

DELEGATE WHEATLEY: Mr. Chairman, I am still somewhat confused. I agree with the principle here. In fact, I planned to second this original motion to amend. However, it would seem to me that if we say "other members of the military of this State" as Judge Henderson suggests, are we then suggesting that there is another class of military of which the governor might not be in control?

I raise this question to the sponsor because I am in sympathy with his desire to clarify. I hope we are not confusing by this attempt to clarify.

THE CHAIRMAN: Delegate Schneider, do you yield for the question?

DELEGATE SCHNEIDER: Yes.

It seems to me that at times the governor could call in part of the national guard, and send them to some part of the State to solve a particular problem without calling in the whole Maryland national guard. At that time you would have in effect two different militaries. The militia seems to me to be one phase of the Maryland national guard while the Maryland national guard as a whole is bigger than the militia. It could have its phase of being the Maryland national guard and its phase of becoming the militia. I do not see the problem that Delegate Wheatley sees.

THE CHAIRMAN: In ruling a moment ago that the amendment was germane the Chair proceeded upon the assumption that the military of this State would mean only a military exercising under and by force of the laws of this State, and therefore would not embrace any national guard except to the extent the national guard was covered under the laws of this State.

If your amendment means other than that, I would rule it not germane.

DELEGATE SCHNEIDER: Perhaps I am not quite sure of what the Maryland national guard is. I thought it was a Maryland force of the military. If it is a federal force we would not have a problem here at all, but I thought it was a Maryland force, and it is, as I understand it, established under the laws of the State of Maryland, is it not?

THE CHAIRMAN: The Chair will recognize Delegate E. J. Clarke, Chairman of the Subcommittee on the Militia, for the hopeful purpose of further clarification.

DELEGATE E. CLARKE: Mr. Chairman, ladies and gentlemen of the Commit-

tee of the Whole, if you refer to the Commission Report, first on page 375, then back to page 281, the national guard or the army national guard of Maryland is not constituted in Article 9, section 1 or 2 of the present Constitution. Back on page 281 we have the section on militia and a commentary; there is no reference there either to the Maryland national guard.

Whether the General Assembly has provided that the national guard is or may be part of the militia I am not clear on at this time.

THE CHAIRMAN: Is there any further discussion?

Delegate Wheatley.

DELEGATE WHEATLEY: Mr. Chairman, in light of the confusion that exists, so that we might not act without full knowledge of the intent of this amendment, I again state that I think this is probably the most difficult part of the entire section. I would like to know if I would be in order to make this a special order of business for tomorrow at the appropriate hour.

THE CHAIRMAN: No. The only motion I think would be proper would be a motion for the Committee to rise and report to the Convention that it has Committee Recommendation GP-1 under consideration, and request the Convention to make it an order of special business for tomorrow.

DELEGATE WHEATLEY: Mr. Chairman, in light of the apparent confusion by those who desire to accomplish apparently the same result, I would so move.

THE CHAIRMAN: Is there a second to the motion?

*(The motion was duly seconded.)*

THE CHAIRMAN: The Chair would like to inquire before putting this motion whether there are any other amendments already prepared which delegates would intend to offer, irrespective of the present amendment?

The Chair recognizes Delegate Singer.

DELEGATE SINGER: Mr. Chairman, there is Amendment No. 12 that has been prepared and not distributed.

THE CHAIRMAN: Are there any other amendments?

Delegate Gallagher, do you have another amendment?

DELEGATE GALLAGHER: I do, Mr. Chairman. I have Amendment No. 14. It is