refused to either recognize the union or to sit down and engage in collective bargaining.

The court held that the plaintiffs, that is, the working men, were entitled to preventive relief in enjoining the employer from taking any action against them; but they were not entitled to mandatory relief requiring the employer to sit down and bargain. The relief to which they are entitled is to have the rights of those employees who voluntarily choose to organize with them for the purpose of collective bargaining protected from coercion.

The court then went on to say that the constitutional provision was not a little Labor Relations Act, that it was, instead, a declaration of a fundamental right of individuals. They said it was self-executing to the extent that all provisions of the Bill of Rights were self-executing. That is that any governmental action in violation of the right was void as that between individuals. Because the Constitution declared a right, the violation of which is a legal wrong, there was every available appropriate remedy to redress or prevent its violation; however, the constitutional provisions required no affirmative duties concerning the right and only remedies could be applied to their violation. Does that explain to you what the legal consequences unadorned might be?

DELEGATE DUKES: I think perhaps the word you are groping for is yes or no. Would it be the position of the minority that this specific language adopted in the proposed constitution should or should not permit mandatory relief to compel an employer to give his best efforts for compulsory bargaining?

THE CHAIRMAN: Delegate Bothe.

DELEGATE BOTHE: I cannot answer it in one word, Delegate Dukes. On the basis of the case I just cited to you, I do not think it is likely that the outcome would be any different, that it would be possible to go to court and construe this matter as an affirmative ground for relief. However, I would not want the history of this debate to tie the appropriate court. If the time should come, I think the court would have to consider the case on its own merits perhaps using this Missouri Case as a guide.

THE CHAIRMAN: Delegate Maurer.

DELEGATE MAURER: Delegate Bothe, I have some questions on recognition. You say that employees have a right to organize and to bargain collectively. I am a member of a local school system where we have three teachers' organizations. They would all like to bargain collectively, but the problem is, in practice, you can truly only negotiate with one group.

Now, if this were in the constitution and if legislation on the matter did not exist as it does exist now, would the three organizations not have a right to claim that we should negotiate with all three?

DELEGATE BOTHE: The answer I would give you is no, because the statement is, "through representatives of their own choosing," employees' choosing, a majority of the employees. In Baltimore City, as I am sure you are aware, Delegate Maurer, we had at least two organizations of teachers. There was a strike which occurred because one organization felt that it was the representative of the majority and should have recognition. The strike was settled on the basis that an election would be called and that the school authorities would sit down with the union proving itself, as one did, to represent a majority.

Certainly, this provision does not mean that at any time two or more employees get together and want to represent themselves, that it would be the obligation of the employer, be it public or private, to go through full-scale bargaining negotiations.

DELEGATE MAURER: You say "through representatives of their own choosing," means not their choosing their negotiating team, but there must be an election; but could there be some other means in the implementing legislation such as choosing by the enrollment in the organizations as of a certain time?

As you know, this was a matter of great difficulty and perhaps why an employee-negotiating bill failed in the legislature last year for teachers.

Are you in the constitution setting up the conditions under which employment negotiations, collective negotiations in the public sector can be set up?

DELEGATE MAURER: Not at all. This is certainly no subject for the constitution. The constitution should state the principle. It would be hoped, I think, and very desirable, that the legislature set up machinery by which this provision could be implemented.

Certainly, it does not belong in the constitution.

THE CHAIRMAN: Delegate Maurer?