

Mr. IGNATIUS. It is my understanding that the legal situation is that if the railroads are operating and it is necessary to assure the movement of goods in support of the national defense, that the Defense Production Act and the Interstate Commerce Act empowers the President with that authority.

If the railroads are not operating, I do not believe that these acts give the President the authority to make them operate. I would like to check with legal counsel on that, if I may.

Mr. DINGELL. I think it would be appropriate, if you choose, to make such comment.

Mr. IGNATIUS. Mr. Nash, Assistant General Counsel of the Defense Department, who is behind me, stated that my general statement was a correct statement of the situation, in general lay terms.

Mr. DINGELL. And there is no authority in the President to require movement of defense shipments under any existing Federal statutes?

Mr. IGNATIUS. Only insofar as the above acts apply and in the manner I described in my response.

Mr. DINGELL. If this committee were to vest in the President the power to require movement of shipments essential to national defense, would it be possible for your agency to administer such a requirement and to issue regulations for the movement of such essential shipments?

Mr. IGNATIUS. Mr. Dingell—

Mr. DINGELL. I read your statement that the plan submitted to you by the unions was not workable. I read your statement on that point. But my question is a very different one. That is whether or not, if this committee and the Congress were to vest the President with the power to issue regulations for the movement of shipments essential to the national defense, would it be possible for your agency to do so?

Mr. IGNATIUS. I think that from our standpoint in the Defense Department, we believe that a stoppage of the national rail transportation system at the present time is something that is unthinkable.

As to how that should be dealt with, the committee has before it the request of the President to handle it by means of the mechanism in the joint resolution.

If there are other means that the Congress wants to consider as it reviews the problem, this would be for the committee and the Congress to decide. We support the administration position strongly.

Mr. DINGELL. That is very clear to me. But I am asking you a very different question.

I am asking your help. Our problem here is to try to save collective bargaining and protect the national interest, preserve the health, education, welfare, the defense of the Nation, but at the same time to allow the parties to bargain collectively.

I am asking you if it would be possible, if we were to vest in the Department of Defense appropriate authority to issue regulations to this end, and to require the movement of essential defense shipments, could you do so by regulation?

Mr. IGNATIUS. Sir, if your question means that only limited operation of the railroads would be involved, that is to say, confined to essential defense shipments, and presumably shipments for the national health along with the national defense, I think you would have a situation similar to what the union proposal was in respect to partial operation.