

Mr. DINGELL. I understand that. But doesn't it appear that the exploration of this kind of offer is very much in the public interest by the administration?

Secretary BOYD. Certainly. But I don't see that that has any bearing on this.

Mr. DINGELL. I have no way of knowing what would come from these discussions any more than you do. But I am well satisfied that an offer of this kind should be scrutinized with great care. I hope you will agree with me. Is that correct?

Secretary BOYD. Yes, sir.

Mr. DINGELL. Now, Mr. Secretary, with regard to Presidential authority to seize the railroads, the act of August 29, 1961, title 10, United States Code, section 4742, reads as follows—

Control of transportation system in time of war. In time of war, the President, through the Secretary of the Army, may take possession and assume control of all or any part of any system of transportation to transport troops, war material and equipment, or for other purposes related to the emergency.

So far as necessary, he may use the system to the exclusion of other traffic.

We are now involved in a very serious conflict in Vietnam and, if it is not a war, we are shooting some \$24 billion or \$25 billion worth of munitions involving half a million American troops not to fight a war.

Has there been any scrutiny of the utilization of this section for the prevention of a nationwide railroad strike?

Secretary BOYD. Mr. Dingell, the only information I can give you is that in a conversation with the Attorney General of the United States, Ramsey Clark, I was advised by the Attorney General that the President has no legal authority at this stage of the game; that he has exercised all the legal authority he has available.

Mr. DINGELL. That is a bald statement. But you will agree that, in time of war, the President may take possession and assume control of the transportation system?

Secretary BOYD. I accept whatever the statute says. But Mr. Clark has to be the man who indicates and interprets the law for the administration.

Mr. DINGELL. Mr. Chairman, may I suggest it would be highly appropriate, before we go much more deeply into the legislation we have before us, to hear from the Attorney General on this matter.

I believe this is a very important point, lying very close to the heart of the issue presently before this committee.

Mr. MACDONALD. I am sure we will.

Mr. DINGELL. Thank you.

Mr. MACDONALD. Mr. Boyd, you have had a long day here, but I know of my own knowledge how good a witness you are for the Department you represent. You have been before us many times when you were with the CAB.

There is one very small thing and it is so small I shouldn't bother you with it. It deals with your duties as head of the Transportation Department and isn't strictly confined to this strike.

On page 8 of your testimony, you point out that in 1946 a strike called by the Firemen affected 32,000 commuters in Chicago and 12,000 in Boston, who shifted to other modes and produced serious traffic congestion.