LEGISLATIVE COUNCIL

of the

COLORADO GENERAL ASSEMBLY

An Analysis of

1958 BALLOT PROPOSALS

Research Publication No. 23

1958

LEGISLATIVE COUNCIL

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In conformance with the provisions of Chapter 123, Session Laws of 1953, which requires the Legislative Council, among other duties, to "...examine the effects of constitutional provisions..." there is presented herein a copy of its analysis of the 1958 ballot proposals. In addition to listing the PROVISIONS and COMMENTS relating to each such proposal, there are also listed the arguments most commonly given for and against each.

It should be emphasized that the LEGISLATIVE COUNCIL takes no position, pro or con, with respect to the merits of these proposals. In listing the ARGUMENTS FOR and the ARGUMENTS AGAINST, the Council is merely putting forth the arguments most commonly offered by proponents and opponents of each proposal. The quantity or quality of the FOR and AGAINST paragraphs listed for each proposal is not to be interpreted as indications or inferences of Council sentiment.

BALLOT TITLES

Constitutional Amendments Submitted by the General Assembly:

1. Submitting to the qualified electors of the state of Colorado, an amendment to Article XII of the Constitution of the state of Colorado, concerning the competitive civil service of the state.

2. Submitting to the qualified electors of the state of Colorado an amendment to Article XIV of the Constitution of the state of Colorado, relating to the compensation of county and precinct officers, and to the terms of office of county, township, precinct and municipal officers whose terms of office are not otherwise provided for in the Constitution.

3. Submitting to the qualified electors of the state of Colorado an amendment to Article XIV of the Constitution of the state of Colorado, concerning county government and providing for alternate forms of county government.

Constitutional Amendments Submitted by Initiated Petition:

4. An act to amend Article XVIII of the state Constitution making lawful the conducting of certain games of chance by certain non-profit organizations and prescribing restrictions therefor.

5. An act to amend Article II of the state Constitution providing that membership or non-membership in any labor union or organization shall not be required as a condition to obtain or retain employment.

AMENDMENT NO. 1 - CIVIL SERVICE

PROVISIONS. (1) Eliminates Rule of One - authorizes the General Assembly to determine the number of persons who shall be certified by the civil service commission as eligible for appointment.

(2) Probationary Period - authorizes appointments for a probationary period not to exceed one year.

(3) Provisional Appointments - provides the authority to appoint persons on a provisional basis if there is no eligible roster, but limits the period of such appointment to eight months.

(4) Permanent Status for Present Provisional Employees - provides permanent status for all provisional employees if employed for two years or more immediately prior to effective date of the amendment. Those provisional employees with more than six months but less than two years service would be given probationary status. All others would retain the status they have as of the effective date of the amendment.

(5) Qualified Electors - eliminates the requirement that all appointees be qualified electors of the state.

(6) Civil Service Commission - (a) provides for continuation of the civil service commission; (b) eliminates the present minimum salary provision; (c) provides for appointment of the civil service commission by the incoming Governor rather than as one of the last official acts of the outgoing Governor.

(7) Personnel Director - provides that the general administration of the state personnel program is the responsibility of a personnel director to be appointed by the civil service commission after competitive examination; however, the personnel director would not be under civil service.

(8) Personnel Exemptions from Civil Service - currently these positions are exempt: (1) judges and clerks in courts of records and one stenographer of each judge; (2) all appointees for judicial functions; (3) receivers, jurors, members of unpaid boards and commissions appointed by Governor; (4) members of industrial commission, public utilities commission, civil service commission; (5) Governor's private secretary and three confidential employees; (6) appointees to vacancies in elective offices; (7) one deputy in each elective office; (8) officers and teachers in educational institutions not reformatory or charitable in character; (9) all attorneys at law serving as such; and (10) officers and employees of the General Assembly.

The amendment excludes, in addition to the above list, the following:

(a) executive, administrative and professional employees of the state department of education;

(b) officers, administrative and department heads, and curators in the state historical society;

(c) all members of the teaching faculties of any state institution whose sole duty with such institution is teaching;

(d) consultants and counsel rendering temporary professional services under contract;

(e) part-time employees who are regularly employed for less than one-third time throughout the year or who are employed in seasonal or temporary employment for not more than 120 calendar days in any consecutive twelve months;

(f) students or inmates employed in any state school or institution;

(g) one additional confidential employee of the Governor's office and such administrative assistants as he may appoint;

(h) the chief administrative officer of each of the following departments: agriculture, employment, health, highways, institutions, natural resources, purchasing, revenue and public welfare, but only if such exemptions shall hereafter be prescribed by law.

(9) Classification and Compensation - clarifies the civil service commission duties regarding classifying and assigning positions to pay ranges; provides that the General Assembly shall establish pay ranges comparable to prevailing rates of pay for similar positions in private and other public employment.

(10) Veteran's Preference - continues veteran's preference on all open competitive exams, eliminates preference on promotional exams, except on first promotional exam after absence because of armed services duty, if the veteran had civil service status when he entered the armed services.

(11) Promotions - civil service commission shall provide for promotion by demonstrated efficiency and performance tests, or both.

(12) Superannuation - General Assembly may provide by law for retirement because of superannuation or disability.

(13) Appropriations - continues provision that General Assembly shall make adequate appropriations for merit system operation and adds a provision which permits the General

Assembly to pro-rate administrative costs among all departments and agencies.

(14) Commission Rules - gives Governor authority to approve or disapprove rules adopted by the civil service commission.

COMMENTS. The amendment provides that a certified employee who accepts an appointment to an exempt position shall retain all his civil service rights including retirement equities and upon termination of such appointment shall be reinstated in the position to which he was certified when so appointed, provided such position still exists.

The rule of one would be changed so that instead of only the top person on the list being certified for a job, the General Assembly may determine by statute how many persons may be certified by the civil service commission so that a state agency may have a choice in filling a position. The amendment authorizes a probationary period not to exceed one year after a person is employed. At present, there is no probationary period, and once a person is certified to a position he has tenure from then on.

Provisional appointments are restricted to those positions for which there is no eligibility roster, the same as existing practice. However, provisional appointments would be limited to a period not to exceed eight months and would not be renewable or extendable.

Most of the several thousand provisional employees would gain permanent certified status by virtue of the proposed amendment. If a provisional employee has been in a civil service position for at least two years prior to the effective date of the amendment, he would automatically receive permanent status.

The process by which promotions may be obtained is also clarified. At present, promotions may be made only after competitive examinations. The proposed amendment provides that promotion may be determined by demonstrated efficiency and performance and tests, or both.

The commissioners' salaries will be fixed by the General Assembly with no constitutional minimum. Except for the extension of the present commissioners' terms an additional sixty days, as stated above, no other change is made in the length of term which remains at six years. At present the Governor alone appoints the commissioners, the proposed amendment provides that the Governor shall appoint with the consent of the Senate.

A state personnel director is provided for in the proposed amendment who shall have the responsibility for the state personnel program. He would be appointed by the commission after competitive examination, but would not be under civil service. At present, the state has a personnel director, but his position and functions are not defined by the constitution.

POPULAR ARGUMENTS FOR. (1) This amendment provides the means by which the antiquated state civil service system can be altered to meet the personnel needs of a modern state government without destroying the safeguards or altering the philosophy of a personnel system. It carries out the recommendations of a recent study of the state civil service program by a team of personnel experts.

(2) By providing in the constitution for a state personnel director who is given the responsibility for operation of the personnel program and giving the civil service commission rule making and policy powers, the framework is established for an efficient and flexible personnel program.

(3) The provision "blanketing in" or giving permanent status to the several thousand provisional employees offers security to present employees, most of whom have served the state for a long period of time without the protection and status which should result from service in a personnel merit system.

(4) The probationary period will provide an additional check on the capabilities of new employees and make it possible to remove incompetent persons before tenure makes such action difficult.

(5) The limitations on new provisional employees will make it impossible to have a repetition of the present situation in which many provisional employees have been in state service a number of years without achieving permanent status.

(6) With the approval of the General Assembly, it would be possible to remove certain department heads from civil service and make them directly responsible to the Governor. This would give him greater authority in the control of state affairs and coupled with the 4-year term for Governor would permit him to develop his administrative program as well as make him more fully accountable to the voter for the efficient conduct of state business.

(7) Removal of the "qualified elector" requirement would make it possible for the state to recruit for qualified employees in the 18 - 21 age bracket.

(8) By clarifying provisions relating to conditions for promotion, this amendment makes it possible to have a career service in state employment. Demonstrated efficiency and performance are necessary factors to be considered in promotion in addition to tests, as needed.

(9) Limitation of veterans' preference to the initial job examination, to all open competitive exams and to the first promotional exam upon return from service, if previously a certified employee, makes sufficient compensation for time lost in military service while establishing that promotions shall be based on merit.

POPULAR ARGUMENTS AGAINST. (1) This amendment would give the Governor and the General Assembly greater control over the civil service program which could lead to a return of the spoils system in state employment.

(2) The Governor is given greater control over the civil service commission through the provisions of the amendment which (a) allow an incoming Governor to appoint a majority of the commission members during his four year term and (b) give him veto power over commission rules and regulations.

(3) In addition, the power of the commission is curtailed by setting up the personnel director as the person responsible for operation of the merit system. Since the salary minimum of $2,500 for commissioners is removed and a full time commission is not required, the General Assembly could eliminate the commission for all intents and purposes by making it a part-time unpaid board.

(4) If the General Assembly acted to exempt additional department heads from civil service as it may do under this amendment, the Governor would be able to make additional political appointments.

(5) Four of the agencies, (highway, health, welfare, and agriculture) in which the General Assembly might remove the director from civil service by virtue of this amendment, have policy making boards. If they were removed from civil service, they would be directly responsible to both the Governor and their boards, a situation which could impair efficient governmental operation and make fixing of responsibility more difficult.

(6) The salary of the personnel director might be fixed by the General Assembly. If the powers of the commission are curtailed, which could happen as explained in (3) above, the personnel director would then be directly subjected to pressure by the General Assembly because of its salary fixing power. The personnel director should also be a civil service employee to keep him from being subjected to such pressure.

(7) The automatic "blanketing in" (grant of permanent status) to all provisional employees might result in the retention of incompetent workers.

(8) Veterans' preference on promotional examination should be continued as an obligation of the state to those who interrupted their career for military service.

AMENDMENT NO. 2 - COUNTY SALARIES

PROVISIONS. This amendment permits the General Assembly to:

(1) change the salaries of county and precinct officers at any time;

(2) authorize payment of salary to certain county and precinct officials now paid by fee;

(3) base salary changes on factors other than county population;

(4) determine the terms of all county, precinct and municipal offices which have been previously created by the General Assembly.

COMMENTS. (1) Under present constitutional provisions, the salary changes of county and precinct officials can become effective only at the beginning of a new term of office. This amendment would allow the General Assembly to change the salaries of these officials during their terms of office.

(2) The salaries of some county officials are determined by the population of the counties which they serve. Population could continue to be one of the factors used in determining salaries, but this amendment would allow the General Assembly to consider other factors as well. These factors are to be determined by the General Assembly and are not set out in the amendment.

(3) Certain precinct officers, such as justices of the peace and constables, are presently compensated by fees rather than salaries. This amendment authorizes the General Assembly to place such officials on a salary.

(4) By the provisions of a 1954 constitutional amendment, county commissioners, assessors, clerks, sheriffs, attorneys, superintendents of school, treasurers, coroners and surveyors had their terms of office extended to four years. These county officials would not be affected by this amendment. The terms of office of municipal officials in Home Rule cities are set by city charter. These officials would also remain unaffected by this amendment. The terms of office of the remaining county and municipal officers and all precinct officers would, however, be subject to change by the General Assembly under this constitutional proposal.

POPULAR ARGUMENTS FOR. (1) The General Assembly would be able to adjust the salaries of local governmental officials to meet constantly changing living costs. Salary increases could also be given to compensate for any increase in the work or responsibility of a particular office.

(2) By placing present fee officials on a guaranteed salary basis, it would be possible to attract more qualified candidates to fill these offices.

(3) Salaries of public officials would be more realistic if based on more equitable factors than county population. Individual county work load, for example, might be used as a basis for determining the salaries of county officers.

(4) With longer terms allowed by the constitution, it would be possible for the General Assembly to set up over-lapping terms, giving more stability and continuity to local governmental affairs.

POPULAR ARGUMENTS AGAINST. (1) It is not desirable to allow for salary changes of public officials during their terms of office. The amendment would make it possible for certain public officials to receive abnormal salary changes during their terms of office.

(2) No further provision should be made for the extension of terms of office. Elected officials should be made to account to the voters frequently for their actions. An incompetent official elected for a four year term can do a lot of harm before his term expires or before he can be recalled.

(3) This amendment would mean further legislative control over salaries of public officials. These are matters which should be taken out of the realm of legislative activity and given constitutional protection.

AMENDMENT NO. 3 - COUNTY GOVERNMENT

PROVISIONS. This amendment provides that:

(1) The General Assembly is permitted to create alternative forms of county government, including a "county home rule charter" form of government.

(2) The alternative forms of government are to have only such powers as may be granted by the General Assembly -- powers which could be extended, amended or repealed at any time.

(3) No alternative form of government could become operative until submitted to the county electorate and approved by a majority of those voting.

(4) The General Assembly is empowered to authorize any county to provide local improvements and services, provided such improvements and services are financed by the owners of the benefited property.

COMMENTS. (1) After alternative forms of government have been established by the General Assembly, this amendment would enable the people of a county to choose the form of government they desire. The counties which meet requirements as set by the General Assembly may adopt a "home rule charter" form of government. While the exact powers of this form of government are to be determined by the General Assembly, "home rule" would allow a county a greater measure of self-government. Within legislative limitations, home

rule counties might have authority to enter those areas of regulation which the state has not already pre-empted--similar to the powers presently possessed by Colorado Home Rule Cities.

(2) At the present time there are twelve states which provide for alternative forms of county government. Seven states have made home rule available to their counties. There are now seventeen counties in the United States which have adopted a home rule form of government; no county has ever repealed a home rule form of government once adopted.

(3) The amendment does not require a county to change its present form of government. A change of government can only result if the people of a county so desire.

(4) Under present constitutional provisions the county is limited in the improvements and services it may provide. The General Assembly is authorized by this amendment to increase the number of the improvements and services that a county may provide. This amendment requires, however, that the county pay for any additional improvements and services only by charges, taxes and assessments upon benefited property. This provision means that those who benefit from these county services must pay for them.

POPULAR ARGUMENTS FOR. (1) With alternative forms of government, a county could select the type of government most suitable to its needs. This would enable a county to operate more efficiently and economically.

(2) The doctrine of "home rule" is consistent with the long established democratic principle of self government. It permits the people of a county to exercise more control over the matters which concern them directly.

(3) This amendment would allow the General Assembly to improve the structure of county government by establishing streamlined alternative forms of government. It would, for example, make it possible for the General Assembly to create a form of county government with an executive branch.

(4) County home rule would give the citizens of a county a good opportunity to become more interested in their government. It would require them to draft a charter and then insure that it is followed. County officials with lines of authority clearly fixed in a charter will be more responsible to the voters.

(5) If, under the amendment, the General Assembly allowed a county to provide additional improvements and services, a densely populated county would be better able to satisfy the governmental needs of unincorporated urban areas. Some areas in these counties are presently receiving such improvements and services from numerous special districts. Others are receiving no urban-type services at all. Counties, as long-established governing units, are better able to provide these services to all the residents of a county.

(6) Present constitutional provisions leave county residents no choice as to the form of their county government. This amendment would allow them to have that choice.

(7) The General Assembly would be free to change the established alternative forms of county government to meet future governmental needs and conditions.

POPULAR ARGUMENTS AGAINST. (1) The form and structure of county government would be subject to the threat of constant change. This could have a bad effect on the stability of county government operations.

(2) The county is a creature of the state and, as such, its primary purpose is to administer certain state functions at the local level. Any extension of self-governing powers to the county would be a departure from its traditional role as an administrative subdivision of the state.

(3) The necessary municipal-type services required by a densely populated area can best be provided by incorporated towns and cities. Counties are not and probably cannot be made structurally able to provide all the necessary urban services.

(4) If, under this amendment, counties were authorized to perform municipal-type services, there could be a further increase in the governmental duplication and waste now existing in most urbanized areas. This, in turn, might discourage the governmental consolidation and cooperation which is really needed to solve urban problems.

(5) If counties were empowered to provide urban-type services, existing municipalities would find it more difficult to annex unincorporated fringe areas. It is not desirable to inhibit the expansion of our cities and towns.

AMENDMENT NO. 4 - LEGALIZED GAMES OF CHANCE

PROVISIONS. This amendment would prohibit the General Assembly from authorizing lotteries for any purpose, but would make lawful conduct of certain games of chance under specified conditions, beginning January 1, 1959. These conditions are:

(1) A firm or organization conducting such games must apply to the secretary of state for a license, at an annual fee of $50.00, such license to expire at the end of each calendar year in which it was issued.

(2) Conduct of games of chance is restricted to only bona-fide chartered branches, lodges, or chapters of national or state organizations, or to bona-fide religious, charitable, labor, fraternal, educational, voluntary firemen's or veterans' organizations of at least five years standing, which operate without profit to dues-paying members.

(3) Games of chance are limited to the specific kinds commonly known as Bingo or Lotto in which prizes are awarded on the basis of designated numbers or symbols on a card, and to raffles, in which prizes are drawn or allotted by chance.

(4) The entire net proceeds of such games or raffles shall be used only for the lawful purpose of the conducting organization.

(5) Only bona-fide members of aforementioned organizations may manage or operate such games for the organization, such management or operation to be performed without profit or remuneration.

COMMENTS. The amendment would replace Section 2, Article XVIII of the Colorado Constitution which reads: "The General Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this state."

A legislative proposal to submit this same proposition to the Colorado voters was defeated in the 1958 legislative session. Thereupon supporters of the measure used the power of initiative, as provided in the State Constitution, to secure the requisite number of voter signatures to petitions requesting that the proposed amendment be submitted to a vote of the people at the November, 1958 General Election.

Eleven states had legalized Bingo, or Beano, prior to 1957.[1] Of the eleven, all have similar statutes except New Jersey. In general, these statutes require: (a) licensing control, (b) a limitation on the value of the prizes given, and (c) operation by charitable or civic organizations.

The New Jersey statute, considered a model by many authorities, because it contains all of the basic requirements of legislation in this area, created a state commission called "The Legalized Games of Chance Control Commission." At the November 1957 election, New York voters approved a constitutional amendment which permits voters of localities to decide by referendum whether their local governments may authorize Bingo games, regulated by state licensing and control laws.

POPULAR ARGUMENTS FOR. (a) Authorized organizations can receive substantial benefits from games of chance operated within limits of the law. Revenue derived from this source has sustained many established charitable, child welfare, youth, rehabilitation and educational programs.

(b) Bingo cannot be characterized as gambling; many religious organizations approve it. Bingo is a natural and innocuous outlet for gambling instincts, and properly regulated and supervised, the game will not cause heavy financial losses.

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1. Connecticut, Maine, Maryland, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, Rhode Island, Vermont, Wyoming

(c) Experience of states legalizing Bingo shows that proper regulation and supervision will keep the game out of the hands of the professional promoters and racketeers. By this proposed amendment, the General Assembly is mandated to pass laws to effectively insure that games are rigidly restricted to prevent commercialized gambling.

(d) To be realistic it should be recognized that games of chance operate today in many communities even though it is forbidden. For the most part these games of chance occur with the knowledge of local law enforcement officials. Since public opinion in many instances may not support enforcement, it is only logical that the state endorse by law, activities which go on with fainthearted objection. The full effect of evasion of the law may have far-reaching consequences not only upon law enforcement agencies, but upon youth and the body politic. This can also lead to political abuses and graft.

(e) The state allows pari-mutuel betting on dog and horse racing, a form of gambling which results in far greater losses than Bingo; further, the individuals who frequent the dog and horse tracks are people who in many instances have heavy family responsibilities and can ill afford such losses, while Bingo for the most part appeals to an older group.

(f) Legalizing Bingo and raffles will provide additional revenue to the state. This is the only ballot proposal which would provide outside revenue to the state.

POPULAR ARGUMENTS AGAINST. (a) Gambling is a moral and social evil. It undermines our economic order, favors the philosophy of getting something for nothing, encourages habits of idleness and indolence, is opposed to industry, preys upon psychological infirmities of individuals, and leads to social demoralization.

(b) A double standard of conduct is indefensible intellectually and morally. Gambling which is prohibited to the general public as wrong and antisocial cannot be defended as proper or right when conducted by the moral leaders of society and our churches, should they be designated as agencies in which gambling might legally be permitted.

(c) Once the door is opened to legalized Bingo, it is likely that gambling legislation of a more serious nature will receive support, that limits on prize amounts or value will get out of hand, and that off-premise raffles will lead to an unsurmountable policing problem.

(d) In one state where Bingo was legalized, there have been cases of fraternal organizations turning the operation of Bingo games over to professionals.

(e) Like other forms of gambling, Bingo corrupts police officers and courts; when law enforcement officers are influenced to ignore anti-gambling laws, they become cynical about all law enforcement. It abets juvenile delinquency by fostering disrespect for the law.

(f) The amendment provides no local control over licensing games of chance.

(g) Funds for educational and charitable purposes can be raised by other methods than games of chance.

AMENDMENT NO. 5 - UNION MEMBERSHIP

PROVISIONS. This amendment:

(1) provides that no person shall be denied the freedom to obtain or retain employment because of membership or non-membership in any labor union or labor organization;

(2) prohibits the state of Colorado or any subdivision thereof, or any individual, corporation, agent, employee representation committee, or any kind of association from entering into or extending any contract, agreement, or understanding, written or oral, which excludes any person from employment or continuing employment because of membership or non-membership in any labor union or labor organization.

COMMENTS. A closed shop agreement provides that an employer cannot employ anyone who is not a member of the labor union with which the employer has an agreement.

A union shop agreement provides that an employee must join the union, with which the employer has an agreement, after a specified length of time - usually 30 days.

Closed shop agreements are prohibited in industries engaged in interstate commerce by the federal government through the Labor-Management Relations Act of 1947.

The Colorado Industrial Commission has interpreted the Colorado Labor Peace Act of 1943 to prohibit closed shop agreements in industries operating in intrastate commerce.

Present statutory limitations and regulations pertaining to union shop agreements are as follows:

(1) The Colorado Labor Peace Act provides that before a union can enter into negotiation with an employer for a union shop agreement, a vote must be taken of all the employees who are represented by the union, whether members or not. Seventy-five percent of all employees must vote for a union shop, but even if endorsed by employees under the provisions of the Colorado Labor Peace Act, the employer is under no obligation to agree to a union shop.

(2) The Taft-Hartley Act makes it unlawful for a union to charge its members excessive or discriminatory fees or dues. Under a union shop agreement, it is illegal for the union to reject the applicant for membership in the union; expulsion from the union for other than non-payment of dues cannot be used as grounds for discharge from employment.

POPULAR ARGUMENTS FOR. (1) It is an infringement of individual liberties to require that a person belong to or join a union to keep his job whether or not he so desires.

(2) During the 1930s legislation was passed to correct employment discrimination against union members. The right of union membership has thus been protected; this amendment will protect the rights of those employees who do not wish to be union members without impairing the rights of those who do.

(3) If the benefits and advantages of union membership are worthwhile, employees will join without compulsion. Unions will be more democratic and will follow more closely the wishes of the rank and file if they have to "sell" their services as other organizations do or as businessmen do their products.

(4) Hearings before the McClellan committee have shown the extent of union corruption and misuse of funds. No person should be compelled to retain membership and pay dues in a corrupt labor organization, because of a union shop agreement. If employees are not compelled to belong to the union in order to keep their jobs, they may feel freer to take part in and exercise control over union affairs.

(5) The labor leaders want retention of the union shop because it makes it possible to maintain union membership at a stabilized high level without much effort on their part to work for the welfare of the rank and file.

(6) This amendment does not outlaw unions. On the contrary, unions have continued to exist and gain membership in those eighteen states where similar constitutional amendments or legislation have been passed.

(7) Employees can be unionized against their will under existing Colorado law. Opportunity to get or hold a job should not be dependent on joining a union. Unions do not need compulsory membership to grow and function effectively.

(8) More new businesses would be attracted to the state if this amendment were passed.

POPULAR ARGUMENTS AGAINST. (1) Prohibition of union shop agreements is an unnecessary governmental interference with the rights of both labor and management to bargain collectively over the conditions of employment. It not only prevents unions from negotiating for a union shop when its members want one, but it also interferes with those employers who either desire a union shop or may wish to agree to one in exchange for other concessions.

(2) By law unions must represent all employees in the bargaining unit including those who are not members. For this reason prohibition of the union shop is unfair to union members because it gives legal sanction to those employees who benefit from having the union represent them but who do not help pay, through dues, for the cost of obtaining the benefits.

(3) The history of union shop elections has shown that the rank and file union members want union security as accomplished through union shop agreements. Under a provision of the Taft-Hartley Act repealed in 1951, union shop elections were held in plants and business establishments employing 6,500,000 employees, including those who were not union members. Of the 5,500,000 employees who cast ballots, 5,000,000 voted to authorize the negotiation of a union security clause. In other words, 90% of those who voted wanted a union shop.

(4) If union shop agreements are outlawed, there is no way to prevent an anti-union employer from deliberately hiring enough non-union workers eventually to have the required number to call for a union decertification election and thereby get rid of the union as the bargaining agent for his employees.

(5) This amendment does not guarantee anybody's right to a job. Having to pay union dues after a grace period is no different as a condition of employment than having to join a pension or health insurance program or agreeing to obey management rules and regulations.

(6) Passage of this amendment will create a hostile atmosphere for the conducting of labor-management relations which may impair the peace and harmony developed between employers and unions over the past twenty years.

(7) With one exception, the eighteen states, which have outlawed the union shop are among the less industrialized and organized states. Excluding Indiana, no highly industrialized or organized state has given sanction to union shop prohibition. In general, the major employer sponsors of such legislation or constitutional amendments are unorganized employers who have no interest or experience in building good management - union relationships.

(8) If union shop agreements were outlawed, general lowering of wage scales and purchasing power would result.

(9) Abuses of power by union officials can be corrected by responsible union members under existing legislation; outlawing union shop agreements would do nothing to increase union responsibility.

NOTES: