

The very best people in the country do these things to you when you have compulsory arbitration.

Mr. HARVEY. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Pickle, do you wish to question now or a little later?

Mr. PICKLE. I would like to defer at this point, Mr. Chairman.

The CHAIRMAN. Mr. Rogers.

Mr. ROGERS. Mr. Schoene, as I understand it, on individual claims you use an arbitration method; is that right, if there is disagreement?

Mr. SCHOENE. On grievances?

Mr. ROGERS. Yes.

Mr. SCHOENE. Yes.

We have compulsory arbitration right along on grievances by virtue of a court decision. After the 1934 amendments to the Railway Labor Act, we did not think we had compulsory arbitration of grievances, but after 20 years the Supreme Court said we did and didn't have a right to strike over grievances.

Mr. ROGERS. Over an individual grievance, I guess?

Mr. SCHOENE. An accumulation of grievances.

Mr. ROGERS. It would all be on an individual basis, though, wouldn't it?

Mr. SCHOENE. No. In the 20-year period that we thought we had the right to strike over grievances, if a carrier was too slow about settling grievances, and you had an accumulation of them where they were misapplying the agreements, in our judgment, it was not uncommon to set a strike date over grievances and then you would get results.

But since the Supreme Court decided in the *Chicago River* case that we don't have the right to strike, we have compulsory arbitration with the accumulation of dockets of grievances that are years behind.

Mr. ROGERS. I understood we passed legislation so that you can pull out cases that are behind and have them taken before special boards.

Mr. SCHOENE. That is right. And while that arrangement has not been in effect long enough to have had its full consequences, the indications are that this will be very helpful in the disposition of grievances.

Mr. ROGERS. So that procedure has been used in grievances.

Why is it that a voluntary arbitration cannot be worked out, where labor selects a member or two of an arbitration board and management selects one or two, and the President appoints public members on a voluntary basis?

Why couldn't this be tried? Would there be anything unfair about that?

Mr. SCHOENE. Not if the parties are agreeable to it.

Mr. Macdonald asked me that question.

Mr. ROGERS. I thought you may have gone into that.

Mr. SCHOENE. My answer to him was the same as I have to make to you, that I don't know why the carriers and the organizations have not been able to work that out. I am not counsel for the shopcraft group.

Mr. ROGERS. Do you think this would perhaps be worth trying to pursue?