

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 courthouse. 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.

Mr. BROWN. In any other area have there been amendments proposed recently dealing with the strike problem?

Mr. LUNA. No, sir.

Mr. BROWN. Thank you.

The CHAIRMAN. Mr. Luna, this concludes our hearing for today. We were glad to accommodate you today and have you here. We want to thank you for coming and giving the benefit of your views. This helps to make our record more complete on which to make a decision. It looks like decision day is drawing closer.

Mr. SPRINGER. I think Mr. Luna and Mr. Gilbert have been helpful today.

Mr. LUNA. I want you to know that we appreciate it. We are not an interested party in the six unions, you know. But we have gone through this. We know what they have testified. I am sure that you passed Public Law 88-108 with good intentions. We are sure of that. But we are sure that if you will look at the record and go through what we have been through since it passed, that, as I said, Lord help you, don't do it again.

The CHAIRMAN. Thank you very kindly.

This will conclude our hearings for today.

Mr. LUNA. Thank you, Mr. Chairman.

Mr. CHAIRMAN. The committee will stand adjourned until next Tuesday morning. At that time we hope to have one additional witness, perhaps two.

(Whereupon, at 12:05 p.m., the committee adjourned, to reconvene at 10 a.m., Tuesday, June 6, 1967.)

RAILROAD LABOR DISPUTE

TUESDAY, JUNE 6, 1967

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D.C.

The committee met at 10 a.m., pursuant to notice, in room 2123, Rayburn House Office Building, Hon. Harley O. Staggers (chairman) presiding.

The CHAIRMAN. The committee will come to order.

The hearings today will continue on House Joint Resolution 559, dealing with the current threatened railway strike.

Our witness today will be Mr. Paul R. Ignatius, the Assistant Secretary of Defense for Installations and Logistics. He will introduce the gentlemen who are with him.

Mr. Ignatius is appearing in behalf of Secretary Robert McNamara, who could not be here this morning. He is at the White House, I understand, attending a meeting now.

Yesterday when I talked with him, he said he hoped that he still would be able to be here. I can understand why he could not be present.

As I intended to explain to the Secretary, we know that he has no responsibility whatsoever in the matter of composing differences between railroads and their employees. We know this. Labor relations is a problem for a quite different department of the executive branch of our Government.

We did think it desirable, however, to consult with him as to how the present dispute between the railroads and their employees might affect the operations of the Defense Department.

I thought I might first give a little background as to why. Probably we would not have had to have the meeting at all, except to clarify some statements that have been made and issued to the press. We thought we should consult with the Secretary personally. We can understand his not being here, however.

On April 28, Mr. Michael Fox and George Leighty, on behalf of railroad labor, sent to Secretary McNamara a telegram offering to meet to arrange for continued rail transport of all shipments necessary to our Nation's military effort and the public health.

This telegram was acknowledged, but the response in general was that such a meeting was unnecessary.

At the urging of members of this committee, such a meeting was subsequently held in the Secretary's conference room at the Pentagon.

That is the reason for this meeting here this morning, to see if there have been any arrangements made, any plans made whatsoever, or considered, to transport war and health materials in case the railroads do not operate.

But we wanted the Secretary here to tell us if he had considered in any way, or tried to work out with someone the details, in case there was a strike. We don't know. I, for one, as a member of this committee, don't know what the committee will do. I don't know what the Senate committee will do, the Senate, itself, or the House of Representatives.

I think we ought to plan for all eventualities as to what might take place.

That is the reason for asking the Secretary to be here this morning.

If you would proceed, sir, and introduce the gentlemen who are with you in the light of this background, we would be glad to have your testimony this morning.

STATEMENT OF PAUL R. IGNATIUS, ASSISTANT SECRETARY OF DEFENSE (INSTALLATIONS AND LOGISTICS); ACCOMPANIED BY LT. GEN. RICHARD D. MEYER, DIRECTOR FOR LOGISTICS, J-4, JOINT CHIEFS OF STAFF; AND MAJ. GEN. JOHN J. LANE, COMMANDER, MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Mr. IGNATIUS. Thank you very much, Mr. Chairman and members of the committee.

I have Secretary McNamara's statement that he would have given had he been here this morning. It is his statement, Mr. Chairman, and not my statement.

He had hoped to be here. He sent word from the White House to my office this morning at about 8 o'clock saying that he would not be able to be here.

He asked me, Mr. Chairman, to convey personally to you and to the members of the committee his regret at not being able to be present. Circumstances have just prevented him from being here. But this is his statement. I will read his statement into the record, if it meets with the approval of the Chair.

The CHAIRMAN. We certainly would be glad to have you do that.

Before you start, I would like to ask you this: When the meeting was held at the Pentagon, the Secretary was not present, as I recall.

Mr. IGNATIUS. The Deputy Secretary, Mr. Vance, was present at the meeting. Secretary McNamara was not.

The CHAIRMAN. The Secretary was in Europe, as I recall.

Mr. IGNATIUS. He was not available at the time.

The CHAIRMAN. In the light of that, you may proceed.

Mr. IGNATIUS. I would like to introduce on my right Lt. Gen. Richard D. Meyer, Director for Logistics, J-4, Joint Chiefs of Staff. He is here representing Gen. Earle G. Wheeler, the Chairman of the Joint Chiefs of Staff, who had intended to accompany Secretary McNamara, and who also had prepared, Mr. Chairman, a brief statement that he would have given had he been here. General Meyer will give General Wheeler's brief statement, if it meets with the permission of the Chair.

On my left is Maj. Gen. John J. Lane, Commander, Military Traffic Management and Terminal Service. He is here representing our people in the Department of Defense who are particularly concerned with rail and other modes of surface transportation.

I will proceed, if I may, reading Secretary McNamara's statement.
The CHAIRMAN. You may proceed.

Mr. IGNATIUS. "Mr. Chairman, members of the committee, I am here today to respond to the committee's questions as to how a rail strike would affect our national security and whether, in the event of such a strike, partial operation of the railroads for the movement of defense-related freight would be practical.

"I am not here as an expert in the complex field of labor-management relations. Because of the predictable and adverse effects of a rail strike on our national security, I shall express on behalf of the Department of Defense our strong support of House Joint Resolution 559, which provides for the settlement of the labor dispute between the rail carriers and certain of their employees.

"House Joint Resolution 559, as you know, reflects the President's legislative recommendation to the Congress in his message on May 4, 1967. Its purpose is to provide to the Nation the continued availability of rail transport and at the same time to afford a means for the settlement of the dispute in a manner fair and equitable to all the interested parties: labor, management, and the public.

"The President in his recent message to Congress and other administration witnesses who have already appeared before this committee have explained the harm to the Nation's health and welfare which would be caused by a strike—the economic paralysis that would set in, the consequent unemployment, and the other damaging effects on the economy and the public health.

"General Wheeler and I would like to describe to you the destructive impact that a rail strike would have on our national defense efforts. Our national rail transportation system is vital to support our current efforts in Southeast Asia and to meet our military commitments worldwide.

"In the light of the current world situation and with new and dangerous unknowns created by the Near East crisis, we believe it is unthinkable that a strike should be permitted to occur in an industry which constitutes one of the basic elements supporting our military posture.

"A great amount of the equipment and material which the Defense Department ships to its installations and to the ports for carriage overseas is carried by the railroads. But it is important to appreciate that a rail strike would not only disrupt those shipments but also the shipments within the general industrial base on which we rely to support our needs. Production of supplies and equipment for the national defense involves nearly every strata of the Nation's economy.

"The production of one major weapon system, for example, depends upon the contribution of literally hundreds of firms located throughout the Nation. These firms range from the prime contractor through his major subcontractors down several tiers to the vendors and suppliers of the many small parts necessary for the production of the end item.

"Much of our concern in the recent past over strikes in the defense industry has been with disputes involving relatively small plants which are key suppliers to larger subcontractors and to our prime contractors.

"It is obvious that a jet aircraft cannot operate without an engine but it is equally true that the jet engine cannot function without a combustion liner and the combustion liner manufacturer cannot produce without the necessary alloy made by his supplier. All these firms in turn are dependent on our basic industries such as steel and power to supply their needs.

"And we must not forget that our basic industries such as steel and power are in turn heavily dependent on rail transportation to obtain the raw materials and fuel with which to operate. In a great many cases this means coal—and 75 percent of the Nation's coal is moved by rail. Without continuous replenishment of this fuel supply, many basic power and production facilities would have to cease operations—and their cessation would be felt throughout our entire economy, including that portion devoted to satisfying defense needs.

"It is the movement of all these items, not just the movement of arms and defense equipment, which is essential to our national defense. The rail carriers play an absolutely essential role in this movement.

"The impact of defense requirements is felt in almost every corner of this country's industrial base. There are over 22,000 Department of Defense prime contractors with thousands upon thousands of sub-contractors and vendors at various tiers. Most of these firms are also engaged in commercial production and it is the concurrent operation of their plants for both defense production and commercial production which makes their operation economically viable.

"All of these factors had to be kept in mind when we considered the unions' proposal to attempt to work out an arrangement whereby shipments essential to our military effort and to the public health would continue to be moved by rail in the event of a strike.

"On May 16, representatives of the railroad unions met with Secretary Boyd, Deputy Secretary Vance, Under Secretary Reynolds, and representatives of the Departments of Agriculture and Health, Education, and Welfare. As a result of that meeting and a detailed study of the unions' proposal, we have concluded that the proposal for partial operation of the railroads will not meet our defense requirements.

"The problems of moving only shipments necessary to public health and to our defense effort during a total rail shutdown are of vast complexity—far more so than those presented by the strikes in the maritime industry.

"As you know, the Department of Defense, in connection with some strikes in the maritime industry, has in the past, and with the cooperation of the parties involved, established procedures for the continued handling of defense cargo. However, the unions in that industry had only to agree to continue to handle defense cargo already identified as such and already at the ports.

"This arrangement did not involve the problems of defense cargo identification, its segregation from commercial freight and its transportation from many diverse points. Even more significantly, it did not involve the question of shipments into and from industrial plants which are engaged not only in production essential for the Nation's defense and public health but also in regular commercial production.

"In short, the maritime unions were able to move finished and identified products already at the ports. But maintenance of our national

security demands not only the transportation of finished defense products but also the movement of the many raw materials and supplies essential to the continued operation of plants engaged in the production of vital arms and equipment. Many of these materials are in no way identifiable as defense items nor does it appear remotely practicable to separate, for special transport, such part of these supplies as will insure the uninterrupted manufacture of the items on which our national security is dependent.

"The situation is totally dissimilar from that which permits arrangements with striking longshoremen to load defense cargo for direct transportation to the point of use.

"In our complex economy, the interdependency of one supplier on another is such that it is impossible to predict in advance where and how a rail strike will interfere with needed defense production. All that we can predict is that a rail strike would cause critical and irremediable shortages for essential defense production and that to identify and provide special treatment for the myriad of raw materials and supplies necessary to avoid such shortages would be a hopeless task.

"As I have already indicated, most of our suppliers have a mixture of defense and commercial business. If a rail strike cuts off the flow into their plants of those materials and components which are necessary for commercial production, these suppliers would find it economically infeasible to continue production essential to defense.

"We could not reasonably expect a steel plant to continue to operate on only that small part of its output destined for defense needs. We could not realistically expect a firm making parts for both military and civilian vehicles to produce only those parts destined for defense needs.

"Moreover, if the unions were to agree to move all materials and supplies into any plant engaged even in a limited way in defense work, commercial competitors of such a firm could suffer a permanent loss of market position as their customers turn to those plants still operating as a result of their defense activity.

"Enormous problems would be inherent in establishing a system of administration to identify and to separate from the nonessential all material and products necessary in any manner to uninterrupted defense production.

"Who can determine how much of what trainful of coal is needed by an industrial plant to operate its production line for military but not for commercial civilian needs?

"Even if all fuel supplies were to be moved to all plants, what happens to a trainful of bauxite for aluminum production, or iron ore, or unrefined copper, or the hundreds of other raw materials necessary to the production of processed materials used for all kinds of defense and commercial production?

"What do we do about the many manufactured materials which are not clearly identifiable as defense-related, but which are nonetheless necessary for defense production; in other words, items common to both defense and commercial production?

"Any attempt to solve this problem of identification would require the establishment of a large administrative organization—with no reasonable assurance that it would be successful in its task.

"It must also be recognized that a cessation of all but so-called essential rail traffic would immediately saturate the other modes of transportation. Defense-related freight represents less than 5 percent of total rail traffic. This means that almost all cargo now moved by rail would immediately seek other means of transport—largely the motor carriers. The Department of Defense relies on motor carriers in about the same proportion as it does rail.

"It is probable that an elaborate priorities system would be needed so that essential truck freight would obtain preference, thus further complicating the administrative arrangements which would be necessitated by the unions' proposal.

"In addition, we pointed out to the union representatives certain other circumstances which in our opinion cast grave doubts on the feasibility of their offer.

"The Department of Defense in fiscal year 1966 made 735,400 rail shipments on Government bills of lading comprising approximately 7 million tons of freight. Our study indicated that 84 percent of these shipments moved in less than carload lots.

"If, in order to implement the unions' offer it would be necessary to consolidate these shipments into carload lots, the delay in time would be prohibitive. If these shipments were to move in boxcars which are not fully loaded, the added costs would be substantial.

"Moreover, only one-half of 1 percent of the total national rail movement involves direct shipments by the Department of Defense. The majority of defense-related freight moves on commercial bills of lading but even this is estimated to amount to less than 5 percent of total rail shipments. Moving this amount of freight across the country by itself—without the volume of other rail traffic—would become a very expensive proposition.

"Even if we are to assume that the difficulties I have pointed out with the union proposal can be overcome—and I emphasize again our opinion is that they cannot—who would absorb the cost of such uneconomical transportation? Are we to expect the rail carriers to bear this added cost? Or is the Government along with private shippers to bear it in the form of higher rates, thus subsidizing the continuing refusal of the parties to come to agreement?

"We pointed out all these problems to the union representatives. We discern no practical or sure solutions to them. No matter how diligent the unions' cooperative efforts might be, what is being proposed, in essence, is a reorganization of the Nation's overall production base.

"We think no such proposal is practicable in view of the complex and interrelated nature of our economy. We believe it is totally unworkable.

"At a minimum, it would lead to delays and disruption of vitally needed defense production. And under present world circumstances, we are convinced that it presents an unacceptable risk to national security and welfare.

"In conclusion, it is our opinion that the consequence of a shutdown of our national rail transportation facilities would be such that it cannot be permitted to occur. I say this not only because of the serious threat such a shutdown would pose to our national defense effort but also because of the great harm which it would do to our economic stability, upon which a strong national defense rests.

"We therefore strongly urge the enactment of House Joint Resolution 559."

Mr. Chairman, this completes Secretary McNamara's statement.

There is a statement that Gen. Earle Wheeler would have made had he been here. General Meyer is representing General Wheeler and is prepared to read that statement for the record, should you desire.

The CHAIRMAN. Would you please proceed, General?

General MEYER. Mr. Chairman and members of the committee, this statement is General Wheeler's personal statement.

"I am pleased to have the opportunity to be heard before this committee today. My remarks to you will be brief.

"The Secretary has told you the basic reasons why the Department of Defense urges enactment of the proposed legislation. I subscribe fully to these reasons.

"When General Westmoreland appeared before Congress on April 28 he said 'Our President and the representatives of the people of the United States, the Congress, have seen to it that our troops in the field have been well supplied and equipped. When a field commander does not have to look over his shoulder to see whether he is being supported, he can concentrate on the battlefield with much greater assurance of success. I speak for my troops, when I say we are thankful for this unprecedented material support.'

"It is my belief that we should not, if it is humanly possible to avoid it, do anything which could jeopardize this superlative logistic support for our forces in Southeast Asia.

"Let me be more specific with reference to the railways' part in this support.

"Over 40 percent of the total freight shipped by the Department of Defense, exclusive of those petroleum products transported by pipeline, is moved by the Nation's railroads.

"During the first 9 months of fiscal year 1967, our rail shipments totaled 5.4 million tons. This amounts to 20,000 tons, or approximately 625 carloads, every day.

"For example, during this month of June, 140,000 tons of ammunition are scheduled to move by rail to our ports for shipment overseas. It takes about 150 railcar loads of ammunition to load one ammunition ship. We estimate that 975 carloads of ammunition for Vietnam will be moving this week; next week 900 will move.

"Without this rail transport, our ability to maintain sufficient stocks of ammunition for our troops in Southeast Asia would be seriously impaired.

"The movement of heavy military equipment is especially dependent on rail carriage. Combat vehicles, such as tanks and armored personnel carriers, are being moved daily to and from Vietnam in a program of repair and redistribution.

"During the next 2 weeks, over 3,000 railcars will be needed to transport ammunition, weapons, tactical vehicles, rations, and other combat supplies for Vietnam.

"In summary, the splendid performance of the railways is an essential factor in the Nation's logistic effort in support of the war.

"I believe that a complete stoppage of rail service in this country would have a direct impact on our overall defense activities—and particularly our combat operations in Southeast Asia—which we cannot afford.

"Would partial rail service be a practical solution?"

"Secretary McNamara discussed problems we face if arrangements are made to move defense cargoes during a rail stoppage. How can defense and defense-related shipments be identified? The very problem of defining what is defense-related traffic is complex. Many plants make items which, though not classifiable as defense-related, are nonetheless indispensable to the operations of defense suppliers.

"For example, continued production and shipment of cardboard and crates is essential to the proper packaging of munitions. Consignments of even much mundane items as soap, detergents, and wiping cloths would become perplexing problems. These are hardly defense-related supplies in the general sense of the term; yet, they are essential to the effective functioning of the modern factory which produces very critical military items indeed.

"My transportation experts and I believe the interrelationship between 'essential' or 'defense related' shipments and 'nonessential' shipments to be so involved that we cannot effectively define and isolate the one from the other.

"This being so, it follows that our defense effort inevitably will suffer if we attempt to implement such a system.

"I do not personally see how, at a time when our defense needs are greater than they have been at any time since World War II, we can ask anything less than the full and uninterrupted operation of the Nation's railroads."

Mr. Chairman, this concludes General Wheeler's prepared testimony.

Mr. IGNATIUS. This completes the prepared statements of Secretary McNamara and General Wheeler.

General Lane, General Meyer, and I are prepared to answer questions that you may wish to call to our attention, Mr. Chairman, and hear any comments you may wish to make.

The CHAIRMAN. I certainly wish to thank all three of you for being here. I am sorry the Secretary could not be here, because I think he is the gentleman who should attempt to answer some of the questions, or General Wheeler.

As I tried to explain to you before we started, we did not expect you to take part in any labor relations, to indorse a bill, to say it is good or bad, because I don't think you have the knowledge, unless you are an expert in this field, to say what is good or what is bad.

Mr. IGNATIUS. I am not, sir.

The CHAIRMAN. We expected you only to answer the questions for the Secretary. I tried to explain to him by phone yesterday about the fact that if there is a strike—and we hope there is not going to be a strike, and we are going to do everything we can to keep one from occurring, but these things do occur—as to whether he had made any plans or could make any plans.

Mr. IGNATIUS. Mr. Chairman, I have studied the request for the joint resolution. It seems to me that the solution that it offers is an effective and preferable one, and would deal with the problem.

As Secretary McNamara said in his statement which I read, "It is our opinion that the consequence of a shutdown of our national rail transportation facilities would be such that it cannot be permitted to occur."

It is unthinkable to us, sir, that there could be a national rail stoppage at the present time.

The CHAIRMAN. That kind of surprises me, because I have said time and again that we say the same thing. But what if it does occur?

Mr. IGNATIUS. We think it cannot occur, and that the means of preventing it has been requested by the President to the Congress in the form of the request for the joint resolution.

The CHAIRMAN. There are three separate branches of the Government. You know that, don't you?

Mr. IGNATIUS. Yes, sir.

The CHAIRMAN. I remember in 1952 this same argument was being made in the steel strike when the President said there could not be a strike and he seized the steel mills. He came to the Congress and asked for a law permitting seizure, but the Congress did not give him a law.

The strike did go on and went on for 52 days. I didn't hear of anything too much, and I was a Member of Congress. I don't know whether you were with the Defense Department then or not.

They called them into the President's office and they settled on the same basis they could have settled on on the first day before the strike occurred.

What we are trying to do, if there is a strike, to be concerned about it. I heard the words "impossible," in your statement, and "it could not be done," but that surprises me coming from the Defense Department, that there could not be some plans made. We are seeking help here.

We know that this strike should not happen.

Mr. KEITH. Mr. Chairman, would you yield at that point?

The CHAIRMAN. Yes.

Mr. KEITH. I think I have seen in the Pentagon in many offices a slogan to the effect that the difficult can be done today, the impossible take a little longer; that is, Mr. McNamara feels that no problem is insoluble if one analyzes the situation intelligently, applies initiative and imagination and makes a logical effort to solve it.

This, it seems to me, supports the point you are trying to make.

The CHAIRMAN. Thank you for your contribution.

I would like to ask this question: You did have a meeting, finally, in response to the telegram. As I recall, there was a response to the original telegram from Mr. Caputo. He is not here this morning?

Mr. IGNATIUS. He is not in the room, Mr. Chairman.

The CHAIRMAN. He is the Director of Transportation and Warehousing Policy. He said that a meeting did not appear to be necessary, as I recall.

The meeting occurred, and how long did it last?

Mr. IGNATIUS. The meeting was held on the 16th of May. I was present at the meeting, as I testified earlier, Mr. Chairman, and Deputy Secretary Vance was the senior Defense representative, and Secretary Boyd was the senior member of the executive branch at the meeting.

My recollection is that the meeting lasted slightly more than an hour. I would guess perhaps an hour and 15 minutes, something of that order of magnitude.

The CHAIRMAN. Was any representative of the railroads in this meeting at the Pentagon?

Mr. IGNATIUS. There was not. The only representatives that were associated with the railroads, as I recall, were Messrs. Fox and Leighty.

The CHAIRMAN. Who presented the view of the railroads as to what they could do or could not do?

Mr. IGNATIUS. Of the railroads' operating officials?

The CHAIRMAN. Yes.

Mr. IGNATIUS. There was no presentation by railroad operating officials at the meeting.

The CHAIRMAN. I don't see how you as a member of the Defense Department or the unions could say what the railroads could do.

Who represented their views?

Mr. IGNATIUS. There was no representation of the railroads, as such. The only people at the meeting associated with the railroads, as I say, were Messrs. Fox and Leighty.

The CHAIRMAN. We have a list of the gentlemen who were there, and the meeting lasted 50 minutes.

Mr. IGNATIUS. I said about an hour to an hour and 15 minutes, that order of magnitude. It may have been 50 minutes, but it was about an hour.

The CHAIRMAN. And we have the ones who were present.

Mr. Leighty has suggested, I believe, in this meeting, and here before the committee, that this is not nearly as complex as you would have it to be; that the same trains would run on the same railroads but there would be fewer cars, taking all the Defense requirements that were needed, that if there was a partial car it would be right through.

Have you heard this suggestion?

Mr. IGNATIUS. Yes. We listened carefully to his views and we raised questions about them.

I must say, as a participant in the meeting, Mr. Chairman, that I do not believe that the proposal that was advanced was a practical or feasible proposal; and to answer questions based upon actual facts by saying, "We don't think that is a problem," I don't believe that that constitutes a workable proposal.

We have very carefully gone over this as have other parts of the Government who have both knowledge and interest in the problem. All of us have concluded that the plan for partial operation advanced by the union representatives is not feasible. Let me say that we welcome their good faith in presenting this plan, and both Secretary Boyd and Secretary Vance commented on this.

But many questions were raised at the meeting which were not satisfactorily answered. We believe that this, together with our own analysis, supports the considered judgment that we have reached; namely, that a plan for partial operation of an industry that undergirds the economy and that is concerned with the process of production as much as it is with transportation, simply is not feasible, and particularly not anything to be considered at a time such as presently confronts us.

The CHAIRMAN. Do you believe in compulsory arbitration?

Mr. IGNATIUS. Sir, I am testifying here, as you suggested, as a representative of the Defense Department, and I am not an expert in the complex labor issues.

The CHAIRMAN. I think you put yourself into it when you endorse this resolution.

Do you believe in compulsory arbitration?

Mr. IGNATIUS. I do not, sir, based on the knowledge I have as a layman. I do not believe in compulsory arbitration. But, again, I am not testifying as an expert on labor relations matters.

The CHAIRMAN. I am sure of that. I am a little bit amazed that you haven't consulted with the railroads and that they don't give you their opinion about what they can do instead of you making a decision as to what they can do on the railroads.

Mr. Friedel.

Mr. FRIEDEL. Mr. Ignatius, we all realize the importance of the effect a national railway strike would have. You brought out very completely what effect it would have. The thing that distresses me is that you endorse the resolution. You do not condemn management or the unions.

We have been going 47 days and they have not sat down once to try to work this out. I am not going to shirk my duty, and I have my responsibility. But I do believe that they have a responsibility, too, for the defense of our country. They could definitely get together now, right now, and try to work this thing out before any legislation may be passed.

I am afraid what legislation might pass. I haven't any prediction.

One of the things you stress is that it would be economically a hardship on the railroads. Well, it is a hardship on the unions, too. We know they are both going to be the losers if they go on strike. They should get together now and try to work it out. They are not too far apart, as I understand.

I can't stress any stronger that they should start to meet this afternoon, to try to get together and avoid this thing.

Mr. IGNATIUS. Mr. Friedel, I certainly agree with that. I think the parties have an obligation to attempt to reach agreement. Although I am not informed in detail as to the issues, it is my understanding, as is yours, that areas of difference are not marked and that great progress has been made in narrowing the differences over the record of this controversy.

Certainly it would be better if the parties could reach agreement.

In the absence of that, we must not and cannot have a stoppage of national rail transportation.

Mr. FRIEDEL. What would be better than to try to do it right now? They are going to eventually agree. They can do it now. They are both going to have to give and take. That is how it is supposed to be. I am hoping they do.

I wouldn't want to embarrass you with any questions. Secretary McNamara is not here and I wouldn't want to put you in an awkward position.

The CHAIRMAN. Mr. Springer?

Mr. SPRINGER. Mr. Secretary, I regret that Mr. McNamara was not able to be here because I think the committee was planning on some very pertinent questions insofar as he was concerned.

May I ask, General, are you in charge of logistics?

General LANE. No, sir.

Mr. SPRINGER. What is your position?

General LANE. I command the Military Traffic Management and Terminal Service. It is an operating agency of the Department of Defense.

Mr. SPRINGER. May I ask the General what his job is?

General MEYER. I am Director of Logistics for the Joint Chiefs of Staff.

Mr. SPRINGER. I want to see, Mr. Secretary, if I can put this together in a nutshell so that this committee can understand where you stand as a result of both of these statements. If there is anything you have to add at the end, I hope you will do it.

I have tried to analyze your statement. You have given, as best I can see, four distinct reasons as to why you believe that you have to take this position.

First, that in the ordinary course of business, defense items cannot be made separately from the rest of the rail traffic. Is that one?

Mr. IGNATIUS. Yes, sir; that is one.

Mr. SPRINGER. Now, the second one is that since the carriage of materials used by the Defense Department are approximately 5 percent, that this is not a viable way for the economy to work. In other words, as a result of trying to operate in this manner, with partial carriage, you up the costs of all products, including the Defense Department. Is that true?

Mr. IGNATIUS. I think certainly the cost of the transportation would be far higher because you would be operating essentially the bulk of the railroad system for a very small portion of the normal volume. Therefore, the smaller volume would have to bear that very heavy fixed cost.

Mr. SPRINGER. Now I will go to the third point.

As I understand it, your feeling is that other parts of the economy not occupied with defense would turn to the defense plants themselves for the output of products used in the private economy because they would be the only plants that would be operating.

Mr. IGNATIUS. I think we can say that. I believe that you are quite correct in saying that that is the kind of problem that would immediately arise.

The difficulty is that there are very few contractors who are wholly or solely defense contractors. They will range from less than 1 percent of their total volume on behalf of the Defense Department to, in the case of a few companies, a very substantial portion of their total volume.

An example might be a company making, let's say, transistors that we would use on military electronics but, let's say, might be used also in commercial television. Presumably the transistors used on military electronics would be essential; the ones on television would not be.

The company that makes them may be four or five tiers down the contracting structure. He may sell his transistor to a company who makes what the military call a black box. That black box, in turn, may be sold to a larger company that assembles several of these into a system who, in turn, may provide it to an aircraft manufacturer who puts it in, let's say, the F-4 fighter.

Knowledge of all of these relationships among companies down the various tiers is extremely difficult to obtain in any either central or regional way.

Mr. SPRINGER. Mr. Secretary, I only have 5 minutes.

Mr. IGNATIUS. I don't mean to take your time.

Mr. SPRINGER. The fourth point you have made, if I analyze this correctly, is that you use the truck freight in about the same proportion that you use rail. Is that approximately correct?

Mr. IGNATIUS. That is correct.

Mr. SPRINGER. What you are saying, in effect, as I understand it, is that if you are denied rail or any portion of rail, you will then turn to trucks which would further complicate the question of administration as well as the hauling of other goods by truck. Is that right?

Mr. IGNATIUS. That is correct. However, some of our shipments cannot be shifted from rail to truck.

Mr. SPRINGER. Those are the four I have analyzed.

Have any one of you three gentlemen any other points?

Mr. IGNATIUS. I would like to add one to the four you have mentioned, if I might. That would be to complete the example I was giving a moment ago of this manufacturer of transistors.

If only 5 percent of his volume is on behalf of the national defense, his ability to continue operating with only 5 percent of his normal volume would be very unlikely. Therefore, obtaining the 5 percent output, which is essential to the national defense, would be placed in jeopardy.

So I think this is a point, sir, that must be borne in mind, the inability to separate out from a total economy and to segregate within an industry that undergirds it, namely, the railroad industry, that part which is essential for defense. And even if one could do that, the inability then of a company to operate at the very limited volume levels that would be required if it were only operated for the national defense.

Mr. SPRINGER. Is there any other point?

Do you other gentlemen have any other points to make in addition to what the Secretary has given?

General LANE. I would add one point, Mr. Springer, only, and this relates to what the Secretary said about the subcontractors. I think it would be infeasible, administratively, to give clearance for the movement of those cargoes that go into the production of defense products.

It is administratively impossible to do it because the Department of Defense does not know who all the subcontractors are. The union has said that it will accept a Government clearance. So at this point in time there is no way of giving clearance to all these subcontractors who are actually in support of defense.

Mr. SPRINGER. General Meyer?

There are six points now. Before you leave here, do we have all of them?

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Macdonald.

Mr. MACDONALD. Thank you, Mr. Chairman.

Mr. Secretary, do you know who put out the invitations to that meeting held on May 16?

Mr. IGNATIUS. In respect to Mr. Fox and Mr. Leighty, I put out the invitations, and I put them out by telephone, first informing them of the day and the approximate hour, and, secondly, in a second call, informing them precisely of the time and place of the meeting.

The invitations to the other participants, and they were people from the Government, were made in a number of ways. I think I may have, for example, been responsible for telephoning the Department of Health, Education, and Welfare, Assistant Secretary Lee being the representative from there.

Mr. MACDONALD. In general, you are the gentleman who issued the invitation, so I am talking to the correct person.

Mr. IGNATIUS. Yes, sir.

Mr. MACDONALD. Inasmuch as we on the committee received the telegram sent to the Department of Transportation, and I think the record will show that it went out on the 8th, and I questioned the Secretary of Transportation, Mr. Boyd, and in response to a question to me, he said, "No, there wasn't going to be a meeting because * * *" he didn't think a meeting was necessary, that the job, as you have indicated, was just too tough to be done and, therefore, nothing would be served if such a meeting were held—and I think I paraphrase his testimony correctly.

Let me mention this to you: I went into the same matter, subsequently, with the Secretary of Labor, Mr. Wirtz. While I was questioning Mr. Wirtz, sometime later he sent somebody out on the phone and when he came back he indicated that he had talked with someone at the Department of Defense and they had indicated the fact that, yes, they would hold the meeting.

Doesn't it seem to you that if there are two people to a dispute, and one of the parties says that it is possible to move goods that are essential to defense and national health and welfare, and the other party says no, the other party being the railroads, that they say no, it is impossible, wouldn't you think it would be a good move to get them in the same room to find out why one says that it is possible, the people who work the trains, and have the people who own the freight cars, who say no, it is not possible?

Wouldn't it be reasonable to have them in the same room to hear both sides of the story?

Mr. IGNATIUS. We were informed by Messrs. Fox and Leighty—

Mr. MACDONALD. Since my time is limited, I will ask the same question in a different way. Since I believe it is very reasonable, why didn't the Defense Department think it reasonable? Why didn't they have the railroads there to defend their point of view?

Mr. IGNATIUS. We felt that the purpose of the meeting was to hear the proposal that Messrs. Fox and Leighty had offered to present, and that under those circumstances it would be appropriate to meet with them.

Mr. MACDONALD. In other words, the Pentagon, I know, has many more problems than just moving trains. Therefore, I would think the people who would know the most about moving the trains, outside of the people who work on the trains, are the people who operate the trains in the sense of owning them.

I just can't understand why they weren't invited to this meeting unless the Department of Transportation was joined by the Department of Defense in having a preconceived notion that nothing would come of this meeting. Fifty minutes, with one side not even represented, doesn't seem to me to be a very thoroughgoing back-and-forth of the subject. I quite frankly don't understand it.

Mr. IGNATIUS. We had given, of course, a great deal of thought and time to this matter before the meeting, as well as subsequent to the meeting. The meeting itself did take approximately an hour, although perhaps 50 minutes is the exact time.

I might mention, Mr. Macdonald, in addition to the telephone calls that I made, there was a telegram sent by Secretary Vance, signed by Secretary Vance, on the 13th of May to Mr. Fox and Mr. Leighty advising them of the meeting. My phone calls were in connection with that.

Mr. MACDONALD. That still doesn't get around the point as to why, if there is a dispute, and one side is to be heard with a proposal, why the other side is not there to say why they think it can't be done.

By your very figures you say that of all the railroad traffic, only 5 percent is defense related. I was very surprised to hear that figure. If only 5 percent of the rail traffic of this Nation is defense related, I don't see why it couldn't be possible to accept the idea put forth by the Brotherhoods that they could say, "If this is needed, we will let it go through."

Mr. IGNATIUS. They certainly offered to be cooperative and we thanked them for that. The problems in accomplishing this, I think, Mr. Macdonald, were addressed in Secretary McNamara's statement, which I read.

We gave serious and careful thought to their proposal, examined it in detail, and concluded that it was not feasible.

Mr. MACDONALD. My last question, Mr. Chairman.

When did you turn down the proposition—at the end of the 50 minutes?

Mr. IGNATIUS. Mr. Vance, at the end of the meeting, stated that in his judgment—and Secretary Boyd also made a similar statement—

Mr. MACDONALD. He had made the same statement here to questions I asked a week beforehand, and he hadn't seen the proposal at that time.

Mr. IGNATIUS. Secretary Vance stated at the conclusion of the meeting that the proposal did appear to be infeasible and not a practical solution to the problem which faced us. He so informed them.

Mr. MACDONALD. This is based, by the Defense Department on 50 minutes of conversation with just one side to the dispute?

Mr. IGNATIUS. Sir, the meeting that you referred to was of approximately that length, but a great deal of work went on prior to the meeting to consider the proposal that had been described and its implications.

Mr. MACDONALD. I have said before, and I will say again, that I don't think that the brotherhoods' proposal to move these goods in a time of emergency has been given thorough consideration.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Devine?

Mr. DEVINE. Mr. Chairman, I was unavoidably detained this morning. I would like to reserve my right to question at a later point.

The CHAIRMAN. Mr. Jarman?

Mr. JARMAN. Mr. Chairman, I have no questions at this time, but I will state for the record that I think the McNamara-Wheeler statements that have been read this morning are clear, effective, and compelling logic on this problem that we all face.

Thank you.

The CHAIRMAN. Mr. Keith?

Mr. KEITH. Thank you, Mr. Chairman?

I don't have any specific questions. The testimony that has been developed here, particularly under the questioning of Mr. Springer, is quite enlightening as to the difficulty faced by the Defense Department.

I would like to know what contingency plans exist. Are there any plans such as those that existed in 1952 pertaining to the steel industry?

Mr. IGNATIUS. Mr. Keith, I can only repeat what Secretary McNamara said in his statement: That the consequences of a shutdown of the national rail transportation at this time are such that it simply can't be permitted to occur.

Once again, I must say that I believe a means of preventing this, in the absence of the parties coming into agreement in the manner Mr. Friedel earlier mentioned, could be achieved by the joint resolution which the President has requested of the Congress.

Mr. KEITH. Our chairman has indicated that we are a separate branch of Government and we may not concur.

The other observation that I would make is that it would appear that the Defense Department is getting quite realistic as to the problems involved in this dispute—this attitude may have a subduing effect on other operations which they contemplate from their high and lofty position.

That is all I have, Mr. Chairman.

The CHAIRMAN. Mr. Dingell?

Mr. DINGELL. Thank you, Mr. Chairman.

I read your statement with great interest, General. I am wondering about two points.

One is: Is there authority in the hands of the President at this time to promulgate appropriate regulations for the movement of defense-oriented cargo and cargo on the railroads which is essential to the national defense?

Mr. IGNATIUS. This is on the assumption the railroads were operating?

Mr. DINGELL. Assuming the railroads would stop operating, is there such authority in the President?

Mr. IGNATIUS. I don't believe such authority exists if, by your question, Mr. Dingell, you are referring to seizure, that is, to compel operation. I do not believe such authority exists.

Mr. DINGELL. I don't have the citation of the statute before me, but as I understand it, the President has authority to deal with matters of this kind through the establishing of priorities.

Are you telling me that that legislation does not afford him the power to move cargo and shipments which are essential to the national defense on the railroads?

Mr. IGNATIUS. Sir, this is why I asked the assumption underlying your question. On the assumption that the railroads are operating, the President does have authority under the Defense Production Act with respect to the establishment of priorities in behalf of the national defense, both with respect to manufactured articles as well as transportation.

Mr. DINGELL. You are saying there is no statutory authority for him to move essential shipments in the event of a nationwide railroad strike?

Mr. IGNATIUS. It is my understanding that the legal situation is that if the railroads are operating and it is necessary to assure the movement of goods in support of the national defense, that the Defense Production Act and the Interstate Commerce Act empowers the President with that authority.

If the railroads are not operating, I do not believe that these acts give the President the authority to make them operate. I would like to check with legal counsel on that, if I may.

Mr. DINGELL. I think it would be appropriate, if you choose, to make such comment.

Mr. IGNATIUS. Mr. Nash, Assistant General Counsel of the Defense Department, who is behind me, stated that my general statement was a correct statement of the situation, in general lay terms.

Mr. DINGELL. And there is no authority in the President to require movement of defense shipments under any existing Federal statutes?

Mr. IGNATIUS. Only insofar as the above acts apply and in the manner I described in my response.

Mr. DINGELL. If this committee were to vest in the President the power to require movement of shipments essential to national defense, would it be possible for your agency to administer such a requirement and to issue regulations for the movement of such essential shipments?

Mr. IGNATIUS. Mr. Dingell—

Mr. DINGELL. I read your statement that the plan submitted to you by the unions was not workable. I read your statement on that point. But my question is a very different one. That is whether or not, if this committee and the Congress were to vest the President with the power to issue regulations for the movement of shipments essential to the national defense, would it be possible for your agency to do so?

Mr. IGNATIUS. I think that from our standpoint in the Defense Department, we believe that a stoppage of the national rail transportation system at the present time is something that is unthinkable.

As to how that should be dealt with, the committee has before it the request of the President to handle it by means of the mechanism in the joint resolution.

If there are other means that the Congress wants to consider as it reviews the problem, this would be for the committee and the Congress to decide. We support the administration position strongly.

Mr. DINGELL. That is very clear to me. But I am asking you a very different question.

I am asking your help. Our problem here is to try to save collective bargaining and protect the national interest, preserve the health, education, welfare, the defense of the Nation, but at the same time to allow the parties to bargain collectively.

I am asking you if it would be possible, if we were to vest in the Department of Defense appropriate authority to issue regulations to this end, and to require the movement of essential defense shipments, could you do so by regulation?

Mr. IGNATIUS. Sir, if your question means that only limited operation of the railroads would be involved, that is to say, confined to essential defense shipments, and presumably shipments for the national health along with the national defense, I think you would have a situation similar to what the union proposal was in respect to partial operation.

I think the administrative, the technical, the financial problems, management problems, overall, of managing a limited operation renders such a plan infeasible.

Therefore, if the purport of your comment is that power would be vested to operate the railroads on a partial basis, I would say that there would be difficult problems in the extreme in insuring that this could be done and that the national defense needs could be met.

Mr. DINGELL. The purport of my question is, if we gave you power to move essential shipments, could you do it?

Mr. IGNATIUS. The problem we would have is identifying what is essential to the national defense and then insuring the movement of those goods.

Mr. DINGELL. I would assume that the power to order movement of essential shipments would also include the power to identify essential shipments.

Mr. IGNATIUS. Yes, sir; that power would have to exist. But having been vested with that power, the problem of carrying it out in a meaningful way—

Mr. DINGELL. If you have authority to issue regulations to do two things, one, to identify, and, two, to move, could you do the job?

Mr. IGNATIUS. The problem we would face would be the problem of identifying. Although the power was vested, how would we identify a particular shipment of cardboard that represented cardboard associated with packaging munitions as opposed to cardboard that wasn't?

This is an extremely different job and would take a long period of time to effect.

Mr. DINGELL. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Broyhill.

Mr. BROYHILL. Thank you, Mr. Chairman.

I just wanted to thank the Secretary and General Meyer and General Lane for bringing the statements of Secretary McNamara and General Wheeler to the attention of the committee.

I think they have been forthright statements, bringing vital information that the committee needs.

I believe this information is based upon your experience and judgment, and have stated the facts that you feel the committee should have.

Thank you.

The CHAIRMAN. Mr. Rogers.

Mr. ROGERS. Thank you, Mr. Chairman.

Mr. Secretary, I, too, feel that the statement you read for Secretary McNamara is very clear. I don't know why anyone has difficulty in understanding the problem you would have in trying to separate defense-oriented and nondefense. I think it is very clear.

Tell me this: Has the Middle East situation which has developed put any greater urgency on the fact that we should not have a national strike?

Mr. IGNATIUS. Mr. Rogers, I am sure you appreciate my inability to comment on the Middle Eastern situation in any detail.

I would simply say that the unknowns associated with the situation in the Middle East, certainly adds a dimension to the problem.

In short, our situation is different in the sense that there are some unknowns created by the current situation in the Middle East.

Mr. ROGERS. If we were called upon to participate in any manner in the Middle East, in a military way, would this affect this situation any more?

Mr. IGNATIUS. Again, I don't want to get into matters dealing with the situation in the Middle East. The railroads now carry a substantial portion of our total traffic. If more traffic were required that should be moved by rail, then we would become more dependent upon the railroad industry.

But I don't wish to speculate on the Middle East situation, per se.

Mr. ROGERS. I realize that, I am simply saying that to close our eyes to it would be absurd, wouldn't it, Mr. Secretary?

Mr. IGNATIUS. I think so. Referring to Secretary McNamara's statement at the top of page 2:

In the light of the current world situation, and with new and dangerous unknowns created by the Near East crisis, we believe it is unthinkable that a strike should be permitted to occur in the industry which constitutes one of the basic elements supporting our military posture.

Mr. ROGERS. Thank you. I think that clearly puts it in a proper light.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Watson.

Mr. WATSON. Thank you, Mr. Chairman.

Mr. Secretary, I should like to join with the others in thanking you for your contribution. Certainly we understand why Secretary McNamara is unable to be here.

I would like to believe that your multitudinous problems that you would have on a partial operation are well beyond any that you have even described in your statement. I think if you tried to solve one, you would have 15 others crop up.

Be that as it may, apparently there has been a concern on the part of some of the committee members about the mechanics of this meeting with the unions. I have had difficulty in fully understanding what contribution the carriers could have made if you had invited all of them to this meeting.

If I can recount this, the unions made this offer of partial operation to serve the defense needs, is that not correct?

Mr. IGNATIUS. That is correct.

Mr. WATSON. And they appeared before you and, as I understood it, you determined after hearing them that it would be impracticable and unwise to undergo such an operation.

Mr. IGNATIUS. We had given their proposal a great deal of thought prior to the meeting, and a great deal of study. There was nothing that occurred during the meeting that caused us to believe that this would be a feasible solution to the problem.

Mr. WATSON. Mr. Secretary, of course you are aware of the fact that the carriers had taken the position before this committee in testimony that such a plan would not work, that it was impractical. You were aware of that, weren't you?

Mr. IGNATIUS. I was aware of testimony before the Senate committee by, I believe, the president of one of the carriers. I did not have an opportunity to read the hearings that may have been conducted in which carriers addressed the problem before this committee.

But I had heard, yes, sir; as to their views on this, and had read, as I say, the testimony of one of the railroad presidents in connection

with the question of limited operation before Senator Morse's committee.

Mr. WATSON. Then if you had had every carriers comment, all it would have done is resulted in a reinforcement of your decision that the plan was impractical and unwise?

Mr. IGNATIUS. We certainly believe, based on every bit of evidence that we could obtain, that the plan was not a feasible one.

Mr. WATSON. And if you were to bring them in, it would have just been an exercise in futility.

I want to conclude, Mr. Chairman, with this statement: We have the Middle East burning up and we have a lot of boys in Vietnam sacrificing and making a lot of concessions. Apparently 75 percent of these workers have made some concessions. It distresses me that we are piddling around here and messing around with this thing when the parties who should really be interested are not willing to make any concessions. These boys are making a lot of sacrifices. I think somebody on this side of the ocean ought to make some sacrifices.

Thank you very much.

The CHAIRMAN. Mr. Kornegay.

Mr. KORNEGAY. Thank you, Mr. Chairman.

I have no questions of the Secretary. I would like to thank you for coming, Mr. Secretary, and presenting the views of the Department to us on this occasion.

Thank you very much.

Mr. IGNATIUS. Thank you, sir.

The CHAIRMAN. Dr. Carter.

Mr. CARTER. I want to compliment the Secretary on this excellent presentation.

We are happy to have you with us.

I have no questions, Mr. Chairman.

The CHAIRMAN. Mr. Van Deerlin.

Mr. VAN DEERLIN. I have no questions, Mr. Chairman.

The CHAIRMAN. Mr. Brotzman.

Mr. BROTZMAN. Mr. Secretary, I understand from your testimony that there has been a meeting on May 16 with an indefinite running time, something between 50 minutes and 75 minutes.

From Secretary McNamara's statement, I also know that there were in attendance representatives from the Departments of Agriculture and Health, Education, and Welfare.

Realizing in a sense that this is hearsay testimony, do you recall any indication on the part of representatives from HEW as to what effect or what impact a strike would have on the public health of this country?

Mr. IGNATIUS. The representative from HEW at the meeting on May 16 was Dr. Philip Lee, Assistant Secretary for Health and Scientific Affairs.

To the best of my knowledge, Dr. Lee did not comment at the meeting in respect to the question of essential medical or health supplies. I do not recall a comment by Dr. Lee at the meeting.

Mr. BROTZMAN. Do you recall any other contributions by the members present at the May 16 meeting?

Mr. IGNATIUS. There was a general viewpoint expressed, Mr. Brotzman, at the conclusion of the meeting that the major subject under

discussion; namely, was it feasible to have a plan of partial operation, was not, in fact, a practical or feasible solution to the problem. View-points on this were expressed by Secretary Vance; Secretary Boyd made a comment to this effect; Under Secretary of Labor Reynolds, who was at the meeting, raised a number of questions which brought out the inability to differentiate between what is essential to the defense and what isn't.

There was one series of questions I recall Mr. Reynolds raising in connection with this. I would certainly say that it was the sense of the meeting that a plan of partial operation of an industry so closely integrated with the national economy, particularly at a time such as the present, was not feasible.

Mr. BROTZMAN. At this meeting, since time has been raised as an issue, was anyone foreclosed from presenting anything they had to say relative to this proposal?

Mr. IGNATIUS. Not to my knowledge. It seemed to me that anyone who wanted to say something was free to do so. I spoke up several times, and others did.

The meeting, it seemed to me, lasted as long as it was necessary to last. All of the people there, including the union representatives, were busy people, but I think all of us were prepared to spend as much time as was needed.

In fact, only 50 minutes to an hour was spent. But, as I recall, sir, there was no desire or, in fact, any effort made to keep anybody from saying whatever he wanted to say. There was quite good, general discussion.

Mr. BROTZMAN. It would be your position that there was a full presentation of the proposition?

Mr. IGNATIUS. First, we had had some idea of what was involved prior to the meeting and had devoted considerable time to analyzing this prior to the meeting.

At the meeting itself, Mr. Vance stated some views, the union representatives commented on them, we raised a number of discerning questions as to how this would work, they responded, and it seemed to me on the basis of the work we had already done, buttressed by the discussions we had had and the opportunity to hear in person from Messrs. Fox and Leighty, that we had sufficient information in order to form the judgment that we did; namely, that this was not a feasible or practical solution to the problem.

Mr. BROTZMAN. Did you so state at that particular time or was your answer delayed?

Mr. IGNATIUS. Mr. Vance pointed out at the meeting that he did not regard the plan as being feasible. He stated that it had a number of unknowns associated with it, and that certainly he could not chance the risk to the Nation's defense and welfare if the proposal didn't work out. This was stated by Mr. Vance at the meeting.

It is my recollection that similar statements in respect to the judgment that the plan was impractical were made by Secretary Boyd.

Mr. BROTZMAN. I thank you, Mr. Secretary.

I have no further questions.

The CHAIRMAN. Mr. Pickle.

Mr. PICKLE. Thank you, Mr. Chairman.

Mr. Secretary, the gist of the questioning this morning seems to me to revolve around the question of whether the railroads had sat in on

the meeting and had offered testimony. To me this doesn't quite go to the point. I can't see the great emergency of that because the statement has been made over and over again that the plan would not work.

Have you or the Department ever asked the railroad people if such a plan would be workable?

Mr. IGNATIUS. I have read the testimony, as I stated earlier, of one of the railroad presidents. I don't recall whether I spoke personally to anyone else associated with the management of the railroads. I do not believe I have.

I recall one telephone conversation with a member of the staff of the Association of American Railroads. But I do not believe, based on my recollection of that, that we discussed the plan of partial operation.

Mr. PICKLE. Mr. Secretary, as one member, I don't know why you don't officially ask the railroads for their position on such a plan as was offered.

This committee and this country is facing a time crisis and in approximately 12 days we are going to have a strike or else we are going to have some kind of legislation to head it off. Time is of the essence.

I don't know why you don't get the official statement of such a group, and if there is any question that needs to be pursued that you would pursue it, while these hearings are going on. I think we ought to do that as a matter of completing the record.

Mr. IGNATIUS. Yes, sir; I think we could do that. I think also, and I will need to check with the Department of Transportation, I suspect they may have done that. I am not certain of that, but they have certainly been involved. I will check with them.

That is something we can do. But I don't think we will learn anything new from it, sir.

Mr. PICKLE. The real question is, on the testimony before us: Is such a plan in your opinion workable, the separation of the transportation of defense-essential goods? You, Mr. Secretary, that is, the Secretary of Defense, the Secretary of Transportation, and, I assume, all related officials in these departments have said it was unthinkable, that you could not do it.

Mr. IGNATIUS. That is correct, that is not a feasible solution to the problem.

Mr. PICKLE. We in this committee must either say that you are right or you are wrong. It behooves us, and none of us on this committee are experts, to say that you do not know what you are talking about. I am compelled to think that your testimony is logical. As distasteful as the legislation may be, we face the decision of taking some kind of action that is best for the country.

Thank you.

The CHAIRMAN. Mr. Watkins?

Mr. WATKINS. Thank you, Mr. Chairman.

I would like to ask one question: You made the statement, Mr. Secretary, that you are opposed to compulsory arbitration. Is that the thinking of your department or of yourself?

Mr. IGNATIUS. I must be very explicit on this point. The chairman characterized my appearance at the outset as one not having to do with labor-management issues. I do not appear before this committee as an expert on labor-management relations.

Mr. WATKINS. Are you in favor of it, or is it your view or the Department's, or Mr. McNamara's view?

Mr. IGNATIUS. I cannot speak for Mr. McNamara on this point. I did state as my personal view that I would be opposed to compulsory arbitration, but that is not necessarily a departmental position.

Mr. WATKINS. Do you have any other view, in view of that, that you could get the railroads and the labor unions together?

Mr. IGNATIUS. In the absence of an agreement such as Mr. Friedel mentioned earlier, it would seem to me that the best solution I am aware of is the request that the President has made for the joint resolution that lies before the committee.

Mr. WATKINS. I am aware of where you stand on the President's recommendation.

You also made the statement that you didn't think the traffic could be handled where 5 percent of it is covered by the rails. It is about 12 days away, but have you gone into the common carriage vehicles to be used for this? The trucks are regulated, of course. They can only go on certain roads and certain highways. But has that been checked through the Interstate Commerce Commission to handle the Government shipments?

Mr. IGNATIUS. I am not sure I understand the question. Perhaps General Lane understands it.

General LANE. Yes, I understand the question.

Nothing specific has been done. This, of course, is an ICC prerogative.

Mr. WATKINS. Why haven't steps been taken, assuming that there will be a strike? The way it looks here, if there is no legislation there will be a strike.

General LANE. Because the capacity of the trucking industry cannot take care of the load that would be thrust upon it by the stoppage of the rails.

Mr. WATKINS. I don't agree with you on that. Have you figures to back that up?

General LANE. Roughly 50 percent of the carriage in the country is truck, and 50 percent is rail. Neither can carry the load of the other.

Mr. WATKINS. I disagree with you. I think they could. But you would have to release the regulations so that a carrier, perhaps, would only run from Boston to Alexandria, Va., and he would be allowed to go to Miami and California. I think you should look into that, General.

General LANE. This would be done in specific instances. We work very closely with the ICC.

Mr. WATKINS. Let's not wait until the last day.

General LANE. Correct.

Mr. WATKINS. That is all, Mr. Chairman.

The CHAIRMAN. Mr. Ottinger?

Mr. OTTINGER. Thank you, Mr. Chairman.

Mr. Secretary, I can understand fully your coming before us and expressing your opinion as to the drastic effects on our defense posture and our defense organization if a nationwide railway strike occurred.

I cannot see, however, how you can maintain a position supporting the particular solution represented in the bill. You say you are not going to take a position with respect to labor-management disputes. Do you have anything against our resolving this by providing for seizure of the railroads?

Mr. IGNATIUS. The issue must resolved. Seizure would be an alternative. In my judgment, it is not as satisfactory an alternative as that which has been proposed under the joint resolution.

Mr. OTTINGER. Does it not equally solve your military problems?

Mr. IGNATIUS. Our interest, of course, is in insuring that our supplies are moved. But I would think that the resolution of the issue, either through completion of the collective bargaining, as Congressman Friedel said, or by means of the joint resolution, would be preferable to seizure. I think there are other problems associated with seizure that are not present if the joint resolution is passed.

Mr. OTTINGER. Do those problems relate to the movement of military goods?

Mr. IGNATIUS. I haven't addressed in detail that question, Mr. Ottinger. But I am of the opinion that there would be new problems associated with seizure that would not be present under the joint resolution. I fully support that as the preferred means as opposed to seizure.

Mr. OTTINGER. I think it inappropriate, unless you are coming here to testify on the labor issues, that you extend yourself beyond the question of the movement of military goods and the necessity of our defense posture. It seems to me that otherwise you are getting clearly into another area with which we are charged, but which you say you want to avoid.

Mr. IGNATIUS. I think I understand the point you are making. There was a seizure some years ago and it is an alternative. Although I was not in the Department at the time, there was a period of operation under those conditions.

Mr. OTTINGER. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Brown?

Mr. BROWN. As a newspaperman, you realize if I were editing your statement, Mr. Secretary, I would leave it as it is up until the last line. I think Mr. Ottinger has put his finger on the problem.

If you are not testifying on labor-management negotiations but merely on whether or not the country can afford a strike in these perilous times from the standpoint of the Defense Department, then I would have left off that last sentence of this statement, perhaps.

Let me ask you, then, with reference to whether or not the country can tolerate a strike at this time—and I want to be perfectly clear on your viewpoint—any conclusion on the part of this committee or on the part of the Congress to take a strike, I gather, damages our defense posture in Vietnam and our maneuverability with reference to any action this country might wish to take in the Mideast; is that correct?

Mr. IGNATIUS. I think given the current circumstances, we cannot have a national rail stoppage.

Mr. BROWN. Would you go so far as to call such an eventuality irresponsible?

Mr. IGNATIUS. I would say that the parties certainly have an obligation to attempt to reach agreement. If that doesn't occur, there must be found some other means of insuring a continuation of national rail service.

Mr. BROWN. Can I conclude from what you just said that any unwillingness to negotiate or to meet together on the part of management

and labor is inimical to the interests of our young men, 500,000 of them, serving in Vietnam?

Mr. IGNATIUS. Certainly, Mr. Brown, I think any parties to a labor dispute, and particularly in an industry as important as this, and at a time such as the present, have an obligation to attempt to seek agreement.

I have been most impressed in past circumstances that have come to my attention with the ability of the parties to compose their differences. I have seen situations—

Mr. BROWN. You are aware, are you not, Mr. Secretary, that the parties haven't met in this instance since the 25th of April?

Mr. IGNATIUS. I checked this morning, before coming to the committee, with the Labor Department and was advised that there has not been any negotiation in the recent past.

Mr. BROWN. Would you consider this lack of willingness to meet on the part of management and on the part of labor as inimical to our foreign interests?

Mr. IGNATIUS. It is just very clear to me that we must have rail transportation, the national system, at the present time.

Mr. BROWN. Mr. Secretary—

Mr. IGNATIUS. I am answering your question. I would like to think that the parties would make every effort and every last effort in order to reach agreement. The issues, I am told, that separate them are not large, and much progress was made.

Mr. BROWN. Now, the answer to the question: Would you consider the failure to meet inimical to our interests in Vietnam, the interests of the 500,000 young men fighting there, in a position that the President has put them in?

Mr. IGNATIUS. I think they should meet; yes, sir.

Mr. BROWN. Let me switch to another level of questions since I don't feel that is a very direct answer to my question, frankly.

Mr. IGNATIUS. I meant it to be.

Mr. BROWN. You meant it to be direct?

Mr. IGNATIUS. I meant it to be direct.

Mr. BROWN. You think it is inimical to the interests of these young men and to our foreign policy that they are not meeting?

Mr. IGNATIUS. I stated before that the circumstances require a solution to the problem, and the best solution would be for the parties to come into agreement.

Therefore, it would seem to me they should make every effort to do so and if they are not meeting, I would think that they ought to give it another effort and see if they can't come into agreement.

Mr. BROWN. You apparently put the Defense Department in a position of saying that we cannot afford a strike. I am trying to determine whether the fact that the parties are not meeting is irresponsible, because apparently if the parties will not meet and the only way to resolve this problem is through seizure or compulsory arbitration, then I presume, from your statement, that it would be irresponsible if the Congress did not take one action or another, or some action, to avoid a strike.

That is the position that the administration has put the Congress in. I would like to put the rail management and the rail unions in the same position. Is that correct?

Mr. IGNATIUS. Yes, I understand that.

Mr. BROWN. Let me ask one other question, if I may.

The arguments you have advanced for the inability of the country at this time, in such a position as we find ourselves with regard to Vietnam and the concern over the events in the Mideast, with reference to the rail situation, might also be applicable to other labor-management disputes in other industries.

Mr. IGNATIUS. We don't have any situation on the horizon that I am familiar with that poses the kind of problem that a national stoppage of the rail system would pose.

Mr. BROWN. Would a maritime strike pose a problem as it relates to the rail?

Mr. IGNATIUS. That would be a very serious problem, Mr. Brown. But we believe that in a maritime strike it might be feasible to insure the partial operations, so to speak, in order to insure the movement of defense cargoes. We have had experiences of that kind in the past with the maritime unions and they have agreed to move essential defense cargoes. Secretary McNamara's statement which I read addressed this point. The problem is a lot simpler in that case than in the partial operation of the railroads.

Mr. BROWN. If I may put one final thought or question, it seems to me that it is only a relative matter when you suggest the country's defense posture cannot take a rail strike, both because of its effect on the economy and its effect on our national defense, related to the possibility of a maritime strike, a steel strike, something that would affect the power resources of our country or communications.

I make this point because we have had earlier testimony that we can't afford to take this strike because it would have an adverse effect on our national economy.

All of these other industries that I mentioned would have some degree of an adverse effect on our national economy and I gather some degree of an adverse effect on our national defense posture. It seems to me that we are getting ourselves into the position; that is, the administration is getting itself into a position, of saying that we cannot afford strikes in a rather wide number of industries.

Therefore, we have, I think, an obligation, the administration does, and perhaps the Congress does, to try to find some means of resolving these nationwide strikes that are so critical both to our economy and our defense posture.

The CHAIRMAN. Mr. Blanton?

Mr. BLANTON. I have no questions, Mr. Chairman.

The CHAIRMAN. Mr. Kuykendall?

Mr. KUYKENDALL. Mr. Secretary, I want to thank you for an excellent statement as to the effect a strike would have on the national defense effort.

To prevent this, I know, is the reason that you are here. I would like to take most of my time, since I hope this is one of the last of the many hearings that will be required to come to some kind of conclusion, in joining with Mr. Friedel and Mr. Watson in expressing very deep displeasure and resentment at the inactivity of both parties since April 25.

In the face of the world conditions as they are today, I do not believe that the two parties in this strike have any right to expect the Congress to save collective bargaining. But only they can save collective bargaining.

I just wonder if the learned gentlemen on both sides of this dispute since April 25, instead of having us sit here for 24 hours since that time, doing their job for them, if they had to forfeit their pay to this committee during that time, if they wouldn't get down to business. I am talking to both parties now.

I think it is time for both parties to start thinking about these men in Vietnam, to quit wondering about who is the biggest villain on the other side, and maybe one of them try to be a hero, for a change, to the American people.

If we are to believe each side's opinion of himself, as we have heard through 24 hours of listening, both sides are perfect. If we are to believe each party's opinion of the other side, there is no virtue on either side. I assume that somewhere in between lies the truth. It is their job to settle that and not ours.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Stuckey?

Mr. STUCKEY. No questions.

The CHAIRMAN. Mr. Kyros?

Mr. KYROS. No questions, Mr. Chairman.

The CHAIRMAN. Mr. Devine?

Mr. DEVINE. I have no questions, Mr. Chairman.

The CHAIRMAN. This will conclude our session with you gentlemen. We want to thank you for coming over to give us your views. I am sorry Secretary McNamara could not be here. We appreciate the fact that you have been with us.

Thank you again.

The next witness we will have this morning is Mr. W. T. Rice, president, Atlantic Coast Line Railroad, Jacksonville, Fla.

I want to thank you, Mr. Rice, for being so patient this morning. We hope that we can finish with your testimony today. I understand you have some other commitments. That is the reason we are hoping to get through.

You may proceed with your testimony.

STATEMENT OF W. THOMAS RICE, PRESIDENT, ATLANTIC COAST LINE RAILROAD CO.

Mr. RICE. Thank you, Mr. Chairman and gentlemen of the committee.

My name is W. Thomas Rice. I am president of the Atlantic Coast Line Railroad Co., with general headquarters in Jacksonville, Fla.

I started railroading after I graduated from college in civil engineering in 1934. I worked for the Pennsylvania on seven different divisions until I was called on active duty during World War II in 1942. I served in the Army for 4 years, 3 of which was overseas.

I was in railroad operations a good portion of this time on the railroad running from the Persian Gulf to the Caspian Sea, serving ourselves and our allies, the Russians.

Subsequent to that, I was in the Philippines and later in Japan. I returned to civilian railroading in April of 1946. I went to work then for the Richmond, Fredericksburg & Potomac Railroad, which is the one that operates between Washington and Richmond, as a track supervisor at Fredericksburg.

Subsequently I was made superintendent of this yard across the river that you gentlemen can probably see from your windows, the Potomac yards. I was the operating head of it for 3 years.

I then went to Richmond as superintendent of the main line, and later general superintendent, and in 1955 I was elected as president. I remained in that job until 1957 when I was elected president of the Atlantic Coast Line Railroad, the job I am still in.

I continued my relationships with the Department of Defense in the Reserve Corps, and I am now a major general. Up until about a year ago I commanded the Transportation Railway Service, which is the headquarters of the Military Railway Service, in the theater of operations.

The Atlantic Coast Line Railroad Co., with some 5,700 miles of track, the northern terminus in Richmond, Va., runs through Virginia, the Carolinas, Georgia, Florida, and Alabama. Our western termini are in South Carolina, Augusta, Atlanta, Birmingham, Montgomery, and, of course, we run on down through the peninsula of Florida.

I am here today at the invitation of your chairman to discuss with you my interpretations of the practicability of the implementation of the movement of war material and other materials essential to the general welfare of the public in time of a rail strike.

In my opinion, gentlemen, the implementation of such a policy is extremely difficult, if not impossible. I would like to give my reasons.

No. 1: How do we determine what these materials are that would fall in the exempt category?

As many of you know, Government bills of lading are prepared on shipments moving from a military installation to another one. That is no problem. But there are thousands of carloads of very highly essential commodities that move on a normal bill of lading.

To try to pick out from the hundreds of bills of lading at any large yard those materials that fall in this exempt category would be both laborious, time consuming, and at times impossible.

We have an ammunition port on our railroad in South Carolina where we are loading a tremendous amount of ammunition destined to Vietnam. We load as many as six vessels at a time at that port. These cars come to us in lots of maybe 15 one day and 150 the next day. They may come through this Potomac yard, Birmingham, Montgomery, Spartansburg, Columbia, Augusta, at any junction point that we meet other railroads.

That is no problem. But we also move into that port carloads of lumber that must be used as dunnage in loading these ships. It is just as important to get the job done to have the dunnage as it is the ammunition.

At Mullins, S.C., there is an organization that is packaging these little packages of what we would call in World War II "K" rations. They get sugar, coffee, cigarettes, various foodstuffs, and they package them and ship them out on Government bills of lading to the ports for export to Vietnam. They move in on a normal bill of lading. To try to find those cars and separate them from the others would be a physical impossibility, even if you had the time to do it.

There are many other places on our railroad where we move parts into an assembly point where the entire product is put together, and the whole then would be moved to the port.

In my opinion, gentlemen, there is no way of determining what is what. Cotton to the textile mills to the South to make cloth from which the uniforms are made that the lads are wearing—how can you determine what cotton goes into uniforms and what cotton goes into the normal economy of the land?

I wasn't here, but I understand during World War II we did have priorities, and it was extremely difficult to control. We saw it overseas in trying to move goods under priorities, with all of the people we needed to try to work it out. It wasn't simple.

If you would let me, I would like to take you over to the Potomac yards and give you my understanding of what would happen at the time of a work stoppage. This yard is used by five railroads, the Pennsylvania and the B. & O. from the north; the C. & O., the Southern, and the R.R. & P. from the south.

At any time, day or night, she could have anywhere from 2,000 to 3,000 cars sitting in the two receiving yards and the two classification yards.

Suppose at midnight, 8 a.m., 4 p.m., or any other time of the day a picket line is thrown up over the entrance. What happens? Nobody reports for work. How do we find out what these exempt cars are? Somebody would have to go through the bill of lading on every car in the yard to pick it out. Who would that somebody be?

Let's assume, then, that the supervision would do this, that they had a list to go by. I don't think any list would suffice. They find out where the cars are and what cars need to be cut out of these multitudes of tracks to be dispatched onto the important areas that they are destined to.

Then what do they do? They have to call all of the crafts to come there and perhaps switch every track in that yard, both in the classification yard and in the receiving yard, because they all will have some of these cars.

How do they get these men? Let me tell you what they need. No. 1, they need trainmen, they need engineers, they need fireman, they need operators, clerks, yardmasters, car inspectors, car repairmen, maintenance-of-way people if they have a broken rail or a broken switch. They need everybody who works on the problem.

Who is going to tell them to come to work? That is the question of communications. These gentlemen are not going to cross that picket line, in my humble opinion, unless someone representing their brotherhoods is there to tell them they can go in and go to work. Who will make the decision as to whether or not these cars should move? Will the general chairman do it? Will the local chairman do it? Will the yardmaster do it?

I am sure you visualize the confusion that would exist in trying to get enough people there. The communications would be practically unbelievable confusion. And this is just one yard. You can reproduce that time and time again.

If you have to repair any of the cars you would need shop employees. These cars could be ammunition that I spoke of earlier, destined to Sunny Point. Suppose after a period of several days, and believe me, gentlemen, I sincerely believe it would take it, we get these cars separated out of the tracks, the ones that are exempt. There may be 10 cars for one railroad, 150 for another, and 75 for another.

Is this railroad with only 10 cars going to operate the train or is it going to wait until it can get a trainload?

These are some of the operating problems that we can well see. The schedules would be broken. These trains move in. You know, freight trains in this highly classified area operate on a schedule very similar to a passenger train. These trains from the North arrive at a certain time and they are humped over the humps and then the southbound trains move out on a schedule. These ports are moving the ships in to meet the schedules. The schedules are gone. The trains from the North would not come on schedule. They would have to wait for the traffic to move, I would presume.

Of course, you realize that to run a 5- or 10-car train, as compared to the normal size, with the power we have, while it takes the same number of employees to run it, it is quite expensive, relatively speaking.

Look at the problem that would exist now in dispatching this train. We have to get a road crew. The road crew would perhaps want to talk with the general chairman to be sure that these are exempt cars before they crossed the picket line.

We have to have diesel employees to get the engines ready. We have to have a train dispatcher located at the division headquarters. We have to have block operators in every one of the towers.

Whether there is one train or 60, you have to have those people. That is the way you run a railroad. So then we get the train run to Richmond and you have to interchange it with another railroad. You have no communication, no telephone operators, with this other railroad. There you are faced with the train arriving to get car inspectors out to reproduce this same confusion that I tried to speak of. The delay is enough to stagger the imagination, in my opinion.

What about the car supply? You gentlemen are quite familiar with the so-called critical shortage of railroad equipment that was suffered earlier in the year. Legislation was passed that gave the Interstate Commerce Commission certain authority in helping us control our equipment.

How do we get these empty cars back to the depots to load this same ammunition I referred to? Will we run an empty train back under the rules? Certain cars will move back empty, but they are specially equipped cars. Will we be authorized to run these trains empty? Who will pay for them? We can't afford to pay for them. We would be using a tremendous force to move a very small portion of our normal business.

The schedules would not operate, so the empty cars would pile up at the ports. Your inland spots, where you need them for reloading, would be short of cars. They are short now at times with the constant movement of cars in the normal commerce.

I might say on our railroad alone we have 26 military installations throughout the Southeast. This Sunny Point, to which I have referred, has ammunition moved into it from 28 States and from 39 loading points. How do we get those empty cars back to those points?

I think this car supply would be the most chaotic thing we could imagine. You would find all up and down the coast where these cars are being shipped to a great congestion of empty equipment. An empty car takes just as much space as a loaded car. When you get your yards

filled with them, you are paralyzed. You have to have flexibility. You certainly can't operate a yard if you have these cars sitting there, whether they are empty or whether they are not.

On cost, there, again, gentlemen, I have no idea who would pay the bill. I know the railroads wouldn't. If we are working a force of this size and moving 5 percent of our traffic, as I understand the Secretary to say this morning, with all of our fixed charges running, with a great number of employees working to move a small number of cars, I despair at what would happen.

I know that the tariffs that we now charge are approved by the ICC. Somebody above the railroads would have to change them.

What about perishables? Congressman Rogers' State is moving a lot of watermelons right now. They will be up in South Carolina before long. Those things are very important. Potatoes out of Florida are going to the boys overseas. How do we know where they are going when they start shipping in carloads, when we are moving a hundred carloads a day? They are not going to an installation, all of them, but many of them do.

We have had a little experience lately that I would like to cite to you gentlemen. There is a little railroad in Florida known as the Florida East Coast Railroad. They have been on strike for a long time. Not long ago their engineers decided that they would endeavor to stop Coast Line from delivering traffic or receiving traffic from the FEC. In order to do that they came over to our yard and put signs on that said "ACL Unfair," and I may not repeat this exactly, "They deliver cars to FEC scabs and take our jobs."

They obviously, through their channels of communications, asked our people not to receive cars from the FEC nor deliver them. Well, what happened? Our people were completely confused on what to do.

You get to a car from the FEC and maybe the engineer would get off the engine and say, "I can't handle it." The train crew didn't know what to do. They said they would handle it. So we put a supervisor on the engine who knew how to run it and switched that car out.

With an organization represented by the trainmen on the ground and his supervisor on the engine, and the complete disunity of the thinking insofar as our employees are concerned in this little, small yard, as to what they should not be doing under these circumstances, to me was a most forceful example of the lack of communications and the fact that you just can't get large groups of men controlled by many chairmen to understand the instructions that are vague and fragmentally changing on the hour.

I think discrimination is a big problem, discrimination on the employees. Under the rules of the ICC, we would be calling the senior men in first. What happens to the younger men with children at home? They wouldn't get any work. They wouldn't stand for it.

The same thing would be true of every craft. And the shipper, in the testimony you heard this morning, may be making partly defense and partly nondefense items. What happens to him? Do we deliver coal to a powerplant that is generating electricity that will be used subsequently by some defense plants, and deny it to some other type of facility?

Gentlemen, I don't know. But I foresee a great mass of problems.

How do we collect for the traffic we do move? We won't have any clerical people. This 5 percent that we heard spoken of this morning,

that would cause us to go broke in a few days. We wouldn't have anybody to process the bills or collect the money, or bill the Government. You could dream all day about the problems under such a system of operation. They are realistic and not fantasy.

What about passenger trains? We move young men down to many of these military installations, Parris Island, S.C., the Marine induction center. We move them down to a place where they unload on many trains, little groups, 10 people sometimes, maybe 100, maybe 200, maybe a special train. But they frequently move on our regular passenger trains.

Would we move them, or would we say to the civilians who showed up there at the station, "You can't ride this train."

What about the express? I just can't imagine how such a thing could be done with an semblance of businesslike operation.

Passenger trains? Perhaps we wouldn't run any. I don't know.

I know your time is short and I would like to say this: In our opinion, the railroads of America are geared to mass transportation. That is the only way we know how to operate. The economy of the land—and no land can wage war if its economy falls on its face—is tied in with your basic form of transportation. We think in the railroad business we are the basic form of transportation.

For those reasons, gentlemen, I do not think this suggestion is possible to alleviate the problem that this country faces.

If I may, Mr. Chairman, as a Reserve officer of some 33 years, speaking now not as a railroad executive but just as a person, to let these boys overseas be short of material or supplies because of a stoppage of the railroads of America to me would be a most unthinkable thing.

I might further say I can imagine nothing more receptive in Hanoi, Peking, or Moscow than to see this country, faced with the emergency we are now faced with, let its basic transportation fall on its face.

I thank you.

The CHAIRMAN. Thank you, Mr. Rice.

I don't know how the wires got crossed, but I had hoped that you were going to talk on the complete issues here. We hope there will not be a strike. I wanted you to speak on the whole subject of the railroad emergency matter. Be that as it may, I think you have done well on what you have presented.

Mr. Friedel?

Mr. FRIEDEL. Mr. Rice, there is no question in my mind that you have a wonderful background and know this business from A to Z.

You have painted a very graphic picture of what could happen if there were a national railway strike. What have you done as a president of the Atlantic Coast Line in asking your representative to try to get together to negotiate now while we still have time?

Mr. RICE. I have been in communication with our people, who treat with the National Railway Conference who handle matters of negotiation for the American railroads, constantly in an effort to learn what is being done and what could be done.

Mr. FRIEDEL. As I understand it, there have been no meetings at all. They have not been trying to negotiate.

Mr. RICE. Sir, I am not qualified to speak on that. Mr. J. E. Wolfe is the negotiator for the Railway Labor Conference. He is the one who is eminently qualified to address you gentlemen on this subject. I am not.

Mr. FRIEDEL. I am not questioning that at all. I can't understand why they are not trying to negotiate now. What are they trying to do? To force legislation? Force seizure or force something else where neither of you will be happy?

Why don't you try to get together and negotiate? Maybe you can come up with a contract. If I were president of a railroad, I think I would try to get them to meet this afternoon, immediately, to try to get together. If you don't meet, there is no chance in the world of getting together.

Mr. RICE. Not being fully abreast of what has gone on, I would not be in a position to discuss this.

Mr. FRIEDEL. I am not asking you to give me the inner workings. I am asking you, as president of the railroad. You painted a very, very black picture. You know what can happen if there is a national railway strike, or if we were to pass legislation for just an emergency.

You stressed what would happen, how you would pick out certain cars and so on. But knowing that, knowing the importance of getting together, if I were president, I would stress their trying to get together. Are we too far apart? Can we get together and try to meet? I think you can. If I were president, that is what I would do.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Springer.

Mr. SPRINGER. Are you limiting your testimony to your experience on the railroad?

Mr. RICE. I am limiting my testimony to my experience as a railroad operating officer both in this country and overseas.

Mr. SPRINGER. Are you East Coast?

Mr. RICE. Am I what?

Mr. SPRINGER. You are Atlantic Coast, not the East Coast?

Mr. RICE. The Atlantic Coast Line, sir.

Mr. SPRINGER. I wanted to be sure about who I was talking to.

How much of your total income is traffic on the Atlantic Coast Line?

Mr. RICE. Do you mean how much of our total rail operating income is freight traffic?

Mr. SPRINGER. Yes.

Mr. RICE. Eighty-seven percent.

Mr. SPRINGER. Thirteen percent is passenger?

Mr. RICE. Passenger, mail, express, other types of per diem demurrage.

Mr. SPRINGER. On your line, do you have a substantial number of defense industries?

Mr. RICE. Yes, sir; 26 military installations.

Mr. SPRINGER. That is military installations. What about defense contractors?

Mr. RICE. You never know, sir, whether they are or whether they are not. Many of them are involved in making things for the Government that we are not familiar with.

Mr. SPRINGER. How many?

Mr. RICE. All of the foodstuffs that come out of Florida, much of that goes to the Quartermaster Corps. It goes to canning organizations who can it and ship it. Even the phosphate of Florida used in the production of fertilizer could be construed as a defense item.

We move paper, cardboard boxes, by the thousands of carloads to the various manufacturers in the Southeast, which the Secretary spoke of this morning, needed for the boxing of ammunition.

I would have no guess as to the amount. But paper and paper products are the No. 2 revenue producer.

Mr. SPRINGER. What is your total mileage?

Mr. RICE. 5,700 miles.

Mr. SPRINGER. All along the east coast?

Mr. RICE. Back in as far as Birmingham, Atlanta, Augusta, Spartansburg, Columbia. We go through six States.

Mr. SPRINGER. And your terminus on the south is what?

Mr. RICE. Right down at the tip end of Florida.

Mr. SPRINGER. And your northern terminus is where?

Mr. RICE. Richmond, Va.

Mr. SPRINGER. With due respect, Mr. Rice, I don't believe you are the kind of a person that we ought to hear on this particular problem because I don't think you come from the industrial area of this country where, in my opinion, sufficient carriage of materials of this kind, speaking about the total volume, would affect this particular problem. I would want to hear from someone else besides you.

I think, Mr. Rice, as far as your statement is concerned, you have made a good statement.

Mr. RICE. Mr. Springer, I think you are talking about one of the fastest developing industrial portions of the whole country. Not only have I worked on the Coast Line, but I spent 7 years on the Pennsylvania, in the Pittsburgh and Philadelphia area, the Wilmington, Del., area, and in the steel mill area.

Mr. SPRINGER. I am glad to hear that. I understood you were testifying as the president of the Atlantic Coast Line Railroad and also from your overseas experience. But if you have had other experience, that is all right.

Mr. RICE. We have same very heavy industry around Birmingham.

Mr. SPRINGER. But I think there are railroads in the heart of this country carrying a lot more goods than you are. I would like to speak to them on this question.

Mr. ROGERS. Would the gentleman yield?

Mr. SPRINGER. Yes. I yield to the gentleman who comes from that area.

Mr. ROGERS. I believe the gentleman was out of the room when Mr. Rice gave his background and experience on quite a number of railroads, not only in this part of the country but in the eastern part also, as well as his experience overseas with the military. He is a major general and has had experience in moving military cargo, so I think he is eminently qualified to give testimony, particularly on this point to which we are addressing ourselves this morning. I understood this was the point of the hearing, to have the Defense Department over here and to have the president of this line testify.

Furthermore, in this area, there are 26 military establishments which are vitally dependent on the railroads and, furthermore, our ports and the industry that is developing down there, being very definitely military-oriented in many ways.

I think the testimony he has given is very helpful in seeing what this proposition would bring about.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Macdonald.

Mr. MACDONALD. Thank you, Mr. Chairman.

I don't have any direct question, sir, but there was one matter that you spoke of which other members of the committee have mentioned. It sort of puts the people who don't believe in compulsory arbitration to appear as if we were not supporting our fighting men in Vietnam, and throughout the world, for that matter.

I would like to point out to those people who have made the statement that obviously, I can say also as a member of the Reserve, having served my time in World War II, I can say that obviously nobody in this room wants to see any military personnel deprived of any material they should have that would hamper our war effort.

On the other hand, I think it is well to bear in mind, and I am sure you will agree with me, that as far as I have been told what we are doing in Vietnam is trying to uphold a democratic form of government. That is what we are told our boys are doing that far away from home. They are fighting in a faraway place so that a democratic form of government will be put into effect.

I, for one, feel very strongly that telling men that they have to work when they have gone through bargaining, at the end of the bargaining for the Government to say, "We don't care what you say, you are going to go to work," doesn't seem to me to be a very democratic form of government.

As a matter of fact, I would think it is one of the least democratic ways that this dispute can be solved. I would repeat to you that I don't understand why the parties to this dispute don't conduct volunteer, binding arbitration and keep the Government where it belongs—out of collective bargaining.

That is an answer not only to what you said, sir, but also members of the committee who intimated that if you weren't for compulsory arbitration you were somewhat of a nonpatriot.

What really surprised me was your saying that as president of a railroad you are so detached from the give and take of this dispute that you do not know what is going on in that field.

Has Mr. Wolfe completely taken over the running of all the railroads that are in this dispute?

Mr. RICE. Mr. Wolfe is the spokesman—

Mr. MACDONALD. I respect Mr. Wolfe and he knows it. He and I sat together and hammered out a bill last year that was satisfactory to the railroads and very helpful to railroad retirement. I know Mr. Wolfe and I respect him. This is not criticism of him.

But it is indirectly a criticism of those presidents who feel so detached from the day in and day out battle that they just turn over these negotiations, even though it is your railroad that will be struck. It is not Mr. Wolfe's.

I don't understand how you can be that detached from the battle.

Mr. RICE. If you gained that impression from what I said, I have misled you badly. I am speaking for the Atlantic Coast Line Railroad and I am not speaking for the railroad industry. I am citing my experiences and my feelings.

Mr. MACDONALD. You said, sir, and I am sure the record will bear me out, in answer to Mr. Springer's remarks, that you didn't know what was going on in the negotiations.

Mr. RICE. I think if you will read the record, sir, it will not so state.

Mr. MACDONALD. All right. Thank you.

The CHAIRMAN. Mr. Watson.

Mr. WATSON. Mr. Rice, thank you for the contribution you have made this morning. I am sure you have had some discourse with other officials of the railroad transportation industry. So far as you have been able to ascertain, do they share your feeling of the magnitude of the problems that would be presented in the event we should attempt to have a partial operation for defense and health needs alone?

Mr. RICE. Yes, sir.

Mr. WATSON. They do share your views in that regard?

Mr. RICE. They certainly do.

Mr. WATSON. Frankly, I think you have made a fine contribution here. As you describe the magnitude of the problem, I think you really haven't scratched the surface of the problems that would arise.

If I may make this one statement, Mr. Chairman, to my esteemed friend and our minority leader on the committee, Mr. Springer, I am familiar with the Atlantic Coast Line Railroad. They have a splendid operation. While we may not have the industrial capacity down in that area, I am sure we do have the strategic military installations which would be directly affected in the transport of commodities from the industrial complex in the Northeast.

We would initially add that so far as textiles are concerned, they are a vitally important part of the defense posture and supply logistics; and probably we have as many spindles in Spartanburg and Greenville County as you will have anywhere in the Nation.

I, for one, want to express the same sentiments as my colleague from Florida in thanking you for the fine contribution you have made this morning.

The CHAIRMAN. Mr. Rogers.

Mr. ROGERS. Thank you, Mr. Chairman.

I just want to say that I do hope the railroads would take the position of continuing bargaining. I think this is essential, meaning Mr. Wolfe would continue to try to bargain with the unions in trying to work out this problem.

I would agree with what you have said, that it would be an impossible job to try to administer just taking defense goods. Society is too complex, I think, to try to divide this up. I think you have very forcefully made this point this morning before the committee.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Watkins.

Mr. WATKINS. Mr. Chairman, thank you.

I want to compliment the gentleman on his ability to operate a railroad. But still, I don't see any reason to take the time of the committee.

You haven't answered the \$64 question which has been asked you. You don't know whether your company is negotiating with the union at this time. Or do you?

Mr. RICE. I know that the Railway Labor Conference is in constant touch with this situation. I get daily reports on what, if anything, is happening. I refer you to Mr. Wolfe for the details.

Mr. WATKINS. Thank you.

As a manager managing railroads as you are, very efficiently, I am sure, and I can agree on your distribution being a tremendous job

don't you think it is a sad day for the railroads and also the labor unions? Do you think you people want the Congress of the United States to have to make the decision? Don't you think it is a sad day for free bargaining?

Mr. RICE. I will agree with that; yes, sir.

Mr. WATKINS. It could lead into other big unions and big management having to go through the same thing. I can't understand, like many members of the committee, why it has not been worked out. I think it is a lack of talking by both parties. I am not going to take sides here with management or with labor. I believe in both.

After listening to many hours of testimony, though not all of it, it seems to me that no effort is being made whatsoever. Everyone has realized the condition this country is in with boys overseas who have to be taken care of. We realize that.

I just want to know why you can't ask your railroad and the others to get together and make a decision before this time expires. I have said it before and I will say it again, that this legislation is very, very bad. I hate to vote either way, or to think that I have to.

If I have to be counted, I will be counted. But I want to remind you that this is a sad, sad day for free bargaining. If it is going to continue this way over the country, there will be no more free bargaining in America. If everybody takes the same attitude as the railroads' management and labor have taken, it is all over. Of course, I realize your position is with the railroads.

I hope you take that message back.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Brown.

Mr. BROWN. Mr. Rice, you indicated you had 33 years in the Reserves and a number of other responsibilities and honors which obviously qualifies you as a patriotic man.

What have you done, if anything, to urge Mr. Wolfe to negotiate in this circumstance so that we can avoid this strike?

Mr. RICE. To begin with, I gave Mr. Wolfe, as we do in all matters involving labor relations, a power of attorney to act in behalf of our railroad.

I have been in constant touch with him personally and through my representative who serves on his negotiating committee, keeping in constant touch with it and trying wherever we could to make any suggestions that might be helpful.

Mr. BROWN. Have you urged any negotiations since the 25th of April?

Mr. RICE. I have not.

Mr. BROWN. Do you feel it would be desirable?

Mr. RICE. I question that seriously, but Mr. Wolfe could answer that more factually than I.

Mr. BROWN. Do you mean Mr. Wolfe could answer whether you think it would be desirable?

Mr. RICE. It is desirable is my answer directly to you.

Mr. BROWN. That is my question. Do you think it would be desirable if railroad management and railroad labor were negotiating at this moment?

Mr. RICE. I think it is always desirable that people talk. But to meet just for the sake of meeting, when an irresistible force hits an immovable object, serves very little purpose.

Mr. BROWN. In other words, you would feel there is no purpose to be served by railroad management and labor sitting down at this point?

Mr. RICE. At the present posture, as I understand it, there would be no useful purpose in such a meeting.

Mr. BROWN. Do you have any preference of order between compulsory arbitration, seizure, or a strike, Mr. Rice?

Mr. RICE. My personal feeling, and again I want to emphasize, Mr. Brown, that I am not speaking for the industry but I am speaking as an individual, where collective bargaining has run its course and there has been a failure to reach an agreement—

Mr. BROWN. Do you feel collective bargaining—

Mr. RICE. I say where it has, in answering your question.

Mr. BROWN. In this case it has?

Mr. RICE. I think it has; yes, sir. Then I believe an impartial panel appointed by the President of the United States to hear the dispute and to move on it is the only way to settle interests that are as great as these to the public.

I, for one, speaking for one railroad, would be perfectly willing to take my day in court before that panel and abide by their decision.

Mr. BROWN. What would be your second choice, Mr. Rice?

Mr. RICE. I am speaking of the finality bill as my No. 1. I have no second.

Mr. BROWN. May I ask you if one of the critical phases of this problem is the nationwide nature of this kind of strike? Do you have any suggestions for permanent legislation which might avoid the nationwide character of strikes in the rail industry? Do you think this would help resolve the problem which we face?

Mr. RICE. Mr. Brown, I certainly do not. I have no thoughts on that. Mr. Wolfe is sitting on my left and if you want to be brought up to date on these negotiations I am sure he will be glad to do it.

Mr. BROWN. I have had my opportunity to question Mr. Wolfe. This is the first opportunity I have had to question the president of an individual railroad.

It seems to me that part of the problem that we face is because there has been a conclusion that we must all hang together lest we hang separately in some way. If this were a strike on the Atlantic Coast Line Railroad only, I am not sure that I would be called upon as a Member of Congress to serve as a labor negotiator in this instance. But it is not. It is a strike of all the railroads in the country.

We have had testimony from the Defense Department and others to indicate that for that reason it is a matter of national consequence.

My question is: Do you think there is any way we can avoid the nationwide character of rail strikes in the future?

Mr. RICE. I know of none.

Mr. BROWN. Which leaves us, then, as I gather from your testimony, with the choice between compulsory arbitration, seizure, or the strike?

Mr. RICE. I would much prefer the finality bill. Seizure, in my opinion, would accomplish little to dispose of the issue. A strike would be a national catastrophe.

Mr. BROWN. But avoiding any of these is not worth negotiating?

Mr. RICE. That was never said by me.

Mr. BROWN. You said that there is no point in now negotiating.

Mr. RICE. I believe I said that where nothing could be accomplished—

Mr. BROWN. You are assured of that?

Mr. RICE (continuing). There was no point in negotiating.

Mr. BROWN. Are you assured that nothing could be accomplished by the two parties in this dispute?

Mr. RICE. I did not so say. I said where nothing could be. I was making a hypothetical statement. Mr. Wolfe can speak to whether something can be accomplished or not.

Mr. BROWN. You don't consider it desirable to urge Mr. Wolfe to meet again with the railroad unions?

Mr. RICE. Will you repeat the question?

Mr. BROWN. You don't consider it desirable to urge Mr. Wolfe to meet again with the unions?

Mr. RICE. I consider it highly desirable wherever there is the slightest opportunity of any type of breakthrough, and Mr. Wolfe knows that. He knows it from every railroad president that he represents. His committee is made up of representatives of the various railroads of this country who treat with him and confer with him daily as to the posture of this problem.

Mr. BROWN. Is there anything that can be accomplished by such a meeting now?

Mr. RICE. Again, I refer that question to Mr. Wolfe.

Mr. BROWN. Thank you, Mr. Chairman.

Mr. SPRINGER. Mr. Chairman, might I ask a question in view of this colloquy?

The CHAIRMAN. Yes.

Mr. SPRINGER. Everybody here has been sympathizing with both parties about sitting down. If there is anybody more in favor of that than I, I don't think there is anyone on this committee.

I may be misquoting, but it was my understanding from Mr. Wolfe, that the present posture and the conditions on which they were bargaining were so far apart that it was not felt that there was anything that could be accomplished by either side. I think I state this correctly. I don't want the record to go on with people on the committee on both sides to keep talking about this question of talking. These people are in the neighborhood of 14 percent apart on a total of 2 years, as I understand it.

One is talking about 5 or 6½ percent, according to which side you hear, and the other is talking, as I understand it, in the neighborhood of a 2-year period at 19 or 20 percent.

I believe this is what Mr. Ramsey and Mr. Wolfe are fairly well agreed upon, that this is where they stand. Now the question is, Do you accomplish anything with these people sitting down with this posture at this time?

If they can sit down under these circumstances and talk, I sure want them to do it. But I don't think this record ought to deal with a lot of moralizing that this is somewhere near the position of talking at the present time.

Mr. Brown, am I stating this about the way you heard the testimony? This wasn't said for your benefit. There has been a lot said here this morning. I don't want to get the issues confused that these people are anywhere near any probability of settling.

Mr. BROWN. Will the gentleman yield?

Mr. SPRINGER. Yes. The gentleman has brought a point out and he feels strong about it. I respect him for it. I do hope the record stays clear on this particular point.

Mr. BROWN. My questions made no effort to moralize on the one question of whether anything could be accomplished by the two parties sitting down together to discuss the differences they now have. That is what I was trying to draw from Mr. Rice, whether he feels there is anything to be gained from such discussion. But it was suggested by the previous witness, the Assistant Secretary of Defense, that he would prefer that we have no strike, and then his conclusion was that he would prefer House Joint Resolution 559.

He suggested that it would be desirable, if the strike could be resolved without the necessity for passage of House Joint Resolution 559, seizure or some other compulsion, that this would resolve the issue as far as he was concerned.

He also commented, as a result of my questioning and the questioning of others, with reference to what this does to our national posture in defense and foreign affairs. This obviously cuts to the patriotism of the members of this committee, I presume, and the decision we will have to reach.

I drew from Mr. Rice as to whether or not they were really willing to resolve this problem as important as it was to this Nation. This was the nature of my inquiry to Mr. Rice as to whether or not he urged further discussions on this subject and thought there would be any value in it.

Mr. SPRINGER. May I say I want to urge Mr. Wolfe and labor to sit down if there is the possibility of anything being done to bring this thing closer together. I would make myself clear on that point. But I do think we ought to have reality, of course, at the same time we are talking about what ought to be done.

Mr. BROWN. If the gentleman will yield, I would agree thoroughly that this involves not only this committee of the Congress and the situation in which we find ourselves in the country, and management, but certainly also includes labor in this suggestion, that we would all be better served if some negotiation were possible that would reach a valid conclusion, which would avoid the necessity of some action on the part of this committee.

The CHAIRMAN. Mr. Rice, we want to thank you for coming and giving us the benefit of your views.

I would like to make the comment that we spend a lot of time, and the United Nations are now spending a lot of time trying to get those who don't agree to a bargaining table. That seems to be their effort. We are trying to get the unions and the railroads to the bargaining table.

I believe you can stop wars and strikes and so on if we can get men talking. So there is, in my opinion, a moral issue. I would take issue with Mr. Springer on that. I think there is a moral issue here as strong as anything we have ever been fighting for in the freedom of this land. That is to get men talking and not fighting. That is exactly what we have the United Nations for. That is what we are trying to do in this committee.

I think it is our job. I think it is appropriate that we get men to talk to try to settle this thing.

Again, I want to thank you.

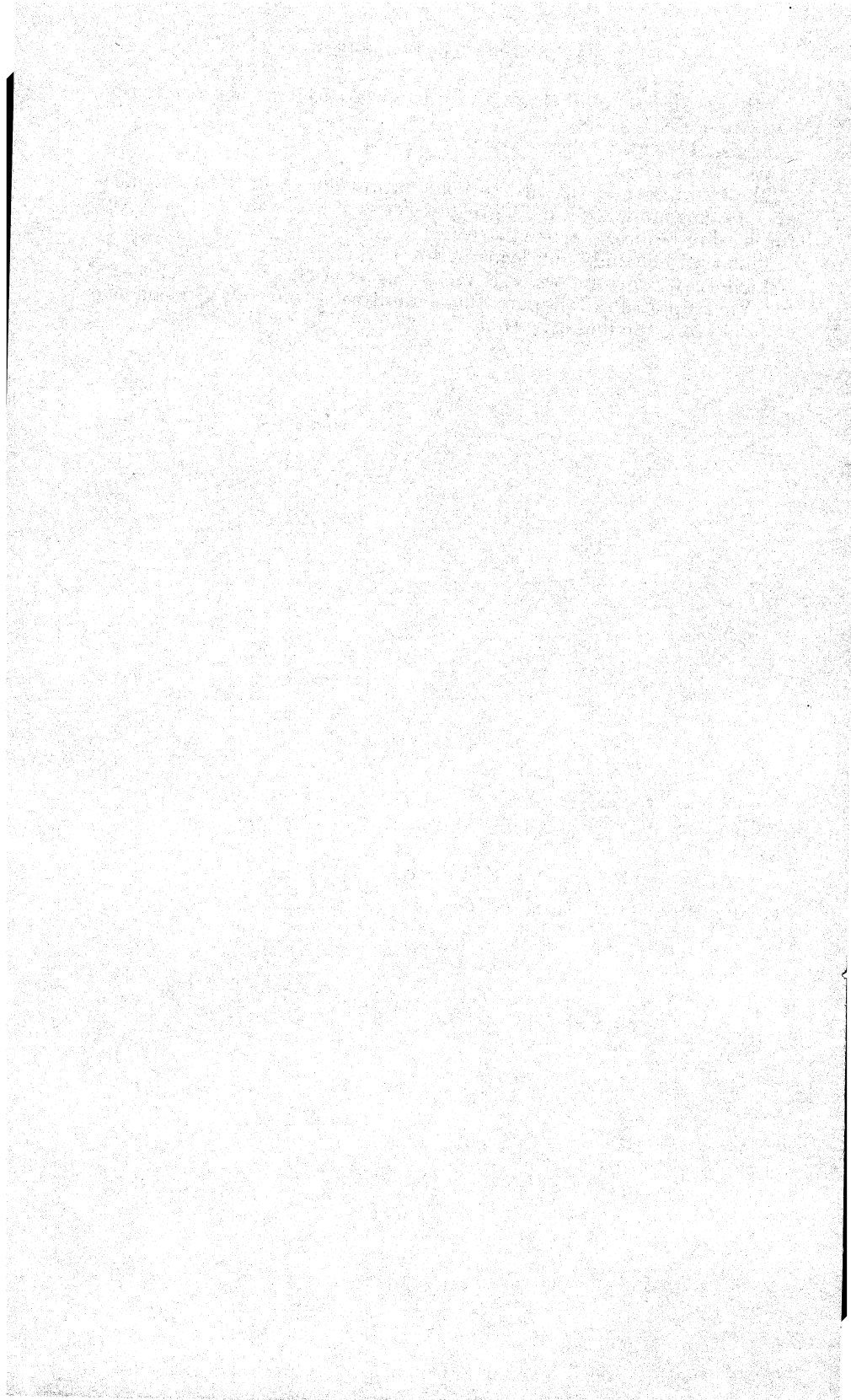
Mr. RICE. Thank you, sir.

The CHAIRMAN. I listened to your background and it is a tremendous background. You are a great American. We want to thank you for coming before the committee.

This will conclude our hearing for today.

Tomorrow morning we will reconvene at 9:30.

(Whereupon, at 12:35 p.m., the committee adjourned, to reconvene at 9:30 a.m., Wednesday, June 7, 1967.)



RAILROAD LABOR DISPUTE

WEDNESDAY, JUNE 7, 1967

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D.C.

The committee met at 10 a.m., pursuant to notice, in room 2123, Rayburn House Office Building, Hon. Harley O. Staggers (chairman) presiding.

The CHAIRMAN. The committee will please come to order.

This morning we have a continuation of the hearings on House Joint Resolution 559.

We have as our first witness Mr. A. J. Greenough, president of the Pennsylvania Railroad Co., Transportation Center, Philadelphia.

You may proceed as you wish.

STATEMENT OF A. J. GREENOUGH, PRESIDENT, PENNSYLVANIA RAILROAD CO.; ACCOMPANIED BY GREGORY PRINCE, EXECUTIVE VICE PRESIDENT AND GENERAL COUNSEL, ASSOCIATION OF AMERICAN RAILROADS; AND J. E. WOLFE, CHAIRMAN, NATIONAL RAILWAY LABOR CONFERENCE

MR. GREENOUGH. Thank you, Mr. Chairman.

I have with me today Mr. Prince of the Association of American Railroads, and Mr. Wolfe of the National Railway Labor Conference. I think these two gentlemen need no further introduction to the members of the committee.

By way of qualifying myself, I might say that as of the first of next month I will start my 40th year of service in the railroad industry, all of it with the Pennsylvania. For the past 7 years I have been president and chief administrative officer of the company. Thirty-two years prior to that was all spent in the operating department in various capacities—superintendent, general superintendent, general manager, vice president of operations, and so forth.

It was my understanding that the committee wanted a railroad president with operating background to discuss primarily the proposal made by railroad union representatives Michael Fox and George Leighty, in a telegram to the Secretary of Defense, offering to move all rail shipments essential to the Nation's military effort and the public health in the event of a national railroad strike by the shopcraft unions.

I was informed late yesterday afternoon that the chairman was desirous of having me discuss somewhat broader aspects of the problem.

Let me make it clear that I am not conversant with the detailed situation with respect to the current dispute with the shopcraft unions and that I was asked to make this presentation before your committee

primarily because of my long background and experience in railroad operations with one of the major railroads of the country.

However, in an attempt to comply with the request of the chairman, I would like to point out to you very briefly how the situation appears to me and what I think this committee should do about it.

In general, the situation is as follows:

The negotiations on behalf of about 200 railroads are conducted by the National Railway Labor Conference, headed by Mr. J. E. Wolfe, and the negotiating committees to whom powers of attorney have been given by those railroads.

In the series of 1966-67 demands of the railroad unions, collective bargaining between the parties brought about settlements with unions representing over three-quarters of the railroad employees. However, the railroads' representatives have been unable to arrive at a settlement with the representatives of the shopcraft unions.

The full and complete background of these negotiations and the efforts of settlement were presented to this committee by Mr. Wolfe. I do not have the detailed knowledge or background to deal further with this aspect of the problem.

I do know, however, that the same offer that was accepted by three-quarters of our employees was made to the shopcraft unions and rejected by them. I know also that the proposal of the mediation board for voluntary arbitration to settle the dispute was accepted by the railroads and rejected by the employees.

I know further that following this rejection, an Emergency Board was appointed by the President and the recommendations of that Board were also accepted by the railroads and rejected by the unions.

Yesterday, Congressman Macdonald stated that the perfect solution of this perplexing problem is for the parties to voluntarily agree to submit the unresolved issues to final and binding arbitration. Mr. Wolfe informed me this morning that he will enter into such an arbitration agreement on behalf of the carriers, and if the unions will likewise agree, the procedure for final disposition of all such unresolved issues can be disposed of in 30 minutes.

So much for the background of the current dispute.

The President of the United States, the Secretary of Defense, the Secretary of Transportation, and the Secretary of Labor have all said that the national health, welfare, and security, particularly under today's conditions, cannot tolerate a cessation of railroad service. With this I fully agree.

Under these circumstances, you come down to a question of what the Congress of the United States should do about the situation to insure continued operation in the broad public interest, together with justice and fair treatment of the parties involved.

As I understand it, there have been three proposals as to what Congress might do. The first is that the Congress do nothing on the assumption that the public interest would be protected through the offer made by the union leaders to handle all rail shipments essential to the Nation's military effort and the public health.

In my judgment, based upon my long years of operating experience, this proposal is completely unrealistic and impractical. I am prepared to go into this question in considerable detail if it should be the desire of the committee that I do so.

The second proposal that I have heard mentioned is some sort of seizure by the Government under which operations would be continued. As a permanent measure, this does not seem to me to offer a reasonable solution for it provides no means of settling the dispute that led to the seizure.

In addition, seizure is one sided in that all the pressures are brought to bear against management. Railroads are deprived of control of their properties and the only way in which they can get back that control is by reaching a settlement. This would merely tend to make the position of the unions more adamant and unyielding.

The employees, on the other hand, would probably lose nothing except the immediate availability of the increase in their wages because of the practice of making settlements retroactive.

In addition, most of the seizure proposals that have come to my attention contain a provision that makes it even more one sided against the railroads. The provision I refer to is one that says in determining just compensation to the owners of the carriers, due consideration should be given to the fact that the United States took possession of the carrier when its operation had been interrupted by a work stoppage or that a work stoppage was imminent.

In my judgment, such a proposal is like placing a loaded gun at the head of the carriers and the public. The purpose of such legislation is to compel capitulation on the part of the carriers to the unreasonable demands of the unions. A settlement brought about in this way would not be a settlement in the public interest.

A settlement in the public interest means a fair and just settlement, not just a settlement. Sight should not be lost of the fact that the shippers and the patrons of the services of the railroads are the ones who, in the long run, will bear the cost of a settlement if the railroad industry is to remain solvent.

The third approach to this problem is to provide for a binding determination by a neutral board appointed by the President of the United States after collective bargaining has failed to achieve a settlement. Preferably, I think this should be provided for on a permanent basis so as to avoid laying these problems in the doorstep of Congress repeatedly.

In our judgment, such a provision of law would not interfere or hinder free collective bargaining but, rather, it would encourage it. We are satisfied that if at the end of the road the parties know that failure of collective bargaining will result in a third party making a decision that will be binding upon them, they will go to greater lengths to achieve a settlement through collective bargaining.

If such a permanent provision of law is not in the picture at this late date, I feel that the proposal represented by House Joint Resolution 559 offers the most reasonable solution of the various alternatives presented to the Congress.

Before concluding, I want to address myself to what appears to me to be a patient misconception by the railroad brotherhoods of the President's proposal and of any proposal that calls for a fair and equitable determination by a neutral board when collective bargaining has failed.

The union representatives take the position that this is one-sided in favor of the railroads. A binding determination by a neutral board can be just as distasteful in result for railroad management as for the

railroad unions. We have no way of knowing what the result will be, any more than do the unions.

We, too, find it distasteful to have to subject to the determination of a third party decisions over what we shall pay in the way of wages and fringe benefits to our employees. The presumption is that the result will be fair and the only basis for the position taken by the railroad unions is that a fair settlement is, *per se*, an unfair settlement. In our viewpoint, such a position is untenable.

Under all the circumstances, we recommend to you at this juncture support for House Joint Resolution 559.

Mr. Chairman, that completes my statement.

The CHAIRMAN. Thank you very much, Mr. Greenough.

Mr. Friedel?

Mr. FRIEDEL. Mr. Greenough, it is always a pleasure to see the president of the Pennsylvania Railroad. I ride it almost every day.

Mr. GREENOUGH. Thank you, Mr. Friedel.

Mr. FRIEDEL. I see in the audience my good friend Bill Tinney, who keeps me well informed of your situation.

I am going to ask you a question I have every other witness we have had.

Why aren't they negotiating now? Why aren't they trying to get together without causing us to pass legislation that might be both distasteful to the management and to the unions?

Mr. GREENOUGH. I might say, Mr. Friedel—and Mr. Wolfe, who is here with me, can corroborate what I say in answer to that question—that management is willing at any time and at all times to sit down with representatives of the unions if there is any chance whatever of making any progress.

We hold ourselves open to continual negotiations on that basis.

Through our carriers' conference committee, the presidents of the Eastern railroads, I know—and I can't speak for the others—they have continually pressed our representatives that we want a settlement, that we would much rather have a negotiated settlement than we would have Congress take any action.

Mr. FRIEDEL. You would be willing for them to meet this afternoon if we can arrange it?

Mr. GREENOUGH. Yes, sir.

Mr. FRIEDEL. And to try to continue to work it out.

Mr. GREENOUGH. If there is any prospect of making any progress whatever, we are agreeable to that course.

Are we not, Mr. Wolfe?

Mr. WOLFE. Absolutely, and we have been since the very beginning.

Mr. FRIEDEL. I want to ask a question about a statement on page 2. You mentioned in three instances that the railroads have accepted the proposal and the unions have rejected the proposal.

As I understand, you say that an Emergency Board was appointed by the President and the recommendations of that Board were rejected by the unions and accepted by the railroads. I understood that both parties turned it down.

Mr. GREENOUGH. No, sir; that is not correct. The railroads accepted the proposal.

Mr. FRIEDEL. What was the last one?

Mr. GREENOUGH. That was a Mediation Panel appointed subsequent to the Emergency Board.

Mr. FRIEDEL. I thought that was the one they both declined.

Mr. GREENOUGH. I referred to the Emergency Board which took 60 days and which investigated the problem on the basis of the merits. They recommended settlement.

Mr. FRIEDEL. I want to thank you again, Mr. Greenough.

Mr. GREENOUGH. Thank you, Mr. Friedel.

The CHAIRMAN. Mr. Springer?

Mr. SPRINGER. Thank you, Mr. Chairman.

Mr. Greenough, perhaps a few are acquainted with the breadth and scope of the Pennsylvania Railroad, but some on this committee would not be. Would you tell me what States you operate in?

Mr. GREENOUGH. The Pennsylvania Railroad operates basically in the 13 States east of the Mississippi and north of the Ohio River, excluding New England.

Mr. SPRINGER. You go through New York to St. Louis?

Mr. GREENOUGH. New York to Chicago, New York to St. Louis, via Pittsburgh, where our main lines diverge.

Mr. SPRINGER. How many divisions do you have in your railroad besides the two main lines?

Mr. GREENOUGH. We have many, many branches, Mr. Springer; countless branches.

Mr. SPRINGER. Is it two, 20, or 50?

Mr. GREENOUGH. It is over 50.

Mr. SPRINGER. Then you do have connections, I take it, with every industrial area between New York and St. Louis.

Mr. GREENOUGH. Well, that wouldn't be strictly accurate. We don't get into upper New York State, such as Albany and Syracuse.

Mr. SPRINGER. I am talking about New York west and south.

Mr. GREENOUGH. Yes, sir. Basically, we serve the eastern part of the United States, including New York, Philadelphia, Baltimore, and Washington.

Mr. SPRINGER. Let me ask you this: Do you connect with as much as 75 percent of the industrial area between St. Louis and New York?

Mr. GREENOUGH. I think that might be a little high.

Mr. SPRINGER. In the neighborhood of that area?

Mr. GREENOUGH. In the neighborhood of 50 to 60, perhaps.

Mr. SPRINGER. In those industrial areas which you do connect with, how extensive are the defense areas within that greater area?

Mr. GREENOUGH. We serve directly 33 major defense bases, and we serve, of course, all of the principal heavy industry that provides the arsenal of our weaponry, including the steel industry, basically.

Mr. SPRINGER. Do you have any idea how much defense work you carried in 1966?

Mr. GREENOUGH. Mr. Springer, that is a very hard question to answer without some further definition as to what defense material is. If you speak simply of Defense Department-Government bills of lading, it would not be a large percentage, something probably less than five. However, if you are speaking in a broader sense of the basic—

Mr. SPRINGER. I am talking about defense in that area. How much are you carrying of that—10 percent, 20 percent, 50 percent?

Mr. GREENOUGH. Of the area? I would say we are carrying probably 30 to 40 percent.

Mr. SPRINGER. Of the defense materials manufactured in the area you serve?

Mr. GREENOUGH. Yes.

Mr. SPRINGER. I think one of the problems which this committee will certainly go into for discussion—and the reason I qualify you, Mr. Greenough, so that the committee can understand who you serve, the extent of the service that you render, and also within the service that you render the extent that you serve defense areas, speaking of those communities which provide the defense effort of this country, and trying to get a qualification now so that you can get an opinion—concerns the transportation of defense goods.

Yesterday the Under Secretary, or the Secretary by letter, or at least he stated this in a White House briefing some weeks ago, stated he had about 22,000 defense businesses or concerns that he could identify, and has a list of those in his office. But he says this is only 5 to 9 percent which the Defense Department has of the total carriage of railroads.

Well, this 22,000 is only 1 percent. This means there is 4 percent or 9 percent which he cannot identify. He doesn't even know who they are.

Now I come to this particular question to find out whether or not you and the brotherhoods could, if called upon, identify the defense shipments.

Mr. GREENOUGH. I am sure we could not.

Mr. SPRINGER. How sure are you?

Mr. GREENOUGH. I am reasonably sure.

Mr. SPRINGER. That you would have no way of recording those that are defense shipments separately from those which are nondefense?

Mr. GREENOUGH. Yes, sir.

Mr. SPRINGER. This is only an opinion, but do you believe that the brotherhoods by some method could identify them?

Mr. GREENOUGH. I do not.

Mr. SPRINGER. Why do you believe they could not?

Mr. GREENOUGH. Because I don't believe anybody can identify the background commodities going into our defense effort. I have with me a handful of waybills picked at random out of our waybill file describing types of commodities.

Mr. SPRINGER. How many waybills have you there in your hands? Identify that for the record.

Mr. GREENOUGH. I can't identify for sure more than one or two of them.

Mr. SPRINGER. Out of how many?

Mr. GREENOUGH. Out of 50 or 60.

Mr. SPRINGER. Do you mean you can't identify whether they are defense?

Mr. GREENOUGH. Whether they are connected with our defense effort, related to our defense effort. I can offer these waybills to the committee, if you wish them.

Mr. SPRINGER. Mr. Chairman, do you think that will be necessary?

Mr. FRIEDEL (presiding). No, I think the testimony will be sufficient.

Mr. SPRINGER. I didn't think we wanted to burden the record with all of them.

Do you know anyway, if this were put in the bill, whereby you could set up any agency or bureau upon which management and labor would both serve by which you could properly identify the defense matters carried by your railroad?

Mr. GREENOUGH. No, I don't.

Mr. SPRINGER. The brotherhoods offered testimony here, and I don't know that they pinned it down, but I believe there was testimony from two witnesses, that they felt they could do this, or at least they were willing to do it, so they said.

I think the Secretary of Defense has said that they had a meeting on this in the Pentagon. They said they were willing to do it. I am sure they are offering to do it in good faith.

What I am trying to get here today is the problem of whether or not this can be done. I think the record somewhere ought to show the problem involved. I don't think that has been developed enough.

Mr. GREENOUGH. I would be happy to develop that at considerable length if this committee wants me to. I think the definitions of what the unions have offered to do are so vague and so loose, and so indefinite, that implementation would be impossible. It would result in utter confusion, congestion, delay, interminable negotiations to establish guidelines, certifications, quotas, and many other decisions that would have to be made.

The result would be simply a chaotic and impossible administrative task.

Mr. SPRINGER. Let me ask you a second question, because this is the second part of the question.

The brotherhoods have offered not only to carry defense equipment, but they have offered to carry—and I believe this is the term—that which is needed in the general welfare. I would take it that this includes food, hospital supplies, all of those things which would be, as I understand it, absolute necessities for the population of this country to exist in reasonable comfort.

Mr. GREENOUGH. I think that would magnify the problem beyond any possibility of a determination. There are over 24,000 items of commerce. I think every one would have to be examined.

Mr. SPRINGER. Every one would have to what?

Mr. GREENOUGH. There are 24,000 different items of commerce in our tariffs, with separate rates. I think it would be an impossible task to determine not only how many of those items would come under the brotherhoods' offer, but in what amount each one of them would.

Mr. SPRINGER. Mr. Chairman, I have had my 5 minutes. Thank you.

Mr. FRIEDEL. Mr. Kornegay.

Mr. KORNEGAY. Thank you very much, Mr. Chairman.

Mr. Greenough, it is nice to see you and we appreciate your appearance here this morning. I have just two or three questions I would like to put to you.

No. 1, on page 2 of your statement you state that an offer was accepted by three-fourths of the employees but was turned down by the shopcraft unions. One of the main areas of dispute, as I understand it, between management and the shopcraft unions, is that involved in the equities as to the rates of pay for the skilled crafts. Is that not true?

Mr. GREENOUGH. Yes, sir.

Mr. KORNEGAY. Does that same area of dispute lie in the negotiations where three-fourths of the unions accepted the offer?

Mr. GREENOUGH. The same situation existed. I am not familiar with the degree to which it was pressed in the negotiations.

Mr. KORNEGAY. What I am really getting at is were the issues the same?

Mr. GREENOUGH. I would say basically the same. We have other skilled crafts. We have certainly train dispatchers, block operators, all of the crafts that are represented on my railroad by the Transport Workers Union having skilled crafts in them. While this issue was perhaps discussed—and Mr. Wolfe could comment on that——

Mr. KORNEGAY. In other words, settlement was reached on the question of the issue of inequities as well as the issue of the pay scales?

Mr. GREENOUGH. That is correct.

Mr. KORNEGAY. I note with a great deal of interest that as a result of Mr. Macdonald's suggestion yesterday that the parties voluntarily agree to submit the unresolved issues to final and binding arbitration, that Mr. Wolfe, representing the railroads, has agreed to that suggestion by Mr. Macdonald.

Mr. GREENOUGH. That is correct.

Mr. KORNEGAY. Have you heard anything from the unions as to what their position would be on such an arrangement?

Mr. GREENOUGH. I have heard nothing this morning.

Mr. KORNEGAY. Do you know whether or not the suggestion or idea has been transmitted to the unions?

Mr. GREENOUGH. I think the issue has been discussed many, many times. To the best of my knowledge, the unions have never been agreeable to it.

Mr. KORNEGAY. In this suggestion, I assume that it means a new arbitration board; in other words, new personnel on the board as opposed to those who have been working on this problem for some time. Is that correct?

Mr. GREENOUGH. I would assume that.

Mr. KORNEGAY. In your statement you have set out the proposals or alternatives which have been discussed, and I think two will be considered by the committee in executive session: No. 1, doing nothing and seeing what happens; and No. 2, the seizure.

No. 3 is the resolution which we have before us which would continue collective bargaining to provide for an agreement, and that would be a binding arbitration on both parties at the end of 2 years.

On the second proposal, that of seizure which has been suggested by certain members of this committee, and which has been suggested by certain witnesses, you feel that that would not be an appropriate procedure.

One of the reasons I note that causes you to disagree with this is that it would weigh more heavily upon management than the unions inasmuch as the only sacrifice that the unions would be making under such an arrangement would be the delay in receiving the increased wages. You go on to say that such practice usually makes settlements retroactive.

I would like to put out this hypothetical for you: In the event seizure seems to be the course of action, what would your feelings be if it were spelled out in a bill to that effect, that the settlements or the

increases in wages would not be retroactive but be effective as of the date of the agreement?

Do you feel that that would be equalizing the two pressures that would be put on each of the parties?

Mr. GREENOUGH. I had not previously considered that, but I think that would make it less onerous, less burdensome to the management.

Mr. KORNEGAY. I am not by any means suggesting that that is the course we ought to follow.

Mr. GREENOUGH. I understand.

Mr. KORNEGAY. I am trying to get your opinion as to what the situation would be if that were spelled out in any bill requiring seizure.

Mr. GREENOUGH. I think it would make seizure more palatable.

Mr. KORNEGAY. Would it create an atmosphere of conditions that would make a settlement come about quicker?

Mr. GREENOUGH. Under the circumstances, depending upon the other provisions of the bill, I would think that it would.

Mr. KORNEGAY. I see my time is up. Thank you very much.

Mr. FRIEDEL. Mr. Devine.

Mr. DEVINE. Mr. Greenough, I appreciate your coming here this morning. Your views do not come as any great surprise as regards culling out defense-related materials. I wonder, however, if you think it is a healthy situation in this country that neither the railroads nor the unions have made any effort to even discuss this matter since April 25?

Mr. GREENOUGH. As I can only repeat, Mr. Devine, we are ready, willing, and able to discuss with the unions any time there appears to be any chance whatever of reaching a settlement.

Mr. DEVINE. Have either side said to the other, "Let's sit down and see if there is anything to talk about"?

Those of us in Congress are getting weary of the fact that someone, apparently, is willing to sit out this 47 days and see whether or not the Congress does anything. The union says management will be bailed out if we pass this bill, and the management says they are opposed to compulsory arbitration and seizure, yet no effort apparently is being made by anyone to resolve this short of action by Congress.

The thing I presume will happen, and I can't speak for anyone else on the committee, is that Congress will probably be crowded into a position of passing some type of restrictive legislation that will not be satisfactory to either side.

Mr. GREENOUGH. I think in that connection our record speaks for itself with respect to our willingness to sit down and make a fair and equitable agreement with labor. We have been successful in concluding negotiations with 16 or 17 of the organizations, and I dare say that they feel they are fair and equitable. I am sure we do.

Mr. DEVINE. Mr. Wolfe testified before on this matter as to the willingness. He said that 76 or 77 percent of the brotherhoods have already collectively bargained in good faith and have arrived at a conclusion that is apparently acceptable to that segment. But that does not include shopcrafts.

Mr. GREENOUGH. That is right.

Mr. DEVINE. Ever since our meeting at the White House, and since this 47-day period was granted by the Congress, everyone assumed

or hoped that some effort would be made by the parties during this interim period which would negate the necessity of our having to pass legislation. But apparently no effort has been made by either party.

That is all I have.

Mr. FRIEDEL. Mr. Rogers?

Mr. ROGERS. Is voluntary arbitration a proceeding in collective bargaining contracts?

Mr. GREENOUGH. In many contracts it is. I would say it is not at all out of the ordinary.

Mr. ROGERS. It is one of the accepted procedures in what we think of as collective bargaining, is it not?

Mr. GREENOUGH. Yes.

Mr. ROGERS. As a matter of fact, it is my understanding that in handling many individual disputed claims this procedure is used now.

Mr. GREENOUGH. I think it was contemplated in the Railway Labor Act. The Congress recognized a complete difference in the railroad industry than in other industries in this country, and for that reason the Railway Labor Act was established, which, in effect, provided for what I think Congress intended to be some sort of arbitration with the force of public opinion forcing the parties to agree to the findings.

Mr. ROGERS. It is one of the last steps that you would take.

Mr. GREENOUGH. It was the last step; yes, sir.

Mr. ROGERS. I have heard a lot of people say we have to protect collective bargaining, which this committee wants to do. But I don't see the parties doing too much about protecting collective bargaining when they won't even go into voluntary arbitration.

There is no coercion there. Each side picks a man, as I understand it, and then the President, or by agreement of the parties, someone picks the third, or they agree on the third.

Mr. GREENOUGH. I have indicated this morning that we are ready and willing.

Mr. ROGERS. I would like to hear from the other side, then, why they wouldn't be agreeable to a recognized step in collective bargaining when it can be settled, as you say, in 30 minutes. It is absurd to take up the time of this Congress and to put this Nation in a position of having to go through all this problem time after time, when going through a procedure that is an accepted collective bargaining procedure could bring about a result to bring this disagreement to a conclusion.

I would hope that the other party can be heard from to see why they won't go into a voluntary procedure, which is their own selection of their own person to represent them on this board.

Mr. GREENOUGH. I couldn't agree with you more, Mr. Rogers.

Mr. ROGERS. Thank you.

Thank you, Mr. Chairman.

Mr. FRIEDEL. Mr. Broyhill?

Mr. BROYHILL. I think these last few minutes with Mr. Devine and Mr. Rogers they have certainly gone to the heart of this issue. I would hope that both sides would pay attention to what they have said in these last few minutes in regard to this dispute.

It is regrettable that this situation has come before the Congress, taking up the time of the Congress which could be spent on many other serious problems facing us, international and otherwise.

I would hope in the few days remaining that this thing could be settled on a private, negotiated basis.

Thank you, Mr. Chairman.

Mr. FRIEDEL. Mr. Rogers?

Mr. ROGERS. Mr. Chairman, may I ask a question of the Chair?

I wonder if the Chair could instruct our staff to either contact the Secretary of Labor or those representing labor and find out in writing if they will or will not submit to voluntary arbitration. If they will, when, and if they won't, why not. I think this committee is entitled to know.

Mr. FRIEDEL. Your suggestion is well taken. I will discuss it with the chairman.

Mr. ROGERS. Could the Chair do that, instruct the committee staff to do that?

Mr. FRIEDEL. I think Mr. Staggers will do it today.

Mr. ROGERS. If not, I would like to make a motion to that effect if the Chair is not willing to do it.

Mr. FRIEDEL. I am not unwilling to do it.

Mr. WATSON. Will the gentleman yield on that point?

Mr. BROYHILL. Yes; I yield.

Mr. WATSON. I certainly think that the suggestion which has been made is a good one. But why all the correspondence? I would assume we have the representatives from the other side here. Why not have them take a public stand, and we will ask them their position on this matter at this time so that everyone would know.

Mr. ROGERS. I think it should be on the record in public.

Mr. WATSON. Mr. Chairman, at the conclusion of the testimony of this witness, would it be in order that we call a representative of one of the disputing unions and ask his opinion?

Mr. FRIEDEL. I would rather await the return of Chairman Staggers, of the full committee. If he does not return, then I will do it.

Mr. BROTMAN. Will the gentleman yield?

Mr. BROYHILL. Yes.

Mr. BROTMAN. Mr. Chairman, I have heard representatives of the carriers state that they would meet any time, any place, to discuss this issue. This is what you, Mr. Chairman, have been talking about, and we all have for a long time.

As a prelude to the arbitration possibilities suggested by the gentleman from Florida, I wonder if there is need to provide a place or some opportunity for discussions to begin forthwith. I know there are representatives of the union here. I have heard the position of the carriers. This country is in bad shape. We have all heard the briefings this morning about the mideastern crisis.

I think it is time to get on with this business, not in a day or two, but I mean forthwith, and that means today. If it is a question of providing an office or a place for these parties to sit down and to resume collective bargaining, I would propose 1330 Longworth Building is open, and if that isn't open, perhaps we can find another place.

Mr. FRIEDEL. I have already said I asked Mr. Wolfe whether he would be willing to meet at 2 o'clock today, and he said yes. We will talk to the chairman of the full committee about your suggestion.

Mr. BROTMAN. Can we proceed to nail this thing down today? I want to get the people bargaining today.

Mr. FRIEDEL. I suggested that, but we only have one side present.

Mr. BROWN. Mr. Chairman, as a matter of inquiry to the Chair, do I understand that it is your plan, Mr. Chairman, to contact the chairman of the full committee prior to the termination of this hearing this morning to see if something can be worked out, as has been suggested here, and failing to accomplish this, then Mr. Rogers will put a formal motion so that we can vote on it, or do I understand that we will have consideration of this sometime today and then Mr. Rogers will put his motion at some future meeting of this committee?

Mr. FRIEDEL. Sometime today.

Mr. BROWN. It would have to be during a committee meeting.

Mr. ROGERS. Will the gentleman yield?

Mr. FRIEDEL. The gentleman's time has expired.

Mr. DINGELL. I am willing to yield my time to Mr. Rogers.

Mr. ROGERS. I thank the gentleman. I won't take 5 minutes.

I would hope that we can do this this morning before we adjourn. Perhaps if there are representatives of those negotiating for labor who could commit to this, maybe they could come forward shortly and give us their agreement to enter into voluntary arbitration.

If not, I think we ought to take whatever steps are necessary to get whoever can speak for them to let this committee know if they can agree. Here one side says they are willing to go into voluntary arbitration. It has been suggested by members of the committee, such as Congressman Macdonald and others on the committee, perhaps Congressman Dingell would also agree along with other members who have already stated their approval, that this would be a good move to make, to get them in voluntary arbitration to settle this thing, which it has been indicated could be settled very shortly if they go into voluntary arbitration.

Mr. ADAMS. Will the gentleman yield for a question?

Mr. ROGERS. Yes.

Mr. ADAMS. Are you referring to voluntary arbitration or are you referring to, in effect, compulsory negotiation, the parties sitting down to try to reach a settlement, or voluntary arbitration which is, in effect, a giving to a third party to make the decision?

Mr. ROGERS. As I understand voluntary arbitration, and I may misunderstand it, each side voluntarily agrees to submit the issues they themselves cannot agree upon to a third party. That third party is picked by letting each side pick a member of a panel of three, with the third person either picked by the agreement of the parties or by the President of the United States, or by the Secretary of Labor.

Mr. ADAMS. In other words, what you have, though, is a difference between bargaining and having a third-party settlement. That is what I am trying to get at. That is what the President has suggested: that if they can't agree, a third party will settle it.

Mr. ROGERS. But this is voluntary and not by law. I hope the gentleman distinguishes that. There is the fact that this is presently used to settle many of the problems under the present procedures now used by the two parties for different disagreements. I am sure the gentleman realizes that.

Mr. ADAMS. Correct. It has been, as I understand it, offered and rejected in February of this year in this matter.

Mr. ROGERS. But now one party says they will agree. Why won't the other party agree to voluntary arbitration, if they want to keep col-

lective bargaining out of the Congress of the United States, to keep the Congress from changing it?

Mr. BROWN. Do I understand that you have a motion, however, to put at a later time?

Mr. ROGERS. I will, if it is necessary. I don't think it is necessary. I think the chairman would go along with this. Certainly this committee would be interested in getting the parties together on a voluntary basis to settle this. I would hope a motion would not be necessary.

I thank the gentleman for yielding.

Mr. FRIEDEL. Mr. Harvey?

Mr. HARVEY. Thank you, Mr. Chairman.

Mr. Greenough, I share the enthusiasm for settling this by voluntary arbitration, but I don't want to get carried away by it at this early hour of the morning.

Let me direct a question to you, or perhaps to Mr. Wolfe, with regard to House Joint Resolution 559.

First of all, that resolution, as I understand it, is divided into three basic increments of 30 days each. My question is, do you feel that the final 30-day period serves any useful purpose after the determination has been made at the end of the 60-day period?

Mr. GREENOUGH. May I ask Mr. Wolfe to answer that?

Mr. HARVEY. Yes.

Mr. WOLFE. Yes, I think it does serve a useful purpose. As I understand, the resolution that is now before Congress contemplates intensive negotiations with the assistance of the panel that is contemplated by the resolution.

Mr. HARVEY. Right there, if I may interrupt, what incentive would there be for you to negotiate if you knew the worst that would happen to the railroads?

Mr. WOLFE. I think the same incentive is spread over both of the parties. If I understand the resolution correctly, there will be a member of that five-man panel with management background and a member of the panel with a labor background.

There will be further discussion. The parties realize, or should realize, that unless they make an agreement, the final decision may be something that will be a burden on one or the other, or perhaps both.

It is my opinion, I think shared entirely by the Secretary of Labor and the Under Secretary of Labor, that an agreement may be reached. Certainly, if the problem is approached in the right way, with a different atmosphere, with representatives of the parties on that panel, I would be hopeful that some constructive result would be obtained.

Mr. HARVEY. This assumes, it seems to me, that there has been some assumption on the part of the parties, both management and labor, to reach a voluntary agreement as to the solution of the problem. So far we, on the committee, have not seen such a feeling to exist.

In the period we have been holding these hearings, there have been no negotiations whatever. The conclusion is that there really isn't much incentive on the part of the parties to get together and negotiate.

I have difficulty, under those circumstances, understanding how, under the procedures set forth in House Joint Resolution 559, once the determination is made at the end of 60 days, how there is going to be any incentive on the part of management, for example, to make any concessions or do anything when they know the worst that can happen.

Mr. WOLFE. There is one thing certain, Mr. Harvey: The resolution imposes, superimposes, a duty to meet as members of the panel and make an effort. Right now, apparently, so far as the other side is concerned, there is no recognition of any such duty.

I have spoken before this committee on numerous occasions, and on each occasion I have indicated a willingness to talk every day and every hour of the day.

Mr. HARVEY. But you talk about something done by law. I shouldn't think that anything more would be required than the events that have been happening here in the past 30 days over in Vietnam and the Mideast, and so forth, to impose a duty and obligation both upon the part of management and on the part of labor to get together and settle this thing right now. Yet I haven't seen any indication of any desire either on the part of management or on the part of labor to do this.

I have difficulty seeing how they would recognize such a duty at the end of 60 days. I think the 30-day period will just go right by and that will be the end of it.

Mr. WOLFE. Mr. Harvey, so far as management is concerned, there is a most sincere recognition of our duties, and we stand willing, ready, and available to fully assume and carry out those responsibilities. The record in this case is perfectly clear in that respect.

Mr. HARVEY. I think that the President of the United States today has problems which are almost insurmountable which greet him each morning when he wakes up. Very frankly, out of sheer patriotism he should not have to face the problem of trying to resolve a dispute such as this that he is faced with today.

Mr. WOLFE. That, Mr. Harvey, is why we set out at the beginning and made an offer that is comparable to any settlements that have been made in our economy to relieve Congress and to relieve the President of burdens that these parties should willingly and cheerfully assume.

The CHAIRMAN. Mr. Van Deerlin?

Mr. VAN DEERLIN. Thank you, Mr. Chairman.

At the risk of sounding anticlimactic, because I realize that my colleagues have this thing practically settled now, I would like to ask Mr. Wolfe if in the protracted discussions that have taken place with labor representatives over the months, has the subject of voluntary arbitration not been explored?

Mr. WOLFE. Yes, it has been. The Railway Labor Act contains a provision which makes the last statutory duty of the National Mediation Board an effort to induce the parties to submit the controversy voluntarily to arbitration.

The National Mediation Board carried out that statutory responsibility. The carriers agreed to voluntarily submit all unresolved issues to final and binding arbitration, the procedures to be those set out in the law. They are substantially the procedures described by Mr. Rogers, from Florida.

The unions rejected the proffer of arbitration. Had the unions accepted that proffer, we would not be here today.

Mr. VAN DEERLIN. At about what stage of the proceedings did this occur, Mr. Wolfe?

Mr. WOLFE. That occurred immediately after the National Mediation Board had stated that it had exhausted its efforts, and in a letter suggested arbitration. I believe that was in February, the latter part

of February. I would have to review my notes, but I am quite certain I am not far off as to the time.

Mr. VAN DEERLIN. Mr. Greenough's statement this morning that the carriers would be willing to enter into voluntary arbitration does not represent the first statement by management that this would be a satisfactory solution from management's standpoint?

Mr. WOLFE. That is not the first statement to that effect. We have never refused to submit any dispute to arbitration because we believe in the final analysis arbitration is a very important step in collective bargaining procedures, and it is the right way to compose such difficulties in the American way and with fairness and equitable results to both parties.

By the way, Mr. Congressman, it was January 6, 1967.

Mr. VAN DEERLIN. Thank you.

Mr. ADAMS. Would the gentleman yield?

Mr. VAN DEERLIN. Yes.

Mr. ADAMS. Mr. Wolfe, we come back to the same point we did when you testified. It has always been the position of the carriers, has it not, that in railway disputes they should be arbitrated rather than bargained to the final conclusion?

Mr. WOLFE. No; it has not been. The industry policy in regard to arbitration is of comparatively recent origin.

Mr. ADAMS. Then I will strike the word "always" and state that it is the position of management, represented by yourself and the other gentleman, and I will inquire further in just a moment, that arbitration is the way that management would like to have this settled?

Mr. WOLFE. Let me answer that this way, if I may, Mr. Adams: So far as the railroad industry is concerned, we have compulsory arbitration now.

Mr. ADAMS. In a major portion or a large portion of the disputes this is correct.

Mr. WOLFE. No; in all disputes.

Mr. ADAMS. In disputes under your contracts. We understand that. But not in this area. You would like to extend it to this area.

Mr. WOLFE. No. So far as the railroads are concerned, we have it in this area because an emergency board recommendation, so far as management is concerned, is tantamount to final and binding arbitration.

You would not permit us, the executive branch of our Government would not permit us, to refuse to accept an Emergency Board report, and I have had that experience.

Mr. ADAMS. All right. Now, Mr. Greenough, on page 3 you state that in addition, seizure is one sided in that all pressures are brought to bear against management. Railroads are deprived of control of their properties and the only way they can get back control is by reaching a settlement, which would merely tend to make the position of the unions more adamant.

Employees, on the other hand, would probably not lose anything except the immediate availability of the increase in their wages because of the practice of making settlements retroactive.

Is it not true, Mr. Greenough, that what we do is take away the only economic weapon that the employees have, which is to strike?

Mr. GREENOUGH. They haven't taken away any economic weapon.

Mr. ADAMS. We have under the present legislation and what we are contemplating now. They have no ability to do anything except, at this point, one of two things, both of which have been discussed this morning: One is to bargain; or the other is to accept the decision of a third party; in other words, arbitration.

They have already rejected the arbitration and stated they would rather bargain than arbitrate. Mr. Wolfe and I have had exchanges before this committee, and from those I am convinced the railroads' position is that they want the dispute arbitrated. The union's position is that they want it bargained.

I ask you which is your position?

Mr. GREENOUGH. My position is that we would far rather bargain this proposition out, as we have done with 75 percent of our employees.

Mr. ADAMS. When was the last time you met in a bargaining session?

Mr. GREENOUGH. I don't attend those sessions.

Mr. ADAMS. Do you know when the last time your representatives did?

Mr. GREENOUGH. Not specifically.

Mr. ADAMS. On page 4 you say this: "Preferably I think this should be provided for on a permanent basis so as to avoid laying these problems on the doorstep of Congress repeatedly."

Just before that, you say the third approach is to provide for a binding determination by a neutral board appointed by the President after collective bargaining has failed to achieve a settlement.

Is that not your statement on page 4, that you favor binding determination and that as long as you take the position, "We are not moving any further with bargaining," then you drive us to the position of having to go to arbitration. Isn't that correct?

Mr. GREENOUGH. Only after all other avenues have failed, Mr. Adams.

Mr. ADAMS. But if you take the position you won't bargain any further, where else do we go?

Mr. GREENOUGH. We have never taken that position. We will bargain now, today, this afternoon.

Mr. ADAMS. Then I would also request the Chair that as this voluntary arbitration matter is considered, it also be stated that the parties meet in a bargaining session and state their offers and why they can't agree so that bargaining would start again as well as possible arbitration.

I thank the gentleman for yielding.

Mr. FRIEDEL (presiding). Mr. Watson?

Mr. WATSON. Thank you, Mr. Chairman.

Frankly, I share the sentiments of the gentleman from California when he states that although we had a little optimistic note a moment ago, I don't think all of us can pack our bags and figure that we are going to escape this responsibility. But hope springs eternal, and I guess I am a natural born optimist.

So that we might lay the groundwork here in the event you do get together on voluntary arbitration, I have a few questions.

In that connection, as I understood it from both parties, bargaining has failed up to this point. Is that your understanding, Mr. Wolfe?

Mr. WOLFE. Yes, sir; and I believe—

Mr. WATSON. In this dispute, bargaining has failed up to this point.

Mr. WOLFE. Yes, sir; it has with these particular unions.

Mr. WATSON. And you have never tried voluntary arbitration as outlined in the Railway Labor Act?

Mr. WOLFE. Not in this case.

Mr. WATSON. That is a procedure established by law. You have been willing to resort to that procedure, as I understand it, but the other side was unwilling to do so.

Mr. WOLFE. That is absolutely correct.

Mr. WATSON. I understand from the testimony of Mr. Greenough, and you have corroborated that, even at this late hour you are willing to follow the procedures outlined in section 7 of the Railway Labor Act, and that is to submit the remaining issues in dispute to final arbitration?

Mr. WOLFE. We agree to do that.

Mr. WATSON. In addition to your willingness to submit the issues to voluntary arbitration are you also willing to apply the procedures as outlined in section 7 of the Railway Labor Act so far as it relates to the appointment of this arbitration committee?

Mr. WOLFE. Yes, sir; we are.

Mr. WATSON. Do you prefer the three- or the six-member Board?

Mr. WOLFE. We have no preference. We would accept the wishes of the unions in that respect. If they want a board of three men, one from each of the parties and a neutral to be selected in conformity with the act, we will go for that.

Mr. WATSON. So as of this point, you are willing to follow the procedures as presently outlined in the Railway Labor Act to try to finally settle this issue in accordance with present law and in accordance with established procedure under the Railway Labor Act?

Mr. WOLFE. I bind the railroads now.

Mr. WATSON. I will forgo any further questions, hoping that the other side would agree to this.

Mr. FRIEDEL. Mr. Pickle.

Mr. PICKLE. Thank you, Mr. Chairman.

Mr. Greenough, I notice on page 4 of your statement you discuss the three alternatives, but you think House Joint Resolution 559 would be the most reasonable of the three alternatives. You also state, "Preferably, I think this should be provided for on a permanent basis so as to avoid laying these problems on the doorstep of Congress repeatedly."

I agree with you generally speaking, that I think we need improvement in our present procedures. That is one reason why I had earlier this year introduced a bill, H.R. 5638, with respect to permanent improvements in the overall act.

I don't ask your position on that, except I assume, generally speaking, from the statement with your appearance today, you are in favor of some such general approach.

Mr. Chairman, I would ask at this point unanimous consent that I be allowed to submit for the record a statement on the bill H.R. 5638, which I introduced. I do not wish to impose on the committee by appearing as a witness. But if it would be agreeable, I would ask unanimous consent that I be allowed to submit it for the record at this point.

Mr. FRIEDEL. If there is no objection, it is so ordered.

(The statement referred to follows:)

STATEMENT BY CONGRESSMAN J. J. PICKLE—SUMMARY OF H.R. 5638—TO AMEND SECTION 10 OF THE RAILROAD LABOR ACT TO SETTLE EMERGENCY TRANSPORTATION LABOR DISPUTES

This summary of H.R. 5638 is entered in the hearing record for House Joint Resolution 559 because of the similarity of the problems addressed by both bills. H.R. 5638 would create a permanent solution to the question of national transportation strikes; House Joint Resolution 559 is an ad hoc remedy for the national rail strike now pending.

I would like to outline the provisions of H.R. 5638, then show the relevancy certain aspects of that bill have to the issue at hand.

H.R. 5638

H.R. 5638 amends section 10 of the Railway Labor Act. It preserves the present process up to and including the Federal Mediation Board.

As is the case now, the Mediation Board is empowered to give notification to the President if a dispute between a carrier and its employees is not adjusted under earlier provisions of the act, and if, in the judgment of the Board, such a dispute "threatens substantially to interrupt interstate or foreign commerce to such a degree as to deprive any section of the country of essential transportation."

At this point, the bill would add new procedures to deal with whatever problems arise.

After receiving notification from the Mediation Board, the President would have the discretion to take either of two approaches.

He could appoint a nonbinding Emergency Board with powers virtually identical to those given the Emergency Board under present law, or he could announce his intention to establish a binding arbitration board, termed a Special Board.

If, at this stage, the President elects to appoint an Emergency Board, he may appoint as many disinterested individuals to the Emergency Board as he deems desirable and necessary. The President may also, in his discretion, charge the Emergency Board with the responsibility to make a statement of the facts of the dispute and/or recommendations for the settlement of any or all of the matters in dispute.

Within 60 days after the appointment of the Emergency Board, or such later date as he may specify (but not to exceed 60 additional days), if the dispute has not been settled, the Board shall report to the President, and for 30 days after this report is made, there will be a cooling-off period during which there will be no change, except by mutual agreement, in the working conditions out of which the dispute arose.

After this cooling-off period, the President may exercise any or all, or none of three alternatives—

(1) He may transmit the report of the Emergency Board to Congress for such action as he may recommend.

(2) If the report includes recommendations for settlement, the President may provide by Executive order that these recommendations shall serve as the working conditions for a period not to exceed 120 days.

(3) He may notify the parties of this intention to establish a Special Board.

At this point, it may be noted that the Special Board I just mentioned can be initiated by the President immediately after the notification by the Mediation Board or after the Emergency Board procedures have been utilized.

At whichever point the President announces his intent to establish a Special Board (if he ever does decide to do so), the parties have 10 days from the announcement to select members of a Special Board which will have authority to make a final and binding determination of matters in dispute. The parties may also establish procedures for the Board, and ascertain the matters in dispute which shall be determined by the Board.

If the parties fail to establish the Special Board, the President shall appoint three public members of the Board; also, one member shall be appointed by the representatives of the employees and one by the carriers involved. In reaching its determination, the Special Board may, in its discretion, adopt the recommendations of the Emergency Board, and shall take into consideration all relevant information surrounding the dispute.

The Special Board would make and publish its determination within 60 days after its appointment except that the President may extend the period for not more than an additional 60 days. With certain exceptions, the determination of a Special Board would be final and binding upon the parties for the period prescribed by the Special Board, as long as the period does not exceed 2 years. The decision of the Special Board shall be enforceable by proceedings in the U.S. district courts.

The determination of a Special Board may be set aside only by application of a party to the Board proceedings, and only on the grounds that the determination was based on fraud or corruption, or was not in accordance with section 10 of the Act or with the Constitution. In no event would the reviewing court have jurisdiction to review or set aside a determination of a Special Board on the ground that rates of pay, rules, or working conditions prescribed were not just and reasonable.

APPLICATIONS OF H.R. 5638

The major points of H.R. 5638 which should be emphasized in light of the current dispute and the proposed solution to that dispute are several in number.

First, under H.R. 5638, the parties are allowed to continue negotiations throughout the proceedings. Collective bargaining remains as the major vehicle for arriving at a settlement, and only after collective bargaining had demonstrated that it could not consummate a settlement would other procedures be invoked.

Further, at every stage of the process, the parties will not know whether a Special Board is to be created at the final step. Consequently, bargaining is not tainted by the expectation that an arbitrated settlement would be at the end of the line. The corollary, of course, is that under H.R. 5638, a strike can occur. The President's discretionary authority is invoked whenever a dispute threatens to deprive a section of the country of essential transportation services, but it does not necessarily follow that the full scope of the bill would be used in every such case.

Finally, and I would say most pertinently to the deliberations on House Joint Resolution 559, is the fact that H.R. 5638 is a permanent remedy to the type of dispute facing us. When the President makes the proper choices under H.R. 5638, the final solution is very similar to that followed in House Joint Resolution 559.

I would agree that there are ways in which my bill could be strengthened, borrowing, in part, from the procedures of House Joint Resolution 559. Still, the important thing is to realize that permanent legislation can be created which will leave enough flexibility to preserve the basic cornerstone of our national labor policy, and at the same time remove Congress from the task of mediating disputes on a case-by-case basis.

RAILROAD LABOR DISPUTE

PROCEDURES UNDER H. R. 5638

MEDIATION BOARD

Reports if a dispute exists which threatens "substantially to interrupt interstate or foreign commerce to a degree such as to deprive any section of the country of essential transportation service."

↓
PRESIDENT

"thereupon" appoints an Emergency Board or announces intent to establish a Special Board.

↓
EMERGENCY BOARD

- 1) Size & membership is choice of President;
- 2) Board must report within 60-120 days of appointment;
- 3) If instructed by President, Board report will contain findings of fact and/or recommendations for settlement.

↓
PRESIDENT

Holds the Emergency Board report 30 days, cooling-off.

AFTER 30 days, President may do any or all or none of the following:

A Send the Emergency Board report to Congress, with recommendations for Congressional action.	B Invoke by Executive Order for a period of up to 120 days, the recommendations of Emergency Board.	C Announce intent to establish a Special Board. See above.
--	--	---

↓
SPECIAL BOARD

When President announces intent to establish Special Board:

- 1) Parties have 10 days to select members and procedures. If they do not, President performs this function;
- 2) Board is composed of 5 members: 3 public, one labor, one Management;
- 3) Board has from 60-120 days from appointment, to report;
- 4) Board has power to make a settlement binding on the parties for a period of its choice, but less than 2 years.

Mr. PICKLE. Mr. Greenough, I know also that these negotiations and bargaining have been going on for some time. We all hoped over the years that section 10 would set up the procedure to settle these disputes. It just hasn't worked that way.

It seems to me that in recent years all the major disputes are being gradually submitted to the Congress. It is my understanding that in the Senate hearings the Department of Labor had submitted a statement showing the history of the various Presidentially appointed emergency boards and what action was taken on those boards, both where the railroads and airlines were able to get together.

Are you familiar with the report that the Department of Labor submitted to the Senate?

Mr. GREENOUGH. I have not seen it.

Mr. PICKLE. I understand that they have submitted it. It is a matter of a chronological statement.

Mr. Chairman, I would ask unanimous consent that our hearings this morning include the statement made by the National Mediation Board representative to the Senate with respect to the general history of the Presidentially appointed emergency boards.

Mr. FRIEDEL. If there is no objection, it is so ordered.

(The information requested by Congressman Pickle follows:)

NATIONAL MEDIATION BOARD,
OFFICE OF THE CHAIRMAN,
Washington, D.C., May 24, 1967.

HON. RALPH W. YARBOROUGH,
*Chairman, Labor Subcommittee,
Committee on Labor and Public Welfare,
New Senate Office Building,
Washington, D.C.*

DEAR MR. CHAIRMAN: On May 16, 1967, in answer to a request made on the record by Senator Morse, we advised you that we were assembling such information as was available in answer thereto.

Enclosed herewith you will find a compilation of the history of emergency boards created by Executive Order under Section 10 of the Railway Labor Act as they pertain to the railroad industry. We have also included data on strikes on carriers subject to emergency board jurisdiction.

As we previously informed you, parties to a dispute heard by an emergency board are not required to formally accept or reject a board's findings and recommendations. We have, to the best of our ability, ascertained the parties' reaction to each board's findings from such contemporaneous records as were available. Where no information was available to us, we have so stated.

Where emergency board numbers are omitted in this report, it indicates an emergency board in an airline dispute was created.

If we may be of further assistance to you in this matter, please do not hesitate to call upon us.

Sincerely yours,

FRANCIS A. O'NEILL, Jr., *Chairman.*

History of emergency boards created by Executive Order under sec. 10 of the Railway Labor Act

Emergency Board No.	Carrier involved	Organization involved	Date report issued	Strike dates	Duration of strike	Termination brought about
1	Western Pacific R.R. Co., Sacramento Northern Ry. and Tidewater Southern R.R.	BLE, B.L.F. & E., ORC; and BRT.	June 15, 1936	No strike reported.		Arbitrated in December, 1936.
2	Chicago Great Western R.R. Co.	BLE, B.L.F. & E., ORC; and BRT.	Mar. 7, 1937	do		Settled in joint meetings under auspices of the emergency board.
3	Southern Pacific Co. (Pacific Lines) and Northwestern Pacific R.R. Co.	BLE, B.L.F. & E., ORC; and BRT.	May 6, 1937	do		30 items settled as a result of emergency board's suggestions during the hearings; remaining 11 items settled later by mutual agreement.
4	Pennsylvania R.R. Co., Long Island R.R. Co., Baltimore & Ohio R.R. Co., Reading Co., Central Railroad of New Jersey, Lehigh Valley R.R. Co., New York Central R.R. Co., New York, New Haven & Hartford R.R. Co., New Lackawanna & Western R.R. Co., and Erie Railroad Co.	BRC and ILA	May 26, 1937	do		Emergency board agreements approved by carriers and organizations.
5	Pacific Electric Railway Co.	BRT	Nov. 28, 1937	do		Settlement reached in conferences under auspices of emergency board.
6	Atchafalaya, Topeka & Santa Fe Ry. Co., and other class 1 railroads.	18 cooperating railway labor organizations and BRT.	Oct. 29, 1938	do		Recommendations of emergency board accepted.
7	Railway Express Agency, Inc.	BRC	Aug. 2, 1940	do		Do.
8	Rutland Railroad Co.	15 organizations	Mar. 10, 1941	do		Agreement reached under auspices of emergency board.
9	Duluth, Missabe, & Iron Range Ry. Co., et al.	BRC	June 6, 1941	do		Do.
10	Atlanta, Birmingham & Coast R.R. Co.	B.L.F. & E. and BRT.	do	do		Emergency board conducted conferences following hearings which disposed of all issues in dispute.
11	Certain common carriers by rail	5 transportation brotherhoods and 14 cooperating organizations.	Nov. 5, 1941	do		Emergency board recommendation accepted by carriers but not by organizations. Emergency board convened by President to hear arguments and mediated agreement reached.
12	Railway Express Agency	IBT	Nov. 17, 1941	do		Recommendations of emergency board accepted.

13	Union Railway Co. (Memphis, Tenn.)	B.L.F. & E. and BRT	Sept. 29, 1944	do	Settlement of dispute was effected between parties through the efforts of the emergency board in conferences, following conclusion of hearings.
14	Chicago, North Shore, & Milwaukee R.R. Co.	B.L.F. & E. and BRT	Oct. 4, 1944	Nov. 10-26, 1944	Recommendations accepted.
15	Bingham & Garfield Ry. Co.	B.L.F. & E.	Nov. 25, 1944	No strike reported	Threat of strike; roads placed under Federal control.
16	Stelton & Highspire R.R. Co.	B.L.F. & E. and BRT	Dec. 30, 1944	do	Recommendation accepted by organizations, applied by carrier.
17	Seaboard Air Line R.R. Co.	BLE and B.L.F. & E.	Jan. 17, 1945	do	Do. complied with the adjustment board award.
18	Kentucky & Indiana Terminal R.R. Co.	BRT	Feb. 20, 1945	do	Dispute mediated by emergency board.
19	Central of Georgia Ry. Co.	BRT	Feb. 24, 1945	do	Agreement reached in conferences with emergency board following hearings.
20	Des Moines & Central Iowa R.R. Co.	BLE and BRT	Mar. 28, 1945	do	Recommendations accepted by organizations, applied by carrier.
21	Denver & Rio Grande Western R.R. Co.	BLE, B.L.F. & E., O.R.C. & B., BRT, and SUNA.	Mar. 29, 1945	do	Do.
22	Missouri Pacific R.R. Co.	B.L.F. & E.	May 5, 1945	do	Information not available.
23	Colorado & Wyoming Ry. Co.	B.L.F. & E. and BRT	June 7, 1945	do	Recommendations accepted by organizations, applied by carrier.
24	River Terminal Ry. Co.	BLE and BRT	June 13, 1945	do	Strike threatened, Government seized railroad.
25	Illinois Central R.R. Co.	B.L.F. & E.	July 24, 1945	do	Direct negotiations.
26	Georgia & Florida R.R. Co.	BLE, B.L.F. & E., O.R.C., and BRT.	July 7, 1945	Aug. 7-24, 1945	No information available.
27	Erie Railroad Co.	B.L.F. & E. and BRT	July 18, 1945	No strike reported.	Agreement reached in course of hearings and conferences of emergency board.
28	Chicago, North Shore & Milwaukee R.R. Co.	B.L.F. & E. and BRT	July 31, 1945	do	Wage recommendations accepted by both parties.
29	Railway Express Agency, Inc.	IBT	Oct. 31, 1945	do	Information not available.
30	Texas & New Orleans R.R. Co., and Hospital Association of Southern Pacific Lines in Texas and Louisiana.	13 railway labor organizations.	Jan. 5, 1946	do	Recommendations accepted by the parties.
31	St. Louis-San Francisco Ry. Co. and St. Louis-San Francisco-Texas Ry. Co.	BRT	Jan. 24, 1946	do	Settled in direct negotiations with assistance from emergency board.
32	Texas & New Orleans R.R. Co.	BLE and BRT	Mar. 30, 1946	do	Emergency board report rejected; mediation agreement obtained by assistant to President Truman.
33	Alton R.R. and all other class I railroads	BLE and BRT	Apr. 18, 1946	May 23-25, 1946	2 days, nationwide.

RAILROAD LABOR DISPUTE

Emergency Board No.	Carrier involved	Organization involved	Date report issued	Strike dates	Duration of strike	Termination brought about
34	Chicago, Rock Island & Pacific Ry. Co.	BRT	May 6, 1946	No strike reported.		Information not available.
35	Railway Express Agency, Inc.	BRC, IAM, and International Brotherhood of Blacksmiths, Drop Forgers & Helpers, BLE and BRT	May 23, 1946	do.		Agreement reached by the parties.
37	Hudson & Manhattan R.R. Co.	BRT	June 20, 1946	May 30 to June 22, 1946.	23 days	Recommendations by emergency board accepted.
39	Denver & Rio Grande Western R.R. Co.		Aug. 14, 1946	No strike reported.		Information not available.
40	Pullman Co.	O.R.C. & B.	Aug. 23, 1946	do.		Do.
41	Long Island R.R. Co.	Railroad Workers Industrial Union, Division 50, UMW.	Oct. 11, 1946	do.		Agreement signed under auspices of the emergency board.
42	Utah Idaho Central R.R. Corp.	IAM	do.	do.		Agreement reached during course of hearings.
43	Atlanta & St. Andrews Bay Ry. Co. and other carriers	15 cooperating railway labor organizations	Dec. 4, 1946	do.		Emergency board recommendations accepted.
44	Barre & Chelsea R.R. Co. and St. Johnsbury & Lake Champlain R.R. Co.	BLE, B.L.F. & E, and BRT.	do.	Oct. 28 to Nov. 13, 1946.	16 days	Recommendations accepted.
45	Ann Arbor R.R. Co., Grand Trunk Western R.R. Co., Pere Marquette Ry. Co., and Wabash R.R. Co.	National Maritime Union	Apr. 21, 1947	No strike reported.		Agreement reached through mediatory efforts of the emergency board.
46	Bingham & Garfield Ry. Co.	B.L.F. & E. and ORC.	July 16, 1947	May 22 to Nov. 5, 1947.	167 days	Emergency board report rejected; settled through efforts of National Mediation Board.
47	Southern Pacific Co. (Pacific Lines), Northwestern, Pacific R.R. Co., and San Diego & Arizona Eastern Ry. Co.	BLE	July 30, 1947	July 21, 1947	6 hours	Through direct negotiations following report of emergency board.
48	Terminal R.R. Association of St. Louis	BRC	Aug. 19, 1947	No strike reported.		Information not available.
49	River Terminal Ry. Co.	BRT	Aug. 20, 1947	do.		Direct negotiations resumed under auspices of emergency board.
50	Railway Express Agency, Inc.	IBT	Oct. 13, 1947	do.		Emergency board report accepted both sides.
51	Atlanta & West Point R.R. Co. and Western Ry. Co. of Alabama	BLE	Nov. 1, 1947	do.		Information not available.
52	Railway Express Agency, Inc.	IBT	Jan. 15, 1948	do.		Agreement reached between parties.
53	Georgia R.R.	B.L.F. & E	Jan. 20, 1948	do.		Information not available.

54	Alabama, Tennessee & Northern R.R. Co. and other carriers.	17 cooperating railway labor organizations; I. U. of A. A. of S. E. Railway & Motor Coach Employees of America.	Jan. 28, 1948	do.	91 days.	Emergency board report accepted both sides.
55	Chicago, North Shore & Milwaukee Ry. Co.		Feb. 14, 1948	Mar. 27 to June 26, 1948.		Settled in direct negotiations following report of and in accordance with recommendations of emergency board.
56	Akron & Barberton Belt R.R. Co.	BRT.	Jan. 29, 1948	Jan. 8-13, 1948	5 days.	Men returned work upon appointment of emergency board; agreement reached under auspices of emergency board.
57	Akron, Canton & Youngstown R.R. Co. and other carriers.	BLE, B.L.F. & E., and SUNA.	Mar. 27, 1948	No strike reported.		Emergency board report rejected by organizations; agreement reached by mediation under auspices of White House.
58	Terminal R.R. Association of St. Louis.	BLE, B.L.F. & E., and BRT.	Apr. 8, 1948	do.		Negotiated settlement after emergency board report.
59	Railway Express Agency, Inc.	BRT.	Apr. 30, 1948	do.		Do.
60	Allegheny & Southern R.R. Co.	B.L.F. & E.	May 17, 1948	do.		Do.
61	Pennsylvania R.R. Co.		June 9, 1948	do.		Do.
63	Grand Trunk Western R.R. Co., Chesapeake & Ohio Ry. Co., Wabash R.R. Co. and Ann Arbor R.R. Co.	National Maritime Union of America.	July 20, 1948	do.		Do.
64	Pittsburgh & West Virginia Ry. Co.	BRT.	Sept. 13, 1948	do.		Do.
65	Public Belt R.R. Commission of the City of New Orleans.	B.L.F. & E. and BRT.	Sept. 18, 1948	do.		Do.
66	Akron & Barberton Belt R.R. Co. and all class I railroads.	16 cooperating railway labor organizations (nonoperating).	Dec. 17, 1948	September 27 to October 1, 1948.	5 days on 1 road.	Settled on the basis of emergency board recommendations.
68	Akron, Canton & Youngstown R.R. Co. and other carriers.	BLE.	Apr. 11, 1949	No strike reported.		Do.
69	Denver & Rio Grande Western R.R. Co.	SUNA.	Mar. 5, 1949	do.	6 days.	Settled by referring certain issues to voluntary arbitration, after rejection of emergency board report by union.
70	Carriers represented by Eastern, Western, and Southeastern Carriers Conference Committees.	B.L.F. & E.	Sept. 19, 1949	May 10-16, 1950.		Direct negotiations following report of and in accordance with recommendations.
71	Wabash R.R. Co. and Ann Arbor R.R. Co.	BLE, B.L.F. & E., O.R.C. and BRT.	Apr. 6, 1949	Mar. 15-23, 1949.	8 days.	Settled on basis of emergency board recommendations.
72	Southern Pacific Co. (Pacific Lines)	B.L.F. & E.	Apr. 29, 1949	No strike reported.		Do.
73	Railway Express Agency, Inc.	BRT.	May 6, 1949	do.		Information not available.
74	Allegheny & Southern R.R. Co.	BRT.	May 18, 1949	do.		Do.
75	Union R.R. Co. (Pittsburgh)	BRT.	July 23, 1949	do.		Strike over grievances. Through direct negotiations.
76	Missouri Pacific R.R. Co.	BLE, B.L.F. & E., O.R.C. and BRT.	Aug. 2, 1949	Sept. 9 to Oct. 24, 1949.	44 days.	Information not available.
77	Southern Pacific Co. (Pacific Lines)	BRT.	Sept. 1, 1949	No strike reported.		Through direct negotiations.
78	Monongahela Connecting R.R. Co.	BRT.	Oct. 7, 1949	No strike reported. Jan. 21, 1950.	1 day.	

RAILROAD LABOR DISPUTE

Emergency Board No.	Carrier involved	Organization involved	Date report issued	Strike dates	Duration of strike	Termination brought about
79	Denver & Rio Grande Western R.R. Co.	B.L.T.	Feb. 28, 1950	No strike reported		
80	Texas & Pacific Ry. and its subsidiaries, including Fort Worth Belt Ry. Co. and the Texas Pacific-Missouri Pacific Terminal R.R. of New Orleans	BLE, B.L.F. & E., O.R.C. and BRT.	Mar. 9, 1950	do		Negotiated after issuance of emergency board report.
81	Carriers represented by Eastern, Western, and Southeastern Carriers Conference Committees.	ORC and BRT	June 15, 1950	do		Do.
82	Terminal R.R. of St. Louis.					Government seizure of railroads on Aug. 25, 1950.
83	Carriers represented by Western Carriers Conference Committee.	BLE and B.L.F. & E.	Apr. 1, 1950	Dec. 13-16, 1950	3 days	Through radio appeal by President Truman.
84	Carriers represented by Eastern, Western, and Southeastern Carriers Conference Committees.	SUNA	Apr. 18, 1950	June 25 to July 6, 1950	12 days	Termination on all roads but Chicago, Rock Island & Pacific. Government seized C.R.I. & P. July 8.
85	Chicago & Illinois Midland R.R. Co.	RYA	June 15, 1950	No strike reported		Settled on basis of emergency board report.
86	Boston & Albany R.R. Co.	BRT	May 19, 1950	Apr. 27-29, 1950	2 days	Settled through mediatory efforts of emergency board.
87, 88, 88A	Toledo Lakefront Dock Co. and Toledo, Lorain & Fairport Dock Co.	BRT ILA, Local 158, AFL	July 6, 1950 Aug. 11, 1950	No strike reported June 18 to July 13, 1950	24 days	Government seizure on Aug. 25, 1950. Agreements negotiated in accordance with emergency board recommendations.
89	Pullman Co.	O. R. C. & B.	Nov. 3, 1950	No strike reported		Settled on basis of emergency board recommendations.
91	New York Central R.R. Co., lines east of Buffalo.	BLE, B.L.F. & E., O.R.C. & B., and BRT.	Sept. 13, 1950	do		Threatened strike over grievances. Emergency board report rejected by unions.
92	Atlantic & East Carolina Ry. Co. and 25 other carriers.	16 cooperating nonoperating labor organizations.	Sept. 9, 1950	Jan. 23 to Mar. 10, 1951	On 1 carrier out of 25, 44 days.	Agreement obtained by mediation board.
93	Railway Express Agency, Inc.	IBT	Nov. 2, 1950	No strike reported		Settled on basis of emergency board recommendations.
95	Denver & Rio Grande Western R.R. Co., including Denver & Salt Lake R.R. Co.	BLE	Sept. 19, 1951	do		Information not available.
96	Pullman Co.	ORC	Oct. 3, 1951	do		Emergency board report accepted. Restraining order by U.S. District Court at Cleveland, Ohio. Report of emergency board rejected by organization.
97	Class I railroads represented by Eastern, Western, and Southeastern Carriers Conference Committees.	B.L.F. & E.	Jan. 25, 1952	Mar. 9-12, 1952	3 days	Seizure of railroads by Government.

98	Akron & Barberton Belt R.R. Co. and other carriers (under supervision of the Army).	17 cooperating labor organizations (nonoperating).	Feb. 14, 1952	No strike reported.	Emergency board report accepted by both parties.
104	New York, Chicago & St. Louis R.R. Co.	BRT	(1)	do	Issues resolved prior to appointment of emergency board.
105	Railway Express Agency, Inc.	BRC	Feb. 17, 1954	do	Emergency board recommendations accepted by both sides.
106	Akron, Canton & Youngstown R.R. Co. and other carriers represented by Eastern, Western, and Southeastern Carriers Conference Committees.	15 cooperating (nonoperating) railway labor organizations.	May 15, 1954	Mar. 14 to May 10, 1955.	Emergency board recommendations accepted by all class I railroads except L. & N.
107	Pullman Co.	O.R.C. & B.	Nov. 20, 1954	No strike reported.	Settled on basis of emergency board recommendations.
109	Baltimore & Ohio R.R. Co. and certain carriers represented by Eastern, Western, and Southeastern Carriers Conference Committees.	O.R.C. & B.	Mar. 25, 1955	do	Mediation agreement following recommendation to negotiate.
110	Certain carriers represented by Eastern, Western, and Southeastern Carriers Conference Committees.	B.L.F. & E.	July 30, 1955	do	Do.
111	Railway Express Agency, Inc.	IBT	Aug. 1, 1955	do	Union rejected emergency board recommendations; settlement reached in mediation.
112	New York Central System, lines east.	O.R.C. & B.	Sept. 14, 1955	do	Emergency board recommendations rejected; settlement reached in mediation.
113	Pennsylvania R.R. Co.	TWU	Oct. 28, 1955	do	Compromise settlement reached after emergency board report.
114	Albany Port District R.R. and other carriers represented by Eastern, Western, and Southeastern Carriers Conference Committees.	Cooperating (nonoperating) railway labor organizations.	Dec. 12, 1955	do	Settled on basis of emergency board recommendations.
115	Spokane, Portland & Seattle Ry. Co.	BLE	(1)	Dec. 1 to 6, 1956.	Strike ended by creation of emergency board; agreement reached Jan. 10, 1957.
116	Akron & Barberton Belt R.R. Co. and other carriers represented by Eastern, Western, and Southeastern Carriers Conference Committees.	BRT	Mar. 15, 1957	No strike reported.	Settled on basis of emergency board report.
117	Railway Express Agency, Inc.	IBT	Mar. 21, 1957	Apr. 22 to July 18, 1957.	Union rejected emergency board report; settlement reached in mediation.
118	Toledo, Lorain & Fairport Dock Co., Toledo Lakelront Dock Co., and Cleveland Stevedore Co.	District 50, U.M.W. of A. (Indiana).	June 7, 1957	July 7 to Sept. 13, 1957.	Emergency board report rejected; NMB obtained mediation agreement.

See footnote at end of table.

RAILROAD LABOR DISPUTE

Emergency Board No.	Carrier involved	Organization involved	Date report issued	Strike dates	Duration of strike	Termination brought about
119	General Managers' Association of New York representing New York Central R.R. Co., New York, New Haven & Hartford R.R., Brooklyn Eastern District Terminal (Jay St.), Connecticut R.R., New York Dock Ry., Bush Terminal R.R., Baltimore & Ohio R.R. Co., Pennsylvania R.R., Erie R.R. Co., Reading Co., Delaware, Lackawanna & Western R.R., and Central R.R. Co. of New Jersey.	I.O.M.M. & P	Sept. 20, 1957	No strike reported.		Emergency board recommendations accepted by both sides.
126	Atchafalaya, Topeka & Santa Fe Ry. Co.	BLE	July 15, 1960	do.		Emergency board recommendations rejected by union but case settled in mediation.
127	New York Central System.	O.R.C. & B	June 20, 1960	do.		Emergency board recommendations rejected by union. NMB mediation agreement avoided strike.
129	Long Island R.R. Co.	BRT	May 18, 1960	July 10 to Aug. 4, 1960.	26 days	Emergency board recommendations rejected by union. NMB mediated agreement ending strike.
130	Akron & Barberton Belt R.R. Co. and other carriers represented by Eastern, Western, and Southeastern Carriers Conference Committee.	11 cooperative (nonoperating) railway labor organizations.	June 8, 1960	No strike reported.		Emergency board recommendations accepted by both sides.
131	Chicago, Rock Island & Pacific R.R. Co. represented by Western Carriers' Conference Committee.	SUNA	July 8, 1960	do.		Do.
132	Pennsylvania R.R. Co.	T.W.U. of A. R.R. Division, and R.E.D. A.P. CIO, System Federal No. 152.	June 24, 1960	Sept. 1-12, 1960	12 days	Emergency board recommendations rejected; NMB obtained mediation agreement settling.
133	New York Harbor Carriers Conference Committee.	Employers represented by labor organizations, members of R.R., Marine Harbor Council.	Dec. 10, 1960	Jan. 10-23, 1961	14 days	Emergency board recommendations rejected by union; agreement reached in mediation.

134	do.	Lighter Captains Union, Local 996, ILA.	Mar. 6, 1961	No strike reported.	Emergency board recommendations rejected by union; agreement reached in mediation by National Mediation Board.
137	Baltimore & Ohio RR. Co. and other carriers represented by Eastern, Western and Southeastern Carriers Conference Committees.	RYA	July 10, 1961	do.	Emergency board recommendations accepted by both sides.
138	Southern Pacific Co. (Pacific Lines)	ORT	Sept. 15, 1961	do.	Emergency board recommendations rejected by union; NMB obtained mediation agreement.
139	Pullman Co. and Chicago, Milwaukee, St. Paul & Pacific RR. Co.	O.R.C. & B.	Dec. 11, 1961	do.	Do.
141	Reading Co.	Local No. 14, I.O.M.M. & P.	Dec. 5, 1961	do.	Emergency board mediated a settlement.
145	Akron & Barberton Belt R.R. and other carriers represented by Eastern, Western and Southeastern Carriers Conference Committees.	11 cooperating railway labor organizations.	May 3, 1962	do.	Agreement reached on basis of emergency board report.
147	Chicago & North Western Ry. Co.	ORT	June 14, 1962	Aug. 30 to Sept. 28, 1962.	Emergency board recommendations rejected by union; strike ended pursuant to NMB mediation agreement.
148	New York Central RR. Co. System and Pittsburgh & Lake Erie RR. Co.	ORT	Aug. 30, 1962	No strike reported.	Emergency board recommendations rejected; NMB obtained mediation agreement averting strike.
150	Belt Ry. Co. of Chicago.	BLE	Mar. 4, 1963	do.	Emergency board obtained settlement before report.
151	Southern Pacific Co. (Pacific Lines)	BRC	Dec. 31, 1962	do.	Emergency board recommendations rejected; NMB obtained mediation agreement before strike.
153	REA Express.	IBT	Nov. 10, 1962	do.	Agreement reached on basis of emergency board report.
154	Eastern, Western and Southeastern Carriers Conference Committees.	BLE, B.L.F. & E. O.R.C. & B., BRT, and SUNA.	May 13, 1963	do.	Emergency board recommendations rejected by union; 2 issues disposed of by Public Law 88-108, balance settled at White House.
155	Pullman Co., Chicago, Rock Island & Pacific RR. Co., New York Central System, and Soo Line RR. Co.	BSOP	Nov. 2, 1963	do.	Emergency board recommendations accepted by both sides.
157	Florida East Coast Ry.	11 cooperating railway labor organizations.	Dec. 23, 1963	Jan. 23, 1963, to present.	Emergency board recommendations accepted by union, rejected by carrier.

RAILROAD LABOR DISPUTE

Emergency Board No.	Carrier involved	Organization involved	Date report issued	Strike dates	Duration of strike	Termination brought about
159	Eastern, Western and Southeastern Carrier Conference Committees	BRS	Apr. 3, 1964	No strike reported		Emergency board recommendations accepted by both sides. Although emergency board recommendations not fully accepted by parties, agreement was reached through efforts of NMB. 3 unions accepted; 3 unions threatened strike; settlements eventually reached in mediation. Emergency board recommendations accepted by both sides. Unions did not accept but agreement finally reached Feb. 7, 1965, through mediation. Emergency board recommendations accepted by both sides. Case settled before emergency board appointed by the President. Emergency board report rejected by unions. Pending.
160	National Railway Labor Conference	RED	Aug. 7, 1964	do		
161	do	RED	Oct. 20, 1964	do		
162	do	11 cooperating railway labor organizations	do	do	do	
163	do	5 cooperating railway labor organizations	do	do	do	
164	do	B.L.F. & E	Nov. 5, 1964	do		
165	Atchison, Topeka & Santa Fe Ry. Co., lines east and west	BRT	(¹)	Sept. 13, 1965	12 hours	
166	National Railway Labor Conference	RED (6 organizations)	Mar. 10, 1967	No strike reported		
170	Long Island R.R.	BRT-IBEW-I.A.M. & A.W.	May 12, 1967	do		

¹ No report issued.

Mr. PICKLE. That is all. Thank you.

Mr. FRIEDEL. Dr. Carter.

Mr. CARTER. Thank you, Mr. Chairman.

I am sorry I was not here to hear the complete statement of the distinguished gentleman, but certainly I should like to see arbitration settle this affair if it is at all possible. I am very much in favor of it. It would certainly take the bitter cup from the lips of the Congress. That is my only comment.

Thank you, Mr. Chairman. I yield back the balance of my time.

Mr. FRIEDEL. Mr. Murphy?

Mr. MURPHY. No questions, Mr. Chairman.

Mr. FRIEDEL. Mr. Keith?

Mr. KEITH. Thank you, Mr. Chairman.

Is there any area where something could be injected into this difficult situation which might give both parties some reason for agreeing on voluntary arbitration?

You may have heard the previous questions of this sort that I have asked. What I have in mind is some kind of a penalty which because of its increasingly adverse effect on both sides, would cause them to voluntarily arbitrate or reach a settlement.

Mr. GREENOUGH. Mr. Keith, I know of no such conditions. I have never considered it. I would not ignore the possibility that there might be some manner of encouraging an agreement through that sort of procedure.

Mr. KEITH. The public is going to be penalized tremendously if a strike occurs.

Mr. GREENOUGH. That is correct.

Mr. KEITH. Nobody is going to win if a strike is called.

The unions, as I understand, reject the possibility of job evaluation, which was recommended by the panel.

Mr. GREENOUGH. The Presidential Emergency Board, yes.

Mr. KEITH. Can you comment as to how significant this may be? Should this committee recommend that job evaluation be a point of bargaining?

Mr. GREENOUGH. I can only comment to the extent that management accepted those recommendations which were contained in the Presidential Emergency Board report.

Mr. KEITH. I have no further questions.

Mr. FRIEDEL. Mr. Satterfield?

Mr. SATTERFIELD. Thank you, Mr. Chairman.

First, I would like to say that I hope we will seriously consider the suggestions that have been made here this morning. If we do, it seems to me that this might be a good time to ask Mr. Wolfe a question.

If we seriously consider voluntary arbitration, I would like to know what your opinion is of the issues that should be considered.

Mr. WOLFE. I think, Mr. Satterfield, that in our collective bargaining efforts the issues have been rather finely drawn. It would be my opinion that the interest of the parties would best be served if we submitted to arbitration the unresolved issues in their present posture, which would basically eliminate everything except the across-the-board wage increase and the correction of alleged inequities.

The latter, of course, can be disposed of through job evaluation.

Mr. SATTERFIELD. Thank you.

Mr. FRIEDEL. Mr. Watkins?

Mr. WATKINS. Mr. Chairman, thank you.

I would like to welcome a fellow Pennsylvanian, Mr. Greenough. In Pennsylvania we respect him as a very fine executive, a man who really knows how to operate a railroad.

I have listened with great interest. I notice that you have taken no part in the bargaining but that Mr. Wolfe has, representing the railroads. I listened with great interest to my colleagues, Mr. Devine, Mr. Rogers, and the others.

Many of the things I would think would be repetitious. I would like to say this: I don't believe personally if you used two Georgia mules that you would get back to talking.

The thing that is amazing to me is this: That all of these days have gone by and you have completely disregarded the last act that we passed. Now we only have a few days to go.

I understand the Senate has already come to some conclusion on a bill. We have pleaded all along to go back to bargaining. I don't think if you put Georgia mules pulling each side that we would get you back.

I recall in 1943 the railroads were seized. Three years later, in 1946, they were seized. In 1948, 2 years later, and in 1950 they were seized. Of course, I realize under the law we can't force you back to the bargaining table. You make the boys in the union look bad today because it is your day to testify. They had their day.

But I just can't believe that you didn't mean to disregard the act that we passed here. I would like to ask you a question.

In your statement, you have said that you are not familiar with the negotiations.

Mr. Wolfe, I will ask you this: Is there any way that the Labor Department might have helped in this passage of time? Have you been called and asked to sit down and discuss your differences? Is this something that we are wasting time on?

I remember being called at my home by the committee to make sure that I would be here at 9 o'clock on a Monday morning. I live pretty close, 1 hour and 45 minutes from the Capitol.

I would like to know, have you been instructed? Has anybody with the powers of the Labor Department or the great White House taken any interest in the public, other than asking us to pass a bill? Have they talked to you at all about this thing to try to get you together?

Mr. WOLFE. Shall I answer your question?

Mr. WATKINS. Yes.

Mr. WOLFE. Yes. We have had frequent discussions with Members of Congress—

Mr. WATKINS. Mr. Wolfe—

Mr. WOLFE. I will answer your question, Mr. Watkins, if you permit me to.

We have talked, we have been in constant touch, with the Department of Labor, particularly with the Under Secretary, Mr. Reynolds.

We have not had direct contact with the White House.

Mr. WATKINS. Has the Department of Labor asked you to go back to talking?

Mr. WOLFE. They have not asked for the full committees to meet. They have not.

Mr. WATKINS. Here we find ourselves getting very close to it where we will have to be counted. We are Congressmen and run every 2 years, not every 4. We have friends in management, and we have friends in labor. At least I hope we do. I have always thought I did.

Now we have to make a decision where no agency in this great Government of ours has done a thing but sit still. They kick it back into the laps of every Member of the Congress.

Don't you agree with me that collective bargaining may be kicked out the window by your actions?

Mr. WOLFE. Sir, I do not believe that we have had anything to do with kicking collective bargaining out of the window. As a matter of fact, I think we did everything that any reasonable person could ask us to do to close the windows so that collective bargaining would not disappear.

Mr. WATKINS. Would you agree with this: Would you agree that our great Government has failed—and I don't mean the Congress. Let us forget about the Congress. We will be the fall guy. Don't worry about that. We will have to be counted, and very shortly we will have to be counted. I can see that.

Don't you think our great Government has failed in these bureaus in not getting you fellows together? What was the idea of us extending this time if you weren't going to talk?

Mr. WOLFE. I think it would be very presumptuous on my part to say that our Government has failed. I think the Department of Labor has worked diligently in this case and in the other cases which we settled, to do everything that could possibly be done to bring the parties together.

I am particularly grateful to the Chairman of the National Mediation Board for the long hours, all night long, all day long, that he devoted to this.

I think I should mention the capable work of Mr. Reynolds, the Under Secretary of Labor, who, in my opinion, is one of the most competent mediators I have ever known.

If I recall correctly, and I am sure I do, the Secretary of Labor testified as to what had taken place, and in answer to a question from the chairman of this committee—

Mr. WATKINS. I wish you would answer my question and not the chairman's. I just want to know what you have done since we passed the last bill.

Mr. WOLFE. Yes, we have. If you mean confrontation of the full committee, about 15 men on our side and I don't know how many on the other, we have not had that. Your question was—

Mr. WATKINS. Then you disregarded the last act that we passed giving you 47 days to talk this thing over. In 47 days you have done nothing. But we have been here working.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WATKINS. Mr. Chairman, could I have another minute? I have sat here and heard other members on the other side use up 10 minutes yielding back and forth.

The CHAIRMAN. You may proceed.

Mr. WATKINS. You have heard all of us speaking about your not doing anything for 47 days. Perhaps you can get back and go back to talking.

You know under the law we cannot force you to do that, don't you?
Mr. WOLFE. I do not believe that there is a statutory authority to force us. I can say this, that your wishes will be given most profound consideration by those people who represent the railroad industry.

Mr. WATKINS. I would hope that you could.

Mr. WOLFE. We will do that, Mr. Watkins, and we have done it all the way through.

Mr. WATKINS. As I say, I don't think two Georgia mules could pull you back together.

Mr. WOLFE. I am more acquainted with Missouri mules.

Mr. WATKINS. I think you have failed. I don't think you are lily white in this thing. I think both of you have failed. You are dropping this ball in our laps.

I want to say this, too, that I think our Government has failed. You can take that from the White House on down. They permitted you 47 days to do nothing. I am ready to assume my responsibility when the time comes. But I want it known that I think other people will have failed, the higher ups have failed.

I think it is being dumped back into the lap of every Member of this Congress who has to run next year, too.

The CHAIRMAN. Mr. Ottinger.

Mr. OTTINGER. Assuming we don't get a settlement of the issues by voluntary arbitration, I would certainly take strong issue with the various alternatives presented to Congress today.

With respect to the so-called "seizure," you say it is one sided and all the pressures are brought to bear against the management, that the purpose of such legislation is to compel capitulation on the part of the carriers to the unreasonable demands of the unions.

That is hardly an impartial statement to start out with. But certainly the chief bargaining tool which the unions have is the right to strike.

It seems to me that the seizure proposals that have been made offer an evenhanded disposition—providing a penalty against the companies by taking away their rights to manage and make changes in operation, and taking away, equally, the unions' right to strike.

It leaves the settlement to be made by collective bargaining. It doesn't impose any kind of settlement upon the management. I would like to know why you think this would force management to capitulate, if seizure is the method that Congress would choose?

Mr. GREENOUGH. Seizure in itself would solve nothing. As you have said, it seizes the rights of management and the rights of labor, but it does not help find a settlement.

Mr. OTTINGER. I think it helps greatly to find a settlement, because it puts increasing pressure on both sides to reach a settlement. Management is deprived of its prerogatives for a longer time, and it would be more and more anxious to settle. As the workers do not receive the benefits of an increase in their wages and living conditions, they are increasingly compelled to settle.

It seems to me it puts equal pressure on the parties to bargain to a settlement.

Mr. GREENOUGH. I don't see it that way, obviously.

It puts no pressure on the labor unions. Whatever settlement they achieve, it has been historical, is retroactive. They lose the use of their money perhaps for a little while, but that is all. They lose nothing under that situation.

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 as 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?

Mr. PRINCE. There are related decisions, Mr. Kornegay, but I couldn't say they deal precisely with this issue.

For instance, the situation that grew out of the Montgomery Ward situation, in which the railroads were prevented as a practical matter from serving Montgomery Ward, there was a strike taking place on their property as a result of a dispute with their employees.

So the difficulty is not quite the same as the one you are addressing yourself to.

But in that situation, the railroads were held to have an obligation to serve, and this strike did not excuse them from that obligation. I don't think the matter is clearly settled as to the extent of any right we have to lock out.

Mr. KORNEGAY. Thank you.

The CHAIRMAN. The gentleman from Colorado, Mr. Brotzman.

Mr. BROTZMAN. Thank you, Mr. Chairman.

Referring to your statement, Mr. Greenough, you state on page 1 and the top of page 2 that negotiations on behalf of about 200 railroads are conducted by the National Railway Labor Conference, headed by Mr. J. E. Wolfe, and the negotiating committees to whom powers of attorney have been given by those railroads.

If I can, I would like to direct a question first of all to Mr. Wolfe.

Is this a true statement, Mr. Wolfe, relative to your authority in these proceedings?

Mr. WOLFE. Yes; that is a correct statement. May I add just a word?

There are members of the carrier conference committees from each of the regions, and we work together.

Mr. BROTZMAN. Would you have authority to proceed to sit down with your counterpart in the shop craft unions today?

Mr. WOLFE. An individual on that side of the table?

Mr. BROTZMAN. Let us say "your counterparts." I will amend my question.

Mr. WOLFE. Yes; we have authority to sit down. I have authority to deal with a spokesman of that union if that seems to be advisable.

Mr. BROTZMAN. Since you are on the stand and I don't have a shop craft official here, I might ask you, from your experience in these negotiations, is there a counterpart representing them that you can negotiate with?

Mr. WOLFE. An individual?

Mr. BROTZMAN. An individual.

Mr. WOLFE. There is not.

Mr. BROTZMAN. What is the structure and how would they proceed to negotiate today?

Mr. WOLFE. Well, an effort was made by a very distinguished Member of the House to bring about a meeting between a spokesman for the unions and myself.

I agreed to do that. That is all during this 49-day period, by the way. But we discovered that the person representing the unions made it clear that he could not discuss anything substantive.

Mr. BROTZMAN. I understand if there are going to be negotiations that are meaningful and in good faith, obviously the people who enter into the negotiations must be cloaked with the proper authority to proceed.

I have listened very carefully to testimony today. As I understand it, you have the authority and you are willing and ready to sit down to resume negotiations forthwith. Is that a correct statement?

Mr. WOLFE. Yes. And we will negotiate as long as we feel there is any possibility of making an agreement. And if it becomes apparent that progress is not being made, we are willing to voluntarily enter into an agreement to arbitrate.

I honestly believe that such an agreement, the procedures all being spelled out in the Railway Labor Act, could be entered into in not to exceed 30 minutes.

Mr. BROTZMAN. You kind of slipped over one question. I think you answered it in part, but I want to be sure I understand it correctly.

Your authority also contains the right for you to enter into the voluntary arbitration agreement we have been talking about here this morning?

Mr. WOLFE. Yes, sir; we do have that authority.

Mr. BROTZMAN. Now the final question.

I have extended the invitation to you, and I would not hesitate to extend it to the duly constituted representatives of the shop craft unions. I do not believe that there are others who are more suitable, perhaps, to extend this invitation to get this on the road. But I don't want it to fail for want of somebody extending the invitation.

Is it your feeling that this should come from the distinguished chairman of this committee, from the Secretary of Labor, from the President of the United States? Could I have you thinking in this regard?

Mr. WOLFE. So far as the carriers are concerned, it doesn't make too much difference who extends the invitation. We accept it now.

Mr. BROTZMAN. As of this moment, I am the only person who has extended one. So you have accepted my invitation. I would like to escalate this just a little bit, if I could, to have someone else do it in the interests of this country and in the interest of collective bargaining.

Continue on with your response.

Mr. WOLFE. I had about concluded, Mr. Brotzman.

I will say this, that it doesn't necessarily have to be an invitation, although perhaps that would be helpful. But however the arrangements are made to get the parties together, it is acceptable to us.

If we just adjourn the hearing and start right now, that would be all right with me. After all, time is running out on us.

Mr. BROTZMAN. I think this is correct. I think we all recognize that time is of the essence. I guess that has been stated about 1,500 different ways by my colleagues and probably by me in the last few days. We would like to see you get to a table and talk, communicate.

I am confident that by proceeding, you can sit down and work out something. You know the old saying that a fair settlement is better than a good lawsuit. I know this from my own legal experience, and I think every lawyer in the Congress realizes this is correct.

I would like to suggest most respectfully, Mr. Chairman, I have extended the invitation but I feel there are others who perhaps could better extend the invitation, to see that such a meeting is effected today. I really say this with all the sincerity that I can muster. I am hopeful, too; I think something good can come of it.

Thank you.

The CHAIRMAN. I might say in response to the gentleman from Colorado that the invitation has not been issued once, but more than once. It will be issued again. I will see what can be done. I think this is the true American way to get these things done.

Mr. Brown?

Mr. BROWN. I have two tacks. I think I will pick up where Mr. Brotzman left off, the tack he was working on.

First, in your testimony, Mr. Greenough, the comment is made on page 2 that Mr. Wolfe informed you this morning that he would enter into such an arbitration agreement on behalf of the carriers and if the unions would also agree, the final disposition of all issues could be disposed of in 30 minutes.

Is that a particularly new position of the rail management?

Mr. GREENOUGH. No; it is not a new position. I think Mr. Wolfe explained that back in January we indicated our agreeableness to enter into voluntary arbitration. At that time the proffer was not acceptable to the organizations, and I think this is perhaps the first mention of it since then, as far as I know.

Mr. BROWN. Mr. Brotzman cited a homily. I would like to cite another. It seems to me that in labor relations, as in politics and love, that time and humor are so important.

I am encouraged by the comment you make, and I hope that the unions will see fit, if not to go into voluntary arbitration, to at least pick up the conversations again.

Mr. Wolfe, has such an invitation as Mr. Brotzman extended, been extended to you by anyone in the administration before?

Mr. WOLFE. An invitation to meet or an invitation to consider voluntary arbitration?

Mr. BROWN. Either one.

Mr. WOLFE. As to voluntary arbitration, the National Mediation Board, through its Chairman, Mr. Francis O'Neill, did proffer arbitration to the parties. That is a proffer which may be accepted or rejected. The carriers did accept it.

To the best of my knowledge, there has been no suggestion, no formal suggestion, of voluntary arbitration since that time.

Mr. BROWN. Has there been any suggestion or any proffer of sitting down with the rail unions, proffered either by the President or by the Secretary of Labor?

Mr. WOLFE. We have had no discussions, Mr. Brown, with the President, nor have we had discussions with any of his assistants.

Mr. BROWN. The reason I asked that question, Mr. Chairman, is that I was a little disturbed yesterday to read a UPI dispatch, No. 65, which came over the ticker, in which these statements were made.

I would like to have the whole dispatch, as I was able to get it from the ticker, included in the record at this point, if I may.

In that statement, according to the dispatch, the President told Democratic congressional leaders today that enactment of legislation to prevent a nationwide rail strike remains a matter of urgent control and the White House said they—presumably meaning the leaders of the Congress—promised to push for its enactment.

It goes on to say that George Christian, the press secretary to the President, said Johnson hailed the Senate Labor Subcommittee's approval of the longrun measure yesterday, but "pointed out that

more than a month has gone by since the bill was submitted on May 4, and that rail legislation was a matter of urgent concern."

(The dispatch referred to by Congressman Brown follows:)

[UPI Bulletin 65]

WASHINGTON, D.C., June 6, 1967.

President Johnson told Democratic congressional leaders today that enactment of legislation to prevent a nationwide rail strike remains "a matter of urgent concern" and the White House said they promised to push for its enactment.

Press Secretary George Christian said Johnson told the group the Nation "literally cannot afford a rail strike" when existing legislation runs out on June 19.

Christian said Johnson hailed a Senate labor subcommittee's approval of the long-run measure yesterday but "pointed out that more than a month has gone by since the bill was submitted on May 4 and that rail legislation was a matter of urgent concern."

"The President referred to his statement of May 4 in which he said that a nationwide rail strike would result in intolerable injury to the country," Christian said. "He said that literally, the Nation cannot afford a rail strike."

Christian said that during Johnson's breakfast meeting with the leaders at the White House, Senate Democratic Leader Mike Mansfield "indicated every effort would be made to have early action" by the full Senate Labor Committee. And Christian said House leaders told Johnson they intend to push as hard as they can.

Noting that the deadline is 12:01 a.m., June 19, Christian said: "I would describe it as an urgent situation. Actually, the 18th is that last full day of grace. So that leaves only 12 days."

Mr. Brown. Frankly, it is a matter of concern to me that the President would try to make this point, that the Congress has not acted with some dispatch and concern in this matter when, according to what you have just said, there has been no real push on the part of the White House or the Department of Labor to get the two parties together for discussions or to get a question asked, as we have had asked here this morning, whether the two parties will voluntarily submit to arbitration.

I would like, if I can, to pick up one other question.

It seems to me, Mr. Greenough, that you have a dichotomy in your testimony. On page 5 of that testimony, you say:

A binding determination by a neutral board can be just as distasteful in results for railroad management as for railroad unions—

A position with which I thoroughly agree. I believe it could be distasteful on both sides.

But on page 4 you say:

A binding determination by a neutral board appointed by the President of the United States, after collective bargaining has failed to achieve a settlement, should be provided for on a permanent basis so as to avoid laying these problems on the doorstep of Congress repeatedly.

My question is: Is it the position of the rail management or your position as the individual president of the Pennsylvania Railroad that we should have compulsory arbitration as a matter of course in the rail industry?

Mr. GREENOUGH. We must have some sort of finality, Mr. Brown, in my opinion, if we are to avoid these recurring emergency situations. Whether it is a labor court or whether it is arbitration, I am not pre-

pared to say. I am not a lawyer. I feel very strongly that there must be some form of agreeable finality.

Mr. BROWN. Even though it is, as you say on page 5, distasteful on both sides?

Mr. GREENOUGH. Even though it may be distasteful.

Mr. BROWN. And apparently distasteful to those of us in the legislative branch of the Government.

Mr. GREENOUGH. Yes.

Mr. BROWN. I have no further questions, Mr. Chairman.

The CHAIRMAN. Mr. Pickle?

Mr. PICKLE. I would like to ask the gentlemen testifying this morning their opinion on a set of guidelines that they might use, or a special board might use, in the consideration of the final determination.

The reason I ask this is that the measure I have prepared lists guidelines. Under the present Railway Labor Act, there are no specific guidelines. If the chairman would permit, I would like to read these guidelines and ask these gentlemen's opinion or reaction to the guidelines. These would be the guidelines that a special board might follow.

Are you listening, gentlemen?

The CHAIRMAN. I might say to the gentleman, if he can summarize them or put them into the record, it would be better. We have to leave at 12 o'clock.

Mr. PICKLE. These would be some of the guidelines: Equality of treatment of the various classes or crafts of employees, the wages paid generally in the other industries for similar kinds of work, changes in the level of wages paid generally, relationships between wages and the cost of living, the relationship between wages and productivity, hazards of employment, training and skill, responsibility; character, integrity and regularity of the employment; the ability of the carrier to pay existing costs or increased labor costs, technological development; maintenance of a safe and adequate, economic and efficient transportation system; the public interest in price stability with the prevention of inflation.

If these were guidelines established by your group, would you follow them?

Mr. WOLFE. Yes; and we believe, Mr. Pickle, that those are the guidelines or the elements to be considered in all wage negotiations.

Mr. PICKLE. This specifically spells out that you would include equality of treatment, wages paid generally in other industries for similar work, price stability, and so forth. These things would be agreeable to your group?

Mr. WOLFE. Yes. And I studied those very carefully. We believe, and I am repeating, that those are the elements that are generally considered.

The CHAIRMAN. This concludes the hearings on this bill and all other related bills.

Mr. WATSON. Mr. Chairman—

The CHAIRMAN. Mr. Watson?

Mr. WATSON. Can unanimous consent be granted that we continue until we get a reply from the unions on the proposal made here this morning?

The CHAIRMAN. That will be done and reported in the executive session tomorrow.

We will go into executive session tomorrow morning at 10 o'clock on this bill and all other related bills. We are going to try to mark up a bill.

Mr. WATSON. Apparently, then, the answer will be in writing rather than giving us an opportunity to explore the reason behind the decision in the event it would be adverse.

Would you request the parties to give the committee the benefit of their thinking in the event they should decline the offer made by the carriers?

The CHAIRMAN. I will.

This concludes our hearings on this bill and all other related bills. Tomorrow morning the committee will go into executive session for consideration of the bills.

Mr. Greenough, we thank you for coming and giving us the benefit of your views, with the two gentlemen you have with you, Mr. Prince and Mr. Wolfe.

Thank you.

(The following information was submitted for the record:)

THE DEPARTMENT OF LABOR,
Washington, D.C., May 19, 1967.

HON. HARLEY O. STAGGERS,
Chairman, Interstate and Foreign Commerce Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for information on the recent history of national emergency disputes.

I am enclosing with this letter two tables. The first is a listing of all disputes since 1947 which required the appointment of a Board of Inquiry pursuant to the Labor Management Relations Act. This table also includes those situations in which work stoppages occurred following expiration of the injunction period.

The second table contains a listing of all emergency boards appointed pursuant to the Railway Labor Act from 1936 to the present time. This table is supplemented by a listing of those situations in the railroad and airline industries in which work stoppages occurred during or subsequent to the period of statutory restraint.

If the committee desires any further information please do not hesitate to call me.

Sincerely,

JAMES J. REYNOLDS,
Under Secretary of Labor.

RAILROAD LABOR DISPUTE

National emergency disputes under the Labor Management Relations Act (Taft-Hartley Act) 1947-67

Employer	Union	Strike following expiration of injunction			Maximum number of workers
		Date of appointment of board of inquiry	Date injunction expired	Date strike began	
1. Carbide & Carbon Chemicals Corp.	Atomic Trades & Labor Council (AFL)	Mar. 5, 1948			
2. Meatpacking industry	United Packinghouse Workers (CIO)	Mar. 15, 1948			
3. Bituminous coal industry	United Mine Workers (Independent)	Mar. 23, 1948			
4. American Telephone & Telegraph Co.	American Union of Telephone Workers (CIO)	May 18, 1948			
5. Maritime industry	Maritime unions	June 3, 1948	Sept. 1, 1948	Sept. 2, 1948	93 days
6. Bituminous coal industry	United Mine Workers (Independent)	June 10, 1948	Sept. 2, 1948		28,000
7. Longshore industry	International Longshoremen's Association (AFL)	Aug. 17, 1948			
8. Bituminous coal industry	United Mine Workers (Independent)	Feb. 6, 1949			
9. Copper and other nonferrous metals industry	Mine, Mill, & Smelter Workers (Independent)	Aug. 30, 1951	Nov. 9, 1948	Nov. 10, 1948	18 days
10. American Locomotive Co.	United Steelworkers of America (CIO)	Dec. 3, 1952	(¹)		
11. Longshore industry	ILA (Independent) and ILA (AFL)	Dec. 3, 1952			
12. Carbide & Carbon Chemicals Co.	United Gas, Coke & Chemical Workers (CIO)	Oct. 1, 1953	Dec. 24, 1953	Mar. 5, 1954	29 days
13. Do.	Atomic Trades & Labor Council (AFL)	July 6, 1954			30,000
14. Longshore industry	International Longshoremen's Association (Independent)	Nov. 22, 1956			
15. Goodyear Atomic Corp.	Oil, Chemical & Atomic Workers (AFL-CIO)	Nov. 22, 1956	Feb. 12, 1957	Feb. 12, 1957	11 days
16. Longshore industry	International Longshoremen's Association (AFL-CIO)	May 14, 1957			35,000
17. Basic steel industry	United Steelworkers of America (AFL-CIO)	Oct. 6, 1959			
18. Maritime industry	Maritime unions	Oct. 9, 1959			
19. Do.	Seafarers' International Union (AFL-CIO)	Oct. 26, 1961	Sept. 21, 1961	Sept. 28, 1961	14 days
20. Republic A. T. & T.	International Association of Machinists (AFL-CIO)	Apr. 7, 1962			2,700
21. Longshore industry	International Longshoremen's Association (AFL-CIO)	June 7, 1962			
22. Lockheed Aircraft Corp.	International Association of Machinists (AFL-CIO)	Oct. 1, 1962	Dec. 23, 1962	Dec. 23, 1962	34 days
23. Boeing Co.	do	Nov. 28, 1962			50,000
24. Longshore industry	International Longshoremen's Association (AFL-CIO)	Jan. 23, 1963			
25. General Electric Co., Evandale, Ohio	United Automobile Workers (AFL-CIO); International Association of Machinists (AFL-CIO)	Sept. 30, 1964	Dec. 20, 1964	Jan. 11, 1965	61 days
26. Union Carbide Corp. (Stellite Division), Kokomo, Ind.	International Association of Machinists (AFL-CIO)	Oct. 17, 1966			53,000
27. Pacific Coast Shipbuilders' Association	International Brotherhood of Electrical workers				
28. Avco Corp. (Lycorning division)	United Automobile workers (AFL-CIO)	Mar. 2, 1967			
		Apr. 15, 1967			

¹ Strike continued despite the issuance of an injunction.

Emergency boards appointed pursuant to the Railway Labor Act, 1936-67

Board No.	Carrier	Organization	Date of order	Members	Date of report	NMB case No.
1	Western Pacific R.R. Co.; Sacramento Northern Ry.; Tidewater Southern Ry.	BLE, BLF & E, ORC, BRT.	May 21, 1936	G. Stanleigh Arnold, chairman; Will J. French, Macy Nicholson.	June 15, 1936	A-136, A-189, A-202, A-221.
2	Chicago Great Western R.R. Co.	BLE, BLF & E, ORT, BRT, SUNA.	Feb. 8, 1937	John P. Devaney, chairman; Walter C. Clephane, Harry A. Millis.	Mar. 7, 1937	A-336, M-149.
3	Southern Pacific Co. (Pacific Lines); Northwestern Pacific R.R. Co.	BLE, BLF & E, ORC, BRT.	Apr. 14, 1937	G. S. Arnold, chairman; Charles Kerr, Dexter M. Keezer.	May 6, 1937	A-369.
4	Pennsylvania; Long Island; Baltimore & Ohio; Reading; Central R.R. of New Jersey; Lehigh Valley; New York Central; New York, New Haven & Hartford; Delaware, Lackawanna & Western; and Erie R.R.	BRC, ILA.	Apr. 26, 1937	F. M. Swacker, chairman; W. H. Davis, I. L. Sharfman.	May 26, 1937	
5	Pacific Electric Ry. Co.	BRT	Aug. 30, 1937	I. L. Sharfman, Chairman; Dexter M. Keezer, John P. Devaney.	Nov. 28, 1937	A-411.
6	Atchafson, Topoka & Santa Fe Ry. and other class I railroads.	18 cooperating labor organizations and BRT.	Sept. 27, 1938	Walter P. Stacey, Chairman; James M. Landis, Harry A. Millis.	Oct. 19, 1938	A-629, A-530.
7	Railway Express Agency, Inc.	BRC	July 10, 1940	John P. Devaney, Chairman; Dexter M. Keezer, Harry A. Millis.	Aug. 2, 1940	A-801.
8	The Rutland R.R. Co.	15 organizations.	Feb. 14, 1941	I. L. Sharfman, Chairman; Walter C. Clephane, Orday Tead.	Mar. 10, 1941	A-677.
9	The Duluth, Mesabi & Iron Range Ry. Co. et al.	BRC	May 9, 1941	G. Stanleigh Arnold, Chairman. William H. Tschappat, Arthur E. Whittemore.	June 6, 1941	A-867.
10	The Atlanta, Birmingham & Coast R.R. Co.	B. L. F. & E., BRT	May 16, 1941	George W. Stocking, Chairman; Huston Thompson, H. S. Hawkins.	do	A-886.
11	Certain common carriers by rail	5 transportation brotherhoods, 14 cooperating organizations.	Sept. 10, 1941	Wayne L. Morse, chairman; Thomas Reed Powell, James C. Bonbright, Joseph H. Willits, Huston Thompson.	Nov. 5, 1941	A-1000, A-1001.
12	Railway Express Agency	IBT	Nov. 7, 1941	Royal A. Stone, chairman; William H. Tschappat, Matthew Page Andrews.	Nov. 17, 1941	A-1071.
13	Union Ry. Co. (Memphis, Tenn.)	BLF & E, BRT	Sept. 20, 1944	Frank M. Swacker, chairman; Walter C. Clephane, John A. Lapp.	Sept. 29, 1944	
14	Chicago, North Shore & Milwaukee R.R. Co. et al.	BLF & E, BRT	Sept. 19, 1944	H. B. Rudolph, chairman; W. H. Spencer, Ernest M. Tipton.	Oct. 4, 1944	
15	Bingham & Garfield Ry.	BLF & E	Nov. 14, 1944	Richard F. Mitchell, chairman; Walter C. Clephane, A. G. Crandall.	Nov. 25, 1944	
16	Steelton & Highspire R.R. Co.	BLF & E, BRT	Dec. 12, 1944	I. L. Sharfman, chairman; Lell Erickson, Grady Lewis.	Dec. 30, 1944	
17	Seaboard Air Line Ry. Co.	BLF & E, BLE	Dec. 15, 1944	Huston Thompson, chairman; David J. Lewis, William H. Tschappat.	Jan. 17, 1945	

Emergency boards appointed pursuant to the Railway Labor Act, 1938-67—Continued

Board No.	Carrier	Organization	Date of order	Members	Date of report	NMB case No.
18	The Kentucky & Indiana Terminal	BRT	Feb. 6, 1945	Ernest M. Tipton, Chairman; H. S. Hawkins, Arthur E. Whittemore.	Feb. 20, 1945	
19	The Central of Georgia Co.	BRT	Feb. 8, 1945	H. Nathan Swain, Chairman; Ridgely P. Melvin, Russell Wolfe.	Feb. 24, 1945	
20	Des Moines and Central Iowa	BLE, BRT	Mar. 7, 1945	H. Nathan Swain, Chairman; John W. Yeager, Grady Lewis.	Mar. 28, 1945	
21	The Denver & Rio Grande Western Co.	BLE, BLF & E, ORC, SUNA, BRT.	Mar. 8, 1945	Leif Erickson, Chairman; Ridgely P. Melvin, Russell Wolfe.	Mar. 29, 1945	
22	Missouri Pacific Co.	BLF & E	Apr. 7, 1945	H. Nathan Swain, Chairman; Leif Erickson, Robert W. Woolley.	May 5, 1945	
23	Colorado & Wyoming Co.	BLF & E, BRT	May 18, 1945	H. Nathan Swain, Chairman; Ridgely P. Melvin, Eugene L. Pudberg.	June 7, 1945	
24	River Terminal Ry. Co.	BLE, BRT	May 22, 1945	Richard F. Mitchell, Chairman; Roger I. McDonough, Robert W. Woolley.	June 13, 1945	
25	The Illinois Central R.R. Co.	BLF & E	May 25, 1945	Huston Thompson, Chairman; Grady Lewis, Curtis G. Shake.	July 24, 1945	
26	Georgia & Florida R.R.	BLE, BLF & E, ORC of America, BRT.	June 16, 1945	James P. Hughes, Chairman; Russell Wolfe, Eugene L. Pudberg.	July 7, 1945	
27	The Erie R.R. Co.	BRT	June 28, 1945	Leif Erickson, Chairman; Ridgely P. Melvin, Robert G. Simmons.	July 18, 1945	
28	Chicago, North Shore & Milwaukee R.R. Co. et al.	BLF & E, BRT	July 10, 1945	Roger I. McDonough, Chairman; John W. Yeager, Robert W. Woolley.	July 31, 1945	
29	Railway Express Agency, Inc.	IBT	Oct. 10, 1945	H. Nathan Swain, Chairman; Eugene L. Pudberg, Henri Burque.	Oct. 31, 1945	
30	Texas & New Orleans R.R. Co. and Hospital Association of the Southern Pacific Lines in Texas and Louisiana.	13 railway labor organizations.	Dec. 4, 1945	Richard F. Mitchell, Chairman; Ernest M. Tipton, John W. Yeager.	Jan. 5, 1946	
31	St. Louis-San Francisco Ry. Co. and St. Louis, San Francisco & Texas Ry. Co.	BRT	Jan. 5, 1946	Robert G. Simmons, Chairman; Henri A. Burque, Luther W. Yonnedahl.	Jan. 24, 1946	
32	Texas & New Orleans R.R. Co.	BLE, BRT	Mar. 2, 1946	H. Nathan Swain, Chairman; Eugene L. Pudberg, Grady Lewis.	Mar. 30, 1946 (extended time to Apr. 10, 1946).	
33	The Alton R.R. and other carriers	BLE, BRT	Mar. 8, 1946	Leif Erickson, Chairman; Frank M. Swaeker, Gordon S. Watkins.	Apr. 18, 1946	
34	The Chicago, Rock Island & Pacific Ry. Co.	BRT	Apr. 19, 1946	Henri A. Burque, Roger I. McDonough, Grady Lewis, Chairman.	May 6, 1946	
35	Railway Express Agency, Inc.	BRC, IAM, International Brotherhood Blacksmiths, Drop Forgers & Helpers.	Apr. 24, 1946 (E. O. 9716)	Robert W. Woolley, Chairman; L. Sharfman, Leverett Edwards.	May 23, 1946	

36	Transcontinental & Western Air, Inc., and other carriers.	ALPA, Intl.	May 7, 1946	George E. Bushnell, chairman; William M. Leiserson, John A. Lapp, Fitch, chairman, Arthur E. Whittemore, Russell Wolfe.	July 8, 1946 (extension of time to July 7, 1946).	A-2219, A-2241, through 2251.
37	Hudson & Manhattan R.R. Co.	BLE, BRT	May 29, 1946 (E.O. 9737).	Frank H. Swacker, chairman, Lewis Grady, John A. Lapp.	June 20, 1946.	A-2350.
38	Northwest Airlines, Inc.	IAM	July 3, 1946	John W. Yeager, chairman, Roger I. McDonough, Floyd McGown.	Aug. 7, 1946 (extended 10 days to Aug. 12, 1946). Aug. 14, 1946 (extension of time made between the parties).	
39	Denver & Rio Grande Western R.R. Co.	BRT	July 10, 1946	I. L. Sherman, chairman, Robert G. Simmons, Walton H. Hamilton.	Aug. 23, 1946.	
40	The Pullman Co.	ORC	July 27, 1946	Frank M. Swacker, chairman; Nathan Swain, Leverett Edwards.	Oct. 11, 1946 (extension of time to Oct. 21, 1946).	A-2276.
41	The Long Island R.R. Co.	Railroad Workers Industrial Union Division 50, United Mine Workers of America	Sept. 5, 1946 (E.O. 9770).	Richard F. Mitchell, chairman; Norris C. Bakke, Otto S. Beyer.	Oct. 11, 1946.	
42	Utah Idaho Central R.R. Corp.	IAM	Sept. 23, 1946	James H. Wolfe, chairman; Robert E. Stone, Floyd McGown.	Dec. 4, 1946 (extension of time granted to Dec. 24, 1946).	
43	The Atlanta & St. Andrews Bay R.R. Co. and other carriers.	15 cooperating railway labor organizations.	Oct. 29, 1946	James H. Wolfe, chairman; Robert E. Stone, Floyd McGown.	Dec. 4, 1946 (extended to Dec. 24, 1946).	
44	The Barre & Chelsea R.R. Co. and the St. Johnsbury & Lake Champlain R.R. Co.	BLE, BLF & E, BRT	Nov. 6, 1946	Frank M. Swacker, chairman; Harry H. Schwartz, Hugh B. Foulke.	Apr. 21, 1947.	A-2455, A-2456, A-2457, A-2458.
45	Ann Arbor R.R. Co.; Grand Trunk Western Railroad Co.; Pere Marquette R.R. Co.; Wabash R.R. Co.	National Maritime Union (CIO).	Mar. 28, 1947	H. Nathan Swain, chairman; George E. Bushnell, Joseph L. Miller.	July 16, 1947 (extension of time to July 16, 1947).	
46	Bingham & Garfield R.R. Co.	BLF & E, ORC of A.	May 16, 1947	Grady Lewis, chairman; Leverett Edwards, Paul A. Dodd.	July 30, 1947.	
47	Southern Pacific Co. (Pacific Lines); Northwestern Pacific R.R. Co.; San Diego & Arizona Eastern R.R. Co.	BLE	July 18, 1947 (E.O. 9172).	Leif Erickson, chairman; Eugene L. Padberg, Andrew Jackson.	Aug. 19, 1947.	
48	Terminal Railroad Association of St. Louis.	BRC	Aug. 6, 1947	Frank M. Swacker, chairman; Hugh B. Foulke, Sidney St. F. Thayer.	Aug. 20, 1947.	A-2542.
49	River Terminal R.R. Co.	BRT	Aug. 1, 1947 (E.O. 9830).	Leverett Edwards, chairman; H. Nathan Swain, Norman J. Ware.	Oct. 13, 1947.	A-2584.
50	Railway Express Agency, Inc.	IBT	Sept. 15, 1947 (E.O. 9891).	Ernest M. Tipton, chairman; Harry H. Schwartz, John T. McCann.	Nov. 1, 1947.	A-2661.
51	Atlanta & West Point Co.; the Western of Alabama.	BLE	Oct. 16, 1947 (E.O. 9899).	Arthur S. Meyer, chairman; Frank M. Swacker, Aaron Horvitz.	Jan. 15, 1948 (extension to Dec. 21, 1947) (extension to Jan. 20, 1948).	A-2684.
52	Railway Express Agency, Inc.	IBT	Oct. 21, 1947 (E.O. 9900).	Floyd McGown, chairman; John T. McCann, Eugene L. Padberg.	Jan. 20, 1948 (20-day extension to Feb. 4, 1948).	A-2518.
53	Georgia.	BLF & E	Dec. 16, 1947 (E.O. 9910).	Grady Lewis, Hugh B. Foulke, Andrew Jackson.	Jan. 23, 1948.	A-2711.
54	Alabama, Tennessee, and Northern Co. and other carriers.	17 cooperating railway labor organizations.	Dec. 31, 1947 (E.O. 9918).	Harry H. Schwartz, chairman; Russell Wolfe, Robert E. Stone.	Feb. 14, 1948 (10-day extension of time to Feb. 23, 1948).	A-2663.
55	Chicago, North Shore & Milwaukee way & Motor Coach Employees of America.	IU of AA of SE Rail- way & Motor Coach Employees of America.	Jan. 13, 1948 (E.O. 9922).			

Emergency boards appointed pursuant to the Railway Labor Act, 1936-67—Continued

Board No.	Carrier	Organization	Date of order	Members	Date of report	NMB case No.
56	Akron & Barberton Belt Co.	BRT	Jan. 13, 1948 (E.O. 9923).	Robert W. Woolley, chairman; Huston Thompson, Walter Gellhorn, William M. Leiserson, chairman; George E. Bushnell, William Wilard Wirtz.	Jan. 29, 1948.	A-2665.
57	Akron, Canton & Youngstown Co. and other carriers.	BLE, BLF & E, SUNA	Jan. 27, 1948 (E.O. 9929).	George E. Bushnell, chairman; Frank M. Swacker, chairman; George Cheney, James E. Wolfe.	Mar. 27, 1948 (30-day extension to Mar. 27, 1948).	A-2706.
58	Terminal Railroad Association of St. Louis.	BLE, BLF & E, BRT	Mar. 18, 1948 (E.O. 9936).	John A. Lapp, chairman; John T. McCann, John D. Galey.	Apr. 7, 1948.	A-2685.
59	Railway Express Agency, Inc.	IBT	Mar. 25, 1948 (E.O. 9940).	Sidney St. F. Thaxter, chairman; Leverett Edwards, Aaron Horvitz.	May 17, 1948 (30-day extension to June 9, 1948).	A-2779.
60	Alquippa & Southern RR. Co.	BRT	Apr. 10, 1948 (E.O. 9948).	Andrew Jackson, chairman; James H. Wolfe, E. Wight Bakke.	June 9, 1948 (30-day extension to June 9, 1948).	A-2791.
61	Pennsylvania RR.	BLF & E	Apr. 10, 1948 (E.O. 9947).	Grady Lewis, chairman; Walter V. Schaefer, Curtis W. Roll.	July 9, 1948 (extension to July 30, 1948).	A-2707.
62	National Airlines, Inc.	ALPA International, IAM.	May 13, 1948 (superseding proclamation June 3, 1948) (E.O. 9958-9963).			
63	Grand Trunk Western RR. Co.; Chesapeake & Ohio Ry. Co.; Wabash RR. Co.; and the Ann Arbor RR. Co.	National Maritime Union of America.	June 23, 1948 (E.O. 9971).	Robert G. Simmons, chairman; Joseph L. Miller, Thomas F. Gallagher.	July 20, 1948.	A-2801, A-2802, A-2803, A-2804.
64	Pittsburgh & West Virginia Ry. Co.	BRT	Aug. 26, 1948 (E.O. 9991).	John W. Yeager, chairman; John T. McCann, Thomas J. Reynolds.	Sept. 13, 1948.	
65	Public Belt RR. Commission of the City of New Orleans.	BLF & E, BRT	Sept. 8, 1948 (E.O. 9996).	Harry H. Schwartz, chairman; Floyd McGown, A. Langley Coffey.	Sept. 18, 1948 (supplemental report dated Sept. 23, 1948).	
66	Akron & Barberton Belt RR. Co., et al.	16 cooperating railway labor organizations (nonoperating).	Oct. 18, 1948 (amendment to procedure, Nov. 5, 1948).	William M. Leiserson, chairman; George A. Cook, David L. Cole.	Dec. 17, 1948 (30 day extension to Dec. 17, 1948).	A-2953.
67	Northwest Airlines, Inc.	IAM	Jan. 19, 1949 (E.O. 10029).	Harry H. Schwartz, chairman; Aaron Horvitz, Robert O. Boyd.	Mar. 10, 1949 (30 day extension to Mar. 21, 1949).	A-2913.
68	The Akron, Canton & Youngstown RR. Co. and other carriers.	IAM	Jan. 28, 1949 (E.O. 10032).	George W. Taylor, chairman; Grady Lewis, George E. Osborne.	Apr. 11, 1949 (45 day extension to Apr. 13, 1949).	A-2920.
69	Denver & Rio Grande Western RR. Co.	SUNA	Feb. 14, 1949	Frank M. Swacker, chairman; Leverett Edwards, Adolph E. Wenke.	Mar. 5, 1959.	
70	Carriers represented by Eastern, Western & Southeastern Carriers Conference Committee.	BLF & E	Feb. 15, 1949	George W. Taylor, chairman; Grady Lewis, George E. Osborne.	Sept. 19, 1949 (extension of time to Aug. 15, 1949); (extension of time to Sept. 19, 1949).	A-3045.

71	Wabash R.R. Co. and the Ann Arbor R.R. Co.	BLE, BLF & E, ORC, BRT.	Mar. 15, 1949 (E.O. 10045).	Roger I. McDonough, Chairman; John W. Yeager, Curtis G. Shake.	Apr. 6, 1949	A-3028.
72	Southern Pacific Co. (Pacific Lines).	BLF & E.	Mar. 30, 1949 (E.O. 10046).	Harry H. Schwartz, Chairman; Robert O. Boyd, Daniel T. Valdez.	Apr. 29, 1949	A-3016.
73	Railway Express Agency, Inc.	BRC.	Apr. 9, 1949 (E.O. 10050).	David L. Cole, Chairman; Leverett Edwards, Aaron Horvitz.	May 6, 1949	A-3006.
74	Albuquerque & Southern R.R. Co.	BRT.	Apr. 15, 1949 (E.O. 10051).	Andrew Jackson, Chairman; Leif Erickson, Elmer T. Bell.	May 18, 1949 (30-day extension to June 15, 1949)	A-3075.
75	Union R.R. Co. (Pittsburgh)	BRT.	May 12, 1949 (E.O. 100056).	Andrew Jackson, Chairman; Leif Erickson, Elmer T. Bell.	July 29, 1949 (30-day extension to July 11, 1949) (Additional 30-day extension to Aug. 10, 1949 a/c lack funds).	A-3083.
76	Missouri Pacific R.R. Co.	BLE, BLF & E, ORC, BRT.	July 8, 1949	Curtis G. Shake, Chairman; Floyd McGown, Roger I. McDonough.	Aug. 2, 1949	A-3157.
77	Southern Pacific Co. (Pacific Lines)	BET.	July 20, 1949 (E.O. 10071).	Frank M. Swacker, Chairman; Robert G. Simmons, Leverett Edwards.	Sept. 1, 1949 (30-day extension to Sept. 18, 1949.)	A-3085, A-3086.
78	The Monongahela Connecting R.R. Co.	BET.	Sept. 9, 1948 (E.O. 10073).	Harry H. Schwartz, Chairman; Francis J. Robertson, Andrew Jackson.	Oct. 7, 1949	A-3220.
79	The Denver & Rio Grande Western Co.	BRT.	Feb. 4, 1950 (E.O. 10105).	Robert G. Simmons, Robert O. Boyd, Harold R. Korey.	Feb. 28, 1950	A-3065.
80	Texas & Pacific and its subsidiaries including Fort Worth Belt Co. and the Texas Pacific-Missouri Pacific Terminal of New Orleans.	BLE, BLF & E, ORC, & BRT.	Feb. 10, 1950 (E.O. 10109).	Frank M. Swacker, Chairman; Paul G. Jasper, Thomas F. Gallagher.	Mar. 9, 1950	A-3137, A-3261.
81	Carriers represented by the Eastern, Western, & Southeastern Carriers Conference Committee.	ORC, BRT.	Feb. 24, 1950.	Roger I. McDonough, Chairman; Mart J. O'Malley, Gordon S. Watkins.	June 15, 1950 (68-day extension to June 1, 1950) (also handled concurrently with E.B.'s No. 83 and 84) (14-day extension to June 15, 1950 due to lengthy hearings and also so that it be submitted simultaneously with E. B. No. 84).	A-3290.
82	Terminal R.R. of St. Louis	BLE and BLF & E.	Mar. 3, 1950 (E.O. 10114).	Joseph L. Miller, Chairman; A. Langley Coffey, Walter V. Gelhorn.	Apr. 1, 1950	A-3343.
83	Carriers represented by Western Carriers Conference Committee.	SUNA.	Mar. 20, 1950 (E.O. 10117).	Roger I. McDonough, Chairman; Mart J. O'Malley, Gordon S. Watkins.	Apr. 18, 1950	A-3332.
84	Carriers represented by the Eastern, Western, Southeastern Carriers Conference Committee.	RYA.	Apr. 11, 1950	do	June 15, 1950 (30-day extension to June 11, 1950); (4-day extension to June 13, 1950).	A-3330.
85	Chicago & Illinois Midland Ry. Co.	BET.	Apr. 26, 1950 (E.O. 10125).	Andrew Jackson, Chairman; Harry H. Schwartz, Joseph S. Kane.	May 19, 1950	A-3381.
86	Boston & Albany R.R. Co.	BRT.	June 6, 1950 (E.O. 10130).	Andrew Jackson, Chairman; Paul G. Jasper, George W. Stocking.	July 6, 1950	A-3392.
87	Toledo Lakeshore Dock Co.	BRT.	July 3, 1950 (E.O. 10138).	Robert G. Simmons, Chairman; Joseph L. Miller, Dudley E. Whiting.	Aug. 11, 1950 (30 day extension to Sept. 1, 1950).	A-3380.
88 & 88A	Toledo, Lorain & Fairport Dock Co.	ILA Local 153 AFL.	{ and 10139).			

See footnotes at end of table.

Emergency boards appointed pursuant to the Railway Labor Act, 1936-67—Continued

Board No.	Carrier	Organization	Date of order	Members	Date of report	NMB case No.
88	The Pullman Co.	ORC	July 6, 1950 (E.O. 10140).	Ernest M. Tipton, chairman, I. L. Sharfman, Angus Munro. ⁴	Nov. 3, 1950 (30 day extension to Sept. 4, 1950) (30 day additional extension to Oct. 4, 1950) (30 days added to Nov. 3, 1950)	A-3300.
90	Branniff Airways, Inc.	BRC	July 12, 1950 (E.O. 10141).	William M. Lelerson, chairman, A. Langley Coffey, Daniel T. Valdes	Aug. 31, 1950 (20 day extension to Sept. 1, 1950)	A-3149.
91	New York Central R.R. Co. lines east of Buffalo.	BLE, BLF & E, ORC, BRT.	Aug. 4, 1950 (E.O. 10142).	Frank M. Swacker, chairman, Paul G. Jasper, Wayne Quinlan. ⁴	Sept. 13, 1950 (30 day extension to Oct. 4, 1950)	A-3419.
92	Atlantic & East Carolina Ry. Co. and other carriers.	16 cooperating nonoperating labor organizations.	Aug. 11, 1950 (E.O. 10150).	Thomas F. Callagher, chairman, George W. Stocking, Walter Gall, Jr.	Sept. 9, 1950	A-3444.
93	Railway Express Agency, Inc.	IBT	Oct. 3, 1950 (E.O. 10165).	Grady Lewis, chairman; William J. Kelley, O.M.I., ⁴ Joseph L. Miller, David L. Cole, chairman; Frank P. Douglass, ⁵ Aaron Horvitz.	Nov. 2, 1950	A-3526.
94	American Airlines, Inc.	ALPA	Jan. 13, 1951 (E.O. 10203).		May 25, 1951 (30-day extension to Mar. 14, 1951); (30-day extension to Apr. 13, 1951); (30-day extension to May 13, 1951); (15-day extension to May 28, 1951)	A-3255.
95	The Denver & Rio Grande Western R.R. Co., including Denver & Salt Lake R.R. Co. (under Supervision of Secretary of Army, E.O. 10155).	BLE	Sept. 6, 1951 (E.O. 10235).	Frank P. Douglass, Frank M. Swacker, Robert G. Simmons.	Sept. 19, 1951	A-3563.
96	The Pullman Co.	ORC	Sept. 6, 1951 (E.O. 10236).		Oct. 3, 1951	A-3637.
97	Baltimore & Ohio R.R. Co., including Buffalo Division (formerly Buffalo, Rochester & Pittsburgh Ry. and Buffalo & Susquehanna R.R. Co., Chicago & North Western Ry. Co., including Chicago, St. Paul, Minneapolis & Omaha Ry. Co., Louisville & Nashville R.R. Co., Terminal Railroad Association of St. Louis and other carriers represented by Eastern, Western, and Southeastern Carriers' Conference Committees (under supervision of Secretary of Army, E.O. 10155).	BLF & E	Nov. 8, 1951 (E.O. 10303)	Carroll E. Daugherty, Chairman; ⁶ George Cheney, Andrew Jackson; Carroll E. Daugherty, Chairman; George Cheney, Andrew Jackson.	Jan. 25, 1952 (20-day extension to Dec. 26, 1951), (20-day additional extension to Jan. 15, 1952) (15-day additional extension to Jan. 30, 1952)	

98	Akron & Barberton Belt RR. Co., and other carriers (under supervision of Secretary of the Army E.O. No. 10155).	17 cooperating labor organizations (non-operating). TWU of A, CIO	Nov. 15, 1951 (E.O. 10306).	David L. Cole, chairman; George Osborne, Aaron Horvitz.	Feb. 14, 1952 (30-day extension to Jan. 15, 1952) (30-day extension to Feb. 15, 1952).	A-3744 with number.
99	Pan American World Airways, Inc.		Dec. 17, 1951 (E.O. 10314).	Curtis G. Shate, chairman; William E. Grady, Jr., Walter Gilyson.	Feb. 16, 1952 (32-day extension to Feb. 18, 1952, see stipulation).	A-3827.
100	Northwest Airlines, Inc.	IAM	Jan. 4, 1952 (E.O. 10319).	Due to the fact that parties to dispute returned for direct negotiations which resulted in an agreement between the parties, dated Apr. 24, 1952, no effort was made to bring said board members although 3 30-day extensions of time were granted by the President for investigation and report of dispute. Under the above circumstances this emergency board functioned until said agreement was reached.	None made. (30-day extension of time to Mar. 5, 1952; requested extension of time made to May 5, 1952).	A-3866.
101	Trans World Airlines, Inc.	Flight Engineers' International Association, TWA Chapter.	July 9, 1952 (E.O. 10371).	Adolph E. Wenke, chairman; Robert O. Boyd, I. L. Sharfman.	Report to President, dated Aug. 29, 1952 (30-day extension to Sep. 7, 1952).	A-3968.
102	Northwest Airlines, Inc.	IAM	July 10, 1952 (E.O. 10372).	do	Aug. 29, 1952 (30-day extension to Sept. 8, 1952).	A-3894.
103	United Air Lines, Inc.	Flight Engineers International Association, UNA Chapter.	Nov. 6, 1952 (E.O. 10406).	Saul Wallen, Robert O. Boyd, Harold R. Korey.	Jan. 2, 1953 (30-day extension to Jan. 5, 1953).	A-3910.
104	New York, Chicago & St. Louis R.R. Co.	BRT	Apr. 24, 1953 (E.O. 10449).	No members appointed. Parties reached agreement on Apr. 26, 1953, that no E. B. was set up for hearing this dispute.		A-4182.
105	Railway Express Agency, Inc.	BRC	Dec. 16, 1953 (E.O. 10509).	Fred W. Messmore, William E. Grady, Jr., G. Allen Dash, Jr.	Feb. 17, 1954 (30-day extension time to Feb. 17, 1954).	A-4358.
106	Akron, Canton and Youngstown Co. and other carriers represented by Eastern, Western, and Southeastern Carriers Conference Committees.	15 cooperating, non-operating railway labor organizations.	Dec. 28, 1953 (E.O. 10511).	Charles E. Loring, chairman; Adolph E. Wenke, Dean Martin, Paul Cath-erwood.	May 15, 1954 (32-day extension to Mar. 21, 1954) (41-day extension to Apr. 30, 1954) (15-day extension to May 14, 1954).	A-4356.
107	The Pullman Co.	ORC & B.	Oct. 16, 1954 (E.O. 10570).	Edward F. Carter, chairman; Edward B. Bunn, Howard A. Johnson.	Nov. 20, 1954.	A-4599.
108	Capital Airlines, Inc., National Airlines Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Airlines, Inc., Eastern Air Lines, Inc.	IAM	Nov. 16, 1954 (E.O. 10576).	Adolph E. Wenke, chairman; James P. Carey, Jr., Francis J. Robertson.	Apr. 13, 1955 (30-day extension to Jan. 14, 1955) (30-day extension to Feb. 14, 1955) (30-day extension to Mar. 14, 1955) (30-day extension to Apr. 14, 1955) (30-day extension to May 14, 1955).	A-4579, A-4580, A-4581, A-4582, A-4583, A-4584.

See footnotes at end of table.

Emergency boards appointed pursuant to the Railway Labor Act, 1936-67—Continued

Board No.	Carrier	Organization	Date of order	Members	Date of report	NMB case No.
109	Certain carriers represented by Eastern, Western, and Southeastern Carriers' Conference Committees.	ORC & B.	Nov. 23, 1954 (E.O. 10578).	Edward M. Sharpe, chairman, John T. Dunlop, Charles A. Sprague.	Mar. 25, 1955, extended to Feb. 1, 1955 extended to Mar. 15, 1955, extended to Apr. 1, 1955, July 30, 1955 (extension time to Aug. 1, 1955, Aug. 1, 1955.	A-4374.
110	do.	BLF & E.	June 17, 1955 (E.O. 10615).	Curtis C. Shake, chairman, G. Allan Dash, Jr., Martin P. Gatherswood.		A-4854.
111	Railway Express Agency, Inc.	International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America.	July 1, 1955 (E.O. 10622).	Robert G. Simmons, chairman, Morrison Bandsaker, Benjamin C. Roberts.		A-4779; A-4780.
112	New York Central System, lines East.	ORC & B.	Aug. 16, 1955 (E.O. 10630).	Mortimer Stone, chairman, Dudley E. Whiting, Arthur Stark.	Sept. 14, 1955	A-4712.
113	Pennsylvania R.R. Co.	Transport Workers Union of America, CIO.	Sept. 1, 1955 (E.O. 10635).	Howard A. Johnson, chairman, Walter R. Johnson, Mart J. O'Malley.	Oct. 26, 1955 (extended to Oct. 31, 1955) extended to Dec. 12, 1955.	A-4717, A-4718.
114	The Albany Port District and other carriers represented by: Eastern, Western, and Southeastern Carriers' Conference Committees.	Cooperating and non-operating railway labor organizations.	Nov. 7, 1955 (E.O. 10643).	Dudley E. Whiting, chairman; G. Allan Dash, Jr., John Day Larkin.		A-4985.
115	Spokane, Portland & Seattle Co.	BLE	Dec. 5, 1955 (E.O. 10691).	(⁹)	Extension of time granted to Feb. 3, 1957.	A-5245.
116	Akron & Barberton Belt Co. and other carriers represented by Eastern, Western, and Southeastern Carriers' Conference Committees.	BRT	Dec. 22, 1955 (E.O. 10683).	Nathan Cayton, chairman; Francis J. Robertson, A. Langley Coffey.	Mar. 15, 1957 extension to Feb. 31, 1957 (extension to Mar. 18, 1957).	A-5248.
117	Railway Express Agency, Inc.	IBT	Jan. 25, 1957 (E.O. 10696).	Paul H. Sanders, Chairman; Thomas C. Begley, Harold M. Gilden.	Mar. 21, 1957 (extension to Mar. 25, 1957.	A-5211.
118	Toledo, Lorain & Fairport Dock Co.; Toledo, Lakeland Dock Co.; Cleveland Stevedore Co.	District 50, United Mine Workers of America, Independent.	May 9, 1957 (E.O. 10709).	Nathan Cayton, chairman; Dudley E. Whiting, Morrison Handsaker.	June 7, 1957	A-5385, A-5386, A-5433.
119	General Managers' Association of New York representing: New York Central R.R. Co.; New York, New Haven & Hartford R.R. Co.; Brooklyn Eastern District Terminal; New York Dock Ry.; Bush Terminal R.R.; Baltimore & Ohio R.R. Co.; Pennsylvania R.R.; Erie R.R. Co.; Reading Co.; Delaware, Lackawanna & Western R.R.; The Central R.R. Co. of New Jersey.	International Organization of Masters, Mates and Pilots, Inc.	Aug. 6, 1957 (E.O. 10723).	James J. Healy, chairman; Benjamin C. Roberts, Walter R. Johnson.	Sept. 20, 1957 (extension to Sept. 20, 1957).	A-5435.
120	Eastern Air Lines, Inc.	Flight Engineers International Association, FAL Chapter.	Jan. 21, 1958 (E.O. 10749).	David L. Cole, chairman; Saul Wallen, Dudley E. Whiting.	July 21, 1958 (extension to Mar. 22, 1958) (extension to Apr. 28, 1958).	A-5612, E-148.
121	Eastern Airlines, Inc.	ALP Chapter.	January 28, 1958 (E.O. 10750).	David L. Cole, chairman; Saul Wallen, Dudley E. Whiting.	July 21, 1958 (30-day extension to March 29, 1958) (add 30-day extension to April 28, 1958).	E-146.

122	Eastern Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Northwest Airlines, Inc., Northeast Airlines, Inc., Capital Airlines, Inc., National Airlines, Inc., Trans World Airlines, Inc.	IAM	February 27, 1958 (E.O. 10757).	Howard A. Johnson, chairman; Paul N. Guthrie, Francis J. Robertson.	September 15, 1958 (extended 30 days to May 14, 1958).	A-5599, A-5613, A-5615, A-5618, A-5621, A-5642, A-5643.
123	Flight Engineers International Association, TWA chapter.	Flight Engineers International Association, TWA chapter.	March 27, 1958 (E.O. 10760).	David L. Cole, chairman; Saul Wallen, Dudley E. Whiting.	July 25, 1958 (30-day extension to May 27, 1958) (add extension to June 26, 1958, July 23 and July 31, 1958).	A-5630.
124	ALPA, International.	ALPA, International.	June 19, 1958 (E.O. 10770).	James J. Healy, chairman; Benjamin C. Roberts, Maynard E. Pirsig.	Sept. 3, 1958.	A-5567, E-162.
125	TWU of A, AFL-CIO.	TWU of A, AFL-CIO.	Apr. 22, 1959 (E.O. 10811).	Dudley E. Whiting, chairman; Morrison Handsaker, Arthur Stark.	June 15, 1959 (extension to June 15, 1959).	A-5914, E-193.
126	BLE.	BLE.	Feb. 12, 1960 (E.O. 10862).	Dudley E. Whiting, chairman; Harold M. Weston, R. W. Nabstroll.	July 15, 1960 (stipulation extension of time to June 1, 1960).	A-6117, E-218.
127	ORO & B.	ORO & B.	Feb. 29, 1960 (E.O. 10868).	Leo C. Brown, chairman; David R. Douglas, James P. Carey, Jr.	June 20, 1960 (stipulation extension approved until June 1, 1960).	A-5866.
128	BRC.	BRC.	Mar. 18, 1960 (E.O. 10872).	Paul H. Cuthrie, chairman; Saul Wallen, Arthur Stark.	June 2, 1960 (stipulation extension approved until May 18, 1960).	A-6130.
129	BRP.	BRP.	Apr. 18, 1960 (E.O. 10875).	Curtie G. Shake, chairman; Edward A. Lynch, Lloyd A. Baller.	May 18, 1960.	E-213.
130	11 cooperating (non-operating) railway labor organizations.	11 cooperating (non-operating) railway labor organizations.	Apr. 22, 1960 (E.O. 10875).	John T. Dunlop, chairman; Benjamin Aaron, Arthur W. Sempliner.	June 8, 1960.	A-6157, A-6158.
131	Western Carriers Conference Committee and SUNA.	Western Carriers Conference Committee and SUNA.	May 23, 1960 (E.O. 10878).	Russel A. Smith, chairman; Harold M. Childen, Morrison Handsaker.	July 8, 1960 (extended to July 15, 1960).	A-6082.
132	TWU of A, Railroad Division and Railway Employees Department, AFL-CIO.	TWU of A, Railroad Division and Railway Employees Department, AFL-CIO.	May 20, 1960 (E.O. 10877).	Frank P. Douglass, chairman; Paul H. Sanders, A. Langley Coffey.	June 24, 1960 (extended to June 24, 1960).	A-5949, E-134.
133	New York Harbor Carriers' Conference Committee.	New York Harbor Carriers' Conference Committee.	Sept. 26, 1960 (E.O. 10888).	Dudley E. Whiting, chairman; Benjamin C. Roberts, William H. Coburn.	Dec. 10, 1960.	A-6217.
134	do.	do.	Jan. 12, 1961 (E.O. 10904).	James T. O'Connell, chairman; David R. Douglass, Harold M. Childen.	Mar. 6, 1961 (extended to Feb. 25, 1961), extended to Mar. 11, 1961.	A-6352.
135	Pan American World Airways.	Flight Engineers International Association, PAA Chapter.	Feb. 17, 1961 (E.O. 10919) (amended E.O. 10926, dated Mar. 18, 1961).	G. Allan Dash, Jr., chairman; Arthur Stark, Edward A. Lynch.	June 20, 1961.	A-6245.
136	Northwest Airlines, Inc.	IAM.	Feb. 24, 1961 (E.O. 10923).	Paul N. Guthrie, Chairman; Benjamin Aaron, Paul B. Hanlon.	May 24, 1961.	A-6176, A-6343.

See footnotes at end of table.

Emergency boards appointed pursuant to the Railway Labor Act, 1936-67—Continued

Board No.	Carrier	Organization	Date of order	Members	Date of report	NMB case No.
137	Baltimore & Ohio R.R. Co. and other carriers.	Eastern, Western, and Southeastern Carriers Conference Committees and Railroad Yardmasters of America.	May 19, 1961 (E.O. 10944).	Harold M. Gilden, Chairman; Leo C. Brown, William H. Coburn.	July 10, 1961 (extended to July 19, 1961).	A-6380.
138	Southern Pacific Co. (Pacific Lines)	O.R.T.	July 20, 1961 (E.O. 10948).	Harry H. Platt, Chairman; Hubert Wyckoff, Morrison Handsaker.	Sept. 15, 1961.	A-5904, A-6083.
139	The Pullman Co. and Chicago, Milwaukee, St. Paul & Pacific R.R. Co.	O.R.C. & S.	Sept. 11, 1961 (E.O. 10963).	David R. Stowe, Chairman; Byron R. Abernethy, H. Raymond Cluser.	Dec. 11, 1961 (extended to Oct. 30, 1961) (extended to Nov. 30, 1961) (extended to Dec. 15, 1961).	A-6380, A-6400.
140	Trans World Airlines, Inc.	TWU of A, AFL-CIO.	Oct. 5, 1961 (E.O. 10965).	Saul Wallen, chairman; Israel Ben Scheiber; Emanuel Stein.	Nov. 3, 1961.	A-6337.
141	Reading Co.	IOOM & P, Local No. 14.	Oct. 11, 1961 (E.O. 10960).	Joseph Shister, chairman; Lloyd H. Baile, Edward A. Lynch.	Dec. 5, 1961.	A-6246.
142	Trans World Airlines, Inc.	ALFA, International.	Jan. 1, 1961 (E.O. 10971).	Donald B. Straus; Morrison Handsaker; Patrick J. Fisher, chairman.	Dec. 15, 1961.	A-6407.
143	Pan American World Airways, Inc.	do.	Nov. 10, 1961 (E.O. 10975).	Leo C. Brown, Chairman; Eli Rock; Arthur M. Moss.	Dec. 10, 1961.	A-6328.
144	Eastern Air Lines, Inc.	Flight Engineers International Association.	Feb. 22, 1962 (E.O. 11006).	Theodore W. Kheel, chairman; Paul N. Guthrie; Byron R. Abernethy.	May 1, 1962.	A-6327.
145	Akron & Barberton Belt R.R. and other carriers represented by Eastern, Western, and Southeastern Carriers Conference Committees.	II cooperating railway labor organizations.	Mar. 3, 1962 (E.O. 11008).	Saul Wallen, chairman; Lawrence E. Siebel, Edward A. Lynch.	May 3, 1962.	A-6406.
146	Trans World Airlines, Inc.	Flight Engineers International Association, TWA Chapter.	Mar. 20, 1962 (E.O. 11011).	James C. Hill, Chairman; Thomas C. Begley, Arthur W. Sempliner.	May 1, 1962.	A-5996, A-5739.
147	Chicago & North Western R.R. and the former Chicago, St. Paul, Minneapolis & Omaha R.R.	O.R.T.	Apr. 23, 1962 (E.O. 11015).	Arthur Ross, Chairman; Paul D. Hanlon, Charles C. Killingsworth.	June 14, 1962.	A-5809, A-6063.
148	New York Central R.R. System and Pittsburgh & Lake Erie R.R.	T.W.U. of A., AFL-CIO.	June 8, 1962 (E.O. 11027).	Joseph Shister, Chairman; Walter F. Eigen, Rod J. Harvey Daly.	Aug. 30, 1962.	A-6582, A-6663.
149	American Airlines, Inc.	BLA	June 20, 1962 (E.I. 11033).	Paul N. Guthrie, Chairman; James J. Healy; Burton B. Turkus.	No formal report, Aug. 11, 1962.	A-6690.
150	Bell Ry. of Chicago.	BLA	Aug. 6, 1962 (E.O. 11040).	Paul D. Hanlon, Chairman; David H. Stowe; Frank D. Reeves.	Mar. 4, 1963 (extension to Jan. 5, 1963).	A-6617.
151	Southern Pacific Co. (Pacific Lines)	B.R.C.	Aug. 10, 1962 (E.O. 11042).	Keith J. Mann, Chairman; John F. Sembover; Bryan H. Stockman.	Dispute resolved by mutual agreement between parties.	A-6701.
152	Pan American World Airways, Inc.	TWU of A, AFL-CIO.	Aug. 14, 1962 (E.O. 11043).	James C. Hill, Chairman; Theodore W. Kheel, Chairman.	Nov. 10, 1962.	A-6671 A-6696.
153	REA Express.	International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America.	Sept. 14, 1962 (E.O. 11050).	Jacob Seidenberg, Chairman; J. Glenn Donaldson, Robert J. Ables.		

164	Eastern, Western, Southeastern Carriers' Conference Committees.	BLE, BLF & E, ORC & B, BRT, SUNA.	Apr. 3, 1963 (E.O. 11100).	Samuel I. Roseman, Chairman; Nathan P. Feinsinger, Clark Kerr.	May 13, 1963.	A-6700.
155	Pullman Co.; Chicago, Rock Island & Pacific RR. Co.; New York Central; Soo Line R.R.	BRCP	July 4, 1963 (E.O. 11115).	Jacob Seidenberg, Chairman; J. Keith Mann, Frank D. Reeves.	Nov. 2, 1963	A-6794, A-6795, A-6796, A-6797, A-6905.
156	United Air Lines, Inc.	IAM	Oct. 9, 1963 (E.O. 11121).	Paul D. Hanton, chairman; Eli Rock, Laurence E. Selbel.	Nov. 18, 1963	A-6927, sub. No. 1.
157	Florida East Coast Co.	II cooperating railway labor organizations.	Nov. 9, 1963 (E.O. 11127).	Harry H. Platt, chairman; Derek Bok, Paul N. Guthrie.	Dec. 23, 1963	A-6898, A-6899, A-6900, A-6901, A-6902, A-6903, A-6904.
158	Branch International Airways, Continental Airlines, Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc.	IAM	Dec. 11, 1963 (E.O. 11131).	Ronald D. Houghton, chairman; Lewis M. Gill, John W. McConnell.	No report (Jan. 20, 1964 agreement).	A-6907.
159	Eastern, Western, Southeastern Carriers' Conference Committees.	BRS	Jan. 3, 1964 (E.O. 11135).	James C. Hill, chairman; Joseph Shuster, Michael Deane.	Apr. 3, 1964	A-7030.
160	National Railway Labor Conference	RED	Mar. 17, 1964 (E.O. 11147).	Saul Wallen, chairman; Jean T. McKelvey (Mrs.), Arthur M. Ross.	Aug. 7, 1964	A-7107.
161	do	RED	Apr. 18, 1964 (E.O. 11169).	Richardson Dilworth, chairman; Paul D. Hanton, Rabbi Jacob Joseph Weinstein, Robert J. Ables, Lewis M. Gill, H. Raymond Cluser, Frank J. Dugan.	Oct. 20, 1964	
162	National Railway Labor Conference	II cooperating railway labor organizations	Aug. 18, 1964 (E.O. 11168).	(Same as E.B. 161)	do	A-7127.
163	National Railway Labor Conference	5 cooperating railway labor organizations.	Aug. 18, 1964 (E.O. 11170).	do	do	A-7128.
164	National Railway Labor Conference	BLF & E	Sept. 24, 1964 (E.O. 11180).	Ronald D. Houghton, chairman; Jacob Seidenberg, Louis Crane.	Nov. 5, 1964	A-7173.
165	Atchison, Topeka & Santa Fe	Brotherhood of Railroad Trainmen	Sept. 11, 1965 (No. 11243).	Settled in conference between parties	None	A-6318.
166	5 carriers (EAL, NAL, NWA, TWA, UAL).	International Association of Machinists & Aerospace Workers.	April 21, 1966 (No. 11276).	Wayne Morse, Chairman; David Ginsburg, Richard E. Neustadt.	June 5, 1966	A-7655.
167	American Airlines, Inc.	TWU	July 27, 1966 (E.O. 11291).	John Dunlop, B. Manning, J. P. Drew.	Aug. 27, 1966	
168	Pan American World Airways, Inc.	TWU	Sept. 30, 1966 (E.O. 11308).	David Stowe, C. Rhenius, J. P. Williams.	Oct. 30, 1966	
169	National Railway Labor Conference	6 cooperating shopcraft unions.	Jan. 28, 1967 (E.O. 11324).	David Ginsburg, Frank J. Dugan, John W. McConnell.	Mar. 10, 1967	
170	Long Island Rail Road	BRT, IBEW, and IAM.	Apr. 12, 1967 (E.O. 11343).	George E. Reedy, Jr., Roland Boyd, N. Thompson Powers.	May 12, 1967	

¹ Named by White House.

² Withdrawn—A settlement was reached between the parties by an agreement dated Jan. 10, 1967, and effective Jan. 16, 1967.

³ Interpretation of report to President dated Aug. 24, 1948.

⁴ Clarification of report to President July 23, 1948.

⁵ Interpretation of report to President dated June 20, 1949.

⁶ Appointed to serve as member of R.B. for 1st time.

⁷ See E.B. No. 63, under supervision of Government also. See E.B. No. 83, restraining order.

⁸ E.B. 161-162-163 appointed Aug. 18, 1964, by separate Executive orders and heard by same 7-man Board.

RAILROAD LABOR DISPUTE

Supplement to Emergency Board Index (Railway Labor Act)—Strikes occurring during or subsequent to the statutory period

Emergency board No.	Carrier	Union	Date stoppage began	Duration	Maximum number of workers ¹
46.....	Bingham & Garfield Ry. Co.	BLF & E, ORC of A.	Oct. 22, 1947	16	150
*47.....	Southern Pacific Co. (Pacific Lines); Northwestern Pacific R.R. Co.; San Diego & Arizona Eastern Ry. Co. Chicago, North Shore & Milwaukee	BLE	July 21, 1947	1	270
55.....	National Airlines, Inc.	IU of AA of SE Railway & Motor Coach Employees of America	Mar. 27, 1948	91	1,240
*62.....	Carriers represented by Eastern, Western & Southeastern Carriers Conference Committee.	ALPA International, IAM	Jan. 23, 1948	307	(²) 175,000
70.....	Wabash R.R. Co. and the Ann Arbor R.R. Co.	BLF & E	May 10, 1950	7	10,000
*71.....	Railway Express Agency, Inc.	BRE	Mar. 15, 1949	8	2,240
76.....	Muskegon Pacific R.R. Co.	BLE, BLF & E, ORC, BRT	Mar. 10, 1949	39	27,000
78.....	The Monongahela Connecting R.R. Co.	BLE, BLF & E, ORC, BRT	Sept. 9, 1949	45	1,200
81.....	Carriers represented by the Eastern, Western & Southeastern Carriers Conference Committee.	BRT	Jan. 21, 1950	2	(³)
*85.....	Carriers represented by Western Carriers Conference Committee	SUNA	(²)		
*87, *88 & *89A.....	Chicago & Illinois Midland Ry. Co.	BRT	June 25, 1950	14	59,000
92.....	Toledo, Lorain & Fairport Dock Co.	ILA Local 158 AFL	Apr. 27, 1950	3	123
*93.....	Atlantic & East Carolina Ry. Co. and other carriers.	16 cooperating nonoperating labor organizations.	June 18, 1950	26	(²)
97.....	Railway Express Agency, Inc.	IBT	Jan. 23, 1951	41	(²)
105.....	Buffalo, Rochester & Pittsburgh Ry. and Buffalo & Susquehanna Dispatch Co. Chicago & North Western Ry. Co., including Chicago, St. Paul, Minneapolis & Omaha Ry., Louisville & Nashville R.R. Co., Terminal Railroad Assn. of St. Louis and all other carriers represented by Eastern, Western and Southern Carriers' Conference Committees (under supervision of secretary of Army, E.O. 10155).	BLF & E	Sept. 23, 1950	20	2,000
106.....	Railway Express Agency, Inc.		Mar. 9, 1952	4	41,000
108.....	Akron, Canton and Youngstown Co. and other carriers represented by Eastern, Western, and Southeastern Carriers' Conference Committees.	BRC	June 20, 1954	1	(²) 24,000
109.....		15 cooperating; nonoperating railway labor organizations.	Mar. 14, 1955	58	

RAILROAD LABOR DISPUTE

[Telegram]

Hon. HARLEY O. STAGGERS,
Washington, D.C.:

WASHINGTON, D.C., May 5, 1967.

The AFL-CIO, Maritime Trades Department—speaking on behalf of its 36 affiliated national and international unions and their more than 5½ million members—vigorously opposes the administration scheme designed to suspend the democratic rights of trade unionists in the current railroad dispute.

The administration is engaging in a dangerous game of words when it tries to convince the American people that its so-called plan for “mediation to finality” does not intrude on the freedom of collective bargaining. By any name, this is compulsory arbitration—rammed down the throats of unions which have been patient beyond belief in their dealings with a recalcitrant management.

For months, the railroad industry has frustrated free collective bargaining. It has stubbornly refused to enter into any meaningful negotiations with the legal union representatives of its employees. Rail management has made no bones about wanting nothing less than the ultimate weapon—compulsion. The blockades that the industry has erected to free collective bargaining have been designed to force Congress to enact such an undemocratic law. The White House now seeks to reward management for its destruction of free bargaining by giving them what they have always sought.

At any point along the way, had Congress or the White House made it quite plain that railroad workers—like other American workers—were entitled to the right to withhold their services, the rail dispute would never have reached the present crisis stage. Faced with the reality that the rail unions could strike, after exhausting all of the procedures of the Railway Labor Act, the industry long ago would have come to the bargaining table and the two sides could have hammered out their differences.

Up to now, management has had no incentive to sit down and bargain—indeed, its incentive has been to stay away from the table in order to increase its pressure on the Congress and the administration to come up with compulsory legislation that works to the disadvantage of free trade unionists.

Even at this late hour, Congress can make the only sensible contribution to ending this impossible situation by rejecting compulsory arbitration, by whatever name, and by affirming the right of free railroad workers to strike. Faced with the inevitable, management would quickly come to terms with its workers—and the cause of free collective bargaining would best be served.

We urge you, then, to repudiate this move by rail management to make the Government of the United States its not-so-silent partner at the bargaining table. The power and prestige of the Government should not be made a servant of the rail industry. The proposal by the President should not be accepted—for it would destroy the freedom of one group of workers, make the freedom of all workers less secure, and, in the end, it would endanger the freedoms of all Americans.

MARITIME TRADES DEPARTMENT, AFL-CIO,
PAUL HALL,

President.

PETER M. MCGAVIN,

Executive Secretary-Treasurer.

[Telegram]

Representative HARLEY O. STAGGERS,
Chairman, House Commerce Committee, House Office Building,
Washington, D.C.:

NEW YORK, N.Y., May 10, 1967.

The international officers of the Transport Workers Union of American, AFL-CIO, representing 150,000 members throughout the Nation, strongly urge that you reject President Johnson's strike ban proposal to force compulsory arbitration on the Nation's railroad shopcraft workers. Such repressive legislation deprives them of their rights and compels them to remain working under substand-

ard wages and conditions while the railroads continue to operate at a profit. Compulsory arbitration, by any name, is a tyranny that has no place in our free society.

MATTHEW GUINAN,
International President.
 DOUGLAS L. MACMAHON,
International Secretary-Treasurer,
 JAMES F. HORST,
International Executive Vice President.

[Telegram]

WASHINGTON, D.C., May 8, 1967.

Representative HARLEY O. STAGGERS,
Chairman, House Committee on Interstate and Foreign Commerce,
Rayburn Office Building, Washington, D.C.:

The nation right to work committee respectfully requests the opportunity to present its views in connection with the proposal being considered for dealing with Railway Labor Act strike emergency provision. Regardless of steps taken to solve the current railway crisis we believe legislation should be included to remove basic defects in the Railway Labor Act and prevent the recurrence of today's threatened transportation paralysis.

REED E. LARSON,
National Right to Work Committee.

ALEXANDRIA, VA., June 10, 1967.

HON. HARLEY O. STAGGERS,
Chairman, House Committee on Interstate and Foreign Commerce, Rayburn
House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I appreciate the opportunity to submit the following statement for the record on H.J. Res. 559. I am an independent economist who has heard most of the testimony on this resolution. I have no professional connection with either railroad management or railroad labor or any acquaintances among them. My interest is solely that of one deeply concerned for almost 40 years in finding out why the United States economy fails to provide respectable, suitably-paid jobs for all, without price inflation, and with fair treatment for all groups. This statement particularly endeavors to supply a few statistics and analyses on the more fundamental problems involved.

1. Enactment of the resolution is clearly preferable both to allowing a railroad strike and to legislation enabling the Government to "seize" the railroads, but additional action by the Congress and by the Executive Branch is vitally needed, along with a major change in a key American economic policy.

2. Enactment of the resolution will be far from a satisfactory solution of the basic problems, for several reasons:

(a) If, following a failure of the parties to agree "voluntarily," the determinations of the Special Board stipulated in the resolution are put into effect (until not later than January 1, 1969), a genuine settlement of the basic differences will only be postponed for 18 months or so. There is no reason to believe that such a postponement will reduce the gap between the two parties.

(b) The difficulties caused for Members of Congress and the President by having to take the steps so far taken in this dispute and in having to espouse this resolution—difficulties which several members of the Committee candidly deplored during the hearings—may create a pattern to be repeated in further railroad and other labor disputes, unless measures are taken to prevent it.

(c) Since the determinations of the five-man Special Board may turn on the vote of a single member, and will in any case turn on the vote of three

members, this procedure will make an important public issue hinge on the personal leanings of the Presidential appointees, without possibilities of appeal or review.

(d) Injurious trends have been proceeding for 30 to 40 years both in the railroad industry and U.S. industry generally, injurious trends which neither determinations by the Board nor reaching of a voluntary agreement offer any realistic promise of improving.

3. In the case of railroads these injurious trends are the heavy and progressing losses which each of the four major groups concerned—the public, railway labor, railroad investors, and the Federal and local Governments—have all suffered in one way or another over the past 40 years:

(i) The American public is losing railroad service. A decline in the use of railroads for passengers and freight, whether relative or absolute, should be accepted if it means better service to the public, comprehensively measured. Problems, however, from the congestion, fumes, noise, etc., of truck, automobile, and airplane traffic, now reaching crisis proportions, and the surrender of more and more prime land in metropolitan areas to roads and terminals which constitute a very heavy financial burden rather than a source of positive tax revenue from that land, are crucial issues in which greater use of railroads may be able to make a contribution.

(ii) Railroad labor has lost a very large amount of employment. From 1.8 million employees in 1924/27, the number has sunk to around 630,000—a decline of nearly $\frac{2}{3}$ rds.

Average annual earnings of individual railroad employees, on the other hand, have increased $4\frac{1}{2}$ fold, from approximately \$1,700 for 1926/30 to \$7,734 in 1966. Inclusion of all fringe benefits, amounting to more than \$1,000 a year per employee in 1966, according to the 1967 Yearbook of Railroad Facts (of the Association of American Railroads) would bring the comprehensive increase to over five fold.

Aggregate compensation of railroad employees increased $\frac{2}{3}$ rds from 1926 to 1966, the same proportion that the number of employees declined. Allowing for the reduction of the value of the dollar over that period, which was about 50% as measured by the Consumer Price Index, aggregate compensation in 1966 represented about 17% less purchasing power than was paid annually during the 1920's.

Railroad employees also gained from the very sharp reduction in the number of employees killed and injured in railroad accidents yearly.

(iii) Financially owners of railroad stocks as a group have made out much worse than railroad employees as a group or individually (on the average) since the 1920's. Dividends on railroad common and preferred stocks have apparently declined in absolute dollar amount (according to the Interstate Commerce Commission figures published in the Department of Commerce's Historical Statistics of the United States and the annual Statistical Abstract). (A further downward adjustment seems necessary to eliminate double counting of railroad dividends paid on stock owned by other railroads.) After taking into account the decline in the value of the dollar, owners of railroad stocks are receiving much less purchasing power today than in their dividends during the 1920's.

If one takes into account the long periods since 1930 when dividends on railroad common stocks in the aggregate have been at very low levels, their owners as a group would have been far better off during these four decades to have had their investment in bonds, savings deposits, or other forms. Even in 1966, when railroad dividends reached their highest total in many years, the rate of return on the owners' equity (capital stock plus surplus) was only 2.80%, according to the Yearbook of Railroad Facts.

(iv) The Federal Government's receipts of income taxes from railroads have been trending downward since World War II (except for the period of the Korean War), and both it and some local governments are having to appropriate tax funds to preserve commuter service by rail in some localities and to pay part of the costs of developing high-speed passenger service between Washington and Boston.

4. The outstanding injurious trends affecting U.S. industry generally rather than railroads in particular during the last 40 years are first, the huge inflation which has advanced fairly steadily since the low point of the Great Depression. As already stated, the decline in the value of the dollar as measured by the Consumer Price Index of the Bureau of Labor Statistics has been about 50% since 1926. As measured by some indexes of the costs of construction, the price rise has

been larger—about three fold. Secondly, there have been long periods of excessive unemployment and business depression.

The danger of further inflation is again increasing, now that the country is in a period of mounting wage increases each year and is facing the prospect of much larger Treasury deficits than during recent years.

5. Contrary to allegations by some, the price rises have not been due to disproportionately large profits of corporations, speaking generally.

6. Within the ever-mounting total of aggregate wages and salaries in the United States economy, there is apparently a hidden gain of the best paid at the expense of the worst paid. The latter have to buy goods and services containing the costs of the former, and they are artificially barred from competing for many of the better paid lines of work.

Steps by Congress and the Executive Branch to overcome that trend seem essential to the nation's conquest of poverty, the improvement of cities, and other goals. Allowing the more powerful bargaining groups unlimited scope to exert their power to strike in obtaining ever higher wage rates and more wasteful work rules will defeat those goals.

Respectfully submitted.

GEORGE A. EDDY.

(Whereupon, at 12:03 p.m. the committee adjourned, to reconvene in executive session at 10 a.m., Thursday, June 8, 1967).



