hands of people other than the parties the power to make a binding decision of the issues. So long as that method of resolution is there, I respectfully submit that it is compulsory arbitration no matter how it is dressed up.

Further, it holds a potentiality of compelling parties, private parties, to work for other private parties at rates of pay that are not acceptable to them, and for private profit. That is another characteristic of compulsory arbitration.

I think it is a particularly destructive element to collective bargaining, that is destructive of collective bargaining. That is true as to this particular case. Congressmen here have expressed regret that bargaining is not going on while this bill is under consideration. I think that is regrettable, too. Yet it should not surprise anyone, because if this bill is enacted, as the carriers obviously hope and expect it will be, then the worst thing that can happen to the carriers is exactly what they want.

You have heard others testify that throughout the bargaining in this case the carriers have wanted a law rather than a settlement. They have been seeking compulsory arbitration as a general rule since 1950. That has been their declared position. If they can't get compulsory arbitration as a general rule, they seek its imposition by Congress in individual cases, just as they did in 1963 with the enactment of Public Law 88–108.

But its adverse effect goes beyond this particular case. I think it is very interesting in this connection to call your attention to a case that is pending in the U.S. Court of Appeals for the District of Columbia right now. It was argued a week ago Monday and is awaiting decision.

In that case, the Brotherhood of Railroad Trainmen, in connection with the same dispute that was the subject of Public Law 88–108, after the Presidential Railroad Commission and the Emergency Board and the Compulsory Arbitration Board had all said that the crew consist does not lend itself to national handling and should be handled on a local basis——

Mr. SPRINGER. I didn't get the first part of your statement. Would you repeat that, please?

Mr. SCHOENE. The Presidential Railroad Commission, the Emergency Board and the Arbitration Board that was set up by Public Law 88–108 all had found that the issue of train crew consist, the manning of trains, did not lend itself well to national handling, because there was such a variety of requirements varying from one railroad to another.

So the Brotherhood of Railroad Trainmen, in its present pursuit of further rules, has attempted to handle it on an individual railroad basis. The railroads have refused to bargain on an individual railroad basis and have insisted that it be handled on a national basis.

They went to the U.S. District Court for the District of Columbia and got an injunction requiring the Brotherhood of Railroad Trainmen to bargain nationally on that issue.

Why did they do that? For the obvious reason that they want a national crisis in case the dispute is not resolved by bargaining. They want a situation in which the trainmen will have to strike nationally instead of locally, just so that they can again come to Congress and say, "This is a national catastrophe. Congress must intervene to provide compulsory arbitration to settle the strike."