

~~3-11-696~~

Conf.
Pam.
#300

Duke University Libraries

Message of the
Conf Pam #300

D990273580



Jan 25/65

SENATE, January 26, 1865.—Made special order for Saturday next, and ordered to be printed.

MESSAGE OF THE PRESIDENT,

Returning the bill (S. 130) to authorize newspapers to be mailed to soldiers free of postage, with his objections.

To the Senate of the Confederate States of America:

I return to your honorable body, without my approval, an act which originated in the Senate, entitled "An act to authorize newspapers to be mailed to soldiers free of postage."

The act provides "that all newspapers mailed to any officer, musician or private, engaged in the actual service of the Confederate States, may be transmitted through the mails free of postage."

The Constitution, art. 1, sec. 8, clause 7, gives power to Congress "to establish post offices and post routes: but the expenses of the Post Office Department after the first day of March, in the year of our Lord, eighteen hundred and sixty three, shall be paid out of its own revenues."

This provision that the Post Office Department shall be self-sustaining, was not contained in the Constitution of our former government. It is important that its spirit and object should be correctly determined now, because many members of the present Congress were also members of the Provisional Congress which adopted this new clause, and legislation by them will be deemed hereafter to possess peculiar value as a precedent and as a contemporaneous interpretation of the Constitution by those best acquainted with its meaning.

It was generally understood that the clause under consideration was intended by its framers to correct what was deemed to be two great vices that had been developed in the postal system of the United States. The first was, the injustice of taxing the whole people for the expense of the mail facilities afforded to individuals, and the remedy devised was to limit the government to the furnishing of the machinery for carrying the mails, and compelling those who might use the facilities thus furnished to pay the expense thereof.

The second evil against which this clause was intended as a safeguard, was the wasteful extravagance which grew out of its franking privilege, with its attendant abuses of large contracts for stationery, printing, binding, &c., and increased government patronage with its train of corrupting influences:

With this knowledge of the purpose of the framers of the Constitution, and of the evils against which they intended to provide by the clause under consideration. I cannot escape the conclusion that to authorise the transmission of any mail-matter free of postage, is to violate the true intent and meaning of the Constitution.

If the act now before me should become a law, the Post Master General would be bound to pay railroads and other carriers for conveying newspapers to the armies without reimbursement from any source whatever. He could not be paid out of the general Treasury without a violation of the letter of the Constitution; nor out of the other revenues of his Department, without, in effect, imposing on those who pay for carrying their own correspondence, an additional charge to defray the cost of carrying newspapers for others.

If it be competent for Congress, under this clause, to order newspapers to be carried free of postage, the power exists to order the free transmission of any other mail-matter. But we must ever remember that Congress can exercise no implied powers—certainly none not necessary to carry into effect the powers expressly granted; and where shall we find in the Constitution, any power in the Confederate government, express or implied, for dividing either the people or the public servants into classes unequally burthened with postal charges?

In that part of the Constitution which specially treats of the burthen of taxation, every precaution has been taken to secure uniformity and to guard against bounties or preferences of any kind, and although not directly applicable to the subject of postage, the spirit of the whole provision is so opposed to inequality in legislation, that the passage may well serve for illustration. The first clause of art. 1, sec. 8, gives to Congress the power "to lay and collect duties, imposts and excises for revenue necessary to pay the debts, provide for the common defence, and carry on the government of the Confederate States: but no bounties shall be granted from the Treasury; nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry; and all duties, imposts and excises shall be uniform throughout the Confederate States."

It is true that the payment of postage is not properly a tax, but compensation for service rendered; yet it would scarcely be ingenuous to deny that so to regulate the rates of postage as to produce an excess of receipts over expenses of carrying mail-matter for one class, and to use this excess in order to carry free of cost the mail-matter for another class, would strongly conflict with the just equality of privileges and burthens which the above cited clauses were designed to secure.

I regret to be compelled to object to a measure devised by Congress for the benefit or relief of the army, but with my convictions on the subject, it is not possible to approve the act now before me.

JEFFERSON DAVIS.

Richmond, Va., January 25, 1865.

Dermalife•
pH 8.5