

silent in any respect and not restrictive, the legislature would not be illegally passing laws to do a thing such as this. However, we felt that where the present Constitution does have some wording about a particular subject and the proposed constitution is silent on it, it tacitly implies that we would not want to have action taken. We felt we should follow Delegate Bothe's suggestion and definitely have something in the Constitution about the militia.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: Would it not be true, Mr. Chairman, that this Convention could make it clear even if it did not provide for a Militia that it did not intend to exclude this power from the General Assembly. If we stated that in this Convention would that not clarify the fact that the legislature would have the right to enact this as a matter of law?

DELEGATE BOYER: Certainly, this Convention, being all powerful, can make any suggestion or recommendation to the legislature. We simply felt, however, there were only three alternatives: to be for it, against it or silent about it. We felt it was more appropriate to continue the pattern established in the 1867 Convention by continuing it over to the 1967 Convention.

THE CHAIRMAN: The Chair recognizes next Delegate Willoner still for the purpose of questions. Let me say before Delegate Willoner speaks that in keeping with the announcement made several days ago, arrangements have been made that a member of the staff and secretaries are available in my office for any delegates who desire to have any amendments prepared while the Committee of the Whole is in session. Dr. Phillips is available to assist you. Delegate Willoner.

DELEGATE WILLONER: Mr. Chairman, my question has been asked and answered. Thank you.

THE CHAIRMAN: Delegate Lloyd Taylor.

DELEGATE L. TAYLOR: Mr. Boyer, I refer to lines 17 and 18. It states: "The military authority of the State shall be and remain subject to civil control in the person of the governor at all times." Does the "at all times" rule out the possibility of the governor delegating this authority to the lieutenant governor or, for example, to the Mayor of Baltimore City or Mayor of Cambridge were they to ask for the militia to come in? Would it be possible

for the governor to delegate partial authority to a mayor under this provision?

DELEGATE BOYER: Any right to delegate, of course, infers that you have the right to rescind such delegation. The Constitution would place control of all delegable powers in the governor and also power to rescind them, so that we would have civilian control at all times. It is true that the governor could call in the militia for a forest fire and delegate to the adjutant general or somebody else. But the ultimate control remains in the person of the governor.

THE CHAIRMAN: The Chair recognizes Delegate Finch for purpose of asking a question.

DELEGATE FINCH: What would prevent the governor from appointing himself as military commander-in-chief?

DELEGATE BOYER: Our recommendation is that the Constitution provide that the governor be the commander-in-chief. I do not know what you mean by military commander-in-chief.

DELEGATE FINCH: Under this provision, as I interpret it since he can appoint officers, he can also appoint himself military commander-in-chief in addition to being the civilian commander-in-chief.

DELEGATE BOYER: I think that might be in conflict with the recommendation if it is adopted by this Convention because it says he shall be commander-in-chief. I think this would restrict him sufficiently.

THE CHAIRMAN: Delegate Weidemyer.

DELEGATE WEIDEMEYER: Mr. Chairman, I do not want to belabor the point but going back to line 10, it appears to me in reading this that—

THE CHAIRMAN: Delegate Weidemyer, this is only for purpose of questioning.

DELEGATE WEIDEMEYER: Where it says "The governor may order the militia to active duty to repel invasions, suppress insurrections, enforce the execution of the laws," did you intend that those three provisions and powers for calling out the militia were dependent upon the last part of the sentence where it says "and provide assistance at such times when great destruction of life or property may occur"?

DELEGATE BOYER: No, sir, that was not the intention. The intention was as it