

we want to reach. The Interstate Commerce Commission stands very high in the confidence of the people, does it not?

Mr. BRANDEIS. To-day; yes, sir.

Senator CUMMINS. And in the same way, we could ascertain whether a corporation organized as was proposed, by reason of its power or extent would be a monopoly, or an attempt to create a monopoly, under the second section of the antitrust law, could we not?

Mr. BRANDEIS. That would be possible.

Senator CUMMINS. Now, do you not believe that a commission properly organized could pass on questions of that character so that the people of the country would be better protected than to await the final decision of the court after years of litigation?

Mr. BRANDEIS. I am not certain, Senator Cummins, that I understand your question. But I assume that it applies or would apply to practically all corporations that desire for the future to engage in interstate commerce.

Senator CUMMINS. I am imagining now that we have a clean sheet, and are simply providing against the future. I will come to the other in a moment.

Mr. BRANDEIS. I said it was possible, and perhaps I might state—showing you more clearly what I have in mind—the difficulties of such a commission. We are to-day especially to be congratulated on the character of the Interstate Commerce Commission and on their accomplishments. Of course, we have got to remember that during a large part of the 24 years of the organization of the commission there was, for one reason or another, not that satisfaction, and that it took a very large number of years and a great deal of additional perfecting legislation to enable the commission to arrive at the point where they could and did satisfy the public needs. Now, the great difficulty which it seems to me to-day the commission still labors under is the multitude of questions and the onerous character of the duties which it is called upon to perform. They have to deal with 236,000 or 240,000 miles of railroad, and the questions which necessarily arise in connection with them are numerous. We have had the situation with regard to some of the most important cases, for instance, like the Intermountain case. Now, wholly aside from the recent interference with its action by the Commerce Court, we have there had a controversy in which the endeavor to adjust