

Secretary WIRTZ. Subject to correction, which I will make if I find it to be the fact, the answer is, "No," he could not, by virtue of the amendment of that act in 1953 which specifically withdrew this authority.

Mr. CARTER. That was not made clear yesterday. In fact, the testimony was quite different on that.

Secretary WIRTZ. I testify from my understanding at the moment. I do want to make it clear that I understand that question arose. I have not had time to make a complete check on it, but I testify to the following, subject to correction.

I am relatively confident that there was the amendment to the act in 1953 which would preclude that result. Subject to the advice of the Attorney General, I will take the position that the present situation is one in which there is no arguable authority to seize.

Mr. CARTER. Then the administration has no means whatever of taking over the railroads at the present time, as it did in 1950?

Secretary WIRTZ. That would be my position.

Mr. CARTER. Thank you, sir.

The CHAIRMAN. Mr. Macdonald?

Mr. MACDONALD. Thank you, Mr. Chairman.

Mr. Wirtz, yesterday the Secretary of Transportation was here and he indicated that he had been in contact with many people, apparently, about the result to the union offer made to the Secretary of Defense and acknowledged by the Secretary of Defense to carry all shipments necessary to our Nation's military effort and the public health.

I am interested in what response the mediators or the people on this side of the fence from the brotherhoods, by way of speaking, have made to this offer by the brotherhoods and by the workers.

I think it of vital importance. They have stated that they won't interrupt the war effort. They have stated that they will see that the national safety and health are protected. It seems to me a very reasonable statement on their part.

I was very surprised that yesterday the Secretary of Transportation could offer no light on what had happened as a result of this offer. I am wondering if you can tell us.

Secretary WIRTZ. There has been no representation to the parties by the mediators with respect to this matter. The position that the Secretary of Transportation took yesterday with respect to this matter is one which I would have no reason to change in any way. But if your question is whether—

Mr. MACDONALD. Sir, he didn't take any position about it, frankly.

Secretary WIRTZ. Then I am perhaps under a misunderstanding. I understood his advice to be apparently categorical that the situation would not, in his judgment, permit the satisfaction of the public's needs by the representation which had been made by the unions.

Mr. MACDONALD. He merely indicated, as I recall—and, of course, the record will reflect what he said—that it would be very difficult to determine what things should be moved. We all agree with that. It perhaps would be difficult.

But that isn't my question. I am not saying whether it would be difficult or not. I think it probably would be. But certainly no more difficult than having the Government tell people that they don't