

January 22, 1976

SENATOR KELLY: In other words, just their decision becomes public.

SENATOR LUEDTKE: That is right.

SENATOR KELLY: Their deliberation and their investigation is all in secret.

SENATOR LUEDTKE: I am not sure whether they...I think they announce prior thereto just as with any disciplinary action that they have under investigation certain cases, but they would not until they had the actual hearing. In other words, they have to have probable cause, with anybody, you can see this with the regard to a judge. A judge, somebody might get angry with a judge because he found them guilty and start a campaign against that judge and there may be no probable cause at all. It may be all hearsay, all absolutely proof that does not exist other than by this man's own imagination.

SENATOR KELLY: Just two questions left, Senator Luedtke, and you are being very helpful to me. Has the Commission on Qualifications ever removed a judge from office?

SENATOR LUEDTKE: I can answer it this way. I know of judges who have left office because of the fact that complaints have been made. I think that it has been, again going on memory of cases that I know about, I think it was short of a formal removal but it had the same effect.

SENATOR KELLY: So they pressured them out of the bench...

SENATOR LUEDTKE: That is correct.

SENATOR KELLY: ...but they never at any time made a situation where it became public?

SENATOR LUEDTKE: I know of one where the letter was merely sent out, the notice for a hearing or that they would have the hearing and the judge resigned.

SENATOR KELLY: The last question, Senator Luedtke, has to do with page 4, and that the master shall have the power to punish for contempt for any action specified in 25-2121. Please give us a minute or so on that.

SENATOR LUEDTKE: This is the showing that the master, who is acting under this constitutional authority of the Judicial Qualifications Commission, may have all the authority of any District Judge as far as contempt. In other words, if allegations are made, witnesses are subpoenaed or called in to testify and they refuse to testify, it goes along with the very reason for this bill, they may refuse because of the Fifth Amendment. They may refuse because they just don't want to be drawn into it. They can be made to testify, or if there is perjury, if they can get them for perjury, but from the standpoint of contempt, any witness has the same liability for contempt that he would in a district court