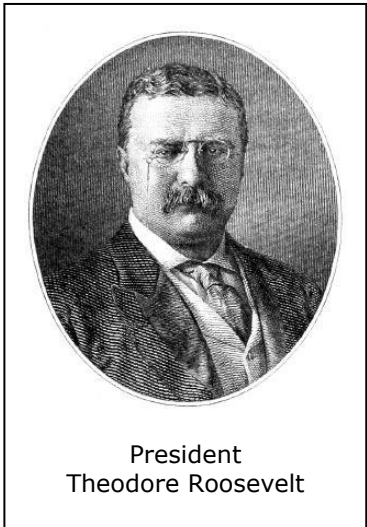


Fifty-Ninth Congress

Dec. 4, 1905 – Mar. 3, 1907

Second Administration of Theodore Roosevelt

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Historical Background

Republicans swept the 1904 elections, increasing their control of the House while retaining their hold on the Senate and White House. President Theodore Roosevelt read the election victory as a mandate to double down on the progressive agenda he began to implement in his first term. Roosevelt felt that the efforts to curb monopolies and trust through anti-trust prosecutions were insufficient to deal with the problem and therefore sought to increase Federal regulation of interstate commerce.

The newly fortified Republican majorities in Congress got right to work building on Roosevelt’s progressive legacy. Responding to widespread public demands for new and stricter legislation to curb railroad malpractices, President Roosevelt in December 1905 called on Congress to broaden and strengthen the authority of the Interstate Commerce Commission. Six months later, Congress passed the Hepburn Act, which granted the Interstate Commerce Commission railroad enforcement powers to set "reasonable" rates subject to a broad review by the Supreme Court.

Also, in June 1906, the U.S. Bureau of Immigration and Naturalization was established to deal more effectively with the ever-increasing numbers of immigrants. A measure approved on March 2, 1907, set forth the basis for issuance of U.S. passports to non-Americans and specific requirements for the act of expatriation. The American Antiquities Act of June 8, 1906, provided protection for endangered archaeological and scientific sites on Federal lands.

Two other major pieces of legislation, stemming from unsanitary conditions in warehouses, factories, and packing plants involved with the packaging and distribution of foods and drugs were enacted on June 30, 1906. The Meat Inspection Act required Federal inspection of all meat involved in interstate or foreign commerce. The Pure Food and Drug Act prohibited the

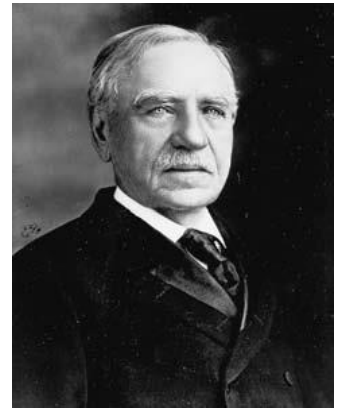
House	Senate
Majority Party: Republican (251 seats)	Majority Party: Republican (58 seats)
Minority Party: Democrat (135 seats)	Minority Party: Democrat (32 seats)
Other Parties: None	Other Parties: None
Speaker of the House: Joseph G. Cannon	President Pro Tempore: William P. Frye

misbranding and adulteration of food and medicines. Another major act the 59th Congress passed prohibited corporations from contributing to political campaigns.

Sources:

Dell, Christopher and Stephen W. Stathis. [*Major Acts of Congress and Treaties Approved by the Senate, 1789-1980*](#). Government Division (CRS), Sept. 1, 1982. 97th Congress, 2nd Session, 82-156 GOV. ProQuest Congressional, CRS-1982-GOV-0005

Roosevelt, Theodore. [*Papers Relating to the Foreign Relations of the United States, with the Annual Message of the President Transmitted to Congress*](#). Dec. 5, 1905. 59th Congress, 1st Session, H.doc.1/1 (Pr26.1:905). ProQuest Congressional, 4941 H.doc.1/1

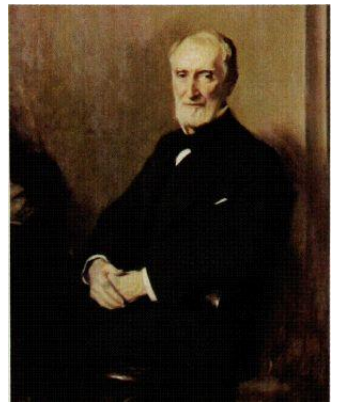


President Pro Tempore
William P. Fry

War or Peace?

Brokering the Treaty of Portsmouth

During the 59th Congress, President Roosevelt busied himself with several wide-reaching peace agreements and initiatives. Most notable of these, the Treaty of Portsmouth—brokered and negotiated by Roosevelt and top U.S. diplomats—formally ended the Russo-Japanese War when it was signed on September 5, 1905. The Japanese sought President Roosevelt as a neutral intermediary because of comments the President had made at the outset of the conflict that they interpreted to be pro-Japanese. Roosevelt had concerns, however, about the growing Japanese military strength and the implications that might have on U.S. interests in the Far East. All the same, as both parties signaled a willingness to discuss peace, Roosevelt invited them to Portsmouth, New Hampshire for negotiations. The treaty negotiations hinged on two major issues: that of territorial concessions and financial reparations. Though the Japanese enjoyed a string of victories in the war and momentum was on their side, each victory was extremely costly, and the government found itself dangerously in debt. In 1905, Japan had seized the contested Sakhalin Island as a bargaining chip in the negotiations and they'd hoped to use the territory as a bargaining chip in exchange for reparations. The Russians, mindful that the war had been especially economically costly for Japan, reasoned that they couldn't afford to restart the conflict and made a show of preparing to leave the negotiations. The gambit worked and the Japanese conceded half of Sakhalin Island to the Russians and received no reparations.



Speaker of the House
Joseph G. Cannon

The Treaty of Portsmouth negotiations had an outside impact on American prestige in the world that transcended the political particulars of the treaty, announcing Roosevelt and the United States as major players on the international political stage. As it happened, the treaty was deeply unpopular in Japan, due to Japanese public perception that they had enjoyed a string of victories over the Russians and yet were forced to make concessions, coupled with public ignorance of the extreme economic costs involved. Leaders of various factions in Japan called for a rally in Toyko's Hibiya Park to demonstrate against what they saw as the humiliating terms of the Treaty of Portsmouth on September 5, 1905. When police closed the park and shut down the rally, activists rioted for several days. The public unrest ignited by

the Treaty inaugurated a period of Japanese history known as the Era of Popular Violence and led to the dissolution of the government of Japanese Prime Minister Katsura Tarō on January 7, 1906. Later that year, the treaty that caused the collapse of a government in Japan earned President Roosevelt the Nobel Peace Prize.

There has been speculation that the Japanese and U.S. positions in the negotiations were agreed to as part of the Taft-Katsura Memorandum (also sometimes referred to as the Taft-Katsura Agreement) which reflected the details of discussions between then-Secretary of War William H. Taft and Japanese Prime Minister Katsura Tarō — particularly with respect to the treaty's recognition of Japan's territorial interest in the Korean Peninsula. This is likely a misinterpretation of the nature of the document produced by the discussions, however. The discussions between the U.S. Secretary of State and Japanese Prime Minister took place on July 27, 1905 and were specifically aimed at establishing the clear position of the two emergent powers with respect to their respective territorial interests in east Asia. Specifically, the Prime Minister Katsura laid out his government's case for establishing a protectorate in Korea while assuring Taft that Japan had no territorial ambitions in the Philippines, which the U.S. had acquired after their victory in the Spanish-American War. The discussions produced no formal agreements and the memorandum signed by the two sides was a simple acknowledgment that both the English and Japanese language versions of the discussion notes were accurate.

Political Stability in Cuba

During the late-19th and early-20th centuries, U.S. policy toward Latin America was largely focused on maintaining a level of political stability necessary to the conduct of commerce and protecting American commercial interests throughout the region during a volatile period. In Cuba, this meant that from the time the United States liberated the island from Spain during the Spanish-American War, the U.S. periodically found it necessary to occupy the country during periods of instability to restore order and protect the interests of American businesses. The terms of these interventions were articulated in the Cuban-American Treaty of Relations of 1903, which granted the United States the right to “intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty.” In August 1906, opponents of Cuban President Tomás Estrada Palma orchestrated a revolt against his government when they discovered that his party had rigged the presidential election of 1905. Representatives of both sides of the conflict formally requested U.S. intervention — Estrada Palma because he believed the U.S. would support the government in quashing the revolt, and the faction allied with the losing Liberal Party candidate José Miguel Gómez because they hoped that the U.S. would facilitate a new, supervised round of elections.

President Roosevelt was reluctant to support Estrada Palma and sent his Secretary of War, William H. Taft, and Assistant Secretary of State Robert Bacon to meet with the parties to see if a negotiated settlement could be reached. As the discussions convened, it soon became clear that the U.S. was not prepared to support the position of Cuban President Estrada Palma, who

resigned. Invoking the terms of the 1903 Treaty of Relations, Taft established a provisional government in Cuba with himself as Provisional Governor. President Roosevelt ordered an 18,000-strong Army of Cuban Pacification to the island. The rebels, who viewed the arrival of the Americans as a victory, disarmed before the first U.S. Army soldier landed in Cuba. Two rounds of elections were held during 1908—regional elections in May and the presidential election on November 14—which were supervised by the U.S. occupation and carried off without incident and José Miguel Gómez was elected President, allowing the U.S. occupation to begin its withdrawal in late-January 1909.

Sources:

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Roosevelt, Theodore. [*Temporary administration of the government of Cuba to be conducted at Havana by the provisional governor under the supervision of the Secretary of War, and all business in the U.S. in relation thereto, to be transacted in the Insular Affairs Bureau, War Department*](#). Numbered Executive Orders, Oct. 23, 1906. Executive Order No. 518. ProQuest Congressional, 1906-EO-518

Economic Trends and Conditions

The economy, recently recovered from a recession in 1904, was picking up steam as 1905 turned to 1906—as were the big businesses that benefited from what progressives such as President Theodore Roosevelt would describe as an insufficiently robust national regulatory regime. Prodded on by constituents and President Roosevelt, several congressional investigations on insurance fraud, abuses of big business, the railroad industry, and food and drug safety, were convened. One such investigation, into the Chicago stockyards, was prompted by the publication Upton Sinclair's novel *The Jungle*.

Though Sinclair hoped to shine his authorial light on the near slave-labor conditions endured by workers in the turn of the century meatpacking industry, the public, including the Federal government, was more deeply scandalized by the book's revelations relating to food safety. In response to the conditions depicted in Sinclair's novel, Roosevelt sent his Labor

Commissioner Charles P. Neill and James Bronson Reynolds to investigate the conditions in the Chicago meatpacking industry and report back. The commission's report is a veritable horror show of animal cruelty and grotesquely unsanitary killing floor conditions, neatly summarized by the report's introductory remarks: "The conditions shown by even this short inspection to exist in the Chicago stock yards are revolting." In response Congress enacted the Meat Inspection Act, which subjected producers of meat and meat products to federal standards governing sanitation of slaughtering and processing of meat and the Pure Food and Drug Act, which established criminal penalties for the manufacture, supply, or distribution of adulterated, mislabeled, poisonous or deleterious foods, drugs, medicines, and liquors.

President Roosevelt and his progressive allies made reform of the nation's railroads one of the chief domestic priorities of his Presidency. During the 57th Congress, Roosevelt took aim at certain anti-competitive practices engaged in by the railroad industry in order to attract the business of petroleum and agricultural trusts, which accounted for the great majority of their revenue. Because of their quasi-monopolistic power, the trusts were able to induce the railroad companies to offer steep discounts or rebates on transportation rates, thereby assuring that smaller interests and everyday railroad customers would bear the brunt of the costs of these inducements. The Elkins Act, enacted Feb. 19, 1903, sought to remedy this problem by defining what constitutes unfair discrimination between shippers and by requiring that shippers publish rates and prohibiting the practice of offering rebates or other concessions to attract business. In practice, however, it was found that any decrease in rates subsequent to the passage of the Elkins Act was attributable to decreases in operating costs and that railroads simply found other means of engaging in anti-competitive activity in order to attract the trusts.

The President and his progressive allies in Congress therefore sought new measures aimed at curbing anti-competitive practices among railroad companies. In June 1906, Congress enacted the Hepburn Act as a companion measure to the 1903 Elkins Act. The Hepburn Act empowered the Interstate Commerce Commission (ICC) to fix minimum railroad rates and prescribe uniform accounting practices for railroad concerns. The Act was effective at curbing the practice of giving rebates by giving the ICC access to the financial records of railroad companies. Moreover, the Act declared that all ICC orders were binding unless and until overridden in court. This had the effect of shifting the responsibility for proving the fairness of freight rates to the railroads themselves, who had to challenge any ICC orders in court.

Despite the promising signs in the overall economy, the situation in the western United States was complicated by the San Francisco Earthquake of 1906. This massive earthquake, and the subsequent fires, destroyed most of the port city, killed over 3,000 people, left between 225,000 and 300,000 homeless, and caused over \$350 million dollars in damage. Though the city began reconstruction quickly, the toll in terms of infrastructure and property destruction and economic losses would impact the city for several years. Due to the earthquake's devastation, much of the city's trade and cultural institutions moved to Los Angeles.

Sources:

Roosevelt, Theodore. [*Conditions in Chicago stock yards. Message from the President of the United States, transmitting the report of Mr. James Bronson Reynolds and Commissioner Charles P. Neill, Special Committee appointed to investigate the conditions in the stock yards of Chicago.*](#) Committee on Agriculture. House, June 4, 1906. 59th Congress, 1st Session, H.doc.873. ProQuest Congressional, 4990 H.doc.873

Roosevelt, Theodore. [*Papers Relating to the Foreign Relations of the United States, with the Annual Message of the President Transmitted to Congress.*](#) Dec. 5, 1905. 59th Congress, 1st Session, H.doc.1/1 (Pr26.1:905). ProQuest Congressional, 4941 H.doc.1/1

Roosevelt, Theodore. [*Relief for San Francisco. Message from the President of the United States \[...\].*](#) Committee on Appropriations. House, Apr. 21, 1906. 59th Congress, 1st Session, H.doc.714. ProQuest Congressional, 4989 H.doc.714

Major Treaties

Treaty with Santo Domingo. Provided for the collection of customs by U.S. agents with the purpose of satisfying foreign and domestic creditors of the Dominican Republic. Formalized an agreement already in operation since 1905 under Executive order. Approved February 8, 1907. Ratified by the Senate February 25, 1907. ([35 Stat. 1880](#))

Source:

["Convention with Dominican Republic for assisting in the collection and application of its customs revenue."](#) (35 Stat. 1880; Feb. 25, 1907). ProQuest Congressional

Landmark U.S. Supreme Court Decisions

Swift & Co. v. United States, ruled the Commerce Clause allowed the federal government to regulate monopolies if it had a direct effect on commerce, 196 U.S. 375 (1905)

Jacobson v. Massachusetts, upheld the constitutionality of state, in this case Massachusetts, compulsory vaccination laws, contending that restrictions of personal liberty are justified in the case where the state identifies a danger to the general public, as is the case with epidemic diseases such as smallpox, 197 U.S. 11 (1905)

Lochner v. New York, rejected the argument that New York's 10-hour-day law was necessary to protect the health of workers and invalidated it by ruling it was a labor law attempting to regulate the terms of employment and held that "liberty of contract" was implicit in the Due Process Clause of the Fourteenth Amendment, 198 U.S. 45 (1905)

United States v. Shipp, the only criminal trial ever held before the Supreme Court, reiterated the principle that the Supreme Court could intervene in state capital cases where there was a question of violation of the constitutional right to due process, 203 U.S. 563 (1906)

Source:

1905 Events

- **Jan. 1:** The Trans-Siberian Railway officially opened
- **Jan. 22:** The Bloody Sunday massacre of Russian demonstrators, at the Winter Palace in Saint Petersburg, helped trigger the Russian Revolution of 1905
- **Mar. 31:** German Emperor Wilhelm II asserted German equality with France in Morocco, triggering the Tangier or First Moroccan Crisis
- **Apr. 4:** In India, the 1905 Kangra earthquake hit the Kangra valley, killing 20,000
- **May 11:** Albert Einstein submitted his doctoral dissertation and went on to published four papers, formulated the theory of special relativity, and explained the photoelectric effect by quantization over the course of the year (later regarded as his "miracle year")
- **June 7:** The Norwegian Parliament declared the union with Sweden dissolved, and Norway achieved full independence
- **June 27-30:** Russian sailors aboard the "Potemkin" stage a mutiny and sail to Odessa, where they assist rioting civilians
- **Sept. 5:** *Russo-Japanese War* - [Mediated by President Roosevelt, the Treaty of Portsmouth was signed by Japan and Russia ending the Russo-Japanese War and resulting in Russia ceding of the island of Sakhalin and port and rail rights in Manchuria to Japan](#)
- **Oct. 18-22:** Anti-Jewish Pogroms occur in Odessa, killing over 400 people and damaging more than 1600 Jewish properties
- **Oct. 26:** [Sweden agrees to the repeal of the union with Norway](#)
- **Oct. 30:** Tsar Nicholas II is forced to grant Russia's first constitution and created a national assembly (the Duma) with limited powers
- **Nov. 18:** Prince Carl of Denmark became King Haakon VII of Norway
- **Dec. 7-18:** Moscow Uprising, led mainly by Bolsheviks, was suppressed by the Imperial army

1906 Events

- **Jan. 12:** Persian Constitutional Revolution occurs in which a coalition of merchants, religious leaders and intellectuals in Persia forced the shah to grant a constitution and establish a national assembly (the Majlis)
- **Feb. 10:** [HMS Dreadnought launched and sparked the naval race between Britain and Germany](#)
- **Feb. 26:** [Upton Sinclair publishes "The Jungle," hoping to shed light on poor working conditions, but readers are more concerned with its revealing truth about the unsanitary practices within the meatpacking industry](#)
- **Apr. 7:** [Mount Vesuvius erupts and devastates Naples](#)
- **Apr. 18:** [San Francisco earthquake \(estimated magnitude 7.8\) on the San Andreas Fault destroys much of San Francisco, California, killing](#)

[at least 3,000, 225,000–300,000 left homeless, and \\$350 million in damages](#)

- **Apr. 23:** In Tsarist Russia, the Fundamental Laws were announced at the first state Duma
- **June 30:** [Congress passes the Meat Inspection Act and the Pure Food and Drug Act, both aimed at promoting food safety](#)
- **July 6:** [The Second Geneva Convention meets](#)
- **Aug. 13:** [The Brownsville Affair - After a white bartender is killed and a police officer wounded the townspeople of Brownsville, Texas accuse the black soldiers of the 25th Infantry Regiment resulting in President Roosevelt ordering 167 of the black troops dishonorably discharged. Later known as 'The Brownsville Affair', the case was reopened in 1970 and in 1972 all the accused were found innocent](#)
- **Aug. 16:** [A magnitude 8.2 earthquake in Valparaíso, Chile leaves approximately 20,000 dead](#)
- **Aug. 23:** [Unable to control a rebellion Cuban President Tomás Estrada Palma requests U.S. intervention; subsequent provisional occupation administration lasts until 1909](#)
- **Sept. 24:** [Devils Tower in Wyoming becomes the first national monument](#)
- **Oct. 1:** The Grand Duchy of Finland became the first nation to include the right of women to stand as candidates when it adopted universal suffrage
- **Oct. 11:** A U.S. diplomatic crisis with Japan arose when the San Francisco public school board ordered Japanese students to be taught in racially segregated schools
- **Oct. 22:** [Henry Ford is named president of the Ford Motor Company](#)
- **Nov. 9:** [Theodore Roosevelt becomes the first sitting American President to leave the country on official business when he goes to Panama to inspect progress on the Panama Canal](#)
- **1906:** [The Bacillus Calmette-Guérin \(BCG\) immunization for tuberculosis was first developed](#)

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Hale, Eugene. [Report concerning certain alleged defects in vessels of Navy.](#) Committee on Naval Affairs. Senate, Feb. 14, 1908. 60th Congress, 1st Session, S.doc.297. ProQuest Congressional, 5265 S.doc.297

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Roosevelt, Theodore. [Establishment of Devils Tower National Monument, Wyoming: \[accompanied by map\]](#). Numbered Presidential Proclamations, 1789-Present, Sept. 24, 1906. Presidential Proclamation No. 658. ProQuest Congressional, 1906-PR-658

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Major Acts

American Antiquities Act. Required that a permit be obtained for examination of ruins, excavation of archeological sites, and the gathering of objects of antiquity on lands under the jurisdiction of the Secretaries of Interior, Agriculture, and Army. Also authorized the President to designate by public proclamations objects or areas of historical or scientific interest as National Monuments. Approved June 8, 1906. ([34 Stat. 225; PL59-193-2](#))

Hepburn Act. Empowered the Interstate Commerce Commission to fix minimum railroad rates and prescribe uniform accounting systems for railroad corporations. Expanded the ICC's Jurisdiction to include express and sleeping car corporations, pipelines, ferries, terminals, and bridges. Curtailed

the practice of granting free railroad passes and prohibited railway corporations from carrying articles produced by themselves or by businesses in which they held an interest. Also declared that ICC orders were binding unless and until overridden by a Court. Approved June 29, 1906. ([34 Stat. 584; PL59-337-2](#))

Creation of Bureau of Immigration and Naturalization. Established a Bureau of Immigration and Naturalization and provided for uniform rules for the naturalization of aliens throughout the United States. Stipulated that aliens had to be registered at port of entry and that no alien who was unable to read English could become a citizen. Approved June 29, 1906. ([34 Stat. 596; PL59-338-1](#))

Meat Inspection Act. Authorized the Secretary of Agriculture to enforce sanitary regulations in packing establishments and to assume responsibility for Federal inspections of companies slaughtering or preparing meats to be shipped across State lines. Approved June 30, 1906. ([34 Stat. 674; PL59-242-2](#))

Pure Food and Drug Act. Provided punishments for persons engaged in the manufacture, sale, or transportation of adulterated or mislabeled or poisonous or deleterious foods, drugs, medicines, and liquors, applicable to any of these items involved in interstate or foreign commerce. Approved June 30, 1906 ([34 Stat. 768; PL59-384-2](#))

Citizenship and Expatriation Act. Established the basis upon which U.S. passports could be issued to persons who were not citizens of the United States, how a U.S. citizen could expatriate himself, and how citizenship could be granted to foreigners married to American citizens. Approved Mar. 2, 1907. ([34 Stat. 1228; PL59-193-2](#))

Source:

Dell, Christopher and Stephen W. Stathis. [Major Acts of Congress and Treaties Approved by the Senate, 1789-1980](#). Government Division (CRS), Sept. 1, 1982. 97th Congress, 2nd Session, 82-156 GOV. ProQuest Congressional, CRS-1982-GOV-0005

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