

is to see that the laws of the state are executed or enforced. It seems quite anomalous to me that we designate him as the commander-in-chief and then state that the General Assembly by law may provide some diminution of this power. For example, as I understand the amendment, if the Governor called out the militia, the General Assembly might designate the mayor of a city, or sheriff or county commissioner as a civilian, to control the militia when it is used. In effect this would countermand or in some way diminish the chain of command or line of authority of the governor.

I submit that if we strike out this concept, we are really putting in an illusory promise that we have created for the people of the state a militia for their protection and for the enforcement of the laws. In effect we are saying that a militia may or may not be created and if it is, the governor, as chief executive, really may or may not have direct command and authority.

It would put the governor in a very embarrassing position, I submit, to call out the militia and, then, perhaps to have this power diminished by act of the General Assembly to the point where others might be giving orders ostensibly under his direction.

For that reason, I think it fitting that we do standardize and streamline the chain of command which we have had for many years and continue it in the governor. Let us not put something in the Constitution that presents somewhat of a placebo to the public in thinking we still have a militia under the Governor's control. For that reason, Mr. Chairman, I oppose the amendment.

THE CHAIRMAN: Is there any further discussion? Delegate Bamberger.

DELEGATE BAMBERGER: I do not disagree with Delegate Wheatley that the governor be commander-in-chief; the second sentence of the amendment says he shall be commander-in-chief. There is only one chief, only one commander-in-chief, and nothing the legislature can do can either make anybody else commander-in-chief or a commander-in-chief less than a commander-in-chief.

THE CHAIRMAN: Delegate Wheatley.

DELEGATE WHEATLEY: Mr. Chairman, it was my understanding that in response to the question of Delegate Boyer, the record indicates that the mover of the

amendment suggested that the legislature by enactment might provide alternative means of control of the militia. If I am incorrect in that, I would like at this time to have the maker of the amendment restate his answer. I thought I heard it quite clearly, and to my mind it did not indicate a straight line of control from the governor on down nor would it preclude the legislature from providing alternative means for control once the governor, as commander-in-chief, had called out the militia.

THE CHAIRMAN: Is there any further discussion?

*(There was no response.)*

Are you ready for the question? Delegate Clarke?

DELEGATE E. CLARKE: I rise in opposition.

THE CHAIRMAN: Sorry. I should say E. J. Clarke. You may proceed.

DELEGATE E. CLARKE: I rise in opposition to the amendment for reasons stated by Delegate Wheatley. I would like to add that the testimony by General Gelston indicated there was a situation where the authority of the governor could be challenged. This is why we put it in to emphasize it.

THE CHAIRMAN: Is there any further discussion?

*(There was no response.)*

Are you ready for the question?

*(Call for the question.)*

The question arises on the adoption of Amendment No. 3 to Committee Recommendation GP-1.

A vote Aye is a vote in favor of the amendment. A vote No is a vote against the amendment. All those in favor, signify by saying Aye; contrary, No. The Noes have it. It is so ordered. The motion is lost.

Delegate Chabot, there has been a series of amendments prepared and passed to the Chair. They have already been numbered. I will recognize you when we reach the amendment that bears your name. The Chair recognizes Delegate Bamberger for the purpose of presenting Amendment No. 4.

DELEGATE BAMBERGER: Mr. Chairman.

THE CHAIRMAN: Delegate Bamberger.