

DELEGATE BOYER: Mr. Chairman, I have consulted with our expert on the Committee, Mr. Sosnowski, on this particular article on impeachment, and with several other members of the Committee.

If this does what we think it does, we think it is good in import and intent. We feel perhaps there has been some loophole in the General Provisions recommendations dealing with local officers, so unless there is some objection from any member of the Committee, and please feel free to speak up, we would suggest, perhaps, that the amendment be adopted along with GP-10.

THE CHAIRMAN: Does any delegate desire to speak in opposition?

Delegate Adkins.

DELEGATE ADKINS: Mr. Chairman, I believe in a strong executive and have so argued in this convention. I do not believe it should be this strong and I would urge that the amendment be defeated.

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

Delegate Grant.

DELEGATE GRANT: I would just simply point out that this is not a delegation of power of the executive, but delegation of the power of the General Assembly.

THE CHAIRMAN: Delegate Bennett.

DELEGATE BENNETT: It seems to me, Mr. Chairman, and members of the delegation, that this is a pretty broad hunting license for the General Assembly which in fact imbues them with authority to do almost anything. There is no definition of what is misconduct or what is incompetency, and any particular group or any particular committee can start out to investigate almost anyone.

Now, I ask, how are you going to get independence in the conduct of office if you are going to strike the fear into them of an investigation of this kind?

How are you going to get really independent men to serve their State when they have this bludgeon, this threat hanging over them all of the time, so that anybody can bring up the issue of incompetency at any time.

It seems to me the amendment certainly ought to be defeated in the name of good government.

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

Delegate Grant.

DELEGATE GRANT: I point out that the concepts that are used in there of misconduct in office and incompetence are well defined legal concepts. It provides for a judicial review, and a judicial review would adhere to these terms.

I point out that if you do not give the General Assembly power in this area, you have got in this constitution officers who are beyond the power of removal for any reason short of impeachment.

THE CHAIRMAN: Delegate Mason.

DELEGATE MASON: I would like to ask Delegate Grant a question.

THE CHAIRMAN: Delegates desiring to speak would have the floor.

Delegate Case, do you desire to speak against the amendment?

DELEGATE CASE: Mr. Chairman, ladies and gentlemen of the Committee, I think this is a very dangerous amendment, and I think so for two reasons.

First, it violates all the chief powers principles that we have adopted heretofore through the adoption of the recommendations of the Local Government Committee's suggestions.

Secondly, it is in complete violation of the spirit if not the terms of sections 4.21, 4.22 and 4.23 of the executive department which we have also adopted.

I think that the proposed amendment runs counter to both of these, philosophically and practically. It seems to me this serves as nothing but a witch hunt, where the terms and provisions which I have already referred to adequately take care of the case, so I would hope that the amendment would be defeated.

THE CHAIRMAN: Delegate Grant, do you take the floor to yield to a question from Delegate Mason?

DELEGATE GRANT: Yes, sir.

THE CHAIRMAN: Delegate Mason.

DELEGATE MASON: Delegate Grant, suppose you removed from office an officer who is non-political, say, the president of the institution of higher learning or a member of the state board of education. How do you go about replacing that non-political officer?

THE CHAIRMAN: Delegate Grant.