

1 in the militia while in actual service."

2 This Committee voted 60 to 49, with 33 abstaining
3 to adopt this recommendation as amended. The question has
4 been raised, apparently from further research, as to what
5 effect if any this would have on the present status of the
6 law.

7 The answer is it would have no effect whatsoever
8 on the present procedures as set forth in the rules of the
9 court. What it does do, and has never been done before, is
10 lock into or put into the Constitution the absolute right
11 of an accused to have an indictment by grand jury unless
12 he waives it in all felony cases.

13 Now, that is the practice. I personally have
14 talked to Mr. Moylan in Baltimore City. He has no
15 objection to this. He thinks this is probably a good thing
16 that it would be in the Constitution, but the decision here
17 is whether you want to make this a constitutional matter
18 or whether you do not.

19 I can give you some arguments that have been
20 developed for and against it, if this might be helpful.
21 This is a result of purely the research people's conclusions