

Sec. 8—Powers of Congress

Cl. 7—Post Office

sion as a penalty. Although it held this statute constitutional because the regulations whose infractions were thus penalized were themselves valid,¹³⁸⁸ it declared that “Congress may not exercise its control over the mails to enforce a requirement which lies outside its constitutional province. . . .”¹³⁸⁹

State Regulations Affecting the Mails

In determining the extent to which state laws may impinge upon persons or corporations whose services are used by Congress in executing its postal powers, the task of the Supreme Court has been to determine whether particular measures are consistent with the general policies indicated by Congress. Broadly speaking, the Court has approved regulations having a trivial or remote relation to the operation of the postal service, while disallowing those constituting a serious impediment to it. Thus, a state statute, which granted to one company an exclusive right to operate a telegraph business in the state, was found to be incompatible with a federal law, which, in granting to any telegraph company the right to construct its lines upon post roads, was interpreted as a prohibition of state monopolies in a field Congress was entitled to regulate in the exercise of its combined power over commerce and post roads.¹³⁹⁰

An Illinois statute that, as construed by the state courts, required an interstate mail train to make a detour of seven miles in order to stop at a designated station, also was held to be an unconstitutional interference with the power of Congress under this clause.¹³⁹¹ But a Minnesota statute requiring intrastate trains to stop at county seats was found to be unobjectionable.¹³⁹²

Local laws classifying postal workers with railroad employees for the purpose of determining a railroad’s liability for personal injuries,¹³⁹³ or subjecting a union of railway mail clerks to a general law forbidding any “labor organization” to deny any person membership because of his race, color or creed,¹³⁹⁴ have been held not to conflict with national legislation or policy in this field. Despite the interference *pro tanto* with the performance of a federal function, a state may arrest a postal employee charged with murder while he is engaged in carrying out his official duties,¹³⁹⁵ but it cannot pun-

¹³⁸⁸ *Electric Bond & Share Co. v. SEC*, 303 U.S. 419 (1938).

¹³⁸⁹ 303 U.S. at 442.

¹³⁹⁰ *Pensacola Tel. Co. v. Western Union Tel. Co.*, 96 U.S. 1 (1878).

¹³⁹¹ *Illinois Cent. R.R. v. Illinois*, 163 U.S. 142 (1896).

¹³⁹² *Gladson v. Minnesota*, 166 U.S. 427 (1897).

¹³⁹³ *Price v. Pennsylvania R.R.*, 113 U.S. 218 (1895); *Martin v. Pittsburgh & Lake Erie R.R.*, 203 U.S. 284 (1906).

¹³⁹⁴ *Railway Mail Ass’n v. Corsi*, 326 U.S. 88 (1945).

¹³⁹⁵ *United States v. Kirby*, 74 U.S. (7 Wall.) 482 (1869).