

These, I say, were the two major points of dispute. We had an 8 to 10 vote on both points. When we then came to an adoption of the whole package of Committee recommendations that you now have before you as GP-1, we voted and by a 12 to 4 vote agreed to present the recommendations to the floor with—and I emphasize this—the reservation to each member of the Committee to either act in concert with the Committee recommendations or to be reliever of any further loyalty to the recommendations.

As you see, conceivably some members of the minority may be opposed to the word “shall”. On the other hand, some may approve the word “may” but be opposed to the insertion of the specific enumeration of “Adjutant General”. There is the possibility of a duplication here with some who may not be specifically opposed to one point or another of the recommendations by joining forces with others result in the minority becoming the majority, if you understand what I mean.

So we brought out to the floor of this Convention, General Provisions Recommendation No. 1. There were discussions on other points that I think might be helpful to you by way of explanation. We agreed, for instance, that the governor should have the right to order the militia to active duty upon certain conditions and contingent implications. We inserted specifically the word “order” because we were told by our distinguished military witnesses that “order” had a clearer military connotation than the phrase “to call out the militia”. Invasions are not a probability but could be a possibility, and the governor should have the express authority to act in such an event. Likewise a strong majority of the Committee felt that the governor should have the right to repel invasions if they occurred.

It was unanimously agreed that he be empowered to use the militia when necessary to enforce the execution of the laws of the State. It was further agreed that to extend the proposal to contingencies such as floods, hurricanes, forest fires, or other large scale conflagrations, so that the governor and the militia be enabled to act where life or property might be imperiled on a large scale.

It was felt that the military authority created hereby should forever—and I emphasize this because it was a strong feeling of the Committee—should forever remain under civil control so as to forestall any possibility of the creation of an uncon-

trollable military machine or force. The language was added to provide this in the person of the governor.

Discussion took place about the absence or disability of the governor and the succession in the chain of command, but after careful consideration it was determined by your Committee not to include these problems here upon the condition that such language would be covered in the Report of the Executive Branch.

Lastly, your Committee wanted to insure that only militia members when in actual service would be subject to trial by military court and so provided this in the recommendation. This protects a civilian from a military trial and at the same time provides a guarantee that military authorities can discipline their own personnel should such occasions arise.

The Committee also wanted to make it crystal clear that militia men be subject to military force only while actually in active service and so provided.

Mr. President, ladies and gentlemen of the Convention, your General Provisions Committee is acutely aware of its responsibility and is desirous of meeting these in the presentation of this Report. May I publicly congratulate and thank the members of the General Provisions Committee for the many hard hours of work put in on this, and particularly the subcommittee that handled this particular recommendation chaired by Delegate Edward Clarke and composed of Delegates Vecera, Blair and Ritter. Mr. President, that is the Committee supplementation of the General Provisions Committee Report No. 1 on militia.

THE CHAIRMAN: Are there any questions of Delegate Boyer for purposes of clarification? Delegate Chabot?

DELEGATE CHABOT: I would like to inquire of the Chairman of General Provisions, whether in listing the purposes for which the governor might order out the militia the Committee determined to add to the existing provisions of the Constitution by the language “and provide assistance at such times” and so forth. I would like to know whether the “at such times” language is intended to modify only “provide assistance” or whether the “at such time” language is intended to provide a limitation on the other circumstances under which the militia may be ordered out.

DELEGATE BOYER: We went into great discussion about the wording on this, Delegate Chabot. There was the suggestion