

In 1935, on New York, Chicago & St. Louis Railroad, a dispute arose between the Brotherhood of Railroad Trainmen (BRT) and the Switchmen's Union of North America (SUNA) regarding representation of switchmen. The BRT claimed representation of switchmen systemwide; and the SUNA sought a separate vote of switchmen in Buffalo and those in Cleveland, rather than systemwide.

In 1937, on Indiana Harbor Belt Railroad, a dispute arose between the Brotherhood of Railroad Trainmen and the Order of Railroad Telegraphers regarding representation of operators, towermen, levermen, train directors and operator-switchtenders.

In 1935, the Brotherhood of Railroad Trainmen complained that the NMB had denied certain brakemen a representation ballot in a dispute involving road conductors.

The NMB observed in its first annual report in 1935:

[Representation disputes] arose mainly because of overlapping jurisdiction . . . the antagonism engendered by the contests has developed a tendency for employees who are members of one organization to challenge the representation of the other organization. . . .

The NMB since has made clear that Section 2, Ninth of the RLA requires a systemwide election by craft or class; but, in those early years, the NMB, in decisions of first impression, surely recognized that to assure a perception of equity that the vote results had to be based on a majority those eligible to vote—that the NMB had to get it right.

Also, technology has eliminated what were some 291 crafts or classes in 1935, and merger among unions reduced what had been some 21 separate craft unions in 1935 to many fewer today.

Also notable is that it was not until 1954 that the AFL amended its constitution to prohibit raiding by AFL member unions of other AFL-member unions (now memorialized by Article 20 of the AFL-CIO constitution).

#### COMMUNICATION AND EDUCATION

Times and circumstances also have changed with regard to education and communication.

In 1930, only 30 percent of Americans were graduated from high school, while, today, the number exceeds 70 percent. During the 1930s, representation elections were carried out by mail ballot, with each eligible voter being sent a ballot along with an instruction sheet explaining the procedures for a secret ballot election. A significant number of blue collar workers during the 1930s may well have been unable to read at a level sufficient to ensure they understood the ballot procedures, much less the subject matter of the election.

It was not until 1943 that a single AT&T operator could complete a long-distance telephone call; previously, as many as five operators and 23 minutes were required to connect a telephone in San Francisco with one in New York. As late as 1950, the cost of a five-minute long-distance telephone call between New York and Los Angeles cost \$3.70, which is equivalent to \$32.73 in 2009. This affected the ability of independent unions—and union supporters—to communicate with railroad employees over a wide geographic area.

Today, railroad employees have near universal access to hard-wired and wireless telephones, as well as e-mail, with the costs of communicating relatively insignificant. In the words of former NMB Chairperson Maggie Jacobsen, the Internet has become “a 24-hour, seven-day-a-week union meeting.” Indeed, the U.S. Census Bureau reports that 74 percent of Americans 18 years and older in the workforce use the Internet. As

airlines and railroads are among the most computerized industries in America, the percentage of airline and railroad employees who are Internet savvy is likely higher than 74 percent.

During the 1930s, there was a communications challenge—in employee reading comprehension as well as the ability to communicate by electronic means (including telephone). That communications challenge could well have affected the ability of voting-eligible employees to be aware of the subject matter, while lower standards of reading comprehension impeded the ability of employees to understand the subject matter, mechanics and rules of a representation election.

By requiring that a majority of eligible employees vote in favor of representation, the procedure better assured that the majority would be made aware of the election and for what they were voting. The matter of employee reading comprehension is far less a problem today, and there no longer exists impediments to dissemination of information by electronic means (including voice).

#### CONFLICTS IN IDEOLOGY

Not readily recognized today is that there was great social upheaval during the period of the Great Depression.

Communism was viewed by many workers at that time as superior to capitalism, and communists were active agents for change. In 1938, for example, communist agitator William Z. Foster advocated worker militancy.

The president of the Switchmen's Union of North America responded that communist efforts are intended “to create disharmony, discord and disunity among the members of standard railroad labor organizations.”

Here, again, was reason for the NMB to certify representation votes on the basis of a majority of those eligible to vote rather than to permit, perhaps, a handful of agitators to determine representation votes for a radical organization by intimidating a majority of workers from casting ballots.

#### CONCLUSION

The National Mediation Board proposes to bring its 75-year-old representation election voting procedures in sync with those of the National Labor Relations Board, and what the federal courts term, the “universal rule as to elections of officers and representatives.”

The change would provide that the outcome of an election is determined by a majority of those voting, scrapping the archaic majority-of-those-eligible rule, which arbitrarily assumes that those not voting be counted as a “no vote.”

Circumstances have changed since the NMB instituted such voting procedures in 1934. The reasons then included:

An effort by the NMB to demonstrate to employers that their employees overwhelmingly preferred an independent labor union to a company union controlled and financed by management.

An effort to guard against racial discrimination in an election and better assure access to ballots by African-American workers.

An effort to resolve conflict among some 21 separate independent labor unions seeking to represent some 291 separate crafts or classes at the time—to “get it right” by determining the desires of a majority of those eligible to vote.

An effort to combat substantially lower levels of education and reading comprehension among workers. By requiring a positive vote among a majority of those eligible, it was better assured that efforts would be made by those asking for the election to reach and explain voting procedures to those eligible.

An effort to combat technological difficulties in communicating with potential voters. Again, requiring a positive vote among a majority of those eligible better assured that efforts would be made to reach out and communicate with those eligible.

An effort to combat Communist agitators, who were using intimidation and other tactics to encourage worker militancy and workplace discord.

Today:

There no longer are company unions or the threat of company unions.

Racial discrimination has been outlawed, and procedures are in place to root out and prosecute racial discrimination in the workplace.

Conflicts among RLA-covered labor unions are largely non-existent today, and the number of crafts and classes of workers has been reduced substantially. Moreover, by including a “no union” choice on the ballot provides eligible employees opportunity to cast a “no vote.”

Levels of education, especially among railroad and airline workers, have been dramatically improved, with most using computers in their daily work routines.

Barriers to communication among workers, as well as between workers and their employers and union organizers have been almost entirely eliminated with near universal access to telephone and e-mail. Also, today's railroad and airline workers have substantially higher levels of education than they did during the 1930s.

Because of changes in circumstance, 75-year-old NMB voting procedures are ripe for change to bring them in sync with the universal rule as to elections of officers and representatives, which is a majority of those casting ballots.

### SUPPORTING NATIONAL LIBRARY WEEK

#### SPEECH OF

### HON. EARL BLUMENAUER

#### OF OREGON

#### IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 13, 2010*

Mr. BLUMENAUER. Mr. Speaker, in Oregon, we pride ourselves on our strong community and a commitment to quality of life and education. Public libraries are a vital piece of this fabric and, in fact, Oregon has the second highest circulation of public library materials in the nation and the only 5-star library in the Northwest. As the economic downturn has pushed family budgets to the brink, these resources are more important than ever. In addition to public reading and visual materials, libraries offer Internet and computer access for all, free of charge. Many also serve as vibrant community spaces for gatherings and events.

Another library that deserves particular recognition is our very own Library of Congress. To highlight the world-class work of this institution, in 2008 I formed the Library of Congress Caucus, now nearly 70 Members strong. My friend Congressman ZACH WAMP serves as co-chair and our goal is to draw further attention to the nation's library, its collections and curators, and to encourage further use by Members of Congress and the public.

The Library of Congress not only houses the outstanding Congressional Research Service, it also offers 1.6 million visitors access to 15 million primary-source documents and operates the Veteran's History Project. One of my favorite programs, the Surplus Books Program, is an innovative service through which

Members may send extra books from the Library of Congress to schools and libraries in their home district. At a time when funding for public schools and libraries is scarce, this is a simple way to reduce waste and distribute excess resources to our communities and schools where they are critically needed.

I strongly encourage members to take advantage of these extraordinary programs and resources, and congratulate all our nation's libraries, librarians, and library-enthusiasts.

**HONORING MARY CANAVAN ON  
THE OCCASION OF HER RETIREMENT  
FROM THE ENVIRONMENTAL  
PROTECTION AGENCY**

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 14, 2010*

Mr. DINGELL. Madam Speaker, I rise today to pay tribute to a true public servant, Mary Canavan. Mary has been with the Federal Government since a week after graduating from college in 1970. After 40 years of dedicated work, Mary is retiring this spring.

Mary is one of two children of Irish immigrants—who like most immigrants to the United States—worked incredibly hard to provide for their children. The family was a close one, with Mary taking care of her parents as they got older. To this day, Mary is incredibly close to her brother, a priest, who comes over every Sunday for dinner with his sister. A few years back, Mary's brother was in a car accident and was hurt severely. Typical for Mary, she stepped up to ensure he got the best possible care.

As I mentioned, just a week after graduating from college, Mary joined the Federal Water Quality Administration in June of 1970. She joined the Environmental Protection Agency when it was established and the Federal Water Quality Administration was abolished. She began her career in public affairs and thoroughly enjoyed working with students on college campuses. Mary also worked in the water grants program and as a State coordinator, working with Illinois, Michigan, and Wisconsin. In 1987, Mary became a congressional relations officer and has served in that capacity ever since.

Mary is very involved in her Church, Chicago's 135-year-old Holy Name Cathedral. She recently served as head of the parish council. And after a fire damaged the cathedral last year, Mary, yet again, stepped up to the plate, making sure that the church could continue to accept parishioners and guests during construction. She also helped to plan a fund-raiser to help with church renovations. Mary continues to plan events like the annual gala.

I have never heard a bad word about Mary Canavan. She is universally loved and respected. Mary is a Federal employee of the highest caliber. She has served EPA and the offices she deals with tremendously well. I know my office will miss her and based on my discussions with the rest of the Michigan delegation, we are not alone.

I wish Mary all the best in retirement, as she looks forward to travel and being able to devote more of her time to her Church and her beloved brother. I ask all my colleagues to rise

and pay tribute to Mary Canavan as she leaves Federal service.

**HONORING THE UNIVERSITY OF  
CINCINNATI BEARCATS FOOTBALL  
TEAM**

**HON. STEVE DRIEHAUS**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 14, 2010*

Mr. DRIEHAUS. Madam Speaker, I rise today to honor the University of Cincinnati Bearcats football team and congratulate them on their historic achievements in the 2009 season. In addition to winning a school-record 12 games, UC won its second straight Big East football title. The Bearcats finished the regular season fourth in the nation in both the USA Today and the Associated Press polls with an undefeated record. UC also played in the 2010 Sugar Bowl, its second consecutive Bowl Championship Series game. In addition, the football team and the university community "adopted" and embraced a 12-year-old cancer patient named Mitch Stone through Friends of Jaclyn, a foundation that links youngsters with brain tumors to college and high school sports teams. Today, Mitch is cancer-free.

I am proud to recognize Mitch Stone and the University of Cincinnati Bearcats football team, its coaches, and UC President Gregory H. Williams for their 2009 football season, and recognize the students, faculty, and leadership for their record-setting support for UC's most successful season in history.

Roster: 14 Chazz Anderson, 86 Blake Annen, 51 Alex Apyan, 43 Robby Armstrong, 85 Marcus Barnett, 9 Dominique Battle, 69 Frank Becker, 80 Armon Binns, 38 Brent Black, 48 Maalik Bomar, 76 Austen Bujnoch, 21 Camerron Cheatham, 57 Obadiah Cheatham, 70 C.J. Cobb, 12 Zach Collaros, 55 Austin Cook, 41 Michael Cooke, 79 Andre Cureton, 33 Chris Damiano, 42 Dorian Davis, 72 Evan Davis.

39 Alex Delisi, 96 Tom DeTemple, 10 Romel Dismuke, 65 T.J. Franklin, 26 Drew Frey, 99 Dan Giordano, 22 John Goebel, 66 Sam Griffin, 19 Ben Guidugli, 23 Reuben Haley, 59 Steve Hancock, 81 Tomaz Hilton, 92 Michael Hilty, 31 Quentin Hines, 59 Alex Hoffman, 77 Sean Hooley, 31 Bruce Homer, 6 Jamar Howard, 40 John Hughes, 5 Reuben Johnson.

46 Scott Johnson, 11 Brendon Kay, 60 Jason Kelce, 18 Travis Kelce, 64 Mitch Kessel, 13 Pat Lambert, 47 Colin Lozier, 53 Randy Martinez, 11 Collin McCafferty, 49 Sean McClellan, 46 Mitch Meador, 83 Danny Milligan, 58 Brandon Mills, 34 Patrick O'Donnell, 68 Craig Parmenter, 91 Ryan Paxson, 82 Lynell Payne, 23 Isaiah Pead, 67 Doug Pike, 36 Quincy Quetant.

41 Jared Rains, 24 Wesley Richardson, 22 Aaron Roberson, 88 Adrien Robinson, 97 Jake Rogers, 16 Will Saddler, 37 J.K. Schaffer, 61 Jonathan Simmons, 51 Brady Slusher, 63 Dan Sprague, 94 Jordan Stepp, 54 Walter Stewart, 52 Ricardo Thompson, 45 Rob Trigg, 14 Chris Williams, 2 Darrin Williams, 32 George Winn, 95 Derek Wolfe, 84 Orion Woodard, 3 D.J. Woods.

**HONORING WILL RIDENOUR**

**HON. JOHN J. DUNCAN, JR.**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 14, 2010*

Mr. DUNCAN. Madam Speaker, Steve Ridenour and his family are longtime friends of mine and my family.

I have always heard it said that the worst thing that can ever happen to you is to outlive one of your children.

Steve and his family suffered the terrible tragedy of losing their son Will in a car accident on June 11, 2007.

His other son, Tanner, who is 19, prepared the speech reprinted below to give to his senior class at Knoxville's West High School.

This speech expresses Tanner's love for Will and also shows how this special young man handled a horrible period for him and his family.

I would like to call these words by Tanner Ridenour to the attention of my colleagues and other readers of the RECORD.

James Dean once said "Dream as if you'll live forever, live as if you'll die today". Maybe you remember him smoking cigarettes on his motorcycle in the movies or maybe you remember James Dean's car accident in 1955 which took his life. My older brother Will passed away June 11, 2007 in a car accident. It was one of the most devastating things that ever happened to my family. But it didn't stop at my family it affected everyone around us. One month later my grandfather passed away from cancer, and the following December my grandmother passed away from cancer. 2007 was one of the darkest years of my life, and I hope no one ever has to go through what I went through. It made me a stronger person and taught me what really is important in life. Aldous Huxley said, "Experience is not what happens to you. It is what you DO with what happens to you." I tried my hardest not to cry and keep my family together because I know that is what Will would have wanted me to do. People come up to me all the time and say how proud they are of me. But I would have never been able to do it without my friends and the people around me. When bad things happen in life you can't just crawl in a hole and die, even when that sounds like the easiest thing to do. James Thurber once said, "Let us not look back in anger, nor forward in fear, but around in awareness." I believe in this quote, and think that it has a lot to say about life and the values people should have. So remember class of 2010 that these experiences whether good or bad will last a lifetime, so don't look back in anger nor forward in fear.

**A TRIBUTE TO CHARLES L.  
BLOCKSON**

**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 14, 2010*

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor a true American treasure: Historian and collector Charles L. Blockson. Mr. Blockson is the founder and curator of the Charles L. Blockson Afro-American Collection of rare texts, slave narratives, art and other historically significant artifacts located at Temple University in the First Congressional District. It is one of the largest African American collections of its kind at a major university.