

speaking, is not appointment of the officers of the Maryland national guard because, as I understand it, the Maryland national guard, as such, if it were called in as a militia to go into an area might have other officers. This would not give the governor power to appoint all officers of the Maryland national guard all the way down to second lieutenant, or of any armed force which he has in the State of Maryland.

For that reason and in addition to my question, I would say the ambiguity in Amendment No. 5 would cause me to speak in opposition to it.

THE CHAIRMAN: What is your question, Delegate Schneider?

DELEGATE SCHNEIDER: My question is: Am I correct in assuming that this does not give the governor power to appoint officers of the national guard? Some delegates believed that this would give the governor power over the whole national guard.

THE CHAIRMAN: Delegate Wheatley, you may respond to the question.

DELEGATE WHEATLEY: It is my understanding that the national guard is merely the organized militia of the State. Under present definition every able-bodied man is a member of that militia and also members of the opposite sex with their consent. Therefore it would seem to me that the existing procedure of the governor appointing those who serve under him is both sound from an organizational standpoint and also sound from the structure of government which we seek to espouse.

THE CHAIRMAN: Is there any further discussion? Delegate E. J. Clarke.

DELEGATE E. CLARKE: I rise in opposition and would like to make one point clear. It is customary in the militia for the governor to select and appoint the adjutant general. It is also customary and common practice for the adjutant general to recommend to the governor those persons he wants him to commission as officers.

Acting upon his advice in most cases, the governor commissions them or, in other words, appoints them.

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

DELEGATE FOX: Mr. Chairman, I rise in opposition to the amendment and to ask Delegate Marion if he would accept

a substitute amendment. There have been some ten or fifteen amendments prepared to the present time. One of them would end this—

THE CHAIRMAN: State your substitute and we will find out if Delegate Marion will accept it.

DELEGATE FOX: The General Assembly may provide by law for a militia. The governor shall be its commander-in-chief—period.

THE CHAIRMAN: Do I understand that your substitute would be to strike out all of the Committee recommendation except the first two lines and the first two words—sorry—lines 8 and 9 and the first two words of line 10?

DELEGATE FOX: That is correct.

THE CHAIRMAN: Delegate Marion, do you desire to respond? I doubt that that is a proper substitute for this amendment.

DELEGATE MARION: Could I inquire of Delegate Fox how that would accomplish what I am trying to by Amendment No. 5?

THE CHAIRMAN: I think we would save time if the Chair rules it would not be a proper substitute and continue the discussion on Amendment No. 5. Is there any further discussion?

*(There was no response.)*

Are you read for the question?

*(Call for the question.)*

The question arises on Amendment No. 5 to Committee Recommendation GP-1 to strike out the words "its officers" in Line 10, Page 1 of the committee recommendation and insert in lieu thereof the words "such officers as the General Assembly may by law provide." A vote Aye is a vote in favor of the amendment. A vote No is a vote against the amendment. Are you ready for the question? All in favor of the amendment, signify by saying Aye; opposed, No. The Noes seem to have it. The Noes have it. The motion is lost. The amendment is rejected. Are there further amendments? The chair recognizes Delegate Fox.

DELEGATE FOX: Mr. Chairman, may I now offer the amendment which has been printed as Amendment No. 10 and provides, as I indicated a moment ago, that this recommendation would read "the General Assembly may provide by law for a militia. The Governor shall be its commander-in-chief."