

Mr. OTTINGER. They lose as their tool in bargaining the right to strike, which is a very essential tool. On the other hand, in appraising the solution which the administration has offered, I don't see that there is any pressure on management. All that has occurred is that you have deprived the unions of the right to strike.

Mr. GREENOUGH. We are subjecting ourselves as management to accepting a settlement mandated by a new commission, which is using as a floor all of the rejected settlements previously.

Mr. OTTINGER. Yes; you are binding yourself equally with the unions to abide by the settlement directed by a third party. But whereas the unions are giving up their most important tool, in that equation you give up nothing. That is what concerns many of us with the solution that the administration has offered.

Mr. GREENOUGH. The most important part, in my judgment, is the public interest. I don't believe in this critical time that public interest would tolerate a stoppage in the railroad industry. I see no other alternative.

Mr. OTTINGER. Either of the alternatives, without a strike without a stoppage?

Mr. KORNEGAY. Under that seizure provision, wouldn't the railroads lose any right they might have to a lockout?

Mr. GREENOUGH. I understand they would.

Mr. KORNEGAY. Does it have the right to lock out under ordinary conditions?

Mr. GREENOUGH. Not from a practical standpoint. Perhaps they could.

Mr. KORNEGAY. Does the railroad have the right of lock out?

Mr. GREENOUGH. I think it is highly questionable, but I am not a lawyer, and I don't believe I could answer that question.

Mr. KORNEGAY. You have a very good one there with you on your right.

That is the point that has occurred to me during the course of this deliberation, and I thought I would inject it at this time.

What is the legal status with reference to the right of the railroads to lock out?

Mr. PRINCE. Would you like me to address myself briefly to that question, sir?

Mr. KORNEGAY. Yes.

Mr. PRINCE. The right to lock out so far as the railroad industry is concerned is certainly not the comparable right to lock out possessed by ordinary industry. Right there we have a very sharp distinction that I think Mr. Ottinger fails to take into account.

The comparable right between management and labor, one has a right to strike and the other has a right to lock out, because of our obligation as common carriers, directed by the Interstate Commerce Act, leaves us without the right to lock out from the beginning.

So if there is an advantage to labor from the right to strike, we are left without the comparable power in our hands of exercising the lock out. The question of the legal right to lock out by the railroad industry is one that is pretty ticklish. It is pretty complex, very difficult to answer in any such meeting as this.

Mr. KORNEGAY. Have there been any court cases on this particular point?