

---

# THE CONGRESS PROJECT

---

## *Assignment Prompt Sheet*

### **Railroad Control Act of 1918**

#### **Overview**

**Act Title:** The Railroad Control Act of 1918

**Congress:** [65<sup>th</sup> Congress \(1917-1919\)](#)

**Session/Sessions:** 2

**Statute No:** 40 Stat. 1050

**Public Law No:** 65 PL 107

**Eid:** 650107

**Gid:** 231-012

**Bill:** S 3752

**Sponsor:** Sen. Ellison DuRant Smith (D-SC)

**House Committees:** Interstate and Foreign Commerce

**Senate Committees:** Interstate Commerce

**Companion Bill:** HR 9685

**Related Bills:** S 3714; S 3385; S 3632; HR 10550; HR 9615; HR 8172

**House Rules:** None

**Past Bills:** None

**Introduced Date - Passage Date:** February 5-March 14, 1918

**House Floor Days:** 9

**Senate Floor Days:** 9

**Roll Call Votes:** 24 (19 in the Senate; 5 in the House)

**Issues:** national security; labor; government intervention; executive power

**Procedures:** uca; conference; point of order; floor amendment

**Last Updated:** 2/7/23



*(Above) Senator Ellison DuRant Smith (D-SC), the sponsor of the Railroad Control Act. Known as "Cotton Ed," Smith served in the Senate for over 35 years. He was an aggressive opponent of the New Deal and known for frequently expressing racist and segregationist views (See e.g. Stokes, Thomas. 1944. "A Tradition Passed With 'Cotton Ed' Smith." Atlanta Constitution, November 20; "Curtains for Cotton Ed." Time Magazine, August 7, 1944).*

---

# THE CONGRESS PROJECT

---

## Legislative History Comments

In 1917, War was increasing production and causing stress on the railroads. In order to meet these increased demands, it was estimated that the railroads would need roughly one billion dollars in improvements. The situation was exacerbated by corporate mismanagement and increased regulations. These regulations included the passage of the Adamson Act (64 PL 252) during the 64th Congress (1915-1916), which established an eight hour workday and overtime pay for interstate railroad workers.

Anticipating the potential need for government intervention, Congress included a provision in the Army Appropriations Act of 1916 that authorized the executive to take control of the railroads during a period of war. President Woodrow Wilson did so via proclamation on December 28, 1917 (Janson and Yoo 2013). Several months later, Congress passed the Railroad Control Act. The measure “[p]laced the managed of all railroads under federal control for the duration of the war and for up to twenty-one months following the war (Stathis 2014, 211).” While Wilson’s decision to nationalize the railroads was broadly supported by members of both parties and the industry, consideration of the bill was met with substantive debates over policy details and broader issues related to executive power.<sup>1</sup> The Railroad Control Act was rated as the 12<sup>th</sup> most impactful law passed by the 65<sup>th</sup> Congress (1917-1918).

From a process standpoint, the measure is fairly straight-forward. Wilson requested an additional powers to manage the railroads in January of 1918. It sounds like the Secretary of the Treasury, William Gibbs McAdoo (D-CA), wrote the original draft of the legislation. The bill was considered in the Senate under unanimous consent. And while there were a large number of amendments (and a fair number of recorded votes), passage was fairly smooth. The measure eventually passed out of the Senate by voice vote. The House considered a companion measure at first, HR 9685, also under unanimous consent. HR 9685 passed the House by roll call, [342-6](#) on February 28<sup>th</sup>.

There is a fairly noteworthy instance where a point of order is upheld in the Senate during consideration of the conference report. I don’t think you’ll need to do anything with it though, other than fold in my discussion. It sounds like this original point of order led to a second conference report which was quickly passed out of both chambers.

Don’t hesitate to e-mail me with questions, concerns or angry rants!

---

<sup>1</sup> See e.g. “Wilson’s Railroad Plan Leaves Big Issues Open,” Wall Street Journal, December 28, 1917; “Passes Railroad Bill,” *The Washington Post*, February 23, 1918.

---

# THE CONGRESS PROJECT

---

## Assignments

For the sections below, you're going to want to answer the questions and write-up the process sections that correspond to your assigned number. Here they are:

#1.

#2.

#3.

## Background Questions

1. What does this act actually do? Who was pushing for it? Was it significantly altered during consideration? What were the problems it was trying to rectify?

A number of scholars have noted that the Railroad Industry was in rough shape at this point. Why? What was the Adamson Act (64 PL 252)? How did the labor movement impact this issue? See e.g. Janson and Yoo (2012).

2. What motivated consideration of this legislation in this specific Congress? Was it in response to a specific event? Or was this a slower build over time? What happened in previous congresses regarding this?

The Stathis (2014) piece might worth a citation here.

Why did Congress include a provision in the Army Appropriations Act of 1916 that authorized the executive to take control of the railroads during a period of war? After issuing his proclamation, why did Wilson need Congress to pass legislation?

3. Discuss the broader political context the measure was considered in during the 65th Congress. Who controlled the House? The Senate? By how many? Who was President? Was this part of the President's agenda? What other pieces of legislation were being considered/passed in this Congress?

I've included several paragraphs of additional information on the 65th Congress you're welcome to use in the "Background Notes" section.

---

# THE CONGRESS PROJECT

---

## *Background Notes*

The 65<sup>th</sup> Congress met from March 4, 1917 to March 4, 1919<sup>2</sup> during the fifth and sixth years of Democratic President Woodrow Wilson's presidency. Democrats controlled the majority within the Senate, holding 54 seats over the Republican's 42 seats. Republicans held a plurality in the House of Representatives with 216 seats over the Democrat's 214 seats, but in combination with Progressives and Socialist Representatives, the Democrats maintained control.<sup>3</sup> The Congress coincided with the final years of World War I and is known for many significant pieces of legislature such as the Selective Service Act of 1917, The Departmental Reorganization Act of 1918, Declaration of War against Germany and later Austria-Hungary, and the Standard Time Act of 1918.

The 65<sup>th</sup> Congress got off to a tumultuous start due to the impending possibility of the United States entering World War I.<sup>4</sup> On Monday April 2, 1917 the United States Senate and House convened for a special session to address President Wilson's request to declare war. The President's proclamation stated, "Whereas public interests require that the Congress of the United States should be convened in extra session at 12 o'clock noon on the 2<sup>nd</sup> day of April, 1917, to receive a communication concerning grave matters of national policy which should be taken immediately under consideration..." (*Congressional Record*, 65<sup>th</sup> Congress, April 2, 1917, 101).

House Concurrent Resolution 2 provided that both houses meet on April 2<sup>nd</sup> to hear from the President regarding the status of potential involvement in the war. Following the President's address, Senate Joint Resolution 1, which would officially declare war on Germany was referred to the Committee on Foreign Relations. SJR 1 was passed by the Senate on April 4, 1917 and by the House of Representatives on April 5, 1917 before President Wilson approved it on April 6, 1917 officially involving the United States in the war.

---

<sup>2</sup> The 65<sup>th</sup> Congress officially met over three sessions. The first session met from April 2, 1917-Oct 6, 1917, the second from Dec 3, 1917 to Nov 21, 1918 and the third from Dec 2, 1918, to March 4, 1919.

<https://history.house.gov/Institution/Session-Dates/60-69/>

<sup>3</sup> The official party breakdown for the House of Representatives consisted of 214 Democrats, 215 Republicans, 3 Progressives, 1 Independent Republican, 1 Prohibitionist, and 1 Socialist. The Speaker of the House was a Democrat: James Beauchamp Clark (D-Missouri) and the Majority Leader was also a Democrat: Claude Kitchin (D-North Carolina): <https://history.house.gov/Congressional-Overview/Profiles/65th/>.

<sup>4</sup> For more see <https://history.state.gov/milestones/1914-1920/wwi>

# THE CONGRESS PROJECT

## Process Sections

Please write-up the sections that correspond to your number. Second-session indices for S 3752 and HR 9685 are available below.

**S. 3752**—To provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.  
Mr. Smith of South Carolina; Committee on Interstate Commerce, 1685.—Reported with amendments (S. Rept. 246), 1797, 1799, 1931.—Debated, 1797, 1939–1950, 2015–2033, 2038, 2105, 2106, 2149, 2181–2209, 2250–2272, 2311–2329, 2830, 2370–2390, 2416–2446, 2485, 2489–2519.—Unanimous-consent agreement for vote on, debated, and agreed to, 2270–2272, 2330–2332.—Amended and passed Senate, 2519.—Amended and passed House, 2835, 2836 (see debate in House on bill H. R. 9685).—Senate disagrees to House amendment and agrees to a conference, 2839.—House insists on its amendment and asks for a conference, 2867.—Conference appointed, 2839, 2867, 2902.—Conference report made in Senate, 3239.—Conference report (No. 371) made in House, 3289.—Conference report debated and rejected on point of order in Senate; recommitted to committee of conference, 3305–3316, 3417–3425.—Second conference report made, debated, and agreed to in Senate, 3432–3443.—Conference report withdrawn in House, 3457, 3458.—Second conference report (No. 376) made in House, 3461, 3462, 3492.—Conference report debated and agreed to in House, 3492–3500 (Appendix, 734).—Examined and signed, 3518, 3520.—Approved by the President [Public, No. 107], 3816.

**H. R. 9685**—To provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.  
Mr. Sims; Committee on Interstate and Foreign Commerce, 1887.—Reported back (H. Rept. 294), 1922.—Debated, 2335–2367, 2462–2483, 2527–2550, 2553–2584, 2629–2665, 2686–2721, 2807–2835 (Appendix, 173, 183, 184, 191, 231).—Bill S. 3752 substituted, 2835, 2836.

### *#1. Senate Consideration of S 3792 (February 11, 13, 16, 18-22, 1918)*

S 3752 was introduced by Senator Ellison Smith (D-SC) and referred to the Committee on Interstate Commerce on February 5, 1918.<sup>5</sup>

S 3752 was reported out of committee on February 7, 1918. The bill approve government control of the railroads until 18 months after the war had ended and appropriated \$500 million dollars. The bill manager, Smith, urged quick action on the measure. In a minority report, Sen. Albert Cummins (R-IA) criticized the bill on the grounds that it provided for an additional 18 months of government control over the railroads after the war had ended.<sup>6</sup> This provision was actually less than the three years envisioned by the U.S. Railway Administration head, then-Treasury Secretary William Gibbs McAdoo.<sup>7</sup>

<sup>5</sup> Smith had introduced similar/identical bills earlier—S 3714 on February 4th, S 3632 on January 28th, and S 3385 on January 4th.

<sup>6</sup> See “Rail Bill in Senate,” *Washington Post*, February 12, 1918.

<sup>7</sup> You probably don’t need to know this, but McAdoo was Wilson’s nephew and would be the front runner for the Democratic presidential nomination in 1920 and 1924, losing both times. He had Teapot Dome connections.

---

# THE CONGRESS PROJECT

---

Floor consideration of S 3792 began in the Senate on February 11<sup>th</sup>, 1918, roughly two months after Wilson declared the nationalization of the railways.

Smith called for a motion to proceed on consideration for the bill, which passed by voice vote.

The early debate on S 3752 focused on the reparations that would be afforded to the business owners after the war period. Sen. Furnifold Simmons (D-NC) questioned first if the government figure was “based on the prewar period,” and if it further referenced “the value of the property out of which the money is earned (Congressional Record, 65<sup>th</sup> Congress, February 11, 1918, 1945).” In the same debate, Cummins (R-IA) argued for increases in reparations, such as asking if the “amount (reparation from class 1 roads) would be increased from ten to fifteen million dollars by the added compensation for the increased investment (Congressional Record, 65<sup>th</sup> Congress, February 11, 1918, 1947).” Much of the debate in the Senate focused around how the eventual return to private ownership would be handled.

There were 34 amendments in the Senate, 17 of which received roll call votes. Almost all of these amendments were opposed by the administration and failed. Several of which sought to shorten the period of post-war control granted to the government.<sup>8</sup> Most of these amendments fell on near party-line votes. For example, an amendment by Sen. William King (D-UT) to reduce the period of government control to 12 months was defeated [29-45](#) on February 22. In that instance, six Democrats joined 24 Republicans in support, while 8 Republicans joined 37 Democrats in opposition.

S 3752 passed the Senate by voice vote on February 22, 1918.

## *#2. House Consideration of HR 9685 & S 3752 (February 19, 21-23, 25-27, 1918)*

In the House, HR 9685 was introduced by Rep. Thetus Sims (D-TN) on February 8<sup>th</sup> and referred to the Committee on Interstate and Foreign Commerce.<sup>9</sup>

House debate and amending on HR 9685 occurred on February 19<sup>th</sup>, 21<sup>st</sup>-23<sup>rd</sup>, and 25<sup>th</sup>-27<sup>th</sup>. The measure was considered under unanimous consent.

The House considered 67 amendments, two of which received recorded votes. Amending appeared similar to the Senate, with proposals to limit government control time and bar the executive branch from rate setting failing on nearly party lines. For example, an amendment by Rep. John Esch (R-WI) to reduce the period of government control to 12 months was defeated [164-205](#). In that instance, eight Democrats joined 162 Republicans in support, while 23 Republicans joined 182 Democrats in opposition.

HR 9685 passed the House by roll call, [342-6](#) on February 28<sup>th</sup>.

---

<sup>8</sup> “Wilson Rail Measure,” *Atlanta Constitution*, February 23, 1918.

<sup>9</sup> Sims had introduced similar/identical bills earlier—HR 9615 on February 6<sup>th</sup>, HR 8172 on January 4<sup>th</sup>.

---

# THE CONGRESS PROJECT

---

### ***#3. Initial Senate Consideration of the Conference Report on S 3752 (March 11, 13, 1918)***

The House and Senate agreed to go to conference to resolve differences between the chambers. The primary point of contention was setting of railroad rates. The House bill provided the President could set rates, whereas the Senate bill made the President's power subject to review from the Interstate Commerce Commission.<sup>10</sup> The conference report was reported to the Senate on March 11, 1918.

On March 13, 1918, Senator Joseph Frelinghuysen (R-NJ) made a point of order against the conference report on the grounds “that the conferees have inserted new matter in the report contrary to [the Senate’s rules] (*Congressional Record*, 65<sup>th</sup> Congress, March 13, 1918, 3417.)” Frelinghuysen specifically pointed to language in the conference report related to the taxation of railroad properties. The Presiding Officer, Vice President Thomas Marshall (D-IN), expressed sympathy for Frelinghuysen’s point, noting that “the Chair has threatened a number of times to sustain a point of order under such circumstances, but for various reasons has been too timid to do so... if new matter has been inserted or if matter has been stricken out which was agreed upon by both Houses the point of order is well taken; there is no doubt about that (*Congressional Record*, 65<sup>th</sup> Congress, March 13, 1918, 3418.)”<sup>11</sup>

After entertaining some debate on the question, the Vice President sustained Frelinghuysen’s point of order and Smith appealed the decision. The Vice President’s ruling was sustained on a roll call vote requested by Senator James Vardaman (D-MS), [54-23](#). This resulted in the first conference report being recommitted back to conference. The House withdrew the conference report in response.

### ***#3. Secondary Senate Consideration of the Conference Report on S 3752 (March 13, 1918)***

A second conference report was submitted in the Senate by Smith later in the day on March 13<sup>th</sup>. That report had struck out the section on taxes subjected to the Frelinghuysen point of order.

After some debate, the conference report was agreed to in the Senate [47-3](#).

### ***#3. House Consideration of the Conference Report on S 3752 (March 14, 1918)***

The conference report was agreed to in the House on March 14<sup>th</sup>, [308-26](#). Eight Democrats and 16 Republicans voted no.

---

<sup>10</sup> “Urge Rail Compromise,” *Washington Post*, March 5, 1918

<sup>11</sup> This may have been the first ruling on this issue, but many subsequent points of order in the Senate have been upheld on the grounds that conferees exceeded their authority (Riddick and Frumin 1992, 484).

---

# THE CONGRESS PROJECT

---

## Member Spotlight

Choose one of the following for your member spotlight:

**#1.** Sen. Ellison Smith (D-SC); Sen. Albert Cummins (R-IA); Sen. Furnifold Simmons (D-NC); Sen. Charles Townsend (R-MI); Sen. Joseph Robinson (D-AR); Sen. William King (D-UT)

**#2.** Rep. Thetus Sims (D-TN); Rep. Martin Madden (R-IL); Rep. John Esch (R-WI); Rep. Cassius Clay Dowell (R-IA); Rep. Dan Stephens (D-NE); Rep. Irving Lenroot (R-WI)

**#3.** Secretary of the Treasury William Gibbs McAdoo (D-CA);<sup>12</sup> Vice President Thomas Marshall (D-IN)<sup>13</sup>; House Speaker Champ Clark (D-MO); Sen. Joseph Frelinghuysen (R-NJ); Sen. James Vardaman (D-MS); Rep. Frank Doremus (D-MI)

---

<sup>12</sup> A former railroad executive and future Senator, McAdoo played a major role in the drafting of the Railroad Control Act. He would serve as Director General of Railroads under the measure. Additionally, McAdoo was Wilson's nephew and would be the front runner for the Democratic presidential nomination in 1920 and 1924, losing both times. Connections to the Teapot Dome scandal likely hurt his chances.

<sup>13</sup> Here's an unnecessary tangent on Marshall:

Marshall (D-IN), who is one of the most unique political figures of the era. This story from the Senate's website sums him up pretty well: "Marshall himself told the story of riding on a train behind a man and a woman who were discussing the news that President Wilson had removed Secretary of State Lansing for holding cabinet meetings. "Why what else could Mr. Lansing have done?" the woman asked. "Here the President was sick. A lot of big questions had to be talked over and there was the Vice President, who doesn't amount to anything. The only thing Mr. Lansing could do, I tell you, was to call these Cabinet meetings, and I think he did the right thing."

Said Marshall, "There you have it in a nutshell. The woman was right. I don't amount to anything."

He had a really dry, self-deprecating sense of humor, played no role in the administration and spent most of his time presiding over the Senate. To ease tensions prior to a debate over World War 1, he cautioned the senators to humble themselves, noting "The only time I am liable to be wrong is when I know that I am absolutely right (65th Congress, Congressional Record, March 5, 1917, 1)."

While generally considered a sharp guy, it's not uncommon to see him interject himself in debate and make jokes at the chamber's expense. He was overruled on a number of occasions, as this quote by Senator Champ Clark (D-MO) indicates: Mr. Clark: I had great affection in his lifetime and have great respect for the memory of Vice President Marshall. I cannot forget, however, that at one time when I was familiar with proceedings of that sort, and was parliamentarian of the other House, that great Vice President was overruled nine times in 1 week by the Senate of the United States and therefore I do not think the matter is necessarily settled (Congressional Record, 74th Congress, May 29, 1936, 8308).

---

# THE CONGRESS PROJECT

---

## Aftermath Questions

1. How relevant is this law currently? Are there additional issues related to it that reformers have been pushing to change?

Specifically, with this question, what does this measure say about the contemporary labor movement? What about the Railway Labor Act (69 PL 257)? Why was that law passed? How did it relate to the recent railway strike (see e.g. CNN 2022; CRS 2022)?

2. How has this act been viewed by scholars? Did it achieve its stated goals? Do scholars highlight any major limitations? What impact, if any, did it have on the economy? On the success of the war?
3. How was this act viewed upon passage? What did the newspapers say? How did the final measure differ from the one reformers were pushing? What impact—if any—did it have on the subsequent election? What happened in that election?

---

# THE CONGRESS PROJECT

---

## Suggested Sources

### *Scholarly Articles*

Kerr, K. Austin. "Decision for federal control: Wilson, McAdoo, and the railroads, 1917." *The Journal of American History* 54.3 (1967): 550-560.

Janson, Michael A., and Christopher S. Yoo. "The wires go to war: The US experiment with government ownership of the telephone system during World War I." *Tex. L. Rev.* 91 (2012): 983.

Ely Jr, James W. *Railroads and American law*. University Press of Kansas, 2001.

Cunningham, William J. "The Railroads Under Government Operation. I. The Period to the Close of 1918." *The Quarterly Journal of Economics* 35.2 (1921): 288-340.

Dixon, Frank Haigh. "Federal Operation of Railroads During the War." *The Quarterly Journal of Economics* 33.4 (1919): 577-631.

Foner, Philip S. *History of the Labor Movement in the United States: Postwar Struggles, 1918-1920*. Vol. 7. International Publishers Co, 1988.

Craig, Douglas B. "'Don't You Hear all the Railroad Men Squeak?': William G. McAdoo, the United States Railroad Administration, and the Democratic Presidential Nomination of 1924." *Journal of American Studies* 48.3 (2014): 777-795.

Mullin, Wallace P. "Railroad revisionists revisited: stock market evidence from the progressive era." *Journal of Regulatory Economics* 17.1 (2000): 25-47.

Tomkins, Calvin. "Nationalizing the Railroads: Consolidation Accomplished, Competition Ends, and with It Private Ownership." *Proceedings of the Academy of Political Science in the City of New York* 8.4 (1920): 252-262.

---

# THE CONGRESS PROJECT

---

## *Newspaper Pieces*

- <https://www.american-rails.com/i.html>
- <https://www.cnn.com/2022/12/02/business/railway-labor-act-freight-railroad-strike/index.html>
- <https://www.nytimes.com/1975/03/02/archives/the-dirty-word-on-us-railroads-nationalize-congress-thinks-the.html>
- <https://crsreports.congress.gov/product/pdf/LSB/LSB10861>
- <https://www.jstor.org/stable/2937406>
- <https://constitutioncenter.org/blog/on-this-day-woodrow-wilson-seizes-the-nations-railroads>
- <https://www.smithsonianmag.com/history/fiery-socialist-challenged-nations-role-wwi-180969386/>
- <https://www.npr.org/2022/12/13/1142474637/woodrow-wilson-led-the-u-s-into-wwi-he-also-waged-war-on-democracy-at-home>
- <https://www.theatlantic.com/ideas/archive/2020/03/thing-determines-how-well-countries-respond-coronavirus/609025/>
- <https://www.theatlantic.com/magazine/archive/1922/01/railroad-efficiency-past-and-present/646858/>
- <https://www.nytimes.com/2020/03/21/us/politics/1918-flu-pandemic-elections.html>
- <https://www.pbs.org/newshour/health/woodrow-wilson-stroke>
- <https://www.freightwaves.com/news/freightwaves-classics-us-railroads-were-nationalized-in-world-war-i>
- <https://library.cqpress.com/cqresearcher/document.php?id=cqresrre1938042100>
- <https://www.history.com/this-day-in-history/u-s-government-takes-over-control-of-nations-railroads>
- <https://history.house.gov/Historical-Highlights/1901-1950/President-Woodrow-Wilson-s-Joint-Session-message-appealing-for-the-avoidance-of-a-national-railroad-strike/>