

I know of no policemen strikes. Perhaps you do, but I do not. I understand that all contracts reached with police contain no strike clauses and this is true also of all the essential fields.

There has been, as I think I stated earlier, no instance where an organized public employees group struck. The instances where strikes occur is where they are striking in order to get what this constitutional provision would guarantee to them.

THE CHAIRMAN: Delegate Bennett.

DELEGATE BENNETT: Delegate Bothe, I would like to go back over this question a little further where you indicated that the General Assembly may pass any sort of legislation concerning employees and their right to organize, their wage standards, and so on.

Now, is it not true throughout the whole history of labor legislation that the courts have been very conservative in their view of legislation without some constitutional provision?

For example, is it not true that the workmen's compensation acts have been struck down time after time because of lack of some constitutional provision in the state constitution? It occurred in Oregon, it occurred in New York, it occurred in half a dozen other states, did it not?

DELEGATE BOTHE: Delegate Bennett, I do not know if this is true because of a state constitution. I know of innumerable situations in which welfare legislation, if you want to call it that, was discovered to be unconstitutional, and this goes back to the days between *Dred Scott* and *Jones and Laughlin*.

THE CHAIRMAN: Delegate Bennett.

DELEGATE BENNETT: And the yellow dog concept. What I am trying to say is I do not believe, nor is it true, that the General Assembly does not have a blank check to write legislation dealing with the rights of employees to organize?

DELEGATE BOTHE: I understand the point you are making and that is there could possibly be a barrier to legislation being enacted without constitutional authorization.

One of the arguments in favor of placing this provision in the constitution would certainly be that it would place beyond any possible doubt the authority of the General Assembly to pass this kind of legislation.

THE CHAIRMAN: Delegate Bennett.

DELEGATE BENNETT: Thank you. That is the point I wanted to bring out.

THE CHAIRMAN: Are there any other questions?

Delegate Neilson.

DELEGATE NEILSON: Delegate Bothe, you made a statement before that the right to bargain collectively is a right that the worker now has and that this particular amendment does not necessarily have constitutional reflection.

I think that is the word used in the model statement. It did not appear to need constitutional reflection, but the statement you made was that perhaps the legislature could take away the right to join or the right to form for collective bargaining.

My question is this: In section 10 of this same article, is it not an area which would fall within reserve rights to prevent the legislature from taking away something that we have as a natural right?

THE CHAIRMAN: Delegate Bothe.

DELEGATE BOTHE: I am a little bit confused by the various questions you have posed. You want to know whether the General Assembly could take this right away?

THE CHAIRMAN: Delegate Neilson?

DELEGATE NEILSON: You made a statement as I understood it, to say that the General Assembly could enact legislation that may take away this particular right to reform or organize.

THE CHAIRMAN: Delegate Bothe.

DELEGATE BOTHE: I believe I did say that.

THE CHAIRMAN: Delegate Neilson.

DELEGATE NEILSON: Is there not a reservation in item 10, section 10 of this same article that we are discussing that would preserve this right?

THE CHAIRMAN: Delegate Neilson, if you will permit the Chair to ask you, do you mean your question to be directed to the situation that exists if this amendment were not made?

DELEGATE NEILSON: Yes, sir.

THE CHAIRMAN: Delegate Bothe.

DELEGATE BOTHE: There is a rather learned article on reserve rights by Delegate Hardwicke attached to the report of