

IN THE SENATE OF THE UNITED STATES.

APRIL 18, 1882.—Ordered to be printed.

Mr. HARRIS, from the Select Committee to investigate and report the best means of preventing the introduction and spread of epidemic diseases, submitted the following

REPORT:

[To accompany bill S. 1049.]

*The committee to investigate and report the best means of preventing the introduction and spread of epidemic diseases, to which was referred S. bill 1049, being a bill to amend an act entitled "An act to prevent the introduction of contagious diseases into the United States," has considered the same, and submits the following report :*

The National Board of Health was created by act approved March 3, 1879, composed of one medical officer from the Army, one from the Navy, and one from the Marine Hospital service, one officer from the Department of Justice, and seven members to be appointed by the President by and with the advice and consent of the Senate, not more than one of whom shall be appointed from the same State. And on the 3d day of April of that year the board organized and entered upon its duties.

By act approved June 2, 1879, additional powers were given and additional duties imposed upon the board, for the purpose of enabling it to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, or into one State from another, but by the terms of this act its duration was limited to four years from the date of its approval.

Some of the most important provisions of this act have proved inoperative, because they could not be enforced in respect to bills of health in foreign ports until the act as well as the rules and regulations made under it were regularly promulgated in such ports, and the authorities in some of the ports most dangerous to the health of this country would not allow their promulgation.

For the purpose of modifying and re-enacting the act of June 2, 1879, the committee instructs me to report the bill back with amendments and the recommendation that it pass.

The most material of the amendments to the act of 1879 is to require that the act and rules and regulations made under its authority shall be posted up in the office of the consul, vice-consul, or other consular officer of the United States, instead of formal promulgation, and to require all vessels sailing from foreign ports to any port in the United States to carry, as a part of the ship's papers' a bill of health signed by

the consul, vice-consul, or medical officer of the United States at the port of departure.

The fullest and most reliable information as to the sanitary condition of foreign ports and vessels sailing from them, at the time of their departure, is absolutely necessary to enable our quarantine officers to distinguish, upon arrival at our ports, those ships and persons from which no danger need be apprehended, which form a very large majority of the whole, from the few ships and persons which are really dangerous, and which should be subjected to special scrutiny, and if necessary, treatment, to secure safety.

This information can only be obtained by requiring vessels to have a reliable bill of health. This change in the law is earnestly recommended by the national board of health and approved by the National Academy of Sciences, and almost if not every sanitary association in the country.

The sad experience of the country in repeated epidemics of yellow fever and cholera in the past, and the spread of small-pox in many of the States of the Union at this time, show the importance and necessity of this legislation.

No State or municipality can, in the exercise of their limited police powers, effectually prevent the introduction of contagious or infectious diseases into the United States from foreign countries, or into one State from another; but if their powers were fully equal to the necessities of the case, local boards of health and sanitary authorities are so much in sympathy with the commercial interests and influences of their respective localities, that the people of the other States will not be content to rely upon them for protection.

The importation of contagion, or persons or goods infected with contagion, into this country from foreign countries, or into one State from another, is as much the creature of commerce as is the importation of a cargo of sugar or a bale of muslin; to do either is an act of commerce; indeed, it is commerce itself.

Congress shall have power to regulate commerce with foreign nations and among the several States.

This bill does not propose to interfere in any manner, or to any extent with the police regulations of any State or municipality. It proposes to act within a domain which the Constitution has placed beyond the reach of police regulations and State authority.

It proposes "to regulate commerce with foreign nations, and among the several States," and so to regulate it as to strip it from contagion, from the importation of which, in times past, the people of this country have suffered so often and so severely.

The experience of the last three years under the present law (inoperative as portions of it have been), inspires a high degree of confidence in our ability, by the strict enforcement of the necessary and proper regulations; to effectually prevent the recurrence of such epidemics in the future in the United States.

The protection of human life, and the promotion of the public health, are second in importance to no question which addresses itself to the consideration of the legislator, and Congress should, in the opinion of the committee, within the scope of its constitutional powers, adopt such measures as will most certainly preserve the one and promote the other.

Our statute books furnish a large number of precedents wherein Congress has, within the last fifty years, regulated commerce with no other

object or purpose than to give greater security to the health and lives of that portion of our people who chance to be afloat upon our waters.

It has required the inspection of the hulls, boilers, and machinery of steam vessels, and forbidden the use of those found to be unsafe.

It has prescribed the maximum number of passengers which may be carried, and prohibited the carrying of articles dangerous to human life on passenger vessels.

It has for many years maintained, and is still wisely maintaining, a light-house system and a life-saving service. The former at an annual cost of about \$2,500,000 and the latter costing annually about \$700,000.

It has forbidden, under penalty of forfeiture and destruction, the importation of adulterated or impure drugs and medicines.

With these precedents of long standing and constant repetition before us, the committee does not deem it necessary to review the numerous judicial decisions which the committee believes clearly show the power of Congress to regulate commerce in respect to the importation of contagion, as well as in respect to the importation of other things, or to attempt to draw the line, or define sharply exactly where the power of Congress to regulate commerce ends and the legitimate exercise of the police powers of a State begins.

Upon this point Justice Strong, in delivering the opinion of the Supreme Court of the United States in the recent case of *Railroad Company vs. Husen* (5 Otto, 472-473), says:

While we unhesitatingly admit that a State may pass sanitary laws and laws for the protection of life, liberty, health, or property within its boundaries; while it may prevent persons and animals suffering under contagious or infectious diseases, or convicts, &c., from entering the State; while for the purpose of self-protection it may establish quarantine and reasonable inspection laws, it may not interfere with transportation into or through the State beyond what is *absolutely necessary for its self-protection*. It may not, under the cover of exerting its police powers, substantially prohibit or burden either foreign or inter-State commerce. \* \* \* The right can only arise from vital necessity, and it cannot be carried beyond the scope of that necessity.

This shows that the powers of a State in respect to this question are based upon and limited by the law of self-preservation, and can go no further than the protection of the people within its boundaries, while the power of Congress to regulate commerce is absolute, supreme, and exclusive.

But wherever the line may be drawn, or to what extent the police powers of the States may be supposed to go, the bill reported by the committee does not propose to conflict, or in any way interfere with any State or municipal board of health, or its rules and regulations. So far from it, it proposes to co-operate with them in the execution of all of their rules and regulations to prevent the importation of contagious diseases; and if, in any case, their rules and regulations are, in the opinion of the National Board, not sufficient to prevent such importation, then, under the orders of the President, the National Board is authorized to make such additional rules and regulations as, in its opinion, are sufficient; and when approved by the President of the United States they become valid, and the State or municipal board is requested to execute and enforce them; but if it fails or refuses to do so, then the President is authorized to detail or appoint an officer of the United States to enforce them.

The report of the board of scientific experts appointed in December, 1878, shows that yellow fever has invaded this country sixty-five times within the present century, and that the proof conclusively shows that almost all of these epidemics were the result of imported contagion from

countries south of us, while in no case is there satisfactory proof that the disease ever originated in this country.

From the best information that the committee has been able to obtain, it is of opinion that neither yellow fever nor cholera is indigenous to any part of this country, and that if we will adopt measures such as will effectually prevent their importation, we will be free from them forever.

We have had State and municipal boards of health for very many years in the past, but we have also had epidemics of imported contagious and infectious diseases not unfrequently within the same period. If we would prevent these epidemics, we must have a general system applicable to every port through which contagion can be imported, uniform in its requirements in respect to quarantine, and rigidly enforced, without regard to local commercial interests or influences, and the time for greatest vigilance in the enforcement of these preventive measures is when the country is entirely free from these diseases.

But even when they have appeared, the experience of 1879 has shown that, with proper care and effort, they can be confined within narrow limits, if not stamped out entirely. But to do this requires prompt action, and an amount of means rarely, if ever, at the disposal of a municipal or State board of health.

In the yellow-fever epidemic of 1878, which raged so fearfully and fatally at New Orleans, Memphis, Holly Springs, and Grenada, and extended far up the Ohio River, and to many other places, the actual loss to the people of the United States in the element of material wealth, to say nothing of impaired health and loss of human life, is variously estimated by those best informed on the subject at from \$100,000,000 to \$200,000,000.

In his message to Congress, in December, 1878, Mr. Hayes said:

The enjoyment of health by our people generally has, however, been interrupted, during the past season, by the prevalence of a fatal pestilence—the yellow fever—in some portions of the Southern States, creating an emergency which called for prompt and extraordinary measures of relief. The disease appeared as an epidemic at New Orleans and at other places on the Lower Mississippi soon after midsummer.

It was rapidly spread by fugitives from the infected cities and towns, and did not disappear until early in November.

The States of Louisiana, Mississippi, and Tennessee have suffered severely.

About one hundred thousand cases are believed to have occurred, of which about twenty thousand, according to intelligent estimates, proved fatal.

It is impossible to estimate, with any approach to accuracy, the loss to the country occasioned by this epidemic. It is reckoned by the hundred millions of dollars.

So gigantic in proportions and fatal in consequences was this epidemic that it produced general demoralization and panic, inducing all persons who could get away from the infected places, to seek safety in flight, scattering throughout the country. Many of them were stricken down in other localities, thus spreading the disease over a large extent of country, producing a general state of apprehension and alarm, which prompted towns and villages, yet free from the pestilence, to establish shot-gun quarantines for their protection, thus blocking the ordinary channels of communication and transportation, suspending commerce, and paralyzing the entire business of the country.

The epidemic of 1879 at Memphis and New Orleans made its appearance before the National Board had been able to perfect its plans of prevention; though it is, in the opinion of the committee, doubtful whether that epidemic could have been prevented, as it is not certain whether it originated from germs of the epidemic of 1878 which had survived, or in fresh importation of the disease.

But, under the rules and regulations adopted by the Board to deal with it, it was actually stamped out in New Orleans, and confined to the limits of Memphis; and, instead of the general demoralization and panic, with suspension of business, trade, and commerce, which pervaded the country in 1878, commerce and communication with the infected cities were REGULATED, NOT STOPPED, or even retarded to any considerable extent, and the general business of the country went on in its usual methods, and through its usual channels, without serious interruption.

Instead of panic and alarm, confidence and a sense of security pervaded the country.

To illustrate, take the tonnage of a single railroad. The Illinois Central, at the one point of Cairo, sent to and received from the South in 1879 100,470,000 tons of freight more than it received and sent for the same period in 1878, in addition to which the passenger trade was scarcely interrupted in 1879, while it was almost entirely suspended in 1878.

Dr. Rauch, secretary of the Illinois State board of health, from whose report the above statement is taken, says this result could not have been reached without the co-operation of the National Board of Health, and its utmost exertions were required to allay the fears of the local authorities.

The experience of the country during and since 1879 has inspired great confidence in the South and Southwest in the possibility of effectually preventing, or successfully dealing with and controlling, these epidemics.

The great transportation companies of the South, both river and rail, are unanimous in their approval of the action and methods of the National Board in dealing with such cases, because experience has shown that they give the necessary security against the spread of disease, without stopping, or retarding to any considerable extent, commercial intercourse.

They have learned from their own experience that the certificate of the National Board of Health as to the sanitary condition of any city, or place, is accepted by other cities and States as testimony coming from a strictly impartial and well-informed authority, independent of all local interests or influences, commercial or otherwise.

The action and methods of the National Board have been approved by the State and local boards of health throughout the country, almost without exception by the American Medical Association, the American Public Health Association, the National Academy of Sciences, the transportation companies of the South and Southwest, boards of trade, cotton exchanges, and other associations of business men throughout the country. In the opinion of the committee, it has accomplished much, and is capable of accomplishing highly important results of great benefit to the country, results which can be accomplished by no other agency.

For the greater security of the lives of that portion of our people who chance to be afloat upon our waters, given by our light-house system and life-saving service, we annually expend about \$3,200,000. This expenditure, necessary and proper, as the committee believes, is for the benefit of a very small proportion of our people, perhaps not more than one in a thousand, while the exertions and operations of the National Board of Health are intended to protect the lives and health, and certainly do benefit the whole people of the country.

If it be admitted that the action and operations of the board even tend to the preservation of life and health to any, however small the ex-

tent, such fact makes it eminently worthy of our support, and in the opinion of the committee it should be sustained with such powers and means as will enable it to perform its functions fully, promptly, and efficiently.

The expenses of the board for the first three years of its existence ending April 3, 1882, aggregate \$506,216.17, or an average of \$168,738.72 per year—the whole expenditures for the three years being about \$44,000, less than the amount appropriated for the first year.

Much the greater portion of these expenditures have been made in aiding State and municipal boards in their quarantine work, in the enforcement of quarantine regulations necessary to prevent the importation of contagion into the United States or into one State from another, and in establishing and maintaining quarantine stations at Ship Island and Sapelo Sound—at the former of which places the board found it necessary to construct a rude hospital, warehouse, and wharf of ample capacity, while at the latter they have used boats and tents.

These stations the Board found indispensably necessary for the care and treatment of infected vessels, cargoes, passengers, and crews.

Under the regulations of the Board a number of ships infected with yellow fever have been sent to these stations, and, after treatment, allowed to proceed to and enter our ports without giving rise to a single case of the disease.

When the memories of the fearful ravages of the epidemic of 1878 were fresh, both houses of Congress were ready to appropriate, and did appropriate, all that the committee asked for the purpose of endeavoring to find, if possible, a means of preventing the recurrence of this terrible scourge; but as the memories of the hundred thousand sufferers and the twenty thousand new made graves of that period are fading from our minds, the committee has experienced more or less of difficulty in obtaining the appropriations necessary to enable the Board to perform the important duties which devolve upon it.

The practical question, as it appears to the committee, is, the country being now free from yellow fever and cholera, shall we use the necessary means to keep it so, or relax into indifference, withhold the powers and the necessary means to prevent their importation, and await the outbreak of another epidemic, which will cost the country hundreds of millions of dollars and thousands of the lives of our people, to awaken us to the importance of preventive measures in which the committee believes we can find absolute security?