

THE PRESIDENT: Delegate Bothe.

DELEGATE BOTHE: Mr. President and fellow delegates, the provision which you are being asked to consider was passed by a vote of eighty-three to thirty-seven by this body sitting as a Committee of the Whole. This was passed after five hours of debate, protracted questioning, and much consideration, and after the Committee on Personal Rights devoted approximately one full day and a half to hearings, pro and con, on this issue.

There is nothing that can be said or has been said since the action of the Committee of the Whole which was not known to all who were in this room at that time. I hesitate to embark upon a complete explanation of the action which was taken at that time although I suppose it must be done at least to the extent of answering some of the various letters and questions that have been reiterated since.

The subject to which Delegate Hostetter addresses himself is the one, of course, to which the debate was largely directed when the matter was before the Committee of the Whole, and that is whether this provision belongs in the Declaration of Rights.

Of course, it does. One would think perhaps that we were debating in the Convention in which the gentleman's picture over on the wall was taking place one hundred years ago in 1867. This matter would have been a subject of great debate and contention as to whether employees should have any rights vis-a-vis their employers, but this is 1967. Maryland is anachronistic in that the right has not been fully realized long since.

In the State of New York which I believe was the first to provide in its constitution for a recognition of a right to organize and bargain collectively while the new Constitutional Convention of this year recommended continuation of that provision. The debate in the New York Convention was whether it was still necessary to continue it because it had become so firmly established.

We here in the Convention are not continuing many provisions of the current Declaration of Rights of the Maryland Constitution. One example is the prohibition against slavery. It is no longer necessary to speak of that. What we need to speak to and of today is the rights of people in 1967 in a modern industrial society where the relationship between employer and employee is one of the most pervasive and perhaps the most important

which the average man or all the citizens of the State enter into. I do not think it is necessary to point out statistically that just about all of the citizens of the State of Maryland are either employers or dependent upon the wages and working conditions of an employer for their own livelihood and well being.

Some five hundred thousand citizens of this State who are working people do not have any realization of the right to organize and bargain collectively because they are not covered by federal law and there is no state provision. It has been said that the whole subject should be a statutory one. I agree. It should largely be a statutory one, but the principle is of constitutional dimension.

And, it is only the principle which is expressed here in the Declaration of Rights before you today, the principle that employees shall have the right to organize and bargain collectively.

Of course, it will be and should be regulated by statute, and I point out that there are many rights that are regulated by statute. One that was just discussed in such length was eminent domain. We have a simple statement in the constitution that property shall not be taken or damaged without just compensation, and then we have a full legislative article setting forth how property can be taken, what fair standards there are —

THE PRESIDENT: You have three-quarters of a minute, Delegate Bothe.

DELEGATE BOTHE: The same would apply under the provision which is here advocated.

This provision could be the most important which we put in a Declaration of Rights. Employees should have the right to organize and bargain collectively if they choose to do so. They do not have it now. It is one of the most important prerogatives of the individual citizen of this State that can be had or realized. I urge that you reject this amendment and put in the Maryland constitution a right which four other state constitutions have recognized, which almost every other state in the Union has recognized, which is long overdue in the State of Maryland.

THE PRESIDENT: Delegate Sherbow.

DELEGATE SHERBOW: Mr. President and ladies and gentlemen, I hope that you will support this amendment and delete this provision and these are the reasons on which I urge this decision.