

Recommendation "its officers." Unless somebody provides for "its officers" there seems to be no authority that it should have any. Therefore, in an effort to clarify the recommendation of the Committee, I would urge adoption of this amendment.

THE CHAIRMAN: The Chair would like to ask a question of Delegate Marion for the purpose of clarification. I do not understand whether your amendment means that the governor would appoint such officers as the General Assembly may provide by law that he shall appoint, or whether your amendment means that the governor shall appoint such officers as the General Assembly may by law provide that there shall be. If the General Assembly provides by law for one thousand officers and is silent as to appointment, what is the meaning of your amendment?

DELEGATE MARION: I thought for a minute I was going to agree it was the former but I think the purpose is the latter. The General Assembly should provide by law for officers of the militia and then provide that the governor should appoint them. I suspect that there would be many officers the Governor would not appoint.

THE CHAIRMAN: I am not sure I understand your amendment again. My question is this. Does the language you have used mean that the governor will appoint only those officers which the General Assembly by laws says he shall appoint?

DELEGATE MARION: Yes, sir.

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

DELEGATE WHEATLEY: Mr. Chairman, I would like to amplify your question somewhat if the maker of the amendment would yield.

THE CHAIRMAN: Will Delegate Marion yield?

DELEGATE MARION: Yes.

DELEGATE WHEATLEY: Am I to understand if the General Assembly provided by law for officers, they in the same law could say that they would allow the governor to appoint those above the rank of colonel and the rest would not be appointed by the governor. My question is if this is true, who would appoint these other officers, the General Assembly or generals? Who would be the appointive authority, is my question.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: I would think that that would be provided by law.

THE CHAIRMAN: Delegate Wheatley.

DELEGATE WHEATLEY: Would it be possible also for the General Assembly to appoint some officers under your proposal?

DELEGATE MARION: If they would so provide, yes, I think that would be possible. I am not sure that it is desirable, but all I am trying to get at is what seems to be an ambiguity in the words "its officers." Having read that far in the proposal, I do not see that it has any officers.

THE CHAIRMAN: Delegate Wheatley.

DELEGATE WHEATLEY: Mr. Chairman, I am in opposition to the proposed amendment on the same ground upon which I opposed an earlier amendment, that is that we must draw some clear lines of authority. I can think of no valid reason why a commander-in-chief would delegate the appointment of those under him to some other agency. Nor do I think it right to allow another branch of government to appoint those people.

I can see all types of abuses that might develop from this. I think it would be foolhardy to establish a principle where generals might appoint those under them. Likewise, I can see all types of abuses developing where the General Assembly might appoint lieutenants and captains and majors and colonels.

For that reason, I think we must define line of authority. If we are making the governor the commander-in-chief of the militia, I submit that just as the President indirectly, and directly in the final analysis if it were ever tested, appoints all commissions and officers of the United States government, so should the governor of this State have the authority to appoint and commission those officers of the militia as are provided by law.

THE CHAIRMAN: Delegate Schneider.

DELEGATE SCHNEIDER: Mr. President, I wonder if I could ask a question of Delegate Wheatley.

THE CHAIRMAN: Will Delegate Wheatley yield for a question?

DELEGATE WHEATLEY: I would be most happy to yield, Mr. Chairman.

DELEGATE SCHNEIDER: Appointment of the officers of militia, technically