

PRESIDENT'S ANNUAL MESSAGE TO CONGRESS

Makes Recommendations for What He Considers Important Legislation.

RAILROAD RATES FIRST TOPIC

Would Materially Increase the Powers of Interstate Com- merce Commission.

LIFE INSURANCE QUESTION

Sees Good and Evil in Labor Unions --Asks for Immediate Appropriations for Panama Canal, and Promises Report of Board of En- gineers and Recommendations Later--Other Matters.

Washington, Dec. 5.—The annual message of President Roosevelt was read in both houses of congress to-day. It is a document of some 24,000 words, and contains recommendations for much important legislation.

The subject of federal supervision of corporations, and especially railroad corporations, is the first subject treated by the president, and to it he gives the greatest amount of attention. After speaking of the general prosperity of the country, and the power of the corporations for good or evil in connection with the nation's prosperity, he says:

So long as the finances of the nation are kept upon an honest basis, no other question of internal economy with which the congress has to deal begins to approach in importance the matter of endeavoring to secure proper industrial conditions under which the individuals—and especially the great corporations—doing an interstate business are to act. The makers of our nation by the constitution provided especially that the regulation of interstate commerce should come within the sphere of the general government. The arguments in favor of their taking this stand were even then overwhelming. But they are even more so today, in view of the enormous development of great business agencies, usually corporate in form. Experience has shown conclusively that it is useless to try to get any adequate regulation and supervision of these great corporations by state action. Such regulation and supervision can only be effectively exercised by a sovereign whose jurisdiction is coextensive with the field of work of the corporations—that is, by the national government. I believe that this regulation and supervision can be obtained by the enactment of law by the congress. If this proves impossible, it will certainly be necessary ultimately to confer in fullest form such power upon the national government by a proper amendment of the constitution. It would obviously be unwise to endeavor to secure such an amendment until it is certain that the result cannot be obtained under the constitution as it now is. The laws of the congress and of the several states thereto, as passed from the congress, have resulted more often in showing that the states have no power in the matter than that the national government has power; so that there at present exists a very unfortunate condition of things, under which the great corporations doing an interstate business without a sovereign, neither any state government nor the national government having effective control over them. Our steady aim should be to amend the constitution, and carefully undertaken, but resolutely persevered in, to assert the sovereignty of the national government by affirmative action.

Present Laws Inadequate.

It has been a misfortune that the national laws on this subject have hitherto been of a negative or prohibitive rather than an affirmative kind, and still more so that they have in part sought to prohibit what could not be effectively prohibited, and have in part in their prohibitions confounded what should be allowed and what should not be allowed. It is generally useless to prohibit what is already prohibited, and to prohibit all restraint on competition, whether this restraint be reasonable or unreasonable, and where it is not useless it is generally hurtful. Events have shown that it is not possible adequately to secure the enforcement of any law of this kind by ineffectual appeal to the courts. The department of justice has for the last 22 years devoted more attention to the enforcement of the anti-trust legislation accomplished, particularly marked has been the moral effect of this enforcement; but it is increasingly evident that there will be a very insufficient beneficial result in the way of economic change. The successful prosecution of one device to evade the law immediately develops another device to accomplish the same purpose. What is needed is not sweeping prohibition of every arrangement, good or bad, which may tend to restrict competition, but such adequate supervision and regulation as will prevent any restriction of competition from being to the detriment of the public—as well as such supervision and regulation as will prevent other abuses in no way connected with restriction of competition. Of these abuses, perhaps the chief, although by no means the only one, is over-capitalization—generally itself the result of dishonest promotion—because of the myriad evils it brings in its train; for such over-capitalization often means an inflation that inflates business prices; it always conceals the true relation of the profit to the capital actually invested, and it creates a burden of interest payments which is a fertile cause of improper reduction in or limitation of wages; it encourages gambling and speculation; while perhaps worst of all is the trickiness and dishonesty which it implies—for harm to morals is worse than any possible harm to material interests, which the wisdom of the congress may suggest, proper control of the large corporations engaged in interstate commerce—that is, over the great majority of the big corporations—it will be impossible to deal adequately with these evils.

Railroad Rate Regulation.

I am well aware of the difficulties of the legislation that I am suggest-

ing, and of the need of temperate and cautious action in securing it. I would emphatically protest against improperly radical or hasty action. The first thing to do is to deal with the great corporations engaged in the business of interstate transportation. As I said in my message of December 6 last, the immediate and most pressing need, so far as legislation is concerned, is the enactment into law of some scheme to secure to the agents of the government such supervision and regulation of the rates charged by the railroads of the country engaged in interstate traffic as shall summarily and effectively prevent the imposition of unjust or unreasonable rates. This must include putting a complete stop to rebates in every shape and form. This power to regulate rates, like all similar powers over the business world, should be exercised with moderation, caution and self-restraint, but it should exist, so that it can be effectively exercised when the need arises.

The first consideration to be kept in mind is that the power should be affirmative and should be given to some administrative body created by the congress, or given to the present interstate commerce commission or to a reorganized interstate commerce commission, such commission should be made unequivocally administrative. I do not believe in government interfering with private business more than is necessary. I do not believe in the government undertaking any work which can with propriety be left in private hands. But neither do I believe in the government refraining from overseeing any work when it becomes evident that abuses are sure to obtain therein unless there is governmental supervision. It is not my province to indicate what should be enacted; but I call the attention of the congress to certain existing conditions with which it is desirable to deal. In my judgment the most important provision which should be contained in any law conferring upon some competent administrative body the power to decide, upon the case being brought before it, whether a given rate prescribed by a railroad is reasonable and just, and if it is found to be unreasonable and unjust, then, after full investigation of the complaint, to prescribe the limit of rate beyond which it shall not be lawful to go—the maximum reasonable rate, as it is commonly called, and this decision to go into effect within a reasonable time and to obtain from thence onward, subject to review by the courts. It sometimes happens at present, not that a rate is too high, but that a favored shipper is given a low rate. In such case the commission would have the right to fix this already established minimum rate as the maximum; and it would need only one or two such decisions by the commission to cure railroad companies of the practice of giving improper minimum rates. I call your attention to the fact that my proposal is not to give the commission power to initiate such rates, but to give it the power to regulate a rate already fixed or originated by the roads, upon complaint and after investigation. A heavy penalty should be exacted from any corporation which fails to obey the decision of the commission, and the power to establish a maximum rate as being essential to any scheme of real reform in the matter of railway regulation. The first necessity is to give the commission the power to regulate the rates, and in this connection touching the subject at all.

Rebates Really Blackmail.

Illegal transactions often occur under the forms of law. It has often occurred that a shipper has been told by a traffic officer to buy a large quantity of some commodity and then after it has been bought an open reduction is made in the rate to take care of the shipper. This is a practice resulting to the profit of the one shipper and the one railroad and to the damage of all their competitors; for it must not be forgotten that the big shippers are at least as much interested in the matter of rebates, or of a concession, a free pass, reduced passenger rate, or payment of brokerage, as illegal. It is worth while considering whether it would not be wise to confer on the commission the right of civil action against the beneficiary of a rebate for at least twice the value of the rebate; this would help stop what is really blackmail. Elevator allowances should be stopped, for they have now grown to such an extent that they are demoralizing and are used as rebates.

The best possible regulation of rates would, of course, be that regulation secured by an honest agreement among the railroads themselves. Such an agreement would, for instance, at once put a stop to the efforts of any one big shipper or big railroad to discriminate against or secure advantages over competitors; and such an agreement would make the railroads themselves agents for enforcing the law. The power vested in the government to put a stop to agreements to the detriment of the public should, in my judgment, be accompanied by the power to permit, under specified conditions and careful supervision, agreements clearly in the interest of the public. But, in my judgment, the necessity for giving this further power to the government is great as the necessity for giving the commission or administrative body the other powers I have enumerated above; and it may well be inadvisable to attempt to vest in the commission or in the commission or other administrative body until it already possesses and is exercising what I regard as by far the most important of all the powers I recommend, as indicated above, in my judgment, to be put to fix a given maximum rate, which rate, under the lapse of a reasonable time, goes into full effect, subject to review by the courts.

All private car lines, industrial roads, refrigerator cars, and the like should be expressly put under the supervision of the interstate commerce commission or some similar body so far as rates and agreements practically affecting rates are concerned. The private car owners and the industrial railroads are entitled to a fair and reasonable compensation for their investment, but neither private cars nor industrial railroads nor spur tracks should be utilized as devices for securing preferential rates. A relation of miles, or in mileage, or in a division of the rate for refrigerating charges is just as pernicious as a rebate in any other way. No lower rate should apply on goods imported than actually obtains on goods exported from the American seaboard to destination except in cases where water competition is the controlling influence. There should be publicity of the accounts of common carriers; no common carrier engaged in interstate business should keep any books or memoranda other than those reported pursuant to law or regulation, and these books or memoranda should be open to the inspection of the government. Only when a violation of law or regulation is clearly shown should the law be enforced. A system of examination of railroad accounts should be provided similar to that now conducted in the national banks by the bank examiners. The first-class rate should be constant, if they had proper direction and proper authority to inspect books and papers, could accomplish much in pre-

venting willful violations of the law. It would be necessary for them to examine into the accounts of any railroad unless for good reasons they were directed to do so by the interstate commerce commission. It is greatly to be desired that some way might be found by which an agreement of this kind might be made in a state intended to operate as a fraud upon the federal interstate commerce laws could be brought under the jurisdiction of the federal authorities. At present it occurs that large shipments of interstate traffic are controlled by concessions on purely state business, by concessions of course amounts to an evasion of the law. The commission should have power to enforce fair treatment by the great trunk lines of lateral and branch lines.

Immediate Action Urged.

I urge upon the congress the need of providing for expeditious action by the interstate commerce commission in all these matters, whether in regulating rates for transportation or for storing or for handling property or commodities in transit. The history of the cases litigated under the present commerce act shows that the delay in securing a great degree destroyed by the weapon of delay, almost the most formidable weapon in the hands of those whose purpose it is to violate the law.

The president asks for legislation compelling railroads to install block systems of their lines, and also calls the attention of congress to the excessive hours of labor of train service employees of the railroad companies are often subjected to. He recommends that a commission be appointed to study of employees' liability with the object of the enactment of a law covering the subject and applicable to all industries within the scope of the federal power.

The Labor Question.

The labor question is treated of at considerable length, and in this connection the president says: There has been demand for depriving railroads of their right to strike in labor disputes. Such special limitation of the equity powers of our courts would be most unwise. It is true that some judges have misused this power; but this does not justify a denial of the power any more than it justifies the power of employers to call a strike by a labor leader would justify the denial of the right to strike. The remedy is to regulate the procedure by requiring the judge to give due notice to the adverse parties before granting an injunction. The fact that the adverse party does not appear at the time and place ordered. What is due notice must depend upon the facts of the case; it should not be used as a pretext to permit violation of law, or to support an injunction. Of course this would not authorize the issuing of a restraining order or injunction in any case in which it is not already authorized by existing law.

I renew the recommendation I made in my last annual message for an investigation by the department of commerce and labor of general labor conditions, special attention to be paid to the conditions of child labor and child labor legislation in the several states. Such an investigation should take into account the conditions of the labor of children in different states, so as to spur up those that are behindhand, and to secure approximately uniform legislation of a high character among the several states. In carrying out this duty, it is necessary that we cannot afford to neglect is the problem of turning our decent citizens. The future of the nation depends upon the citizenship of the generations to come; the children of to-day are those who tomorrow will shape the destiny of our land, and we cannot afford to neglect them. The legislature of Colorado has recommended that the national government provide some general measure for the protection from abuse of children and dependent persons in the mining industry. Over 5,000,000 American women are now engaged in gainful occupations; yet there is an almost complete dearth of data upon which to base any trustworthy conclusions as regards a subject so important to the nation as this. There is need of a study upon which to base action looking toward state and municipal legislation for the protection of working women. The introduction of women into industry is a disturbing factor in the domestic and social life of the nation. The decrease in marriage, and especially in the birth rate, has been coincident with it. We must face accomplished facts, and the adjustment to factory conditions of the conditions of women in industry. 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