

THE CHAIRMAN: Delegate Wheatley.

DELEGATE WHEATLEY: Mr. Chairman, fellow delegates, the issue presented by this amendment, I think is a relatively clear one: has a right not previously recognized, developed in the last century, which now warrants constitutional recognition?

Certainly reasonable men and women can disagree on this answer. I, however, think that answer should be affirmative. In the last century the right to bargain collectively by representatives of one's own choosing has won almost universal acceptance.

The issue before us today is not one of union shop or open shop. These decisions if made at all, occur as secondary questions to be reached by the legislature, in the democratic election process.

The right sought here is a neutral one. However, without this recognition, which the amendment suggests, the basic issue of representation is not resolved. It is absent and in its place we provide unrecognized channels and actions that precipitate unrest and confusion.

I would suggest that attempts to affirm the rule of reason in this most vital area could best be made by the adoption of this amendment, and therefore, Mr. Chairman, and fellow delegates, I earnestly solicit your support as reasonable men and reasonable women to weigh the issue before you and thereby cast your vote in favor of this amendment.

THE CHAIRMAN: Delegate Kiefer.

DELEGATE KIEFER: Mr. Chairman, I yield three minutes to Delegate Child.

THE CHAIRMAN: Delegate Child.

DELEGATE CHILD: Mr. Chairman, ladies and gentlemen of the Committee, I rise to oppose this amendment.

As I have said before, in the Committee on Personal Rights and the Preamble, we had the duty of writing the Bill of Rights. We had laid down for us by the Commission, after two years of study, rules and regulations as to that Bill of Rights, and one rule, and the cardinal rule, was that the Bill of Rights should state very briefly and very clearly the rights which each individual holds free from governmental action; in other words, the individual holding free his personal action as against the state.

Now, what do we have in this resolution? We do not have an individual asking

for a right. We have a class of people, of employees, asking for a right, not against the State, if you please, but against another individual.

When we reached that point, I might say we had many proposals, and many witnesses appearing, asking for something in the Bill of Rights for this class against that class, for this individual against that individual, but we decided that all questions providing for rights of one individual against another individual or one class against another class had no place in the Bill of Rights of this constitution, and that is the main reason why this proposal, and many others like it or similar to it, not on labor but on many subjects, were excluded from our consideration.

THE CHAIRMAN: You have one-half minute, Delegate Child.

DELEGATE CHILD: Another reason why it should be excluded, is that it was brought out in the testimony before our Committee that this same remedy had been sought time and time again from the legislature of this State, without avail, and that now they want to force the legislature to act by putting this subject in the Bill of Rights.

THE CHAIRMAN: Your time has expired, Delegate Child.

DELEGATE CHILD: For those two reasons, the Committee rejected, and I ask you to rule with the majority of the Committee and reject this amendment.

THE CHAIRMAN: Delegate Bothe.

DELEGATE BOTHE: I yield two minutes to Delegate Kosakowski.

DELEGATE KOSAKOWSKI: Mr. Chairman, fellow delegates, about forty years ago there was a terrible fire in New York City at the Triangle Shirtwaist Factory. The owner of the factory had not provided adequate fire escapes. Many of the employees, mainly women, who had recently come to this country from Europe, were trapped in the upper floors where they had to work twelve to sixteen hours a day for pitifully low wages.

This tragedy pointed out to the nation the need of the working man and woman to have something to say about their wages, their hours of work, and the conditions under which they worked.

The Triangle fire was a major factor leading to the enactment by Congress in 1935 of the Wagner Act. The Wagner Act