

arbitration and if you thought voluntary arbitration would work, what is standing in the way of voluntary arbitration?

In other words, binding arbitration but arbitration held and done in a way that keeps the Congress or any governmental agencies from becoming an employer or, for that matter, a manager of a railroad.

Mr. GILBERT. We engage in voluntary arbitration from day to day in our usual proceedings with railroad management and in certain respects under the provisions of the Railway Labor Act which provide for the establishment of the divisions of the National Railroad Adjustment Board we have a form of arbitration in relation to the interpretations of existing agreements.

So, voluntary arbitration has its place but there the parties do come to some agreement on what is to be arbitrated and the terms of the situation which is not true in the arbitration that we are still suffering under, I might say.

Mr. MACDONALD. I am now talking about this difficulty that all of us are embroiled in, trying to settle what would appear to be the threat of a nationwide strike under the set of circumstances which has been presented to the committee.

I was wondering what would be wrong in having both sides to agree on binding voluntary arbitration of this dispute as you have done on lesser matters?

Mr. GILBERT. Again, Congressman, that is a situation that involves a free opinion expressed and an agreement reached between the parties which we have always advocated.

There is very little relation, I might hasten to add, between that type of understanding being reached and that which is being proposed to this Congress to enact.

Again, in answer to your question, Congressman Macdonald, that is a matter for the parties themselves to reach. There are many decisions that are an accompaniment to reaching an agreement to arbitrate which must be reached by the parties themselves.

Mr. MACDONALD. That leads to my last question.

Do you know what is standing in the way of an agreement to arbitrate voluntarily?

Mr. GILBERT. I am not in possession of that information, sir.

Mr. MACDONALD. Thank you very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Springer.

Mr. SPRINGER. Mr. Gilbert, I think you have made an accurate presentation of your side of this matter. I would like, if I could, to get before the committee where you are at this time with relation to what has previously happened. Now you do have Arbitration Award No. 282. It went to Judge Holtzoff and then up to the circuit court of appeals. The circuit court of appeals has sent it back at this point with a finding, as I understand it, that the railroads are compelled to negotiate with you.

Now, is that correct? Is that where you are now?

Mr. GILBERT. Not quite, Congressman. We are now awaiting an order from the court which will implement their opinion which was rendered May 12.

Mr. SPRINGER. In other words, at the present time you are awaiting an order pursuant to the decision?

Mr. GILBERT. That is correct, sir.