

was said or divulge on any private basis, but there was a meeting at the White House the other day, and you and I were there, and everybody else concerned was there with the President.

I want to be sure that this resolution has the support of everybody in this administration who was there.

Secretary WIRTZ. Yes, sir, without any qualification.

The CHAIRMAN. Might I interrupt the gentleman to clarify that?

I don't believe the group was polled to say they would give their assent in any way.

Mr. SPRINGER. I am not including anybody except in the administration.

Secretary WIRTZ. That was my understanding.

Mr. SPRINGER. Just those who were there. That includes the Attorney General, the President, yourself, Mr. Katzenbach, and I think Ambassador Goldberg was there, and he believed this was a just way to go about it.

Secretary WIRTZ. Yes. I think there were present that day Secretary McNamara and Secretary Boyd. I am not sure what others. And with the clarification the chairman referred to, your question was to the position of the executive branch. The recommendation comes with the unanimous approval of the executive branch.

Mr. SPRINGER. Has there been a legal opinion with reference to whether or not this is enforceable and constitutional?

Secretary WIRTZ. Yes, sir, there has been.

Mr. SPRINGER. And there is no doubt about that?

Secretary WIRTZ. That is the advice of the Attorney General, and there is no doubt about it.

Mr. SPRINGER. I would like to ask Judge Fahy as the Chairman of the last Board: Is this your recommendation?

Judge FAHY. Yes, indeed.

Mr. SPRINGER. Is it the unanimous recommendation of the Board?

Judge FAHY. Of the Board; yes. The Board was composed of, in addition to myself, Dr. Dunlop, of Harvard University, Dr. Taylor, of the University of Pennsylvania, and those two gentlemen were quite experienced and knowledgeable in this field; more so, I think, than myself. They have approved this proposal of the President, as well as I have.

Mr. SPRINGER. One thing further from you, Judge: It is my understanding that if, at the end of 30 days of negotiation, no agreement has been reached, the basis then for a decision by the Board to be appointed by the President under the language of this act, the basis of that would be the already findings of your Commission, your Board; is that correct?

Judge FAHY. The basis for the hearing would be the mediation proposal which my panel made. But the Board to be appointed under this resolution would have the right to modify our proposal under the standards set forth in this resolution.

Mr. SPRINGER. Thank you.

One further question, Mr. Secretary: I have been trying to rationalize your thinking on this matter as to why it is not compulsory arbitration. I am taking the most favorable view, not that I necessarily agree with it, but I am trying to see if I can rationalize how you are coming to this conclusion. That is, that at the end of the 60-day period,