

Mr. WATSON. When I was practicing law, we always said bless those who sue our clients, so I am not trying to knock the law business at all. Would air conditioners be incidental to it?

Mr. DICE. Yes.

Mr. WATSON. You think that would be incidental?

Mr. DICE. The nature of the commodity does not, as I understand the legislation, have anything to do with the determination as to whether incidental and necessary. It is the amount of all of this traffic which would otherwise be subject to regulation.

Mr. WATSON. Mr. Dice, do you mean to tell me under the terms of this bill these cooperatives would be able to haul anything, just you looking at the volume rather than the actual item?

Mr. DICE. They could haul any commodity which would be subject to regulations within the limitation that it be incidental and necessary, within the limitation of 15 percent, and within the limitation that if they transport this type of goods, this traffic plus the other non-member goods would have to not exceed 50 percent.

Mr. WATSON. In other words, they could haul anything just so long as it does not exceed 15 percent?

Mr. DICE. That is right.

Mr. WATSON. So it does not make any difference whether it is incidental to a farm operation, necessary to the farm operation at all? Is that your interpretation?

Mr. DICE. Subject to the limitation I indicated that if the Commission should find in a given instance that an amount less than 15 percent is all that is necessary to the efficient operation of the cooperative it could determine that not more than that could be transported.

Mr. WATSON. I can see we are in a very complex area here so far as interpretation. It says incidental to its primary transportation operation.

Of course, you are knowledgeable in this field, far more than I, but I can see where any two people differ on the interpretation as to what is incidental to its primary transportation operation. I thought its primary transportation operation was the transport of agricultural commodities. Isn't that the basis for the establishment of these cooperatives, to get the products to the market quickly?

Because they could not allegedly provide the transportation on schedule as necessary by the farmers in order to meet the farmers' needs, they set up the cooperatives and they could do it in a hurry. Isn't that the basic need for them?

Mr. DICE. That is right. On the basis that a cooperative or a group of farmers acting together can do so more efficiently than each individual.

Mr. WATSON. I agree in this field but oftentimes things start with the finest of purposes and then they branch out. Apparently that is what has happened now.

Mr. FRIEDEL. The time of the gentleman has expired.

Thank you very much.

Mr. DICE. Thank you, Mr. Chairman.

Mr. FRIEDEL. We have quite a few witnesses. I hope their statements will be brief.

The next witness is James F. Pinkney, chief counsel, Public Affairs, American Trucking Associations, Inc.