

tions Act has machinery in which the federal government will conduct elections in the event that there is some question as to whether a particular labor organization represents the majority of employees. There is nothing to preclude the fact, and very frequently it happens, that without any formal designation of the majority, the employer sits down with a group of employees whom he is satisfied are representative of the employees in his establishment.

THE CHAIRMAN: Delegate Neilson.

DELEGATE NEILSON: Delegate Bothe, before, in answer to the question, you referred to the model constitution, and I am unable to find the reference. Would you help me on this, please?

I think you read it.

DELEGATE BOTHE: I am reading from page 28, the discussion from which I read starts on the preceding page under what is called the style of the Bill of Rights.

DELEGATE NEILSON: Will you tell me what edition you were reading from?

DELEGATE BOTHE: The current edition which was distributed to all of us. It seemed to have been published in 1963. That seems to be what you have.

THE CHAIRMAN: Are there any further questions?

Delegate Hutchinson.

DELEGATE HUTCHINSON: Delegate Bothe, is it not true that many of these employees that you mentioned in your report do not come under the National Labor Relations Act, but in reality come under the so-called Fair Labor Standards Act?

DELEGATE BOTHE: Yes. You mean minimum wage, state minimum wage. In some instances they come under that and some they do not. They have various coverage, of course. I am not meaning to imply that the State has completely forgotten them in enacting beneficial legislation but this is something given them from on high. This is not anything which they are able to effectuate through the give and take of collective bargaining and it is also a bare minimum, the eight-hour day in the minimum wage is applicable to many of them, but that is not much.

THE CHAIRMAN: Delegate Hutchinson?

DELEGATE HUTCHINSON: Do the employees that do not come under this Act

have the right today to bargain collectively if they so desire?

DELEGATE BOTHE: You mean do they not have the right? If they want to get fired, they do.

DELEGATE HUTCHINSON: But they can bargain collectively.

DELEGATE BOTHE: Delegate Hutchinson, I do not know what you mean by that. No, they cannot bargain collectively. I think it is that simple. If they make any effort toward it and it is rebuffed, that is the end of it.

THE CHAIRMAN: Are there any other questions?

Delegate Child.

DELEGATE CHILD: Delegate Bothe, I am very ignorant on labor legislation. As I understand it, those employees who are engaged in interstate commerce are covered under the Wagner Act, which is a federal act. Am I correct in that statement?

DELEGATE BOTHE: For the most part, there are a lot of sophisticated areas where you have to determine if they are in interstate commerce but, on the whole, you are correct.

THE CHAIRMAN: Delegate Child.

DELEGATE CHILD: The Wagner Act was an act of Congress, a statute, correct?

DELEGATE BOTHE: That is correct.

DELEGATE CHILD: It did not require any constitutional provision to enact that federal statute, did it?

DELEGATE BOTHE: If your point, Delegate Child, is that we could do this without a constitutional provision, I will concede that any moment just as I previously stated, we could probably have all the guarantees and all the protections of this constitution without any provision being made for them.

THE CHAIRMAN: Delegate Child.

DELEGATE CHILD: In other words, as I understand it, you can get the same rights from the Maryland legislature that you now ask us to include in the Bill of Rights?

DELEGATE BOTHE: The Maryland legislature would not so much confer the rights as implement them. For those of us to declare those rights which we are to live by in this State —