

WASHINGTON REPORT

UNWISE STEP

The long and festering dispute between the railroads and some of their employees pushed the country to the brink of national crisis last week. Again, the spectre of the country's economy grinding to a halt loomed before us and the Congress rushed in to prevent national disaster. Without doubt, the Congress and the courts were the last hope of preventing the American people from being victimized by an argument in which they had no part. But in the legislation it passed, I strongly believe the Congress went too far. By its action, an already confused situation has been aggravated and we have established a precedent that the Congress and probably most Americans will live to regret. We have rushed in to keep the railroads running which was the only permissible alternative. However, the Congress has also acted to fix wages in a labor dis-

pute. This is a most unwise step and we will have future reason to regret it.

To its credit, the Congress has found labor-management disputes distasteful. It has avoided them wherever possible. Our system depends upon the operation of free collective bargaining and in most instances this keystone of our economic system works reasonably well. There are some exceptions, however, which were recognized a great many years ago when special legislation was passed to deal with work stoppages in the Railroad industry.

In the Railway Labor Act, the public's stake in uninterrupted railroad operations was spelled out by empowering the President to provide "cooling off periods" during which strikes and lockouts are forbidden. In theory, negotiating could continue and an agreement is reached. This law has had a stormy history, but it has worked fairly well un-

til recent years. Most Presidents during the last thirty years have had to face at least one railroad crisis. All have asserted that the health, welfare, and security of the nation demand the continued operation of the railroads. Every President has also respected the principle that labor and management should work out their differences and have avoided taking sides in the dispute.

The present disagreements have gone on since September 1969. "Cooling off" periods have not cooled tempers on either side and when time ran out, there was no further legal means to prevent a strike. Therefore, for the fourth time since 1963, the President was obligated to ask for emergency powers to prevent a collapse of rail service while efforts to get the two sides together could continue.

The emergency resolution was brought before my Committee on Interstate and Foreign Com-

merce last week. Efforts were made in the closed sessions of the Committee to change the resolution, but we were able to write a measure that would accomplish the two essential purposes of such Congressional intervention. First, we needed to assure that the railroads would continue to operate. Secondly, we needed to provide more time for negotiations to continue. The original resolution would have done both by prohibiting a strike or a lockout and a negotiating period up to March 1.

During the Floor debate at the eleventh hour, the House agreed to an amendment providing a five percent pay raise retroactive to January 1, 1970, and an additional 32¢ per hour increase retroactive to November 1, 1970. Thus, for the first time in these disputes, the Congress has placed itself in the position of arbitrating a complex dispute about which it has little knowledge or authority.

I opposed this action. By agreeing to it, we have plunged into dangerous territory. I have no doubt that Congress may feel

the urge next March to jump just as mindlessly into the question of work rules which involves thousands of detailed operational agreements. Whatever happens now, one thing is certain. The Congress has taken on a new responsibility. It has invited industry and labor to move away from the negotiating table and to bring their disagreements to Washington.

All this points, again, to the need for the Congress to get to work on a new formula for solving these disputes. Proposals by the White House have been ignored for many months. Simmering these specific disputes in Capitol Hill's political pot may well prove so unsatisfactory that the Congress may be forced to face up to the problem of writing new ground rules for these fights that will be fair to all.

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m. e. gardner
n. c. state college

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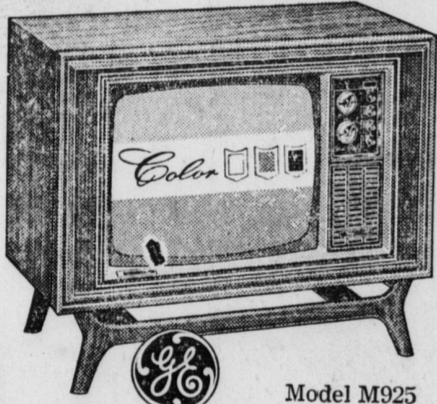
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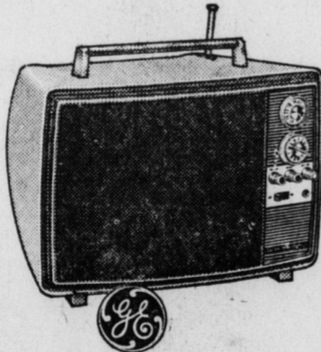
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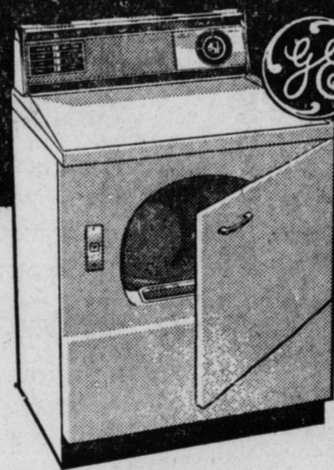


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