

I want to confine my remarks particularly now, Mr. Secretary, to the national emergency strike as opposed to other types of collective bargaining. I would ask you first:

Is there not a considerable body of thought among labor experts that there should be, in national emergency strikes, an open-ended system with Congress sitting as the final arbiter?

Secretary WIRTZ. If I understand the question, Mr. Adams, I don't find much support for the idea——

Mr. ADAMS. I don't mean support for it. But there is a theory in labor law that says you should leave Congress as the uncertain, final forum to solve the strike when nobody else can. There is such a body of thought, is there not?

Secretary WIRTZ. I don't believe there is. But there it may be my own prejudice against it.

Mr. ADAMS. I think that is a fair statement. I haven't asked you whether or not you favor it.

Secretary WIRTZ. Just very briefly, the closest I come to hearing that is the feeling that there has been little enough of it, that it would be better to do that than to adopt a general rule.

Mr. ADAMS. What we are in effect doing with the Railway Labor Act, and we have done it twice in the last year, and prior to that had done it in the middle 1960's, is by a series of ad hoc congressional decisions settling the matter between the parties so there will not be a strike. Is that correct?

Secretary WIRTZ. Congress has done that?

Mr. ADAMS. Yes.

Secretary WIRTZ. I wouldn't say so. I would say that in the last 4 years, matters of this kind have come to the attention of the Congress, two at the introduction of the administration and the other one with some uncertainty on it. There have been those three. There was not a settlement in the first one. There had to be legislation. There was a settlement in the airlines case.

Mr. ADAMS. After considerable congressional hearing and pressure?

Secretary WIRTZ. This is true.

Mr. ADAMS. And we are here today. In each one of these, Mr. Secretary, we establish, in effect, by an ad hoc settlement, in fact, a position of Congress as to how we will handle these. In the past, in 1946 for example, and in 1950, seizure was used.

More recently we have used, in 1963, in effect, a compulsory arbitration or a statement—we won't use that word—a statement of, "This is what you shall do."

Resolution 559, in effect, says, "If you don't agree, we will tell you for a substantial period of time what the terms will be." Is that correct?

Secretary WIRTZ. Yes, sir.

Mr. ADAMS. Is it not correct that it is the position of management, between these two parties, that they favor having the parties told, by compulsory arbitration, what the result will be?

Secretary WIRTZ. My impression is that in the transportation industry there is a substantial body of management opinion in support of legislation of that kind.

It is also my impression that that is a divided opinion. I think it is probably a majority opinion, but I am not sure.