

## Lesson 30 Article 1, Section 8

### The powers given to congress – Part VI

Tonight we'll look at three sundry powers delegated to the federal government. Although not earth shattering, remember that these were still important enough that the Founders included them in the list of enumerated powers in Article 1, Section 8. Still, I can't see anyone giving impassioned floor speeches or threatening to leave the convention during debate while any of these provisions were being debated.

#### **Provision 88: The people empower the Congress to fix the standards of weights and measures.**

Firstly, is this a proper power to be held by the federal government? Of course it is; you can't have the various states determining individually what a gallon or a ton is. What would that do for interstate commerce?

This provision is similar to one in the Articles of Confederation. But remember, the Articles provided for no Executive branch, so setting standards was never acted upon. In fact, when the Magna Carta was signed by King John in 1215, England had already set standards for the measurement of liquids, cloth and dry goods. But even these standards were not strictly enforced.

Without hard and fast standardization, each state did set up its own methods for measuring. So early American capitalists, taking advantage of lax and confusing standards, perpetrated fraud on a wide scale. This is why the founders thought it so important to include this provision. (Question 1)

Even with this strong impetus, it still took Congress until 1838 to adopt standards. The congress-critters carefully examined all aspects of the task and decided it would be much easier just to adopt England's standards in whole. (Question 2)

The English system provided definitions for: ounce, pound, foot, yard, mile, quart and gallon. The definition of a gallon, for example was 231 cubic inches. A bushel was equal to eight gallons. (Question 3)

The Congress could have just as easily adopted the new French Metric System (Question 4) but decided not to. The book argues that the English system is easier to use. English measurements are as goofy as their system of money: where 20 shillings make a pound, and 12 pennies make a shilling. Twelve inches to the foot but only three feet to the yard and 5,320 feet to the mile. So, if 12 inches make a foot, would 12 ounces make a pound? Of course not, it takes 16.

Not that the metric system is a jewel either. Based on the meter, liter, and gram. To make these awkward basic units of measure useful, they have to either be multiplied or divided by some number divisible by 10. Prefixes are added to represent the basic words, so 1,000 meters is a kilometer. 1/1000 of a meter is a millimeter. But I've never seen a mixture; there's no five-foot, 7 inches in the metric world, it would all be done in centimeters (170 cm).

It even states in the book that it's easier to look at a quart of milk and guess if it's half full. But couldn't the same be said of the liter? The only thing making the English system manageable is that nearly every unit can be divided into halves, quarters, and eighths fairly easily. (Question 5)

In 1866 Congress authorized the metric system for anyone who wanted to use it. It was used mostly by the scientific and medical communities but its use had become more mainstream with time; want 2 liters of Pepsi? How about a 2 liter engine in your car?

Finally, in 1881 Congress authorized the Secretary of the Treasury to send a complete set of all weights and measures to each governor so the standards finally became truly universal nationwide. (Question 6)

In 1901 the National Bureau of Standards was created. At first the Bureau simply ensured the

quality and quantity of goods purchased by the government. It also worked with scale and container manufacturers to help make sure their products conformed. Wow, a government agency that's actually helpful. Because originally, the federal government was only to establish standards not enforce them – *enforcement belonged to the states*. (Question 7)

You knew that wouldn't last long.

Today there are a multitude of confusing and often contradictory standards enforced by a multitude of friendly government agents from 413 different agencies. The best known are FDA, FTC, Dept of Commerce, Dept of Agriculture, and Office of Consumer Affairs. (Question 8)

**Provision 89: The people empower Congress to provide for the punishment of counterfeiting of United States securities and current coin.**

Last month, when we discussed the history of American money, we also learned a bit of the history of counterfeiting. It started with the states themselves printing up Continental dollars to alleviate their obligations to redeem those dollars for gold. Then the British gleefully joined in printing up bales of counterfeit dollars to simultaneously destroy our economy and buy war materials for free.

The Constitution put an end to the federal government printing up easily forged paper money. But since every bank issued their own paper money, counterfeiting flourished again. Especially if the recipient in Missouri had never heard of Bob and Tony's Bank of Memphis. Over 3,000 banks with their own designs, many easily copied. It's no wonder the Dix became a standard throughout the south. (Question 10)

The Secret Service branch of the Treasury Department has jurisdiction over counterfeiting cases. (Question 9) The book states the penalty for this crime is \$5,000 and up to 15 years in a federal prison. Remember in 1864 the feds began printing paper money called greenbacks and squeezed out the banks. Now there was a sole source, a single design. This made counterfeiting harder (in theory).

Today the Treasury is coming up with new colors, new designs and even embedding identifying markers (tape and watermarks) inside the paper. In the near future we will probably see tiny electronic devices likewise embedded. (Question 11)

**Provision 90: The people empower Congress to establish post offices and designate roads to be used for postal services.**

This was not a new idea; the first post office in the colonies was established in Massachusetts in 1639, the first post road connecting Boston and New York was completed in 1672. Nor was a postal service something new, the first Postmaster General was appointed in 1707. Benjamin Franklin was appointed Joint Postmaster General in 1753. Franklin took it upon himself to inspect every post office and post road from Georgia to New England. He devised a simple accounting system and introduced it at each post office. He encouraged postmasters to establish the penny post where letters not called for at the Post Office were delivered for a penny. Franklin, still a newspaper man at heart, mandated delivery of all newspapers for a fee. His efforts contributed to the postal office's first profit in 1760. (Question 13)

The postal service is another example of the federal government trying to enhance both communication and interstate commerce. (Question 12) Clearly, interstate postal service is beyond the scope of the state governments to handle effectively.

At first, postal rates were set by the distance a letter or package had to travel. (Question 14) But as routes became regularly scheduled, it made more sense to charge by the weight of the parcel.

Other innovations included: postage stamps introduced in 1847, registered mail in 1855, money

orders in 1864, post cards in 1873, rural delivery in 1885, air mail in 1918, and ZIP codes in 1963.

The Post Office Department was spun off as a semi-private corporation in 1970, named the United States Postal Service.

There are four classes of mail, named first class through fourth class:

First Class includes letters, post cards.

Second Class are your newspapers and magazines.

Third Class once called Parcel Post, now refers to packages and written material weighing less than eight ounces.

Fourth Class are books and other written material weighing more than eight ounces.

(Question 15)