

## THE STANDARD OIL DECISION—AND AFTER

The decision of the Supreme Court in the Standard Oil Case has, of course, brought out many proposals for altering or amending the Anti-Trust Law. There are two classes of men whose respective attitudes in reference to this law are in theory diametrically opposed, and in results almost identically the same: those men who wish no interference whatever by the Government with any combinations or corporations; and those men who, under the plea of being against all combinations and big corporations, propose absolutely to prohibit their existence.

In theory these two sets of men are diametrically opposed. In practice the activities of the second class, who wish totally to prohibit all corporations, can result only in practically fulfilling the wish of the first class by leaving the present situation fundamentally unchanged. Actual experience with the Anti-Trust Law extending over many years has shown that it does not and cannot by any possibility be made to do what the extreme antagonists of corporations desire or assert that they desire. As construed by the Supreme Court, the Anti-Trust Law accomplishes a certain amount of good, and it has been a good thing to obtain the decision that has been obtained against the Standard Oil Company. But as a means of effectually grappling on behalf of the whole people with the problem created by what are commonly called trusts—that is, of enormous combinations of corporate capital engaged in inter-State business—the Anti-

Trust Law is radically and vitally defective, and any effort to strengthen it would be worse than futile, and would result only in prolonging the time during which the corporations will escape control of the kind demanded in the interests of the people. The Anti-Trust Law was framed on the theory that it was possible to turn back the wheels of progress in industrialism, and in an age of combination to put a stop to the combinations under which business was carried on. While, as I have said, the Anti-Trust Law as now construed does accomplish a certain amount of good, it was out of the question that, framed as it was in such a spirit and with such a purpose, it could achieve in any but the smallest degree what its framers hoped; and any effort to achieve this purpose simply by making the law more stringent will result either in nothing or in changing the situation for the worse.

The Inter-State Commerce Law was framed on precisely the opposite theory. It was framed on the theory that certain monopolies—for every railway is, because of its very nature, to a certain extent a monopoly, or has a certain monopolistic tendency—because of their tremendous power as business entities and of the impossibility of the individual man grappling with them on even terms, should be rigidly supervised and controlled by the agent of the people as a whole, that is, by the National Government. We are as yet very far from having achieved the best possible results under the Inter-State Commerce Law, but we have steadily improved both the law and its administration, and are accomplishing far more for the control of those monopolies called railways under the Inter-State Commerce Law than is now being accomplished, or can by any possibility be accomplished, in the way of control of other business monopolies by the Anti-Trust Law or any alteration thereof.

What is urgently needed is the enactment of drastic and far-reaching legislation which shall put the great inter-State business corporations of the type of the Standard Oil Company, the Sugar Trust, the Steel Trust, and the like, at least as completely under the control and regulation of the Government in each and every respect as the inter-State

railways are now put. To break up the Standard Oil Company, as the recent decision has broken it up, does a certain amount of good ; but it does not do anything like the amount of good that would be achieved from the standpoint of the public if the proper Governmental body were given the same supervision and control over it as the Inter-State Commerce Commission has established over certain of the railways of the country. It may well be that in the end Government control of these great inter-State corporations may have to go much further than is indicated by the present Government control over the railways ; but, in any event, the only possible satisfactory method of dealing with these great corporations of a monopolistic trend which are not railways is to follow the lines along which the Nation has gone in dealing with those of them which are railways, altering and developing the policy as conditions and events shall justify. Our prime object must be to have the regulation accomplished by continuous administrative action, and not by necessarily intermittent lawsuits.

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