

THE CHAIRMAN: Delegate Child.

DELEGATE CHILD: My question, Delegate Bothe, is, does the legislature have the power to enact legislation which would accomplish the same provision which you asked for to be included in the Bill of Rights now.

DELEGATE BOTHE: Of course it does.

DELEGATE CHILD: So that this matter could be accomplished by the legislature without inclusion in the Bill of Rights, is that correct?

DELEGATE BOTHE: Judge Child, there is utterly no question but that the legislature has power to grant this right or any other right.

Of course, you have the other side of the coin and that is whether the General Assembly should have the authority to take it away. If it were in the constitution, the General Assembly would lose that right. I would argue that this is so important that the discretion of allowing the General Assembly to restrict the right to organize and bargain collectively should be included in this constitution.

THE CHAIRMAN: Delegate Child.

DELEGATE CHILD: Now, you were a member of the Constitution Convention Commission, were you not?

DELEGATE BOTHE: I was.

DELEGATE CHILD: This provision which you now ask to be included in the Bill of Rights was not included in the draft constitution, is that correct?

DELEGATE BOTHE: It was neither rejected nor included in the draft. I did not serve on the committee which dealt with the subject and I do not believe the commission gave it very much consideration one way or the other. After my past three months down here at the Convention I might say there have been many things that I have supported or rejected which as a commission member I approved, and I think this is true for other people. I have noted for instance Dr. Bard, who served with me on the Commission did not bring up consumer protection at that time either. I did not come here prepared to rubber stamp the draft, although I am very proud of it.

THE CHAIRMAN: Delegate Child.

DELEGATE CHILD: That is a rather long answer to my question, Delegate Bothe. I asked you if it was included in the draft.

DELEGATE BOTHE: It is not.

DELEGATE CHILD: In the Bill of Rights.

DELEGATE BOTHE: It is not.

DELEGATE CHILD: Was it considered?

DELEGATE BOTHE: I do not know.

It was not considered on the floor of the Commission at all. It probably was considered by the Commission's Committee on Personal Rights but I did not serve on that Committee.

THE CHAIRMAN: Delegate Child.

DELEGATE CHILD: Do you know whether or not it was considered by the Committee on the Bill of Rights?

DELEGATE BOTHE: No, I do not.

THE CHAIRMAN: Delegate Child.

DELEGATE CHILD: Now, it is not included, at least I cannot find it, in the model state constitution. I have the 1963 edition. Is that the latest edition?

DELEGATE BOTHE: Delegate Child, I would suggest perhaps you did not hear my earlier remarks, that on page 28 of the edition you have there, there is an explanation as to why it was not included which says that its omission was not intended as an expression of policy.

DELEGATE CHILD: That is all.

DELEGATE WAGANDT: I find this provision generally acceptable, but I find myself having a little bit of trouble in a critical area such as that of policing. Can you tell me what has occurred in other cities where police forces have been organized and where there has been a no-strike pledge, when the police were not able to get their demands met through collective bargaining, has the situation arisen where say the absentee system of the police suddenly jumped to 60 or 80 percent.

DELEGATE BOTHE: Delegate Wagandt, I am unfortunately not an authority on the subject of which I speak and I do not want to be caught in any inaccuracies. What I can tell you is simply the result of having discussed this topic with a number of interested parties and there may be others in the room that can add to my response, but it is my understanding that the organization of police has not resulted in any loss of services to the public but on the contrary, has enabled the police to give better service to the community because of the way in which it is carried out.