

that three times I opposed the insertion in the constitution of the unembellished right of collective bargaining and the right to organize. I believe that it has no place in the constitution, and that it should have been provided for in the statutes, because it is a right that has to be accompanied by a great deal of regulation, both by a legislative body and by an administrative body.

However, I feel that if it were to be stricken now and stricken by a margin of a few votes, it would only be a pyrrhic victory for those who wanted to extricate it from the constitution.

I think that actually many of those who supported the insertion of provision 1.17 agree that it must be made clear that the General Assembly of Maryland has plenary power to regulate this right in great detail, and that is the purpose of my amendment, to make clear that the General Assembly of Maryland will have in this area roughly an analogous power to what the Congress has to deal with collective bargaining in the federal sphere.

For example, I think it perfectly clear that the General Assembly, by statute or by administrative regulation under some board created by statute, could prohibit the right to strike on the part of the public employees, could require as a condition that a union be recognized as a collective bargaining agent for public employees, that the union agree to a no-strike clause in all its contracts, and could provide for orders disestablishing a union for abuse of the collective bargaining activities.

So far as the right to strike is concerned, even if my amendment were not offered, I think it is perfectly clear, and it certainly is the intention of my amendment to make clear, that the General Assembly of Maryland maintain the power to prohibit strikes in the areas in which public employees are involved, and indeed beyond that, in areas where private employees are involved, but where the particular industry in which they are employed affects the public interest.

In other words, the right to strike or not to strike, or the right of the General Assembly to outlaw strikes in certain areas is not affected by 1.17, and it is the purpose of my amendment to make that clear.

Further, it is the intention of my amendment to make clear that the General Assembly could classify the area of collective bargaining activity and perhaps impose a much narrower sphere of what is a fit subject for collective bargaining in the field of

public employees than it could be in the field of private employees; but the point is that this right must be regulated. This right must be embellished by statute and administrative regulations.

The General Assembly retains the plenary power to do that. If there were any doubt about it, my amendment would eliminate it. That is the purpose of my amendment, and I hope that if my amendment is adopted section 1.17 would be more palatable to some of those with whom I joined on three occasions in accepting the idea of the right of collective bargaining.

We have come a long way. It is a long time since 1935, and I think generally the right to collective bargaining on the part of public employees is gaining public acceptance.

I would have preferred it be in the statute at the pleasure and in the good time the General Assembly wanted to grant it, but it looks as if it may be in the constitution. If it is to remain in the constitution, let it be perfectly clear that it is a right subject to the very strict and severe regulation on the part of the General Assembly, but not, of course, going so far as to deny the right or take away the right; although I suppose in an appropriate case if a union, especially a union representing public employees, abused the right there could be an order of disestablishment setting aside a collective bargaining election.

All of these matters should repose with the General Assembly and subsequently. I suppose, repose with the administrative agency, like a little labor board created by the General Assembly. That is the only way the right can be effective, and that is the only way abuse of the right can be effectively protected, too.

THE PRESIDENT: Does any other delegate desire to speak in opposition to Amendment No. 13?

Delegate Cardin.

DELEGATE CARDIN: Mr. President, I have a parliamentary inquiry.

Irrespective of the outcome of Amendment No. 13, will we still have Amendment No. 5 before us?

THE PRESIDENT: Yes, you will.

DELEGATE CARDIN: Thank you.

THE PRESIDENT: Delegate Kiefer.

DELEGATE KIEFER: Mr. President, I did not want to speak in opposition, but I