

S. Dakota voters soundly reject J.A.I.L. measure

Grand jury could have second-guessed judges

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An amendment that aimed to add a measure of accountability to judges failed Tuesday.

At press time, 90 percent of voters had rejected the measure, with 594 of 818 precincts reporting.

Some voters said they were confused by the measure and simply voted to keep the state constitution as is.

Amendment E, also known as the Judicial Accountability Initiative Law, would have created a special grand jury of South Dakotans to review complaints against jurors, county commissioners, prosecutors, city councilors, board members and judges - in essence, those with judicial immunity.

Under the proposed amendment, the grand jurors would have been able to penalize those who have judicial immunity with fines, jail or removal of their public insurance coverage and retirement benefits.

Such consequences would prevent people from serving as jurors or running for office, creating a government gone amok, several voters said. "I thought it was stupid. It shouldn't be on there," said Chris Schwartz, 18, of Sioux Falls. "Nobody would be on a jury."

Others said they thought the current system of checks and balances was enough.

"I just feel that we shouldn't be able to sue them. I mean, we elected them to make that decision," said Andrea Lemon, 42, of Sioux Falls.

However, voters who supported the amendment said they couldn't ignore a judge's human fallibility.

"The rest of us have to justify to our bosses, our government. And I feel (judges) have to justify themselves also," said Karen Schwarting, 39, who joined her husband, Steve, 44, in voting yes on the measure. They are from Sioux Falls.

— More —

Bill Stegmeier, the amendment's sponsor, questioned the results. He said polls from earlier this year indicated far greater support for Amendment E. Stegmeier suggested there might be voter fraud.

"We will investigate it, and we will try to determine whether or not there is something we can do about the situation," Stegmeier, a Tea business owner, said.

"Excuse me. Voter fraud?" said Tom Barnett, a member of the No on E committee based in Pierre.

Barnett said that such a claim was "an insult to the people and the voters of South Dakota."

ABOTA FIGHTS "JAIL FOR JUDGES" PROPOSAL

SOUTH DAKOTA CHAPTER OF ABOTA

Bob Riter reports that the chapter was active in opposing Amendment E, a "jail for judges" proposal, which had national repercussions. Many ABOTA members from across the nation, as well as ABOTA's board of directors, assisted in the successful effort to soundly defeat that measure.

South Dakota chapter members expressed their appreciation for the help. "This measure, and similar ideas across the nation, must be met with a prompt and substantial response," Riter said. "That resolve was pursued in South Dakota with the help of our chapter members and many of those reading this report. Our thanks reach out to all of you!"

— From *The Presidents Report*, Fall-Winter issue, 2006

OUR SHARED COMMITMENT TO POSTERITY, IDEALISM AND CIVIC VIRTUE

If we can succeed in growing across the full panorama of the America we love, we will always have members proximate to any attack and ready to fight for our idealism. We learned how important that type of National availability can be this year as ABOTA and many others successfully opposed the infamous J.A.I.L. Amendment in South Dakota.

— John V. Phelps, *The Presidents Report*, Fall-Winter issue, 2006