

Classification showing on whose behalf expenditure is made

A. The commission (collectively)-----		\$28,500.45
B. Commissioners:		
101. George W. Wickersham, chairman.....	\$3,835.70	
102. Henry W. Anderson.....	691.28	
103. Newton D. Baker.....	210.00	
104. Ada L. Comstock.....	790.04	
105. William I. Grubb.....	1,074.47	
106. William S. Kenyon.....	3,142.18	
107. Monte M. Leman.....	629.97	
108. Frank J. Loesch.....	1,053.01	
109. Kenneth Mackintosh.....	4,406.85	
110. Paul J. McCormick.....	1,116.44	
111. Roscoe Pound.....	2,898.58	
Total expended on behalf of commissioners.....	19,858.92	
C. Research staff (secretary to the commission, consultants, experts, advisors, and their staffs):		
119. Max Lowenthal.....	\$3,201.54	
120. Henry S. Dennison.....	2,859.22	
121. Albert E. Sawyer.....	2,545.88	
122. James L. Magrlish.....	330.00	
123. Mary van Kleeck.....	2,855.68	
124. Amos W. W. Woodcock.....	580.63	
125. Alfred Bettman.....	4,404.95	
126. Z. Chafee, jr., Engelhard, Pollak, Pitcher, and Stern.....	1,866.23	
127. Charles E. Clark.....	1,866.44	
128. Goldwalth H. Dorr and Sidney P. Simpson.....	795.35	
129. Winthrop D. Lane.....	1,231.81	
130. James J. Forrester.....	619.19	
131. Sam Bass Warner.....	3,434.48	
132. Hastings H. Hart.....	22.29	
133. L. V. Harrison.....	1,758.42	
134. August Vollmer.....	1,238.88	
135. Clifford R. Shaw.....	182.14	
136. Edith Abbott (University of Chicago).....	848.59	
137. William Moseley Brown.....	401.96	
141. Herman Adler.....	1,198.56	
142. Jessie F. Steiner.....	325.00	
143. Joseph C. Hutcheson.....	755.05	
144. Miriam Van Waters.....	17.31	
Total expended on behalf of research staff.....	32,836.56	
H. Headquarters staff.....	37,831.14	
Total.....	119,027.07	

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 428. An act to authorize the transfer of the former naval radio station, Seawall, Me., as an addition to the Acadia National Park;

S. 3185. An act to authorize the Secretary of the Navy to dispose of material no longer needed by the Navy;

S. 3585. An act to ciliate certain land from the Tusayan National Forest, Ariz., as an addition to the Western Navajo Indian Reservation; and

S. 3817. An act to facilitate and simplify national-forest administration.

OHIO RIVER BRIDGE NEAR MAYSVILLE, KY.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3746) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., which was, on page 1, line 8, to strike out all after the word "from" down to and including the word "hereof" in line 9, and insert "March 4, 1930."

Mr. ROBSION of Kentucky. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

ADMINISTRATION OF THE NATIONAL PARKS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 195) to facilitate the administration of the national parks by the United States Department of the Interior, and for other purposes, which were, on page 2, after line 10, to insert: "Sec. 3. That the Secretary of the Interior is hereby authorized to contract for services or other accommodations provided in the national parks and national monuments for the public under contract with the Department of the Interior, as may be required in the administration of the National Park Service, at rates approved by him for the furnishing of such services or accommodations to the Government and without compliance with the provisions of section 3709 of the Revised Statutes of the United States"; on page 2, line 11, to strike out "3" and insert "4"; on page 3, line 1, to strike out "4" and insert "5"; on page 3, line 9, to strike out "5" and insert "6"; on page 3, line 15, after "purposes," to insert ", this section in no case to authorize transportation of such indigent or dead for a distance of more than 50 miles from the national park"; on page 3, line 16, to strike out "6" and insert "7"; on page 4,

line 1, to strike out "7" and insert "8"; on page 4, line 8, to strike out "8" and insert "9"; on page 4, after line 12, to insert: "Sec. 10. Hereafter the National Park Service may hire, with or without personal services, work animals, and animal-drawn and motor-propelled vehicles and equipment at rates to be approved by the Secretary of the Interior and without compliance with the provisions of sections 3709 and 3744 of the Revised Statutes"; and on page 4, line 13, to strike out "9" and insert "11."

Mr. NYE. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate executive messages from the President of the United States, which were referred to the appropriate committees.

CONSOLIDATION OF RAILWAY PROPERTIES

The Senate resumed the consideration of the joint resolution (S. J. Res. 161) to suspend the authority of the Interstate Commerce Commission to approve consolidations or unifications of railway properties.

Mr. FESS. Mr. President, the more closely I study the effect and probable result of the passage of the joint resolution which is now before us, the more firmly I am convinced that it should not receive favorable consideration. When this measure was before the committee we did not have the opportunity of going into it in detail. That statement is not made by way of criticism, and I do not want it to be so understood; but I, at least, had not gone into the possibilities of the joint resolution sufficiently to be keen in my opposition to it. On the other hand, I had some inclination not to oppose it, but as I look into the various phases of it, its possibilities and probable results, I am getting farther and farther from any sympathy whatever for it.

I was mentioning yesterday the processes of consolidation of railroads during the last 10 years, and I incidentally referred to a statement made by Commissioner Porter from which I understood him to say that there had been more than a hundred such consolidations effected. The chairman of the committee asked me where I received that information. I find it on page 378 of the hearings, which were held by the Senate committee. Commissioner Porter was testifying, and he said:

I think the transportation act brought about a greater safeguard than had existed prior to 1920. There have been several hundred cases, and I do not think any criticism is raised as to that in this long list that I have here, from 1920 to the present time; and the fact that the commission has been doing that with no serious criticism unless it be in the present instance of the Great Northern and the Northern Pacific, would indicate that on the whole it has worked well, and the commission, long before I became a member, has been protecting the public interest.

The question had arisen whether the commission itself would be a sufficient safeguard of the public interest. We all recognized that no consolidation could be made unless in the opinion of the commission it was in the interest of the public. That, of course, must be the touchstone of every consolidation. It is the test by which the commission must determine whether a given proposal to consolidate shall be approved. If it is in the public interest, other things being equal, the commission will approve the consolidation.

Mr. President, there is one phase of this question that has not been fully developed. It is in reference to paragraph (c), and I want the attention of the legal element of the Senate to this particular issue. Paragraph (c) runs as follows:

(c) The commission shall not approve or authorize any such consolidation or acquisition of control where, except for such approval and authorization, said consolidation or acquisition of control would be in violation of any of the antitrust laws as designated in section 1 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

That is one of the provisions of the joint resolution upon which we are going to vote, and under it the determining factor is whether there is involved a violation of the antitrust laws, and not the question of whether the proposed consolidation is in the public interest. It thereby immediately becomes not a question of policy but a juridical question, to be decided not by the commission but by the court. If the question to be determined is not whether the proposed consolidation is in the public interest, which would be for the commission to decide, but whether or not it is in violation of the antitrust law, then it means that it must be tied up until a court shall decide it. If that interpretation be correct—and it is the interpretation placed upon the paragraph by some of the best lawyers with whom I have

Cong. Record, ~~the~~ 71st Cong., 2d sess.,
May 21, 1930, vol. 72, pt. 9: 9279