

DEC 30 1971  
L 71 - 331.1

m-46

Director of Unemployment and Sickness Insurance

General Counsel

My memorandum of December 20, 1971 (Opinion L-71-331)  
Long Island Railroad Shopcrafts Strike on October 23, 1970

There was inadvertently omitted from my Opinion L-71-331 the following, which should be added to the footnote on page 3:

"In Chicago & North Western Railway Co. v. United Transportation Union, 402 U.S. 570 (1971), the Supreme Court ruled for the first time that Section 2 First of the Railway Labor Act does create an independent and judicially enforceable obligation which may be violated even though the Act's specific procedural requirements have been followed. The decision in the North Western case is not apposite to the case of the Long Island Railroad shopcrafts strike, however, since in the North Western case the union refused to bargain while going through the motions of complying with the specific procedural requirements, thereby frustrating the Congressional purpose in establishing those requirements."

Myles F. Gibbons  
General Counsel

DMG:ps