

The CHAIRMAN. The understanding when this law was passed in 1963 was that there would be an agreement reached in the 2-year period and everything could be settled.

Mr. LUNA. Yes.

The CHAIRMAN. Since the law was passed nothing was settled through collective bargaining?

Mr. LUNA. Except with the railroads in the East.

The CHAIRMAN. I want to get this for the record, because we are here now asked to pass another law with the same intent of trying to get something done. Under this past law there was no collective bargaining.

Mr. LUNA. That is right.

The CHAIRMAN. Only up to a certain point.

Mr. LUNA. That is right.

The CHAIRMAN. I want this for the record. Now before the court, I understand it has been argued, and I may be wrong on this, that the unions have the right to strike certain railroads if they want to, and this is one of the issues to be decided.

Mr. LUNA. Our position is that the Railroad Labor Act gives us that right. We can serve notice and can move on one railroad and not cause a national crisis. They have taken us to court on that point and Judge Holtzoff held we had to bargain on a national basis, meaning everything we moved on would finally create a crisis. That has been appealed to the court.

The Justice Department has joined with us in this appeal because nowhere in the law does it say that.

The CHAIRMAN. A decision has not been handed down?

Mr. LUNA. The first court handed it down and said we had to bargain on a national basis. Multiple basis, I think is the wording they used.

The CHAIRMAN. Mr. Macdonald.

Mr. MACDONALD. Thank you, Mr. Chairman. I will keep my questions very brief.

I welcome you here, Mr. Luna, and also Mr. Chesser. Inasmuch as I granted permission that your entire statement go in, I thought I would have to take issue a little bit about one statement you made on page 13.

I agree with your position on compulsory arbitration for employees. Your statement that it will be a "sorry day for human liberties when a giant industry can put a yoke of compulsion on their employees with the aid of Congress."

That is not really exactly true because we didn't do that. Just as in the colloquy you had with the chairman, it was the decision of the court that really put the yoke on you, not Congress.

Mr. LUNA. The law that Congress passed was compulsory arbitration. If it had not been for that law they would not have gotten us into court on it.

Mr. MACDONALD. Yes, but it gave assurance that there would be arbitration between the two parties, mediation and arbitration, and by your own testimony that never happened.

Mr. LUNA. Mediation was over when this all happened, that provision of the Railway Labor Act. I was at the case. What they argued was that the case was not the Railway Labor Act but the intent of Congress. That is what they argued before the judge.