

common. Even after the Emergency Board reports, there is usually only a modest amount of real bargaining; the Board's recommendations, or something close to them, are usually the basis for settlement. I agree with the CED committee that this system has become far too rigid.

However, under our present system there do remain two areas of flexibility—and these are quite vital to any kind of social justice in this industry's labor relations. First, railroaders still have the legal right to engage in a national strike.

Of course, we are quite aware that the President and Congress have not allowed a national railroad strike to proceed at any time since 1922. But so long as we have the legal right to call a national strike, after authorization by our members, we have what amounts to a right of appeal against Emergency Board recommendations that are wholly inadequate and unacceptable. That is what has happened in the current shopcraft dispute.

In effect, this is a right to supermediation. Just how important this is, those of you who are lawyers can certainly recognize: How much justice would there be in our courts, without a right of appeal?

Of course, the railroaders' right of national appeal is not to some court or to compulsory arbitration; it is to higher level mediation; and so long as we retain our freedom, that is how it will remain. And considering the number of national labor disputes in this industry, I don't believe any fairminded person would say the railway labor organizations have abused this right of appeal.

We use it only rarely: only when an Emergency Board's recommendations, or the interpretation given them by the railroad negotiators, are grossly unacceptable.

Secondly, railway labor up to now has had both the legal and the practical right to strike one or a few railroads. We have used this right also only rarely. But it is essential to winning advances, and to preventing a breakdown of standard pay rates and working conditions, in the railroad industry.

In specific terms, how have we used these rights in the years since the Korean war seizure of the railroads ended? In those 15 years, as well as I can check, there have been 42 national movements for improvements initiated by the five operating organizations and the 11 principal nonoperating organizations, counting joint movements as one single movement.

Of those national movements, 39 were settled without a strike and without the kind of "crisis" that brings Congress into the picture.

Three movements remain unsettled today, including the present shopcraft movement. The one major national movement initiated by the railroads during these 15 years—to slash the pay and gut the working rules of their operating men—did bring Congress into the picture; it resulted in part in the 1963 compulsory arbitration law and in part in a negotiated settlement at the White House on June 25, 1964.

During these same 15 years, hundreds if not thousands of notices for improvements have been served on individual railroads by individual unions. In practically every case, these have been settled without disruption of service.

In the past 15 years there have been only five railroad strikes of any real importance—or possibly six, if you count the 4-day strike by the