

management and two from labor selecting a third, or one that is appointed by the President, or a combination of the two?

Secretary WIRTZ. I think the President's suggestion does reflect a good deal of the common experience here, and it would be the identification of a group which would be denominated as representing a public interest but would include one with particular identification with, knowledge of, rich experience with, the representations of the labor and management groups.

Mr. ADAMS. In other words, you would go nomination by the two parties but selection by the President?

Secretary WIRTZ. No, I would go naming by the President.

Mr. ADAMS. With regard to seizure powers, we asked this of the Secretary of Transportation yesterday, what is the position of the administration as to whether or not there is power under 10 U.S.C. 47-42, or otherwise to presently seize the railroads?

Secretary WIRTZ. Is that the 1916 statute?

Mr. ADAMS. The 1916 statute. There is also the carryover of the World War II and Korean emergency powers.

Secretary WIRTZ. I have answered here categorically, but making it clear that I haven't had time since this question came up yesterday morning and doubt was raised on it to get a formal ruling.

My present position is that there is no authority at all today with respect to that. Out of deference to the committee and the importance of the point involved I want to check further with the Attorney General to confirm or to set aside my view. It is presently that there is no authority.

Mr. ADAMS. I thank the gentleman for yielding.

Mr. FRIEDEL. The gentleman's time has expired.

Mr. Kuykendall.

Mr. KUYKENDALL. Mr. Secretary, does every railroad necessarily go out in the case of a strike?

Secretary WIRTZ. Two or three might be offended, but my answer is yes. By that, I mean there are two or three railroads—

Mr. KUYKENDALL. This is truly a nationwide strike.

Secretary WIRTZ. Yes. I shouldn't have been facetious.

Mr. KUYKENDALL. Several weeks ago a member of the Department of Transportation polled this committee and briefed the contents of House Joint Resolution 559. The briefing was excellent. I don't know that we have done anything but clarify the situation since that time with these very good hearings. However, at the time I was briefed I was asked, "Do you look favorably upon the resolution as you see it?" At that time I said yes.

At the present I say no, for this reason more than any other: Who said "Me thinketh you protesteth too much about this compulsory arbitration."

On the 92d day, June 21st, if these people had not reached an agreement, and they are working on it, are they not working under compulsion?

Secretary WIRTZ. Yes.

Mr. KUYKENDALL. This doesn't offend me because in the case of a truly national emergency if it came to this point, then I suppose I would have to recognize that point. But it has offended me that so