situation as one in which either the carriers or the unions have done something wrong and deserve to be punished.

They simply haven't been able to agree. Punitive consequences should not attach to being unable to agree.

However, at this point a very important factor enters the picture. If Congress decides that the risk of a strike actually occurring is too great and that some legislative action must be taken, then I submit to you that the appropriate action has to be action which avoids requiring unwilling employees to work at rates of pay not acceptable to them for the private profit of corporations.

If congressional action is necessary to keep the railroads running, it seems to me that the only way in which the objective that I have just stated can be fulfilled is by some form of seizure.

This raises a question of what should be the instrumentality of seizure. Various approaches have been suggested and are embodied in various bills pending in the Congress. One is receivership in the courts rather than through the executive branch. That approach is embodied in a bill recently introduced by members of this committee—Congressman Adams for one, House Joint Resolution 585.

On the Senate side, Senator Javits has advocated that approach, and this approach is also to be found in a bill that Senator Morse introduced at the time of the airline strike. That was in the previous Congress, Senate Joint Resolution 180.

On the other hand, there is a different approach; namely, seizure by the Executive pursuant to congressional authorization. I think all seizures in the past, either in the railroad industry or of other industries at the time seizure was authorized during the war, took the form of Executive seizure. So far as I know, there is no precedent for the use of receivers in the process of seizure.

I call attention to the fact that the chairman of this committee, Mr. Staggers, in a speech on the floor of the House on the 19th of April, proposed if the seizure alternative were followed that—

> During the period of government control, control should be exercised by a special three-man board appointed by the President, with full power to make all managerial decisions, and, further, that all proceedings relating to the railroads before a government department or agency in which the railroads are applicants be halted until the railroads are returned to private hands; and, further, that all labor organizations be enjoined against issuing any official directive that might cause or tend to cause any cessation in the operations of the railroads.

This question as to the instrumentality of seizure has been given detailed consideration by the chief executives associated in the Railway Labor Executives Association. It is their unanimous belief that the Executive form of seizure is preferable to the use of receivership. There are several reasons for that conclusion.

In the first place, they are apprehensive of the courts. They are what I call court shy. And with good reason. Labor has never fared well in the courts. You are all familiar with the long struggle to enact the Norris-La Guardia Act to prevent the running of labor relations through injunction, and finally a great victory was achieved in 1932 through the enactment of the Norris-La Guardia Act, depriving Federal courts of the jurisdiction to issue injunctions in labor disputes, except under very limited circumstances of violence and public disorder.