

17 **Special Message to the Congress Transmitting
Proposed Legislation To Arbitrate the West Coast
Dock Strike and Urging Passage of the Crippling
Strikes Prevention Act. January 21, 1972**

To the Congress of the United States:

The Nation is faced today with yet another transportation strike which is intolerable in its effect upon millions of Americans, and I am determined that we shall end it at once.

The dock dispute on the West Coast has been festering for over a year, but because a few have been insensitive to the harm they are inflicting upon the many who are not a party to it, no reasonable settlement has been reached. Now this work stoppage, renewed after an injunction under the Taft-Hartley Act has expired, again threatens the Nation's health and safety. Those of us in public office must act swiftly and responsibly to avert its damaging consequences.

Because all other Government remedies have been exhausted, I am proposing to the Congress today special legislation to set up immediately a three-member arbitration board. This board, to be ap-

pointed by the Secretary of Labor, would hear and settle all issues in this dispute. No strike or lockout would be permitted from the day this legislation is enacted until the day that the arbitration board makes its determinations. The board's determinations would be made within 40 days and would be binding upon the parties for a definite period of time—at least 18 months.

Let there be no mistake about the urgency of this legislation. This is a vital matter to the people of this country, and the Nation can afford no delay. I earnestly implore the Congress to have this resolution on my desk by the end of next week.

This is an unusually pressing request for the opening days of a new session of the Congress, but let there also be no mistake about the dimensions of destruction which this strike is wreaking upon its victims:

—Before I invoked the Taft-Hartley in-

junction in an earlier attempt to settle this dispute, thousands of farmers reaped a harvest of despair as their export crops were blocked by closed ports and could not reach waiting customers overseas. Hundreds of millions of dollars were lost. Because the strike has now resumed, these farmers are again victimized.

—There is an increasing danger that some of these trade losses will become permanent, as foreign purchasers come to believe that our farmers and businessmen cannot provide dependable deliveries. Japan, a billion-dollar market for agricultural imports, has already asked other suppliers to step up production so that it can lessen its dependence on American exports.

—Layoffs, reduced operations, and even business failures also hang over the heads of many other Americans who engage directly or indirectly in exports. Some areas are especially vulnerable, such as the State of Hawaii, which has been hit by shortages of vital supplies, mounting food costs and unemployment rates unmatched for half a generation. Also hard pressed are California, Oregon and Washington.

I cannot emphasize too strongly that all of these people—and, indeed, our national economy—have been made hostage to the interests of those few who persist in prolonging this dispute. These men and women who are hurt so unfairly cannot accept the fact that a dispute in which they play no part can destroy them—nor can you and I. There is no justification for waiting any longer.

It is with extreme reluctance that I propose this legislation, for as I have stressed to the Congress before, I firmly believe that governmental intervention in the collective bargaining process should be as

limited as possible. Compulsory arbitration is not generally a satisfactory method of resolving labor disputes. Under the present, deplorable circumstances, however, there is no remaining alternative.

As this resolution is considered, there is one very tough question before us to which reasonable Americans deserve an answer: Why have we once again reached the flash point?

Let there be no mistake about the facts. For two long years, the Congress has had before it comprehensive proposals which I submitted and have repeatedly urged that it pass for the resolution of emergency transportation disputes. This legislation still languishes unenacted.

These proposals, which should best be called the "crippling strikes prevention act" in the future, would have avoided the present crisis, and if enacted will avert what will otherwise be the inevitability of similar crises in the future. They would encourage the parties to bargain more responsibly, and in the event that no settlement is reached, would establish a workable mechanism for resolving the dispute without Congressional action.

Our present legislative tools are plainly inadequate. Four times since I called for these comprehensive measures, it has been necessary for the Congress to enact special legislation to deal with disputes in the troubled transportation industry.

The present dock dispute is perhaps the best illustration of how futile Government actions can be under present law. Bargaining between the parties began in November 1970. After six months of negotiations, the parties gave up their attempt to reach early agreement and suspended their talks until the contract deadline approached. On July 1, 1971 the longshoremen went out on strike, creating a ship-

ping paralysis on the west coast which reverberated throughout our economy.

The resources of the Federal Government, including exhaustive mediation efforts by the Director of the Federal Mediation and Conciliation Service, proved to be of no avail in resolving the dispute. With grave concern, I watched the crisis broaden and deepen, and I personally met with the parties in an attempt to find some way to end this bitter impasse.

By October 1971, it became evident that collective bargaining had failed in this dispute and that action had to be taken to protect the national health and safety. Thus on October 4, I invoked the national emergency provisions of the Taft-Hartley Act which resulted in an 80-day cooling-off period.

Unfortunately, the lengthy negotiations during this period and thereafter did not result in the hoped-for settlement.

The history of this dispute and the bargaining posture of the parties provide no hope that a further extension of time would be useful, or that it would bring the parties any closer to a resolution of this matter. They compel me to submit this special legislation to the Congress and to appeal once more for legislative action that will enable us to deal with future emergency transportation disputes with-

out the necessity of this sort of *ad hoc* legislation that can never undo the damage already done.

I proposed new, comprehensive legislation in February 1970, and there was no Congressional action that year. I resubmitted the measure in February 1971, and hearings were held, but there was no appreciable action. On December 15, 1971, I reminded the Congress that a renewed work stoppage was possible on the west coast and that statutory remedies were desperately needed. The Congress recessed without any response.

As soon as the Congress enacts the special legislation before it today, I urge in the most emphatic terms that it turn its attentions immediately to the Crippling Strikes Prevention Act.

RICHARD NIXON

The White House,
January 21, 1972.

NOTE: The text of the message was released at Key Biscayne, Fla.

On the same day, the White House released the text of a proposed joint resolution providing for arbitration of the west coast dock strike and the transcript of a news briefing by Under Secretary of Labor Laurence H. Silberman on the President's message.

On January 17, 1972, the White House released the transcript of a news briefing by Under Secretary Silberman on the dock strike.