

privates first class and sergeants are not officers in the usual sense of the word and, therefore, would not be included in the purview of this word.

THE CHAIRMAN: Delegate Storm.

DELEGATE STORM: I had understood that non-commissioned officers were officers. We always classed them that way in the Navy.

THE CHAIRMAN: Delegate Wheatley.

DELEGATE WHEATLEY: Being an army man, I cannot speak for the Navy, but under usual custom and usage, officers have never included PFCs, though I was one at one time. There is a clearcut distinction in my mind between an officer and a person not an officer. I suggest you would be in great difficulty with the army if you did not know which was which. *(Laughter.)*

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. 9 to the Committee Recommendation GP-1. 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 those in favor, signify by saying Aye; contrary, No. The Noes have it. The motion is lost. The amendment is rejected.

The Chair recognizes Delegate Johnson.

DELEGATE JOHNSON: If it is in order, Mr. Chairman, I would like to move for reconsideration of the action taken by the Committee of the Whole on Amendment No. 8 proposed by Delegate Marion.

THE CHAIRMAN: It is in order if the motion is seconded. Is there a second to the motion to reconsider the vote by which Amendment No. 8 was adopted?

*(The motion was duly seconded.)*

THE CHAIRMAN: Seconded by Delegate Kirkland. You may speak to the motion.

DELEGATE JOHNSON: Thank you very much, Mr. Chairman.

What I am concerned about is, first of all, that there seems to be a very serious question whether or not the militia in-

cludes the national guard. I happen to feel it does not. Apparently a majority of the Committee of the Whole feels otherwise. But perhaps more important inasmuch as the proposal before us carries with it a permissive mandate to the General Assembly to create a militia, I submit that if it is not created by the General Assembly, the action that we took with Amendment No. 8 may and probably will preclude or at least raise a serious constitutional question concerning whether or not members of the national guard can be tried by a military court.

I would like to see the Committee of the Whole reconsider its action in light of the possibility that we may not have a militia.

THE CHAIRMAN: Delegate Schneider.

DELEGATE SCHNEIDER: Mr. President, I would ask Delegate Marion if he might withdraw his motion to reconsider because I have an amendment.

THE CHAIRMAN: You mean Delegate Johnson?

DELEGATE SCHNEIDER: Delegate Johnson, if he would withdraw his motion to reconsider.

I have put forth an amendment to Amendment No. 8, which I hope would solve the problem he sees in it. This would be another way of attacking the problem.

THE CHAIRMAN: If the motion to reconsider is carried, then Amendment No. 8 would be subject to further amendment. You could offer your amendment at that time.

DELEGATE SCHNEIDER: I think it could be anyway, could it not?

THE CHAIRMAN: What did you say?

DELEGATE SCHNEIDER: Wouldn't —

THE CHAIRMAN: You would still be able to offer your amendment.

Is there any further discussion on the motion to reconsider?

The question arises on the motion to reconsider the vote by which Amendment No. 8 was adopted. A vote Aye is a vote to reconsider. A vote No is a vote against. Are you ready for the question?

*(Call for the question.)*

All those in favor of the motion to reconsider, signify by saying Aye; contrary, No. The Noes have it. The motion is lost.