

that the draft language or even the language which exists in the present Constitution did not give the governor sufficient power to act and to enforce the law. Was it the intent of the Committee to require the governor to anticipate actions and to give the militia an order to move against a group of citizens before an overt act occurred?

DELEGATE BOYER: Delegate White, it was our intention to add the words "may occur" to cover the possibility of a hurricane that might be forecast or a forest fire, or some other catastrophe. We felt, the Governor should have the proper authority to act in advance rather than to have to wait until the house was on fire.

THE CHAIRMAN: Are there any further questions? Delegate Bothe. Before you start, may I remind all delegates that it is imperative that you keep the microphone two to three inches from your mouth because otherwise we get the hum from the feed-back. Delegate Bothe.

DELEGATE BOTHE: Might I ask the Chairman to enlighten us as to the Committee's thinking on the reasons why it was necessary to have a militia article in the new Constitution.

DELEGATE BOYER: There was very little discussion on this, Delegate Bothe. It seemed to be self-evident; it is in the present one, which does not necessarily make it good or proper, but militias are recognized, as I recall it, in forty-eight out of fifty constitutions of other states. There has to be some military law enforcement force, not necessarily in a military sense, but perhaps to assist in times of trouble of forest fires and things like that, and this was a readily available force for the governor to have at his command, as a civilian, in order to expedite proper state procedures and functions. It seemed so self-evident to us that we did not go into too much detail on it.

THE CHAIRMAN: Delegate Henderson.

DELEGATE HENDERSON: Mr. Chairman, I find great difficulty with the phrase which has been referred to before in line 14 "at such times." "Such" I take it, is a reference back like "said." It would refer back to the situations, that is, "invasions," "insurrections," and "the execution of the laws." Then the last phrase "when great destruction of life or property may occur" would seem to me to limit the power to call the militia out only in those instances which previously are named and only when great destruction might occur.

I can hardly believe from what has been said that that was the intention of the Committee, but merely was the result of draftsmanship. It occurs to me that that should be clarified somewhere along the line.

THE CHAIRMAN: Are you asking a question of the Chairman of the Committee, Delegate Henderson?

DELEGATE HENDERSON: I would ask him if that is his intention.

DELEGATE BOYER: The intention, Judge, as I indicated, was to make the words "at such times" all-inclusive, and relate back to the specific instances where the governor might act to "repel invasions," "suppress insurrections," et cetera, "at such times" as they might occur.

THE CHAIRMAN: Delegate Wheatley.

DELEGATE WHEATLEY: Mr. Chairman, if the Chairman will yield just one moment on the question asked by Delegate Bamberger, perhaps I might elaborate on his inquiry as to the question relating to the phrase, "in the person of the Governor."

THE CHAIRMAN: Does the Chairman of the Committee yield to the Vice-Chairman of the Committee for the purpose of answering the question?

DELEGATE BOYER: Very gladly.

THE CHAIRMAN: You may proceed.

DELEGATE WHEATLEY: The question here does relate back to the original reference to the governor. Testimony indicated that there might be problems if the words "civil control" were interpreted to mean civilian officials who might be involved in a joint operation with the national guard or militia. The Committee wanted to make it clear that civilian control should be exclusively with the governor and not in various other civilian officials. The reference to "in the person of the governor" refers back to the chain of command rather than leaving open the possibility that "civil control" might be interpreted to mean in some other civilian official. That was the thinking behind the specific reference at that point.

THE CHAIRMAN: Are there any further questions? Delegate Marion.

DELEGATE MARION: Mr. Chairman, I would like to ask one or two questions of the Chairman of the General Provisions Committee with respect to appointment of officers in line 10. Am I correct that under