

DELEGATE WEIDEMEYER: I would like to ask the sponsor of the amendment—

THE CHAIRMAN: Does Delegate Marion yield for a question?

DELEGATE MARION: Yes.

DELEGATE WEIDEMEYER: Does Delegate Marion realize that by striking out the last sentence beginning on page 18, he strikes out the limiting provision that only members of the militia when in actual service may be subject to trial by a military court in this state. "Only members of the militia" means that other civilians cannot be subject to trial before a military court. To strike that out destroys the intent and purpose behind the sentence. While your sentence may be good in clarifying members of the military service, it does not go as far as the draft of the Committee to prevent civilians from being tried.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: That was certainly not my intention and if Delegate Weidemeyer will suggest clarification of the language so that that purpose might be effectuated, I would be happy to accept it. I would certainly like to make clear that no civilian may be tried by a military court.

THE CHAIRMAN: Could the Chair suggest language to you unless Delegate Weidemeyer has language.

DELEGATE WEIDEMEYER: If Delegate Marion would accept a suggestion, it could be easily done by adding the word "only" on line 3 of his amendment in front of "a member."

THE CHAIRMAN: And perhaps if you did that, Delegate Weidemeyer would want to add the words "and then" before the word "only" in line 4.

DELEGATE MARION: Yes, sir.

DELEGATE WEIDEMEYER: Yes.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: Yes, Mr. Chairman, I was going to suggest the "and then" before the "only" at the end of line 4. I will accept those amendments to my proposed Amendment No. 8.

THE CHAIRMAN: As the Chair understands it, Amendment No. 8 has been amended or changed by the sponsor to add the word "only" at the very beginning of the new sentence in line 3 and to add the words "and then" before the word "only"

in line 4 so that the new sentence would then read "only a member of the militia may be subject to trial by a military court in this State and then only for offenses committed while the member is in active service." Does the seconder accept the change?

The Chair recognizes Delegate Clarke.

DELEGATE E. CLARKE: According to BLACK'S DICTIONARY, when we speak of the militia, we speak of the body of citizens in a state enrolled for discipline as a military force, but not engaged in actual service except in emergencies as distinguished from regular troops or standing armies.

The militia or rather the national guard of this State only becomes the active militia when the governor calls it as such. When the national guard or the air national guard meets at regular drill sessions weekly or on weekdays or on training sessions in the summer, they are not serving as the militia, they are serving as the national guard or the air national guard.

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

DELEGATE JOHNSON: I question then—

THE CHAIRMAN: Question is directed to whom.

DELEGATE JOHNSON: I am really not quite sure. Perhaps to Delegate Marion. I am really not sure to whom this should be directed.

THE CHAIRMAN: Does Delegate Marion yield for a question?

DELEGATE MARION: Delegate Marion will yield. He does not guarantee to have the answer.

DELEGATE JOHNSON: It would seem that this amendment would preclude members of the National Guard from being subjected to trial by military court. Is that correct?

THE CHAIRMAN: Can you answer, Delegate Marion?

DELEGATE MARION: I do not know; I would suggest that Delegate E. J. Clarke might have the answer.

THE CHAIRMAN: Delegate E. J. Clarke can you furnish the answer?

DELEGATE E. CLARKE: I just wanted to point out again, Mr. Chairman, and ladies and gentlemen of the Committee of