

Mr. BRANDEIS. I do not think it would constitute any strong deterrent. Among other reasons for this: It is a matter of the greatest simplicity and of negligible cost to dissolve a corporation and reincorporate another. The question is, What is going to be done with this property? and not the question as to whether or not an individual corporation has a license or is denied a license. Are we going to take an appreciable part of that property as compensation for a wrong that has been done individuals? That is an important question. Are we going to have that property distributed under conditions which prevent its being used to destroy competition or restrain competition seriously? That is an important question. But the question whether an individual corporation can continue to do business as the "A" company of one State, when it will become the next day the "A" company of Massachusetts or Rhode Island, is absolutely of no practical importance.

Senator GORE. That raises this question in my mind: What do you think about the criminal prosecution and punishment for directors and those who engaged in these practices?

Mr. BRANDEIS. I think the criminal law is an extremely important adjunct, *if it is enforced*. It has certainly had a stimulating effect in connection with violations of the interstate commerce act of a very extraordinary character. *Men were ready to do almost anything that they knew to be wrong until the vision of a jail rose up before them.*¹ And it is an extraordinary thing. I think it is perhaps a special testimony to the love of liberty on the part of an American that the real thought of going to jail is almost paralyzing to-day; and men who violated the interstate commerce law daily and without any compunction, when it really came before them—the idea that the criminal proceedings were going to be resorted to—suddenly became obedient, law-abiding American citizens.

Senator CUMMINS. Mr. Brandeis, I want to take up for a little while the proposal that has been suggested for licensing corporations engaged in commerce among the States and with foreign nations. So far as this inquiry is concerned, I assume that the ideal condition would be one in which all corporations engaged in interstate commerce were in consonance, so far as organization goes and in respect to their practices and methods, with the antitrust law and any amendment that may be made to it. That is the condition

¹ Italics in this paragraph are the editor's.