

ion by eliminating a nationwide carrier of bargaining also eliminate the national emergency character of any potential strike?

Mr. LUNA. Yes, sir.

Mr. BROWN. Do you think it would be possible for the Congress to write legislation that could eliminate the possibility of this situation coming to such a head that we would get into only choices between a nationwide strike and compulsory arbitration and seizure?

Mr. LUNA. I say it is already in the law. But they got a judge to write it out for them, which they did for us, to keep from having a national emergency in 1963.

Here is what happened, Congressman: When we tried to keep from posing a national crisis, they went the other way to some courthouse, as they just did recently, to say we have to handle the issues nationally, we can't handle them on an individual basis, because if we handle them on an individual basis we are whip-sawing.

The judge goes along with them and says you can't do this. For instance, three railroads were all that we were able to move on that through the Railway Labor Act. We had mediation and the Mediation Board turned them loose and the 30 days had run out.

Now before the 30 days, you know, you can't have a peaceful withdrawal until 30 days after the Mediation Board turns them loose. Before that 30 days ran out they had us in the courthouses. The judge agreed with them that we couldn't strike these railroads. We had to handle them all together in one big bunch. And got injunctions against us from doing it.

Mr. BROWN. This is based on the interpretation of the Railway Labor Act as written out now?

Mr. LUNA. We didn't have laws under the Railway Labor Act. We went to the NLRB to get the law. Under the Railway Labor Act it never happened before. We even have had them get an injunction on us before we even thought of a strike. We had injunctions served on us 4 or 5 o'clock in the morning.

Under our constitution I am the only person that can give them the right to strike. I have had injunctions served on me when the vice president had not even asked me for strike authority.

Mr. BROWN. Has any proposal been made formally or informally by any of the unions in the railroad industry for amendment to the National Railway Labor Act or dealing with this nationwide strike problem to avoid the path in which we find ourselves where we have three bad choices?

Mr. LUNA. Congressman, that law was passed and amended in 1934. From 1934 to 1963, it was interpreted that way. Now since 1963, when these judges started putting their feet into it is when they got it messed up.

Now I think we will win this case in the district court. If we win the case in the district court it will automatically put it back to where it started, in the appellate court.

Mr. BROWN. My question specifically was whether or not there had been any amendment.

Mr. LUNA. No, sir; it would not need an amendment if we win this case.