

Is this the position of the AFL-CIO, in that order?

Mr. BIEMILLER. Pardon me?

Mr. SPRINGER. Is this the position of the AFL-CIO?

Mr. BIEMILLER. Yes. We are speaking officially for the organization.

Mr. SPRINGER. I wanted to be sure that we had it all on the record.

There was a point raised at the White House by one who is distinguished and respected, I would guess, in the labor circles. Arthur Goldberg was there, and he took about 10 minutes, I would say, to express his opinion on this legislation.

I believe I am stating this accurately, and I want to be just as fair as I can. I doubt that Mr. Goldberg will be summoned to come here to testify. It would certainly be an imposition with all he is faced with now. I think I can state this correctly for the record, and if I misstate it I am sure the chairman will correct me.

He said when the steel industry was threatened to be seized, or maybe it was seized—I don't remember the details in 1949—the steel unions had to decide whether or not to oppose seizure. They thought about this overnight and went into court and opposed seizure. I realize this is 18 years ago and everything changes in 18 years.

His position, he said, essentially was that they were against seizure for the reason that this froze them, more or less, in their position with reference to bargaining. As best he could make it out as a lawyer, they could not thereafter bargain when the property was in the hands of a third party. Apparently under law you would have no right to bargain further. That was one reason.

He said the second reason he thought was the public interest one, in that after this decision in 1949 the Supreme Court handed down a decision, and this, he said, would be the public interest insofar as Members of the Congress and the committee sitting were concerned, that there was no such thing as nominal seizure. He said the Supreme Court decided this just before he went on the Court.

And if you did seize, you were responsible for all the consequences of seizure, pursuant to what they called responsible seizure.

Therefore, you were liable for profits, you were liable for any damage that was done. You would be liable to return the property in exactly the same condition to the owners as when the Government took it over.

Would you care to comment on either one of those points?

Mr. BIEMILLER. I will refer this to our counsel.

Mr. SPRINGER. It may be a legal point.

Mr. HARRIS. Was it 1949?

Mr. SPRINGER. I believe the year was 1949, as I recall.

This was one where President Truman either seized or threatened to seize. But they were in the courts.

Mr. HARRIS. The seizure was not in 1949. I was with Arthur Goldberg as a lawyer at the CIO in those days. The seizure was in a later dispute, perhaps 1952 or 1953. It was while President Truman was still President.

As I recall, the participation of Mr. Goldberg in that case was quite limited. Of course, the records will show, but the Steel Workers Union, I believe, did not argue either for or against the power of the Executive to seize the railroads. They simply argued that the existence of the 80-day remedy under Taft-Hartley was not an exclusive remedy and did not preclude the existence of any other remedy.