Senate.

There may be some question as to whether impeachment should be in the constitution at all. It is a seldom-used remedy in democracy. However, if it is going to be in there at all, it is an extraordinary procedure and we feel that under these circumstances it should be left completely in the hands of the directly elected representatives of the people. Therefore, we would certainly go along with the three-fifth vote which was recommended. I wish to call your attention to the fact that there is no other state in the union at the moment that follows the majority report suggestion. Actually in 48 states the senate now is the trying body, that is, the body in which the trial takes place. And one minor thing which I think also should be pointed out is that there is the possibility that some complications could arise when the courts must allow ten judges to sit in a special trial, both in tying up the whole court system, and in the ineligibility of these judges to serve in subsequent trials of the same official for the same offense. However, our main and overriding argument is the fact that this trial should be in the hands of the elected representatives of the people and if you feel as we do, then I urge your support of this amendment.

THE CHAIRMAN: Delegate Boyer.

DELEGATE BOYER: Mr. Chairman, this is, of course, in direct conflict with the committee recommendation and it seems to center on the issue of who should be the trier of the facts. The Committee feels that while the initiation and trial of impeachments have been traditionally the function of the legislature, actually the concept of trials of impeachment of judges is by no means anything new.

The provision of the United States Constitution with regard to impeachment was passed by the Constitutional Convention after very serious debate. We have had many quotes from very learned Americans, and some no so learned, over this convention issue and I would like to quote you one thing that Alexander Hamilton had to say on this particular subject. "There will always be the greatest danger that the