

When that is true, a strike or a lockout does not play its normal function in collective bargaining. It would not be against the other party. It would be against the country.

So I have thought of this as a situation in which there is no question about the necessity of our doing something if they don't, but, rather, a question of what to do. It has seemed to me that the one thing that we must do in this case is find a basis for reconciling two essential, basic, public interests.

One is maintaining our rail transport and the other is maintaining the institution of free, collective bargaining.

House Joint Resolution 559 is an attempt, and I think a successful and constructive attempt, to achieve this dual purpose. It has three characteristics and they all have the common denominator of assuring the fullest possible play even in these extreme circumstances of the forces of collective bargaining. This dual purpose is served in three ways:

First, this resolution affords every conceivable opportunity to the parties to settle this matter by agreement. I point out that the resolution comes at the end of a period in which all of the normal processes of law have been brought to bear to assure these parties free, collective bargaining, and the Congress has then gone twice to the unprecedented length of extending the status quo period for the purpose of letting collective bargaining work.

I am glad to live in a country which is willing to go to that length to let two parties settle an agreement involving all that is involved here in their own way. I am glad to live in a country that is willing to move into the short shadow of disaster to let two parties come to agreement on a matter involving the public interest. That is where we are today.

So we proceed from a situation in which the country has already gone that far. And then this resolution, itself, is another "last-clear-chance" procedure designed to give collective bargaining and mediation every conceivable opportunity to work.

This point, Mr. Chairman and members of the committee, is essential to an understanding of this resolution.

And then the second point: If a determination proves necessary, House Joint Resolution 559 dictates in terms impossible of misunderstanding that the determination must be drawn not from any free discretionary judgment of the Board which is set up, but, rather, from the history of collective bargaining in this case. This answer, regardless of how it comes, will be made by the parties, and the dictate of this resolution is that to whatever extent this Board plays any part, it must find its answer not in the predilections of its own members, but in what the parties have already done in this case. This is terribly important. It is a provision for the extension of collective bargaining. Its answer will come out of the architecture which the parties themselves have already developed.

And then third—although this is a point more of principle than of practice—even if there is a determination at the end of the 90 days, that determination will be subject to a subsequent agreement of the parties which will be controlling with respect to it. I don't mean to overmake this point. It will not be a significant practical point unless perhaps both parties still don't like that determination.