

the Whole, that in my judgment, there are other persons perhaps more qualified than I to speak on this subject. In practice in the State of Maryland, the governor uses the national guard and calls them out as the active militia in cases of emergency. However, while serving as members of the national guard in training periods in the evening or on week-ends or in summer drills, they are not then members of the militia, they are members of the army national guard of Maryland or the air national guard of Maryland.

THE CHAIRMAN: Does that answer your question, Delegate Johnson?

DELEGATE JOHNSON: I believe it does, Mr. Chairman. It would then appear that I must oppose it if I understand the explanation. Inasmuch as the amendment provides that only members of the militia may be subject to trial by military court in this State, and members of the national guard would not be subject to such trial by military court, I would have to oppose the amendment.

THE CHAIRMAN: Delegate Wheatley.

DELEGATE WHEATLEY: Mr. Chairman, if I might add to the comment made by Delegate Clarke, the testimony before the Committee was that the national guard, as such, constitutes the organized militia and, therefore, would be a part of the whole. I think this might clear up the problem raised. This would include in my interpretation national guard since the national guard would be a smaller part of the whole. The qualifying language would be "actual service" which would mean the vast body of militia might be national guard or other members of the militia then in actual service.

This, incidentally, I think, is one of the most troublesome areas of the whole law because of the use of words with very particular meanings, "active duty" and "actual service." We, therefore, try to use the broadest language, "actual service" rather than "active duty." I think this amendment would include national guard since national guard has been defined as the organized militia.

THE CHAIRMAN: Is there any further discussion? The Chair wants to direct an inquiry to Delegate Boyer, the Chairman of the Committee on General Provisions. Delegate Boyer, in an earlier draft of the Committee Recommendation GP-1, which I saw, the third word from the end in line 20 was "of" and not "in." I wonder if in

this printing it is a typographical error or is it deliberate that the word "in" is intended?

DELEGATE BOYER: Mr. Chairman, this is a typographical error and the proof should read at line 20 "to trial by military court of this State" instead of "in."

THE CHAIRMAN: In the absence of objection, the Chair will consider the typographical error corrected. Is there any objection? The change is to strike the word "in", the third word from the end of line 20 and substitute the word "of." So that it reads "subject to trial by a military court of this State." I do not know whether that has any bearing on the last three or four questions, or not.

Is there any further discussion? Delegate Chabot?

DELEGATE CHABOT: Will Delegate E. J. Clarke yield for a question?

DELEGATE E. CLARKE: Gladly.

DELEGATE CHABOT: Could the delegate explain to us in just what way on this point the Committee report differs from the language that appears in Article 32 of our present Declaration of Rights?

DELEGATE E. CLARKE: I do not have that language before me, Delegate Chabot. Do you mean federal?

DELEGATE CHABOT: Our Declaration of Rights.

DELEGATE E. CLARKE: I think it is just different wording, Delegate Chabot.

DELEGATE CHABOT: Same meaning?

DELEGATE E. CLARKE: Same meaning, as I read it, yes.

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

DELEGATE MARION: Mr. Chairman, if the language of GP-1 in line 20 is changed from "in" to "of," I would urge that the amendment which is before us make the same change in line 4 so that instead of word "of," it read, "in."

THE CHAIRMAN: The sponsor changes the word "in," the seventh word, I think it is, in line 4 of the amendment. Does the seconder accept the word? Is there objection? If not, the word "in" is changed to the word "of" in line 4 of the amendment. Is there any further discussion? Delegate Pascal.