So what happened during the 2-year period under the arbitration law? Several important things.

I encouraged our representatives on individual railroads to seek out their managements and attempt to make a fair and reasonable settlement. Some few of them were able to do so. Some railroads did not even propose any changes under the arbitration award. But during the period of the arbitration award, from January 25, 1964, until January 25, 1966, the Mediation Board appointed 93 neutrals to serve on special boards under the award. Their decisions, in almost every case, rubber-stamped the compnay's proposals. The result was a mockery, a company-dominated procedure.

In January of 1965, I took a personal hand in the crew consist dispute. I contacted some of the top railroad officials in the East and told them that we could negotiate a settlement. They sat down with me and on January 29, 1965, we wrote an agreement which settled the crew consist dispute on most of the railroads in the East, including such lines as the Pennsylvania and the New York Central. Later, others joined including the Baltimore and Ohio system, until the total reached 32 railroads. And this settlement was for a 5-year period with changes thereafter to be in accordance with the provisions of the Railway Labor Act.

Next, I wrote letters to the Presidents of a number of railroads in the West and Southeast, furnishing them copy of the Eastern Agreement. I ask for a conference at which this problem could be discussed and perhaps settled by mutual agreement. I hoped that the solution to this crew consist dispute had been found.

The replies began coming in and almost every one of them either referred me to their personnel department or advised me that their problems on crew consist would be handled by the National Railway Labor Conference. Not one single railroad in the Southeast or West was willing to settle, or has settled to this day. Those which had previously settled reopened the dispute.

Left with no other choice, I authorized our general chairman on each railroad which had not settled the crew consist dispute to serve formal notice under the Railway Labor Act, in order to initiate conferences to dispose of the matter before the end of the 2-year period. The railroads responded by taking the position that they were not required to bargain until the 2-year period expired! They went to court to avoid the conference table, and they took the position in the courts that the Railway Labor Act required the parties to bargain nationally when the railroads proposed to do so. Judge Holtzoff, in the district court in Washington, upheld them in their contention that if some of the railroads wanted to combine the dispute into a concerted movement, the employees had no choice under the Railway Labor Act but to follow that procedure. He got that support out of some other law, because he could not find it in the Railway Labor Act. Today, the issue is before the Washington Court of Appeals, and I am glad to say that our position is being supported by the Justice Department, which is taking the position that the district court has forced bargaining over crew consist into a national mold—so that unless agreement is reached on that issue, the public may be confronted with another national railroad crisis.

Now that is just what these railroads are up to. If you don't give them what they want in this dispute before you now, and if they have their way in the courts, they will be back before you again begging for compulsory arbitration.

Somewhere along the line, collective bargaining is going to have to be resumed on these railroads if they are to continue to be under private control and ownership.

Our members are writing to me daily and they are plenty sore. They want to know how it is that the courts can disregard the action of the Congress and extend the period of the existing law by extending the terms of the Arbitration Award under PL 88–108. They are not satisfied with any answer I can give them since all I can say is that the thing is still in court—we are still appealing for justice! They are sick of waiting for justice. They want action from their representatives to better their working conditions, and they are fed up to the neck with these pro-management arbitration awards and court judgments.

They want to know why the railroad brotherhoods cannot represent railroad employees like unions in other industries do. They feel that their work is important enough to justify working conditions equal to those enjoyed by other groups of workers, and I agree with them 100 percent. But when I try to help them improve their working conditions, what happens?

The railroad attorneys just go and wake up a judge and get him to write them out an injunction.