

would be in a position to serve notices, section 6 notices, for change in the agreement. If a dispute developed, there would be a period then, like the one we went through in this case. One side or the other, depending on who wanted to change the situation, would serve a notice indicating that change. It would go through the processes of the Railway Labor Act. It would involve mediation, the proffer of arbitration. If that were declined, then the establishment of an emergency board. Then we could conceivably come back to this point again. I don't think we will.

But my short answer would be, Mr. Friedel, that the normal processes of the Railway Labor Act would obtain at that point.

Mr. FRIEDEL. Would they be able to go to the courts to try to settle the dispute?

Secretary WIRTZ. No. You are talking about at the end of the 2-year period?

Mr. FRIEDEL. Yes.

Secretary WIRTZ. No, sir.

Mr. FRIEDEL. The bill that we passed in 1963 did give them that right.

Secretary WIRTZ. There was a lot of litigation on that case, some of which, to my understanding, is still pending, so my answer should appropriately be limited to that. There was a history of litigation both with respect to the extent and proper application of that act and with respect to the question of what the situation should be afterward.

I will take just a moment to explain that. The result of Public Law 88-108 was, in hard, practical terms a reduction of about 15,000 to 17,000 firemen on the railroads. The legal question which arose and to which you refer is whether at the end of that period there should be continued operation at the reduced manning basis or whether that period over it should revert back to earlier numbers. That is the litigation to which you refer, I think. There is no comparable possibility here.

Mr. FRIEDEL. The thing that disturbs me is if they can't go to court it is OK, but I remember in 1963 a bill where they were in agreement on quite a few areas, and on the other hand when they went to the courts they went back to the very beginning and couldn't even take into consideration what they agreed upon. It makes it much worse. I wouldn't want the same thing to happen here.

Secretary WIRTZ. That is my point in saying I know with confidence, Mr. Friedel, that this resolution has been drafted with that, I think, unfortunate experience clearly in mind and has been so drafted as to prevent that possibility.

Mr. FRIEDEL. Just to summarize, at the end of 2 years, after the agreement is handed down by the Mediation Board and they do not accept it, they go on strike then?

Secretary WIRTZ. Yes, sir, subject only to those delaying provisions in the Railway Labor Act which require them to go first to the mediation. But mine is a lawyer's qualification and answer. The practical answer to your question is, "Yes."

Mr. FRIEDEL. Thank you.

The CHAIRMAN. Mr. Springer.

Mr. SPRINGER. Mr. Secretary, I want to be sure of just what ground we are on this morning. I am not going to give away anything that