

the matter within the administration find that a suggestion which would present very real operating difficulties, and they would be inclined to question whether it could be worked out at all easily.

But I don't count that a definitive answer, as far as I am concerned. I really don't know.

Entirely respectfully, I would suggest that the carriers and the unions would know better the possibility of that than I do.

Mr. VAN DEERLIN. Almost two-thirds of the military shipments, of course, go by railroad. Do you have an estimate of what percentage of the total railroad freight business this represents?

Secretary WIRTZ. No, sir; I don't.

Mr. VAN DEERLIN. The point was made a moment ago that the President would have no powers other than what he had by the last congressional action after this 45-day extension expires in June.

Secretary WIRTZ. June 19.

Mr. VAN DEERLIN. Has there been an opinion from the Attorney General as to whether he might still have the same power that President Truman exercised in August 1950 under wartime powers of the act of 1916?

Secretary WIRTZ. There has been such an opinion. It is that there would be no authority.

Mr. VAN DEERLIN. That the authority that President Truman exercised no longer exists?

Secretary WIRTZ. I don't know that the opinion is in that form. The opinion is that there is today no authority.

My own personal impression is that the authority under which he acted in 1950 terminated in 1952. But I would have to check the details of that. I mean to be categorical about the absence of any authority today. My only reservation is in terms of your question that I don't know what happened to that authority. My recollection is that it terminated in 1952.

Mr. Moss. Would the gentleman yield?

Isn't that the instance where the courts ruled that the President had no inherent authority to operate, in the *Youngstown Sheet* case?

Judge FAHY. That is correct.

Mr. Moss (presiding). I thank the gentleman for yielding.

Mr. Harvey?

Mr. HARVEY. Thank you.

I am sure you considered the other alternatives to 559. I am sure one of the alternatives was seizure. Why do you object to that?

Secretary WIRTZ. I have a little difficulty in answering about seizure, in broad terms. I will preface my answer by recognizing that there would be different forms of it. But I don't think that the circumstances of this case warrant the taking over of a property.

As the chairman indicated, there are an infinite number of problems, one being whether the conditions should be frozen as they are or whether there would be the power to change them. There would be the introduction of all the complexities of the transfer of ownership or operation.

There were about 125 or 135 seizures during the war. Most of them ended up in litigation. So there are all those complexities.

I also think it is a matter of common fairness involved here, equities of the situation. I don't think the circumstances here warrant the taking over of properties by the Government.