

Anyway, that Emergency Board recommendation which we felt was wrong—we felt it could hardly be accepted without almost ruinous results—caused me to go see Arthur Goldberg. Sometimes I wish a had not gone over there.

He said to me. "Mr. Wolfe, it would be intolerable for the railroads to refuse to accept these recommendations." Those were his exact words. I will never forget them.

The unfortunate part of it was that I knew it would be intolerable. I knew pretty well what the outcome would be, too. I knew it wouldn't be very pleasant for those of us on management side in the railroad industry. So we accepted it. We tightened our belts a little bit. We were prevented from building more cars that the public was screaming for. Perhaps our maintenance wasn't kept up to the standards they should have been. But if you do not have money, there are certain things you can't do.

But that is exactly where we stand now so far as section 10 of the Railway Labor Act is concerned. We have arbitration for the management. We have nothing but a self-serving new floor for the union. Congress ought to do something about it.

What you do, of course, must be decided on the basis of your own wisdom, your own experience, and your admitted conscientious efforts to protect our country.

It would be presumptuous for me to tell you what I think you should do, and I don't intend to do it.

There is another thing, and that is the question I hear so often about equality of bargaining, that the unions have the right to strike; the railroads have the right to lock out.

Well, there isn't any such right at all. The railroads have a public duty under the Transportation Act to serve the public. We can't lock out our employees. Whether it is lawful or not is highly questionable but we know it is not practical.

On the question of law, there was a case in Oregon a few years ago where there was a serious strike of an industry, Montgomery Ward, and the railroads did not use officer crews to go in there and serve the plant. A suit was brought against the railroad and the railroad has to pay damages. So there is no equality of bargaining.

Any thought that the railroads can lock its employees out is not even wishful thinking because in the first place we wouldn't want to do it even if we had the legal right to do it. That isn't the way to conduct collective bargaining. So there is no equality of bargaining.

There is no right, legal, moral or practical right, to lock railroad employees out. It just isn't here.

By the way, yesterday a statement was read into the Senate record by Mr. Schoene for Mr. Leighty. He dealt with my statement in regard to the so-called equality of bargaining, and particularly my statement that there just was not the right to lock out in the field of resort to self-help. So far as the railroad industry is concern, it just isn't there.

I want to comment on that because it is quite possible that the same thing may be said a little later.

Mr. Leighty intimated that in my testimony I had stated that if there was some kind of partial seizure or partial operation on the basis of their offer to handle certain essential materials that the railroads would lock the employees out, nothing could be further from the truth.