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IN THE SENATE OF THE UNITED STATES.

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JANUARY 26, 1883.—Ordered to be printed.

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Mr. HARRIS, from the 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. 2259.]

The Committee to Investigate and report the best means of preventing the Introduction and Spread of Epidemic Diseases, to which was referred the bill (S. 2259) to repeal the tenth section of the act approved June 2, 1879, entitled "An act to prevent the introduction of contagious or infectious diseases into the United States, and for other purposes," has had the same under consideration, and reports the bill back with the recommendation that it pass.

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 the tenth section limits the operations and duration of this act to the term of four years from the date of its approval, and it will therefore expire on June 2, 1883, if the tenth section is not repealed.

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 epidemics in future in the United States.

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 the fugitives 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, the board 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.

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 or 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.

The power to establish and enforce this general and uniform system is given to the National Board of Health, under the orders of the President, by the act which this bill proposes to perpetuate.

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 begin.

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 a State may be supposed to go, the act which this bill proposes to perpetuate does not 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.

Believing, as the committee does, that the powers conferred upon the President and National Board of Health by the act of June 2, 1879, are important to the country, the committee earnestly recommends the passage of the bill, so that they may be perpetuated.

The following appropriations have been made to meet the expenses of the National Board of Health :

By act of March 3, 1879.....	\$50,000
By act of June 2, 1879.....	500,000
By act of June 16, 1880.....	75,000
By act of March 3, 1881.....	75,000
By act of August 7, 1882.....	68,000
Making .....	\$768,000

And in addition to this there was appropriated, to be used only in case of epidemic—

By act of June 16, 1880.....	\$100,000	
By act of March 3, 1881.....	100,000	
	200,000	
Making an aggregate of.....		968,000

Of appropriations which have been made and entered upon the books of the Treasury to the credit of the National Board of Health, and with these amounts standing to its credit 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.

The appropriation of \$68,000, by act of August 7, 1882, is inadequate to defray the necessary expenses of the board for the fiscal year ending June 30, 1883, and notwithstanding there is an unexpended balance of unconditional appropriations standing to the credit of the board on the books of the Treasury, no part of it can be used, because of the proviso to the last-named act, which provides—

That no other public money than that hereby appropriated shall be expended for the purposes of the Board of Health. *And provided further,* That hereafter the duties and investigations of the Board of Health shall be confined to the diseases of cholera, small-pox, and yellow fever.

The second section of the bill herewith reported authorizes the board to use of the unexpended balance of the unconditional appropriations heretofore made and standing to its credit on the books of the Treasury, the sum of \$124,000, or so much thereof as may be necessary to pay the expenses of the board for the balance of the fiscal year ending June 30, 1883, and all of the year ending June 30, 1884. Authority to use this sum, added to the appropriation of \$68,000 for the fiscal year 1883, will make an aggregate of \$192,000 for the two years, or an average of \$96,000 a year for the two years ending June 30, 1883, and June 30, 1884.

And the third section authorizes the board to use, of the unexpended conditional appropriations, the sum of \$100,000, or so much thereof as may be necessary in the event of an epidemic during the fiscal year ending June 30, 1884.

With authority to use the funds as above suggested, it is confidently believed that the board will be able to continue the efficient performance of its functions and prevent the introduction of cholera, yellow fever,

small-pox, and other contagious diseases into this country from foreign countries or into one State from another.

If it be admitted, as it is believed all must admit, that the action and operations of the board even tend to the preservation of life and health to any, however small the extent, 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.

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, and, indeed, found it impossible at the last session to obtain adequate appropriations.

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?

