

All those in favor, signify by saying Aye; contrary, No. The Ayes have it. The motion carries. The amendment is adopted.

The question now arises on the second portion of the amendment in line 15 to strike out the words "may occur" and insert in lieu thereof the words "is imminent." The Chair recognizes Delegate Wheatley. For what purpose does Delegate Storm rise?

DELEGATE STORM: I do not mean to be picayune but the way you read it sounded right, "times," plural. The way it is printed sounded wrong, "time", singular. May I rely on the way you read it, "times," plural as being the way we have it?

THE CHAIRMAN: There is a typographical error in the amendment. The words in the recommendation which are being stricken are, "at such times", plural. The Chair recognizes Delegate Wheatley.

DELEGATE WHEATLEY: Would the proponent of the amendment yield for a question?

THE CHAIRMAN: Delegate Bamberger, do you yield for a question?

DELEGATE BAMBERGER: Yes.

DELEGATE WHEATLEY: What is the intention of the amendment?

DELEGATE BAMBERGER: The intention of the amendment is to make more definite the category of the fourth instance in which the governor may call out the militia. The declaration now says when destruction occurs. That seems to me to be somewhat ambiguous, certainly indefinite. The intention was to restrict that power more by requiring the governor to find that such destruction is imminent, that is more than a possibility, a probability.

DELEGATE WHEATLEY: The intention is not only to clarify but to restrict, is that correct?

DELEGATE BAMBERGER: It is at least an intention to clarify. It may well have been that some people thought the phrase, "may occur" meant imminent, was a probability rather than a possibility.

DELEGATE WHEATLEY: I speak in opposition to the amendment, Mr. Chairman. It was the view of the Committee, if I summarize it correctly, after we had discussed the exact words suggested in the amendment, "is imminent," that "imminent" connoted immediacy, and that that might not have been the type of restric-

tion we wished to place on the governor. In fact, one member of the Committee, if I remember correctly, looked up the definition of the word and we were even more convinced that the immediacy of the situation might not be the type of thing we wanted. "Imminent," as the definition stated, required something to be on the precipice. We felt and if I am wrong, any member of the Committee may correct me, that "imminent" was too extreme a term, that hurricanes might be probable or possible, but might not be "imminent" and that the governor ought not to have to wait until the last moment to call out the militia. This would be too restrictive.

The second part of the phrase "may occur" was to allow the governor a retrospective view in that after some great damage had occurred in which there had been no forecast, he might call out the militia to assist in an after the fact recognition.

Certainly there is no great pride of authorship in the use of the words "may occur", but the intent of the Committee is clear, I believe. We wished to give the governor latitude when life and property was at stake so that he would not have to wait until the last possible moment to determine if it were imminent but could act if it were probable or even possible. For that reason we suggest the words "it may occur" are too ambiguous. We would certainly welcome other words, I am sure, that might be a more clarifying term. However, the intent is to provide both prospective and retrospective recognition of the governor's responsibilities to protect life and property and for that reason I must oppose the amendment.

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

DELEGATE MALKUS: Mr. Chairman, having lived in Cambridge in recent years, there is every reason in the world to vote against Delegate Bamberger's proposal. If you can wait until a town is burned down or a horse is stolen before you take precautionary measures, then you vote for his proposal, but in this day and time, when savagery and violence is among us at all times, we had better stand prepared, we had better give the governor, whoever he may be, the right to go in and maintain order without making a play on words.

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

DELEGATE WHITE: Mr. Chairman, I rise to support the amendment that has