

Mr. SPRINGER. But it is your understanding, and as I read it in the newspapers, the general view of this is that they are compelled to arbitrate?

Mr. GILBERT. Not compelled to arbitrate. They have been found derelict in their duty for their failure to negotiate. I think there are members of this committee here that heard Mr. Wolfe in 1963 say that this 2-year period of the arbitration award would provide ample opportunity for the parties to get together and resolve the dispute. That was back in 1962. We haven't been together yet.

Mr. SPRINGER. Mr. Gilbert, I think you have given here where you believe they stand. It would be that they have not negotiated and they now must negotiate. Is that your general understanding?

Mr. GILBERT. If the opinion is implemented they have said that our notices are both timely and bargainable.

Mr. SPRINGER. Now to come to the second point—

Mr. GILBERT. But I might add, too, the railroads are petitioning the court to rehear that provision about the timeliness of the notice.

Mr. SPRINGER. Now they do have a time within which they can appeal to the Supreme Court if they wish.

Mr. GILBERT. I understand that.

Mr. SPRINGER. Now let me find out exactly where you stand today. My understanding from reading the newspaper over the weekend is that the President has now given a notice, is this correct, a 60-day period for cooling off under the Railway Labor Act?

Mr. GILBERT. Congressman Springer, that involves the order for railroad conductors and brakemen in connection with disputes they have over wages and inequities.

Mr. SPRINGER. This does not refer to you?

Mr. GILBERT. No, sir, it does not.

Mr. SPRINGER. Now there is no intervening act which anybody in the Government can file against you at this point, is that correct?

Mr. GILBERT. I am not too sure.

Mr. SPRINGER. Is this your counsel?

Mr. BENNETT. Yes, sir.

Mr. SPRINGER. You are a lawyer?

Mr. BENNETT. Yes, sir.

Mr. SPRINGER. Would you state your name, sir.

Mr. BENNETT. Donald Bennett.

Mr. SPRINGER. Is it your understanding that at this point now, that the President or anyone else could not file some kind of notice which would put this off?

Mr. BENNETT. Yes, sir. I think the point is that the negotiations that Mr. Gilbert is talking about are just starting and the process under the Railway Labor Act are yet to come. You mention the conductors with an emergency board which is the last step under the Railway Labor Act. In the manning issue the organization is just now able to start the negotiations under the Railway Labor Act. So we have mediation to look forward to, sir, and possibly an emergency board.

Mr. SPRINGER. I was under the impression you had already gone through this 2 years ago and were now back to a point where they had to negotiate.