

fortunately, my turn in questioning didn't come yesterday, so I didn't get to explore that point with him.

What are the choices besides this resolution that you see, Mr. Secretary, for the resolution of this situation short of a strike at this time?

Secretary BOYD. The only one that I can see is seizure. That is short of a strike.

Mr. BROWN. The Secretary suggested another possibility, and that was compulsory arbitration. Are you not drawing a distinction between this resolution and compulsory arbitration?

Secretary BOYD. Yes, compulsory arbitration would certainly have the same effect.

Mr. BROWN. You suggested, I think, in your colloquy with Mr. Pickle that if we didn't pass this resolution the Congress would undoubtedly pass some form of compulsory arbitration.

Did I understand you to say that?

Secretary BOYD. I said that is my personal judgment of what will result if there is a nationwide rail strike.

Mr. BROWN. Based on the temper of the Congress and of the necessity.

Secretary BOYD. Yes, sir.

Mr. BROWN. Let us remove ourselves from this extremity now and emergency situation in which we find ourselves as a nation with reference to this strike. Let me ask you: Is permanent resolution to resolve or eliminate the recurrence of such strikes desirable?

Secretary BOYD. I am not prepared to say yes. I don't know enough about it, Mr. Brown. I have not been involved in this area of labor-management. I am just now beginning to learn.

Mr. BROWN. I am not asking with reference to labor-management. I am asking with reference to the transportation circumstance in our Nation. You have certainly been involved in that for some time.

Secretary BOYD. Yes, I have. It is a balancing of values. Certainly it is important to have a functioning transportation system. Certainly it is important to have the right of collective bargaining.

I am not prepared to say that the importance of the functioning transportation system at all times, under all circumstances outweighs the importance of the right of collective bargaining.

Mr. BROWN. My question is should we have permanent legislation in this field.

Mr. MACDONALD. The time of the gentleman will have expired after he receives an answer.

Secretary BOYD. I do not know of any permanent legislation that would be satisfactory, just, and equitable.

Mr. BROWN. So we should handle this on an ad hoc basis.

Secretary BOYD. Yes.

Mr. MACDONALD. Mr. Adams.

Mr. ADAMS. Mr. Secretary, I can give you the five points to look at on this seizure and then I want to follow as to the reason why it is important that we discuss it. There are five things:

First, whether or not there is a war power.

This would be under 10 U.S. Code 4742. The key question there is whether or not this requires a declaration of war or "a time of war." We would like to know the administration's position on this.