

traveling and shipping public, and also for the protection of the railroad employees, approximately 100 of whom lost about 21 days' wages as a result of this, and without notice.

My letter got no answer, and after about 3 days I sent the Commission a telegram.

I might point out here that at the top of my statement on page 10, I refer to my letter of October 27 and it should say my letter of October 24. I sent a telegram to the Commission with a copy to the vice president (law) of the Santa Fe.

I sent a copy to each member of the Commission and I urged the full Commission to act on this matter, pointing out the dangers involved in permitting railroads to discontinue service with impunity.

I requested the Commission to restore the service. Four days later, on October 31, division 3 issued an order in which it agreed that the railroad had violated the law and had violated its own notice, but then reached the startling conclusion that in violating the law it had vitiated the Commission's jurisdiction and that the Commission was helpless to do anything about it.

Upon receiving this order on November 1, I sent another telegram to each member of the Commission, again requesting the full Commission to act, and pointing out that the action of division 3 would absolve the Commission of any responsibility to protect the public interest when a carrier violates section 13a.

My telegram also pointed out that the Commission had the 30-day jurisdiction and the purpose for the 30-day jurisdiction, and I stated that during that 30-day period the Commission is the sole agency with responsibility of seeing to it that the railroad obeys the law. A copy of that telegram is attached to my prepared statement.

On November 9, the last day which the Commission in my opinion, at least, could act in this case under the law, the Commission put out an order which it said that when a carrier files a notice under 13a(1) it becomes sheltered from prosecution, restriction, or other action by any State by reason of such discontinuance and actual discontinuance of operation otherwise than pursuant to the notice filed under said section removes that shelter and exposes that carrier to the provisions of the law and constitution of any State served by the train.

The Commission rejected that petition and affirmed the action of division 3. So now the full Commission has held that violations of 13a(1) by railroads vitiate Commission jurisdiction.

I think all reasonable men would agree that it is a very strange law, indeed, which disappears when it is violated. The Commission seemed to think that by issuing this order, the railroad was then thrown open to the not so tender mercies, perhaps, of the States, and the States would act to prosecute or restrict them in some fashion.

While that opinion and belief might have been true 10 years ago, it isn't true today. We tried to get the States to take some action in these cases, and we couldn't. They won't act.

As a practical matter, the States feel that once a carrier files a notice on an interstate train, regardless of what happens after that, they have no jurisdiction to act whatever and they won't act. I disagree with the legal validity of that position, but it is a fact of life with which we live 9 years after the enactment of 13a(1).