STRIKES AFFECTING THE PUBLIC INTEREST*

I. General


This issue is devoted entirely to the general problem of the settlement of labor disputes with considerable attention to the public interest in strikes.


The committee, whose members come from labor, management, academic, and public service fields, discuss the problem of strikes in essential industries and conclude that primary reliance to meet such crises should be on the emergency powers of the executive.


A collection of speeches by William H. Davis, Paul H. Douglas, William M. Leiserson, Donald R. Richberg, and Lewis B. Schwellenbach, who discuss the basic issues involved.


A discussion of basic issues and possible solutions including an evaluation of the Taft-Hartley emergency disputes section by Wayne L. Morse and a panel discussion by William H. Davis, George Taylor, Nelson Cruikshank (AFL), Walter Gordon Merritt (labor lawyer), and Walter T. Margetts, Jr., Chairman of the New Jersey State Board of Mediation.

2. Specific Solutions


A discussion of strikes in essential industries which includes a novel suggestion of limited government seizure.


* Items from this list should be ordered directly from the publisher. Addresses are given in connection with each reference.
Proposes that strikes which threaten the public health and welfare be handled by the power of eminent domain by which government may seize the plant and the job opportunities if just compensation is provided.


The authors propose to substitute for work stoppages in essential industries the "statutory strike" whereby the company and union both become subject to economic pressure although continuing to perform their functions.

McIntosh, Joseph C. "Shall we arbitrate?" *Public Utilities Fortnightly.* (Munsey Bldg., Washington), January 16, 1947. pp. 80-84. $1.00.

A representative of the International Brotherhood of Electrical Workers advocates the inclusion of voluntary arbitration clauses in all public utility contracts as an alternative to the otherwise inevitable compulsory arbitration.


An account of the breakdown of the emergency disputes procedures of the Railway Labor Act.


A presentation of labor arguments against compulsory arbitration as an abridgement of the right to strike and as a step toward a controlled economy.


Presents six methods of dealing with strikes in essential industries. Suggests government seizure or special status for employees and denial of right to strike as acceptable methods.


After dismissing compulsory arbitration as inimical to collective bargaining, the author suggests the following three alternatives for those situations in which a strike cannot be permitted to perform its function in collective bargaining: (1) increased understanding and use of voluntary arbitration; (2) procedural substitutes for the strike; (3) government seizure and operation.


A complete record of the experience with government seizure during World War II and the immediate postwar period. Some of the important problems arising from government seizure are analyzed.

After making an adverse criticism of compulsory arbitration and the Taft-Hartley Act, the author presents seizure as the least objectionable form of government intervention.


Contains a wealth of testimony evaluating the emergency disputes sections of the Labor Management Relations Act and suggesting different methods of handling such disputes.


A detailed discussion of problems concerning rights and limitations of parties to disputes under seizure. The authors advocate true seizure with just compensation for owners and maintenance of status quo of terms of employment.


Discusses the laws of Great Britain, Australia, New Zealand, Canada, and Sweden and concludes that the more satisfactory labor relations found there are a result of long experience with collective bargaining rather than such legislation.

3. STATE LAWS AND EXPERIENCE


This section of the report was the basis for the current law in Massachusetts which provides for governmental seizure in strikes which threaten the public health.


A short reportorial account of the events leading up to the passing of the law, of its content, and of its record during the first three years of operation.

A full account and analysis of the experience of Kansas with compulsory arbitration in the early twenties.


The Chairman of the Missouri State Board of Mediation gives a concise statement of the law, which requires compulsory public hearing panels and state seizure in event of strikes or lockouts. Experiences of the law's first two years are summarized.


An analysis of the problem of defining an emergency dispute and the effect of governmental intervention on collective bargaining based on experience under New Jersey's law.


A detailed history and an evaluation of the functioning of the New Jersey law during its first three years.


Analyzes state labor laws requiring compulsory arbitration and discusses arguments pro and con for such legislation. Includes experience in the United States and abroad before 1946.


A summary of the laws of the four states employing seizure in public utility disputes and of the temporary Hawaiian law enacted in 1949.


An account of the state laws requiring compulsory arbitration and a discussion of their constitutionality.


Contains an analysis of the fact-finding boards and 30-day strike delay periods for disputes affecting the public interest.