

In addition the Act excludes people working for charitable institutions, particularly hospitals, and it does not include any, or practically any, employees in the service trades such as waiters, waitresses, and parking lot attendants. This group adds up to nearly 500,000 people in this State and it is not a coincidence, I submit, that this identical group is the one which according to federal statistics is earning less than the minimum wage.

Now, the statement of a right to organize and bargain collectively which we ask be included in the new constitution would, of course, have symbolic universal application to all people in the State, but it is to, first of all, a group of private employees who are not covered by the National Labor Relations Act and who have not protection by any other law in the State, and secondly, to the public employees of the State to whom we feel this right must be addressed.

The existence of a large group of citizens who must live in a labor market in which only the employer has a say is detrimental to the entire economy of the State, to say nothing of the human dignity of the individual involved.

The blight which is caused by the quasi-involuntary servitude in which many people working in the fringe industries are placed without any means of collective action is one which this constitution must address itself to. I will talk momentarily about the public employees. It is certainly our intention to include all employees, whether they be in the hire of the State or of private persons and industries within the purview of the recommendation.

The Personal Rights Committee at a later point in part 2 of its report has suggested to the Convention that the principle of sovereign immunity ought to be abrogated by the constitution, that the State should no longer be able to escape responsibility for its omissions and commissions; as, for instance, when an automobile owned by the State injures someone, it should be in the same position as when a private person is involved in an accident.

This same principle, but with much more force, I suggest, applies also to the State in the role of an employer. The 135,000 employees of the State in its political subdivisions have no right to organize or to bargain collectively.

It is true that in many areas of public employment and to an increasing extent, there have been organizations recognized

by the State as political subdivisions and bargaining occurs. We say that this ought to be a right. It ought to be a must that the government as an employer afford its citizens or its employees all of the avenues of redress that those in private industry enjoy.

The proposal for the recommendation of the minority is Amendment No. 21.

THE CHAIRMAN: The pages will please distribute amendment L.

DELEGATE BOTHE: The language suggests the absolute bare bones minimum statement of a right. It is language similar to that contained in the constitutions of Hawaii, Missouri, New Jersey, and New York, and in the case of New York, both the current and the proposed constitution.

It would assure the fundamentals of employee rights. It is no labor bill of rights. It is simply a bare bones statement of the very fundamental relationship that should be guaranteed by the constitution to the working people of the State that they be entitled to organize and to bargain collectively.

It does not require that any agreement be reached. It merely keeps the channels of communication open between employer and employees and assures a degree of democratic give and take in the industry of this State, something which is sadly lacking.

I am sure that there may be some question brought here about the right to strike and I would like to emphasize that this proposal does not deal with that question, but, on the contrary, sets out an assurance that there will be fewer disruptions of labor.

I have been making an informal survey of such strikes as have occurred in the public employment in recent years and it seems that the only ones that have taken place have been in an effort to seek recognition, not to seek any particular terms of employment, but merely to obtain the avenue through which a contract can be reached. By the adoption of this language we, the minority, suggest that there will be a modicum of peace on the industrial scene of the State and that it has a practical operative effect that will be beneficial, not only to those personally affected, but to the whole body politic of the State of Maryland.

In closing my formal remarks, I am not going to quote Jefferson or Hamilton, but one of our fellow delegates who was kind enough to lend me some matters from his