

Statement on S. 1566 (the Hawai‘i and U.S. Pacific Island Surface Commerce Act)

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Statement on S. 1566, Hawaii and U. S. Pacific
Islands Surface Commerce Act

By U. S. Senator Hiram L. Fong

For Delivery in the Senate

July 17, 1974

Mr. President, the consideration by the Senate today of S. 1566, the Hawaii and U. S. Pacific Islands Surface Commerce Act, is a momentous occasion for the people of my State of Hawaii.

As I stated in a letter sent to each of my colleagues a few days ago, in the nearly 15 years of my tenure in the Senate since Hawaii Statehood, I can recall no other legislation whose enactment has been of greater importance to the people of my State. If S. 1566 is passed, the people of the Island State of Hawaii will be safeguarded from disastrous stoppages in shipping operations on the West Coast of the United States -- stoppages which disrupted our ocean lifeline in seven major strikes for a total of 464 days and in scores of lesser strikes totaling more than 1,000 days since World War II.

I approach this problem as one who is firmly committed to the principle of collective bargaining. This is one of the cornerstones of our Nation's labor-management relations. The freedom of labor and of management to bargain across the table on wages, hours, working conditions, and fringe benefits is one of the hallmarks of America's private enterprise system and distinguishes our system from many other nations where government controls and operates industry, both management and workers.

At the same time, I also have a deep commitment to the public interest, to the general welfare of our citizens. On those occasions when collective bargaining, mediation, conciliation and other normal processes have failed to settle labor-management disputes, then in the public interest, for the public good, something must be done.

Hawaii Depends On Its Ocean Lifeline With Mainland U. S.

My State and the well-being of its people are almost entirely dependent on a lifeline of ships which traverse the nearly 2,500 miles of Pacific Ocean which separate us from the West Coast ports. To cut into or sever that ocean

lifeline is to cut to the very heart of Hawaii's economic health and security.

Sea transportation normally carries 99 per cent of all goods which travel between Hawaii and the U. S. Mainland. Air cargo, which carries the remaining one per cent, can expand in an emergency to carry at most only three per cent of normal freight tonnage.

Approximately 80 per cent of all physical commodities purchased by Hawaii's 881,000 people are imported, primarily from the U. S. Mainland and almost entirely shipped from the West Coast. 79.5 per cent of our oceanborne imports arrive from the West Coast ports, 2.3 per cent from the East Coast, and 18.2 per cent from foreign sources, excluding petroleum products.

Almost without exception, the goods and supplies essential to modern living in Hawaii are either imported or import-dependent.

Cement and concrete products used in construction, for instance, are produced in Hawaii -- but two essential ingredients, silica sand and gypsum rock, must be brought in from the U. S. Mainland. To cite another example, some 60 per cent of all the food needed for Hawaii's people must be

imported. Furthermore, the pressures of urban development are steadily shrinking what limited land is still available for agricultural production.

As you may be aware, housing is very costly in Hawaii and is in critically short supply. Yet 97 per cent of the lumber needed for construction in my State must be imported. When wood, paint, nails, plumbing fixtures, roofing and other construction materials are not shipped to Hawaii in a steady flow, costs increase and the effort to meet the housing demands of our people falls even further behind.

Hawaii has no metal resources, with the exception of bauxite, which has never been commercially exploited. We have few non-metallic minerals, and we totally lack any deposits of oil or coal. Every drop of oil needed to produce electrical energy, to operate equipment and to run our motor vehicles must be imported.

In summary, no industry or individual in Hawaii, from the corporate giant to the newborn baby, is free of dependence upon imported goods. Whether a resident of my State buys a car or a typewriter, a bag of rice or a piece of plywood, his purchase must first be transported over thousands of miles of ocean in order to reach the point of retail

sale.

It is no less essential that Hawaii must be able without fear of interruption to export its sugar, pineapple, textiles and other locally produced or manufactured products. For example, an average of 1,200,000 tons of raw sugar must be shipped from Hawaii to the U. S. Mainland each year for refining and distribution in a very competitive market. Excepting tourism, our sugar and pineapple exports are the two leading income producers for Hawaii.

Mr. President, I ask unanimous consent to have printed in the Record at this point an exhibit detailing Hawaii's vulnerability to transportation strikes, prepared by Dr. Thomas K. Hitch, Senior Vice President and Chairman for Research, of First Hawaiian Bank.

Although other States enjoy alternative interstate transportation services, Hawaii, of course, cannot be linked to the Mainland by trains or trucks or buses or automobiles. Hawaii has only ships and planes. When shipping stops, the result can be near-paralysis in our economy. Indeed, in view of the predominantly import-export nature of our economy, the mere threat of a major maritime or longshore work stoppage on the West Coast reverberates throughout my State.

The Threat Is Real

Is it realistic to fear that our ocean lifeline may be cut? I must respond to such a question, unfortunately, with a resounding Yes! Since World War II, strikes in the West Coast longshore and maritime industries have come with devastating frequency, and have cost Hawaii almost four years in lost shipping services.

Since the close of World War II in 1945, there have been eight major shipping strikes, only one of them centered in Hawaii, totaling 641 days. These were as follows:

1. The 53-day West Coast Marine Engineers, Masters, Mates and Pilots and International Longshoremen's and Warehousemen's Union (ILWU) strike of 1946.
2. The 96-day West Coast strike by the ILWU and four offshore unions in 1948.
3. The 177-day Hawaii ILWU strike of 1949.
4. The 66-day West Coast Sailor's Union of the Pacific strike of 1952.
5. The 27-day West Coast strike by four offshore unions in 1962.
6. The 47-day West Coast strike by four offshore unions in 1969.

7. The 134-day West Coast ILWU strike of 1971-72.

8. The 41-day West Coast Masters, Mates and Pilots strike of 1972.

Thirty-five additional strikes lasting two days or more and scores of shorter or more limited strikes add many hundreds of days to the 641-day total, in all aggregating almost four years of strikes in the last twenty-nine years. How many States could endure such a situation so often in which only a trickle of goods flows in and major exports cannot be shipped out!

Concentration of Hawaii-West Coast Shipping Service
Increases the Risks

An important new development occurred this year, when one of the three shipping lines serving Hawaii, Seatrain, discontinued service to my State effective last April 9. Matson Lines, already by far the largest carrier with 70 per cent of the Hawaii trade, has taken over most of the 25 per cent formerly handled by Seatrain, leaving the third carrier, U. S. Lines, with about the five per cent it now handles.

The significance of Seatrain's withdrawal becomes apparent when it is realized that, whereas Seatrain and U. S. Lines have their collective bargaining agreements made on the East Coast with all shipboard personnel, Matson licensed and unlicensed ratings are subject to West Coast collective bargaining

agreements. With Seatrain's withdrawal, virtually all trade between my State and the West Coast will be cut off during strikes or lockouts over West Coast offshore union contracts.

During the 41-day Masters, Mates and Pilots strike of late 1972, when Matson alone was struck, a small but helpful percentage of shipping continued between the West Coast and Hawaii on Seatrain and U. S. Lines. Today, a maritime stoppage on the West Coast, which formerly cut off 70 per cent of the shipping with Hawaii, now will cut off more than 90 per cent, Matson's new share of shipping between the West Coast and Hawaii.

The Devastating Impact of Shipping Stoppages

When West Coast shipping is suspended, Hawaii's 881,000 people suffer from shortages of necessities of life and business, from higher prices, rising unemployment and reduced working hours, small business failures, a sharp drop in construction activity, a loss of investor confidence in the growth and viability of our economy, and, not least, an inability to ship our two major exports, sugar and pineapple, to Mainland markets.

It will be a long, long time before the people of my State forget the uncertainty and acute distress which came in such abundance between July 1, 1971, and December 31, 1972. During that 18-month period, a series of three West Coast longshore and

maritime strikes cut Hawaii's sea transportation service with the West Coast for a total of 176 days -- 6 months out of 18 or one day out of three!

These strikes did not originate in Hawaii, had no participants in Hawaii, and were not susceptible to any direct influence which might be exerted by public opinion and economic distress in my State. Nearly one million American citizens were effectively held hostage by a few thousand West Coast dockworkers and shipboard personnel.

I know of no other labor-management situation in which so many people in our country can be affected so adversely by the actions of so few who are so far away.

The following statistics, which relate to the impact of the 18-month 1971-72 strike period, indicate the economic injury which is inflicted upon the people of my State by the disruptions whose impact S. 1566 seeks to limit:

-- Unemployment in February 1972, toward the end of the 134-day West Coast longshore strike, reached 6.5 per cent, the highest in Hawaii's history as a State up until that time.

-- Even with Phase I of the wage-price freeze in effect beginning in mid-August, Honolulu food prices jumped 4.5 per cent between June and October 1971. By contrast, U. S. food

prices declined 0.3 per cent during the same period. By February 1972 -- after 115 cumulative days of the West Coast longshore strike and despite relief through an 80-day Taft-Hartley injunction and two voluntary extensions -- a head of lettuce cost 72 cents, a dozen oranges \$1.45, and ten pounds of potatoes \$2.28 on the average.

-- Local retailers, responding to a survey on the impact of the West Coast longshore strike, reported sales declines ranging up to 17 per cent.

-- Construction-generated earnings declined 7.8 per cent in 1971 and rose a mere 2.4 per cent in 1972.

-- The annual increase in State tax collections fell from 12 per cent in 1970 to 7-1/2 per cent in 1971 and 7.9 per cent in 1972.

-- Personal income growth fell from 14.1 per cent in 1970, nearly twice the national average, to 6.4 per cent in 1971

-- Hawaii's per capita personal income soared 11.3 per cent in 1970, which compared very favorably with the national gain of 6.3 per cent. In 1971, however, it increased only 4.1 per cent. Only seven States had lower per capita personal income growth rates than Hawaii that year, and the national gain was 5.6 per cent. In 1972, still plagued by shipping problems and their

resultant impact on business activity, per capita personal income in Hawaii increased only 5.9 per cent, compared with the national growth rate of 7.9 per cent. Only three States had a smaller per capita personal income growth rate than Hawaii in 1972.

-- In 1970, Hawaii's personal income was the sixth highest in the nation -- exceeded by only four States and the District of Columbia. The blows to the economy which came during the strike years lowered Hawaii's ranking to ninth in 1971, where it remained in 1972.

A major cost of the ever-present strike threat in Hawaii is the fact that it compels our businessmen to keep very large inventories on hand at all times. This stockpiling, which greatly increases the cost of doing business, is passed on to the consumer and contributes significantly to the high cost of living in Hawaii.

Shipping tieups also have serious long-range repercussions on the State of Hawaii. The principal impact is to make it more difficult to attract investment capital. For the last 20 years or more, the economic growth of Hawaii has been financed in large part by capital attracted from outside the State. This is true because local funds are inadequate, because savings of Hawaii residents are often funneled into Mainland opportunities,

and because out-of-State owners of Hawaii enterprises return profits to home offices located on the Mainland or in a foreign country.

Personal savings and business profits, therefore, tend to flow out of Hawaii, and the economic development of my State depends upon local ability to attract outside investment funds. Shipping interruptions can so shake investor confidence that the capacity to attract such funds is dealt a severe setback.

Finally, and very importantly, shipping strikes imperil or destroy markets for Hawaii's export industries, which are principally sugar and pineapple. The primary market for Hawaii sugar, for instance, is in the Western States, where sugar is already in surplus supply. In the past, shipping interruptions have caused Hawaii sugar producers to lose important industrial customers, who have turned elsewhere for their supplies.

The Inadequacy of Existing Remedies

Existing remedies for Hawaii in the event of West Coast shipping tieups are inadequate. For example, the Taft-Hartley Labor-Management Relations Act has been employed twelve times in national emergency disputes in the longshore and maritime industries since its enactment in 1947. The results have been dismal. Only one of the nine longshore and two of the three mari-

time disputes were settled during the 80-day cooling-off period provided by the Act once an injunction was obtained in court.

Considering the West Coast alone, Taft-Hartley has been invoked only four times in shipping disputes and only twice did it lead to settlement there.

Because an emergency must be "national" in scope to qualify for a Taft-Hartley injunction, the Act was not employed in the 1971-72 West Coast longshore strike until after 100 days had elapsed, until after extensive economic injury had spread as far as the Middle West farm belt, and until after a strike by the International Longshoremen's Association on the East and Gulf Coasts had closed down those other Mainland ocean ports. When it finally was used, Taft-Hartley proved a towering failure. Although the injunction period was twice voluntarily extended by consent of the parties, the West Coast longshore strike ultimately resumed for 34 more days.

In another instance, the 41-day West Coast Masters, Mates and Pilots strike of late 1972, Taft-Hartley again could not be used because the stoppage was not deemed a national emergency.

I would like to assure my colleagues, on behalf of the people of Hawaii, that it can be just as painful to be caught in a "regional" emergency as a "national" one.

The Inadequacy of Promised Congressional Remedies

I welcome the willingness of the Labor and Public Welfare Committee, as expressed in its adverse report on S. 1566, "to consider all emergencies, on an ad hoc basis, which current procedures for settling disputes do not abate." The people of Hawaii and their representatives in the Senate and House recently discovered, however, that an ad hoc Congressional response to a strike emergency affecting their State can be very slow and requires an extraordinary combination of circumstances.

The enactment of legislation requiring compulsory arbitration of the 1971-72 West Coast longshore strike, which virtually compelled a voluntary settlement by the parties themselves, is cited by the Committee as evidence of Congress' readiness to deal with critical stoppages. Congressional action, however, came (1) only after the dockworkers had been out on strike for over 120 days -- more than 4 months; (2) only after an 80-day Taft-Hartley injunction and two voluntary extensions thereof had failed to bring settlement; (3) only after virtually every port in the nation was shut down, since the East and Gulf Coasts were also struck; and (4) only after the people and economy of Hawaii had suffered grievously.

It is no wonder the people of my State take small comfort in such promises of Congressional action, no matter how well-

intentioned. For we have seen time and again that Congress is very reluctant to act promptly in West Coast labor-management disputes. Hawaii needs more reliable remedies.

The Search for Remedies

Over the past three years, I have made repeated and substantial efforts to promote settlement of various strikes in progress and to devise legislation which could effectively safeguard the people and economy of Hawaii from disastrous impact of West Coast shipping interruptions.

During the 1971-72 West Coast dock strike, for instance, I sought many times through personal contacts to get the parties back to the bargaining table when negotiations broke down, as they frequently did. While negotiations were in progress, I worked hard to expedite agreement. I had regular contact with the White House, the Secretary of Labor, the Mediation Service and others directly involved in the settlement effort. All concerned were made aware of the continuing and increasing economic harm inflicted on my State--the lost jobs, the business failures, the price increases, the depleted savings, the crippled development.

I introduced or cosponsored four bills to remedy Hawaii's plight by amending the Taft-Hartley Act. Because my Island State is most vulnerable to maritime and longshore strikes, precisely the two industries in which Taft-Hartley has failed most

often, I became convinced that the Act should be amended (1) to permit an injunction in "regional" as well as "national" emergency disputes and in disputes depriving any section of the country of essential transportation services; (2) to allow vital shipping services to Hawaii; and (3) to guarantee settlement of emergency disputes in the transportation industry.

In 1971 and 1972, I cosponsored three bills to reform Taft-Hartley to meet these objectives: S. 2850, the Emergency Labor Disputes Act of 1971; S. 2959, a revised Emergency Labor Disputes Act; and S. 3232, the Transportation Crisis Prevention Act of 1972. Early in the present Congress, on January 31, 1973, I introduced S. 640, the Emergency Transportation Disputes Act, which took a similar approach.

While retaining the familiar 80-day injunction, these bills provided new options for use in emergency disputes in the transportation industry. These were (1) further 15- or 30-day extensions of the injunction period; (2) partial operation of the affected industry, which could provide emergency shipping services to Hawaii; and (3) the final offer selection process, whereby a neutral panel would select the most reasonable of the final offers submitted by labor and management, which would become their binding contract unless the choice were found to be arbitrary or capricious by a Federal court. I was instrumental in assuring

that these options, as well as the familiar 80-day Taft-Hartley injunction, would be expressly available in regional as well as national emergencies, a critical point for Hawaii.

After hearings were finally held on these and related bills to reform handling of emergency labor-management disputes, the Labor and Public Welfare Committee did not report any bill for consideration by the entire Senate, despite the best efforts of those of us urgently seeking reform.

We were able on two occasions, however, to offer the substance of the bills I cosponsored as an amendment to legislation then pending on the Senate floor, once to amend the Economic Stabilization Act Amendments, S. 2891, and once to amend the bill requiring compulsory arbitration of the West Coast longshore strike, S. J. Res. 197. I participated in vigorous, but ultimately unsuccessful, floor fights on both these amendments.

During the economic stabilization debate in November 1971, our reform amendment was tabled by a vote of 58 to 29. We were told prior to the vote that the Senate Labor Committee was holding hearings on emergency labor dispute legislation and that that was not the appropriate time to take it up in the Senate.

When the compulsory arbitration measure came before the Senate for a vote on February 8, 1972, we again offered our Taft-Hartley reform proposals as an amendment. The Com-

mittee had not reported a bill dealing with emergency labor disputes so the vote became closer. After a close, hard-fought debate, the Senate tabled our amendment by a margin of just three votes, 42-39, before proceeding to pass the compulsory arbitration bill, 79-3.

S. 1566: Solution to Hawaii's Dilemma

Still endeavoring to find appropriate legislative safeguards for Hawaii, early in 1973, the four members of Hawaii's Congressional Delegation, Senator Daniel K. Inouye, Representative Spark M. Matsunaga, Representative Patsy Mink and myself, decided that the Senate and House might be more responsive to legislation designed to remedy Hawaii's particular problem during West Coast shipping interruptions, rather than the larger issues of emergency disputes in the transportation industry generally. In time and after intensive effort, we reached agreement on two bills.

One of these, which I introduced in the Senate as S. 1567 and which Representative Mink introduced in the House as H. R. 7065, with cosponsorship by our respective colleagues from Hawaii in each body, would establish a uniform expiration date for all contracts in the West Coast maritime and longshore industry, thus reducing the frequency with which Hawaii is threatened with dis-

ruption of shipping operations. This proposal has drawn support from both the employers bargaining group, the Pacific Maritime Association, and a number of the unions involved, but, unfortunately, has made no legislative progress in either House.

The other proposal upon which we reached agreement is the bill which is before us here in the Senate today. It was introduced in the Senate by Senator Inouye with my cosponsorship as S. 1566, and in the House by Representative Matsunaga, with Representative Mink's cosponsorship, as H. R. 7189.

S. 1566, the Hawaii and U. S. Pacific Islands Surface Commerce Act, provides that no West Coast maritime or long-shore strike or lockout shall be permitted to interrupt normal shipping between the West Coast of the United States and Hawaii or the other islands in the Pacific under the American flag -- Guam, American Samoa and the Trust Territory of the Pacific Islands -- for a period of 160 days beginning on the first day of such strike or lockout.

An injunction to secure an exemption may be petitioned for in any Federal district court having jurisdiction by the Governor of Hawaii, Guam or American Samoa, or by the High Commissioner of the Trust Territory of the Pacific Islands. As reported by the Labor and Public Welfare Committee the bill also permits

an injunction to be sought by any employer or labor organization which is a party to the strike or lockout, but, as I shall explain later, it is the intention of the sponsors to delete that provision.

An exemption injunction may not be requested if a Taft-Hartley injunction is in effect. If a Taft-Hartley injunction is later obtained, the running of the exemption injunction shall be suspended until the Taft-Hartley injunction is discharged.

Employees working during the exemption period will be subject to the wages, hours and working conditions provided by their last contract, but will be paid retroactively for the exemption injunction period any additional wages won under the agreement resolving the dispute.

For purposes of the act, an interruption of shipping services is defined as, (1) a refusal at a West Coast port to load or unload cargo or to permit the loading or unloading of cargo destined for or shipped from Hawaii or any U. S. Pacific Island or, (2) a refusal to operate or permit the operation of a ship with cargo destined for or originating from Hawaii or any U. S. Pacific Island if any such refusal was a cause of a ship leaving the dock facility more than 48 hours late or not being unloaded more than 48 hours after arrival.

Criticisms of S. 1566 Refuted

S. 1566 has been criticized by the Labor and Public Welfare Committee in its report for allowing an employer or labor organization to seek an injunction continuing the normal flow of commerce with the Pacific Islands, thus placing a "private weapon" in their hands.

Through clerical error, an amendment adopted by the Commerce Subcommittee on Transportation deleting this authority was not included in S. 1566 as reported from the Commerce Committee or as considered by the Labor and Public Welfare Committee. The Amendment would allow only the Governors of Hawaii, Guam, or American Samoa, or the High Commissioner of the Trust Territory of the Pacific Islands, to seek an injunction applying the Act. An amendment deleting the "private weapon" authority of the parties to the dispute will be proposed by the sponsors of this bill.

The Labor and Public Welfare Committee also suggests that the broad sweep of the bill's language would permit the Act "to be invoked if a single ship is delayed by as much as 48 hours", which is contrasted unfavorably with the "national emergency" requirement of Taft-Hartley and the "essential" transportation services standard found in the Railway Labor Act.

It is my belief that the Governor or chief executive of Hawaii or of the other U. S. Pacific Islands would make a re-

sponsible distinction between a minor tieup and a major shutdown of ocean commerce sufficient to imperil the people and economy of his State or Territory.

The Committee also states in its report on S. 1566 "that it could be very disruptive to enact Federal legislation which could affect the interests and bargaining positions of both labor and management."

A recent study indicated that the exemption for Hawaii provided by S. 1566 would involve only 3-1/2 per cent of the man-hours normally worked by West Coast longshoremen and only 7.3 per cent of the total man-days worked by shipboard labor with West Coast contracts. It is clear that this would have only a negligible effect on collective bargaining negotiations and on the ability of labor and management to apply pressure on each other. Indeed, providing an exemption for the Pacific Islands would probably reduce the likelihood of much more massive Federal intervention under Taft-Hartley.

During the 1971-72 West Coast longshore strike, the dockworkers union and the employers' bargaining group voluntarily agreed to move -- and did move -- military cargo approximately equal to the combination of the military and the Pacific Islands cargo which would be handled today under S. 1566.

According to Military Sealift Command records, 6,217,815 revenue tons of military cargo, other than bulk, moved through U. S. Pacific Coast ports in 1971. By 1973, the volume of such military cargo had declined to 3,662,930 revenue tons. The estimated total of commercial cargo, other than bulk commodities, moving between the Pacific Coast and the U. S. Pacific Islands covered by S. 1566 was 3,590,300 revenue tons in 1973. Therefore, the combined effect of the military cargo exemption and the exemptions contemplated by S. 1566 is presently around 7,250,000 revenue tons on an annual basis -- not significantly more than was exempted by voluntary and common consent during the 1971-72 longshore strike.

I wish to stress again at this point that Hawaii cargo would require but a small fraction -- 3-1/2 per cent -- of the longshore hours worked on the West Coast and but 7.3 per cent of the man-days worked by shipboard labor with West Coast contracts.

The Committee report states that in the four months following the commencement of the West Coast dock strike on July 1, 1971, there was a 32 per cent increase in waterborne shipments arriving in Hawaii from foreign ports over the same months in the previous year. Figures available from the Department of Commerce demonstrate that that increase was only 11 per cent when petroleum products are excluded.

The more significant fact is that our total imports by sea from all sources during the third quarter of 1971, excluding petroleum products, totalled only 191,415 tons, a decline of 67.4 per cent from the 587,400 tons which normally would have been imported were the strike not in effect.

The Committee makes considerable use of the testimony of Dr. Shelley Mark, Director of the Hawaii Department of Planning and Economic Development, which was prepared in January 1972, part way through the 1971-72 West Coast longshore strike. Dr. Mark indicated that in his view key shortages do not appear in Hawaii until well into the third month of a strike, making remedial action unnecessary until that time unless there is a complete shutdown of all U. S. Mainland ports.

Dr. Mark's statement is true to the extent Hawaii businessmen are forced to -- and are able to -- carry huge inventories. This sharply increases the cost of doing business in Hawaii, as I indicated earlier, and drives up consumer prices.

Mr. President, with reference to the Committee's use of Dr. Mark's testimony, I request permission to insert into the Record at this point an editorial from the Pacific Business News of Honolulu, entitled "Twisted Quotes."

The Labor and Public Welfare Committee states in its report that S. 1566 "is at odds with current policies of the Executive Branch and with an emerging pattern of industrial harmony."

I certainly endorse, along with the Committee and also with the Report of the President's National Commission for Industrial Peace, the efforts of labor and management to find new procedures and set up new mechanisms to settle their disputes without resort to strikes or lockouts. I share the hope that this will lead to an atmosphere of more harmonious collective bargaining. I do not believe, however, that the minimal impact of S. 1566 on the hours worked by West Coast longshoremen and maritime labor will interfere with these efforts to improve labor-management relations.

The Committee states in its report that S. 1566 "is at variance with what the Committee believes would be an even-handed approach to dealing with bona fide emergencies" since it would cover West Coast stoppages but not disputes in Hawaii or the Pacific Islands.

The Committee correctly cites the bill's sponsors as saying that Hawaii stoppages are not covered because (1) there has been only one extended dispute affecting shipping commerce with Hawaii since World War II which was Hawaii-centered; (2) Hawaii disputes are amenable to public pressure from the fellow-citizens of those engaged in the dispute; and (3) disputes in Hawaii are subject to State action under the Hawaii Dock Seizure Act, which authorizes the Governor to seize and operate the docks in an emergency.

The people of Hawaii do indeed believe that they are able to -- and rightfully should -- cope with shipping tieups within their own State. They feel it is equally true, however, that remedial legislation is needed which will protect them from disputes which are far beyond their borders, out of reach of Hawaii State law and Hawaii public opinion.

The Labor and Public Welfare Committee also suggests that "action on the bill could precipitate demands for legislation of broader application." The "slippery slope" argument is familiar to all of us, but equally familiar is the understanding that extraordinary circumstances require an extraordinary response. In my view, this is such an occasion.

S. 1566 Is Both Essential and Appropriate

S. 1566 is an effective and timely response to a long-standing problem of great seriousness and vital importance for the people of Hawaii. It will provide an essential measure of protection for nearly a million American citizens who, because of unalterable geographical circumstances, are uniquely dependent upon one mode of transportation and therefore uniquely vulnerable to disruptions of that service.

I have documented the impact of shipping tieups on Hawaii -- the lost jobs, rising prices, depleted savings,

economic disruption and blighted hopes. Recent history conclusively shows that the possibility of such stoppages on the West Coast is regularly transformed into a reality.

There is no doubt of the inadequacy of Taft-Hartley to safeguard Hawaii, both because of its spectacular lack of success in resolving shipping disputes and because of its national emergency requirement, which a regional dispute cannot satisfy until very late in the day, if at all.

Congress has rarely responded to Hawaii's plight when our ocean lifeline has been severed. When Congress has responded, that response has been tardy and has been dependent upon a remarkable constellation of supportive events, as was made clear during the 1971-72 West Coast longshore dispute.

My colleagues and I from Hawaii have been searching for some time for a remedy which will effectively protect Hawaii, against circumstances beyond her control or sphere of influence, which will be acceptable to the Congress, and which will not tip the scales against either labor or management. In S. 1566, we feel we have found that remedy. Since both organized labor and the employers bargaining group involved in West Coast shipping contracts oppose this bill on the grounds it favors the other side, it appears S. 1566 is, in truth, even-handed.

I do not anticipate that S. 1566 would be used other than

with great caution in a limited number of instances, and it would have, as I have indicated, a very limited impact on the collective bargaining process.

Affirmatively, however, this bill would do what is essential to alleviate hardship in Hawaii and the other U. S. Pacific Islands when labor-management disputes on the West Coast cut our ocean lifeline.

The people of Hawaii are watching this debate.

They remember the many, many strikes of years gone by and their impact on themselves and their enterprises.

They remember the inadequacy and tardiness of Taft-Hartley and previous Congressional response to our plight.

They remember the long history of the determined effort by their entire Congressional Delegation to secure a legislative remedy, the effort which has finally brought us to this day.

The overwhelming majority of the people of Hawaii strongly support action to safeguard them from the impact of future maritime and longshore disputes on the West Coast -- the thousands of messages which have come from people in all walks of life throughout my State attest to that.

On behalf of the people of Hawaii, therefore, I ask my colleagues to vote for this bill. To do so will be to take the right action at the right time -- before, not after, another emergency strikes.