

Delegate Gill.

DELEGATE GILL: Just a matter of statistics, Mr. Chairman and fellow delegates. The 1957 report of the Citizens Conference on State Legislatures, "Impeachment and Trial of Governors," says that at the power of impeachment, 49 states empowered the legislature to impeach the governor. Of the 49, 47 required the house to bring the impeachment, one required the senate to bring impeachment, and one is unicameral. The court of an impeachment. Forty-six states require the senate to sit as a court of impeachment; one requires the state supreme court to sit as a court of impeachment, and one requires that its governor be tried by a special commission of eminent jurors to be elected by the senate.

The model constitution also recommends the legislature trial.

THE CHAIRMAN: Delegate Scanlan.

DELEGATE SCANLAN: I would prefer Delegate Winslow's history to Delegate Gill's statistics. The history of impeachment in this country has been one primarily of misuse. Where it has been used, for the most part, it has been subject to gross abuse for purely partisan advantages and the trial of Andrew Johnson illustrates this. The trial of the five governors in the reconstruction area illustrates it, and in each one of those cases it was the senate that was the guilty body. I suggest that we strike out this provision as a few other states have, and put the special tribunal that will try impeachment cases in an independent body, perhaps in our own Court of Appeals. That would satisfy me. But I think a special tribunal as proposed by the constitution is sufficient.

Let us try something new where the old has not worked whenever it has been invoked.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

*(There was no response.)*

Does any delegate desire to speak in opposition?

Delegate Marion.

DELEGATE MARION: Impeachment has been a pretty unsatisfactory method to get rid of someone who holds public office. It is for that reason that the State of California pioneered the system for the removal of judges which has been adopted

by several other states, including the State of Maryland. It was because impeachment was such a poor remedy, that the removal process is gaining favor in many states, and is being considered by the Congress of the United States.

Picture, if you will, the typical impeachment trial in the senate as it has occurred on only a few occasions in the history of the United States in the Senate of the United States. There have been something like eight or nine impeachment trials in the Senate. They have lasted an average of seventeen days, during which time they have tied up the entire work of the Senate. Statistics indicate at many times during a trial before the Senate, as few as three members of the Senate have been present on the floor giving attention to the process of the trial of a public officer whose removal from office is at stake. It just is not a satisfactory method.

I do not have any great love for the method proposed by the Committee but I think it is better than a trial by the Senate.

THE CHAIRMAN: Delegate Beatrice Miller.

DELEGATE B. MILLER: Mr. Chairman and fellow delegates, there are two parts of this proposal that bother me very much: one is that if the Committee's provision is allowed to stand, then the very same judges who might be involved in the conviction of a man for impeachment might then also be involved in his conviction for criminal prosecution, and I think that this is a very unsavory method of proceeding.

Secondly, I would point out that we have built in a system in this constitution, a judicial system where there is very little review by the people, and if you add to that taking away the right of the people, as it exists in impeachment, by leaving it in the General Assembly, then you are again removing one more control by the people and putting it into this locked judiciary. I urge you not to do this, to leave the impeachment procedure as it has been in the history of Maryland where it has done no harm and where it has proceeded very well.

THE CHAIRMAN: Delegate Marvin Smith.

DELEGATE M. SMITH: May I suggest to Delegate Miller that I do not know what judges in her part of the State do, but in my part of the State when a judge has once heard a case, he does not sit on that case again.