

DELEGATE PASCAL: Will the maker of the motion yield to a question?

THE CHAIRMAN: To whom is your question directed?

DELEGATE PASCAL: Delegate Marion.

THE CHAIRMAN: Does Delegate Marion yield for a question?

DELEGATE MARION: Yes, I will yield.

DELEGATE PASCAL: When an individual is a member of the Maryland national guard and on the way to a meeting should he violate the law while in uniform, would he be prosecuted under a military court martial or a civil court?

DELEGATE MARION: I stand to be corrected on this, but my understanding is that it is a part of the military law of the State, and not of the Constitution, that a member of the national guard who is on his way to or from a regular meeting of the guard is not subject to the civilian authorities.

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

DELEGATE SCHNEIDER: Mr. Chairman, this problem of whether the Maryland national guard may be court martialed and whether we are taking a right away, bothers me. I do not think the Maryland national guard except when the Governor has called them out as the militia is the militia. I think that that is only one of the hats they wear. But when they are in training and in camp, I think they are the Maryland national guard, not the militia.

It seems to me before we vote on this we should consider adding something to the effect, as in line 3 after the word "militia" the words, "and other members of the militia of this State." It would clarify this so that the national guard or Maryland guard would have the right to a court martial.

THE CHAIRMAN: Is there any further discussion?

*(There was no response.)*

Are you ready for the question?

*(Call for the question.)*

The question arises on the adoption of Amendment No. 8 as it has been amended to Committee Recommendation GP-1. As so amended the amendment on page 1 of Committee Recommendation GP-1 would strike out the last sentence and add the

sentence "A member of the militia may be subject to trial by a military court of this state"—sorry— new sentence would read "Only a member of the militia may be subject to trial by a military court of this State and then only for offenses committed while the member is in actual service."

A vote Aye is a vote in favor of Amendment No. 8. A vote No, a vote against the amendment, as the recommendation is drafted. All those in favor, signify by saying Aye; contrary, No. The Noes seem to have it, but the Chair is in doubt and calls for a roll call. A vote Aye is a vote in favor of Amendment No. 8. A vote No is a vote against.

*(Whereupon a roll call vote was taken.)*

THE CHAIRMAN: Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 70 votes in the affirmative and 52 in the negative, the motion is carried. The amendment as modified is adopted. Are there any further amendments? Delegate Schneider.

DELEGATE SCHNEIDER: Mr. President, it is my understanding it is not yet a part of the rules to require printed amendments. Is this correct?

THE CHAIRMAN: Yes, that is correct. The Chair at any time can require an amendment to be in writing as can any delegate.

DELEGATE SCHNEIDER: This being a very simple amendment, I would hope that the Convention will indulge me in making it orally.

THE CHAIRMAN: Before you do that, let me ask if there are any other delegates who have already prepared written amendments? If so, we can proceed to consideration of those while your amendment is being written. Would that satisfy you, Delegate Schneider?

DELEGATE SCHNEIDER: It is a very short amendment and is tacked on to Delegate Marion's amendment. I think it could be easily handled, however, if that is the desire of the Chair—

THE CHAIRMAN: If you could write out the amendment right now, we will not stop to print it. At least let me have a written copy. The Chair recognizes Delegate Storm.