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GOVERNMENT

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HEARING
BEFORE THE
COMMITTEE ON POSTAL RATES
OF THE
COMMITTEE ON
OFFICE AND CIVIL SERVICE
USE OF REPRESENTATIVES
EIGHTY-NINTH CONGRESS

FIRST SESSION

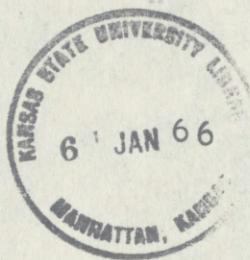
ON

H.R. 2837 and H.R. 2838

BILLS TO EXTEND CERTAIN SPECIAL FOURTH-CLASS POSTAGE
RATES TO CERTAIN TRAINING CARDS DESIGNED FOR USE IN,
OR IN CONJUNCTION WITH, CLASSROOM INSTRUCTION

SEPTEMBER 29, 1965

Printed for the use of the Committee on Post Office and Civil Service



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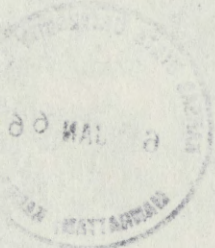
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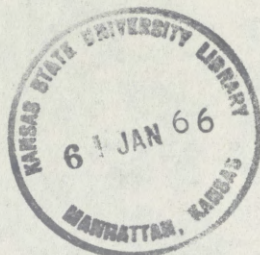
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

CONTENTS

Statement of—

Henry, John Otto, attorney, Visual Education Association, Inc., Dayton, Ohio, accompanied by Don Imbus, research and develop- ment, Visual Education Association, Inc.-----	Page 7
Love, Hon. Rodney M., Representative in Congress from the State of Ohio-----	6
McCulloch, Hon. William M., Representative in Congress from the State of Ohio-----	2
Ryan, Charles H., Deputy Assistant Postmaster General, Postmaster and Patron Relations, Bureau of Operations, and Edwin A. Riley, Director, Classification and Special Services Division, Bureau of Operations-----	24

III



POSTAL RATES FOR CLASSROOM TRAINING CARDS

WEDNESDAY, SEPTEMBER 29, 1965

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON POSTAL RATES OF THE
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C.

The subcommittee met at 10 a.m. in room 215, Cannon House Office Building, Hon. James H. Morrison (chairman of the subcommittee) presiding.

Mr. MORRISON. The subcommittee will come to order.

The Subcommittee on Postal Rates is conducting hearings this morning on the identical bills, H.R. 2837, introduced by Congressman William M. McCulloch, and H.R. 2838, introduced by Congressman Rodney M. Love, both of Ohio.

These bills will permit the mailing of educational training cards designed for use in classroom instruction at the special postal rates which apply to books, educational films, and various other items identified in section 4554, title 39, United States Code.

It is my understanding that these educational training cards are used for review or reference in classroom study. The cards were mailed at special rates until 1964, when the Post Office Department informed the mailer that the cards were not eligible to be mailed under the special rate provision but must be mailed at the higher parcel post rate.

I would like now to place in the record at this point a copy of H.R. 2837 and the reports from the Post Office Department and the Bureau of the Budget.

(The information referred to follows:)

[H.R. 2837, 89th Cong., 1st sess.]

A BILL To extend certain special fourth-class postage rates to certain training cards designed for use in, or in conjunction with, classroom instruction

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4554(a) of title 39, United States Code, is amended—

(1) by striking out the word “and” immediately following subparagraph (7);

(2) by striking out the period at the end of subparagraph (8) and inserting in lieu thereof a semicolon and the word “and”; and

(3) by adding immediately below subparagraph (8) the following new subparagraph:

“(9) training cards designed for use in, or in conjunction with, classroom instruction.”

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., April 24, 1965.

Hon. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Bureau of the Budget on H.R. 2837 and H.R. 2838, identical bills to extend certain special fourth-class postage rates to certain training cards designed for use in, or in conjunction with, classroom instruction.

The Postmaster General in a separate report has recommended against enactment of these bills for the reasons stated therein.

The Bureau of the Budget concurs with this report and recommends against enactment of these bills.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D.C., April 28, 1965.

Hon. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your request for reports on the identical bills H.R. 2837 and H.R. 2838, to accord special fourth-class rates of postage to training cards for classroom instruction.

This measure would amend the law (39 U.S.C. 4554(a)) to permit the mailing of training cards designed for use in connection with classroom instruction at the special postage rates provided therein.

The Department is opposed to the enactment of this legislation.

The training cards described above would include the ordinary index-type card (blank or ruled) and other such cards which appear to be more closely akin to general school supplies than to educational materials such as books, manuscripts, films, and the like. This legislation would discriminate against mailers of such school items as slide rules, protractors, T-squares, and similar aids used in classroom instruction. This would not be equitable and would result in many similar requests for the special postage rates.

In recent years there has been a tremendous growth in the volume of mailings under the special fourth-class rates. The volume of mailings which received the special fourth-class postage rates in 1964 was almost twice the volume of such mailings in 1961. The difference between the costs and revenues rose from \$19 million in 1961 to \$57 million in 1964. Pursuant to law the sums were accounted for as public service items.

The Bureau of the Budget has advised that from the standpoint of the administration's program there is no objection to the submission of this report to the committee.

Sincerely yours,

JOHN A. GRONOUSKI, *Postmaster General.*

Mr. MORRISON. We have as our first witness this morning the very distinguished Member of Congress who has been a most able leader, and the ranking minority member on the Judiciary Committee, and one who has contributed to so much important legislation in the many years that he has had in his distinguished career in Congress. The committee feels very honored today that we may hear from the Honorable William M. McCulloch.

STATEMENT OF HON. WILLIAM M. McCULLOCH, REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO

Mr. McCULLOCH. Thank you, Mr. Chairman. I am glad to be before this subcommittee and before the members thereof who have

done so much to distribute information and business facts and family matters throughout the world by U.S. mails.

I would like to say this off the record, Mr. Chairman.

(Discussion held off the record.)

Mr. McCULLOCH. I am appreciative of the fact that you set this matter for hearing today, Mr. Chairman. I am also pleased to have joining me Congressman Rodney Love, my neighbor from the Third Congressional District down the great Miami River, from whose district come some of the people who are interested in this legislation.

The Visual Education Association, Inc., long has been interested in providing educational materials for schools and, yes, even for people who are no longer in schools but who are still learners.

I am very pleased that for a decade, at least, the Post Office Department carried this educational material through the mails to its destination at fourth-class rate, and thereby assisted in the education of many people who would not have had the benefit of this kind of material.

I am sure that it is the intention and the implemented intention of the President of the United States to bring the educational process and educational materials and educational facilities to all the people in the United States who desire an education and who will be helped thereby.

The reason that both Congressman Love and I are interested in legislation to make a technical correction of a decision of the Post Office Department, holding this matter not fourth-class material and charging a higher rate for carrying it, is that late last year the manufacturers and processors of these cards were advised of the new decision. The Post Office Department was most considerate and deferred the effective date of the new rate until the 1st of January 1965.

These things happened at or near the time of the election, and the incumbent Congressman was not returned. Immediately after Congress convened, Congressman Love, of Dayton, and I introduced identical bills on this matter.

I might say that we sought and had the friendly help of the experts down in the Post Office Department in drafting this legislation. They suggested most, if not all, of these matters. If the language is not perfect, and few of us are perfect, and if the language would leave a loophole to have sent through the mails great quantities of other materials which should not carry this fourth-class rate, both Judge Love and I are ready, willing, and anxious, if necessary, to amend the bill, line 3, page 2, by inserting after the word "card" these words: "Bearing printed educational material and".

It is thought that such amendment would narrow the effectiveness of the legislation and will not let on the statute books a loophole which would be harmful to the rate schedule of the Post Office Department.

Judge Love will make a detailed statement concerning this bill and there will be at least one other witness.

I have a written statement which I am not going to take time to read, Mr. Chairman, if it is agreeable with you. I would like to submit it for the record at this time.

Mr. MORRISON. Without objection, it is so ordered and may be inserted in the record at this point.

(Congressman McCulloch's statement follows:)

PREPARED STATEMENT OF CONGRESSMAN WILLIAM M. McCULLOCH OF OHIO

I am pleased to have this opportunity to appear before your committee in behalf of my bill, H.R. 2837, to extend special fourth-class postage rates to educational training cards designed for use in, or in conjunction with, classroom instruction.

I am informed that books, films, printed music, recordings, testing materials, and reference charts, where used for educational purposes, have long been granted special postal rates. It was brought to my attention by the Visual Education Association, Inc., of Dayton, Ohio, that for some years educational card sets, or "flash cards," as they are sometimes called, had also been accorded the special fourth-class rate, but, by reason of a reinterpretation of the postal regulations the privilege was recently withdrawn.

The intention of the law to foster the advancement of education is quite clear, but the present statute fails to include flash cards, a relatively new educational tool, in the listing of educational devices entitled to special postage rates. I am advised that educators are making increasing use of card sets in the teaching of some 40 subjects including English, spelling, foreign languages, government, and economics, as a visual education technique at all levels of teaching from grade school through college.

It has been represented to me that not only is the new ruling which denies special rate to training cards grossly unfair and discriminatory, it will be disastrous to a number of companies engaged in the production of educational aids sold to teachers, schools, and college bookstores.

To illustrate the discrimination, I am told that under present regulations this bound booklet, "French Grammar," is entitled to the special postal rate—note on the cover the words "Plus 8 Handy Detachable Review Cards"—these are educational cards. But this set of French grammar cards has been held not eligible for the lower rates. I am advised that this plastic summary, data guide on "Principles of Economics," enjoys the special rate, but this set of educational cards covering exactly the same material on economics, and also designed for study and review, does not qualify. Other samples of the educational flash card sets are here—available for your examination.

In order that these educational aids may receive the same, equal treatment as the other educational tools which are designed for classroom instruction, H.R. 2837 merely provides that the list of items entitled to the special fourth-class rate shall be amended by adding to sections 4554(a) of title 39, United States Code, a new subparagraph reading:

"(9) training cards designed for use in, or in conjunction with, classroom instruction."

My bill would correct an apparent injustice and extend to a recently developed educational training device or technique the preferred rates which your committee has hithertofore provided for the purpose of promoting and fostering education in the United States.

I respectfully request that your committee give every proper consideration to H.R. 2837.

Mr. McCULLOCH. Thank you very much. Unless there are questions by the committee members I will depart for the Judiciary Committee.

Mr. MORRISON. Questions, gentlemen?

Mr. UDALL. Mr. Chairman, I wanted to echo what you have said about our distinguished friend from Ohio. He is one of my favorite people in Congress. He is a very forward-looking gentleman and a real credit to his State.

I want to take a good hard look at this legislation. Any legislation that Mr. McCulloch sponsors is about two-thirds of the way home with me just because of his sponsorship alone. I want to analyze the bill and the Department's report and, if possible, to support the legislation.

Has the Department indicated any costs which might be caused by the passage of this bill?

Mr. McCULLOCH. I do not recall that they have given us any figures as to the cost of this legislation.

I might say this: As of the present time this material is not mailed in such tremendous quantities that it would affect in any appreciable way the income of the Post Office Department.

Mr. MORRISON. I understand that the cost would be infinitesimal in the overall operation of the Post Office Department. But this bill is very vital to the continuation in business of this organization.

Mr. McCULLOCH. Yes, Mr. Chairman. I thank you for that statement.

As the chairman has said, the total sum is not great, but it is a very large sum to this small business in Montgomery County, Ohio, and it could well be the difference between existence and going out of business, and the loss would be to the students all over America, or wherever this material is sent.

Mr. UDALL. I have seen these kinds of cards. They are excellent educational devices. I would be reluctant to do anything which would put this company out of business.

Are there other business organizations in this same field which would be affected by this legislation, or is this the only company you know of?

Mr. McCULLOCH. I would rather that staff or other witnesses who have complete knowledge of this field answer that question. I would not want to mislead you one way or the other.

Mr. UDALL. I wouldn't want to delay your departure with further questions, but I am delighted to have you before our subcommittee and I appreciate very much your being here.

Mr. McCULLOCH. Thank you very much.

Mr. MORRISON. Further questions?

I certainly share my colleague's feeling that no legitimate business should be put out of business, particularly in the educational field. We should encourage these people and give them every possible opportunity to use the preferential rates afforded similar types of educational materials; if we need to amend the law to accomplish this, then I think we should.

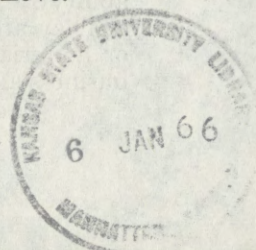
We want to thank the gentleman. We know how busy he is and we appreciate his appearance before the committee.

Mr. McCULLOCH. Thank you.

Mr. MORRISON. The next witness is another distinguished gentleman from the great State of Ohio. He has not been here quite as long as the preceding witness but he has certainly distinguished himself as an outstanding Member of Congress. I want to compliment him and Congressman McCulloch for appearing on behalf of their individual constituents. Many times we in Congress do not have the opportunity to do as much as we would like to do for individual constituents in our respective communities and districts, but from what I have observed this gentleman has gone far afield from the ordinary responsibility of representing a constituent in his district. He has been instrumental in bringing about this hearing today. He has put up a very fine fight and good representation for his constituent.

I personally admire him for his diligence and energy he has put forth in behalf of this business organization.

We would like to hear now from the Honorable Rodney Love.



STATEMENT OF HON. RODNEY M. LOVE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF OHIO

Mr. LOVE. Thank you very much, Mr. Chairman and members of the subcommittee. I appreciate the very fine remarks the gentleman made about me.

As Mr. McCulloch indicated, some people feel that perhaps he has been here "too long." I think, Mr. Chairman, I would have to respond and say that I have been here "too short" a time. I am looking forward to many years of service for the U.S. Congress as Mr. McCulloch has had if the people back home will continue to support me as they have my colleague from Ohio.

While I will offer my testimony primarily and specifically for my constituent, the Visual Education Association, Inc., may I suggest that before Mr. McCulloch and I decided to submit the bills before us today, we looked into the entire industry and the products being manufactured and came to the conclusion that the entire industry might suffer unless the law was amended.

Mr. MORRISON. To your knowledge are there many other similar companies which manufacture like products?

Mr. LOVE. Yes, Mr. Chairman. We have with us today counsel for the Visual Education Association, Inc. I will ask you to hear his short statement later and think he can tell you, in more detail, the number of industries involved.

If I may, I shall read a very brief statement and subject myself to any questions the committee may have.

The Visual Education Association, Inc., of Dayton, Ohio, manufactures educational cards or charts designed solely for review, reference, and study. The sets produced cover more than 40 subjects ranging from Greek to government and from Spanish to spelling. The product is used almost exclusively in, or in conjunction with, classroom instruction. They are sold to teachers, schools, and college bookstores.

These educational materials, samples of which are herewith submitted and are already at your places, were applicable to the fourth-class postal rates from 1954 to January 1, 1965, as my colleague, Mr. McCulloch, from Ohio, indicated to you in his statement.

In 1964, the Post Office Department questioned the applicability of the company's educational materials, probably as a result of an inquiry from some other company in competition with my constituent.

My suggestion to the president of the company was that they approach the Post Office Department for administrative relief rather than pursue a bill to amend the law.

On Monday, June 8, 1965, the company's officers and lawyers presented the Post Office Department a brief in support of continued usage of the fourth-class rates.

I fully support the company and feel that educational training cards or charts fall within subsection (a)(4) of 39 U.S.C. 4554. In my opinion, they are "printed objective test materials and accessories thereto used by * * * educational institutions in the testing of ability * * *" as specifically set forth in this section.

They are not, as the Department contends, general school supplies or materials like slide rules or similar aids. Slide rules are used in business and in engineering and are vital tools of a profession, whereas

these visual cards or charts which you have before you, are solely used for learning purposes. If slide rules were solely for this purpose, they probably could also qualify for an exemption under the present law.

The economic impact of the increased costs mentioned by my colleague from Ohio, occasioned by this arbitrary change in administrative orders, is so substantial that my constituent may be forced out of business.

While in my opinion, the bill I have introduced is unnecessary, I have, nevertheless, introduced it as my colleague from Ohio has done, in order to avoid the administration's ruling and to clarify the law. I content that the law was intended to include such educational aids as my constituent manufactures and hereby join with my colleague from Ohio in urging the committee to approve and report out a bill for consideration of the House of Representatives.

May I say, in addition, that the manufacture of the product itself may be dropped by the entire industry if this exemption is not firmed up and relief granted. I also support the additional language on page 2, line 3, which Mr. McCulloch read to the committee, if it seems desirable to further limit the application of the law.

I understand that the Post Office Department does not want to drop the bars too far because of possible loss of income, but this restrictive language certainly would meet the objection, it seems to me, if the committee feels it is more desirable language.

Mr. OLSEN. Would you read it again?

Mr. LOVE. Yes. In line 3, page 2, after the words "training cards" insert "bearing printed educational material and," so that the wording in this sentence would read:

(9) training cards bearing printed educational material and designed for use in, or in conjunction with, classroom instruction.

At some point, we had used the word "objective" before the word "educational" and since that word is picked up in the law at another point, we certainly would have no objection to using it again so that it would read:

(9) training cards bearing printed objective, educational material and designed for use in, or in conjunction with, classroom instruction.

I don't know whether the word "objective" helps the language or not except that it is used elsewhere in the statute.

I have with me Mr. John Henry, distinguished member of the law firm of Estabrook, Finn & McKee, of Dayton, Ohio, who represents the Visual Education Association, Inc.

Mr. MORRISON. The next witness will be Mr. John O. Henry, attorney, Visual Education Association, Inc.

Mr. Henry?

STATEMENT OF JOHN OTTO HENRY, ATTORNEY, VISUAL EDUCATION ASSOCIATION, INC., DAYTON, OHIO, ACCOMPANIED BY DON IMBUS, RESEARCH AND DEVELOPMENT, VISUAL EDUCATION ASSOCIATION, INC.

Mr. HENRY. Thank you very much, Mr. Chairman.

Mr. MORRISON. Will you give us the name of the gentleman accompanying you?

Mr. HENRY. Don Imbus, associated with the company, an employee who works for it. His father is president of the company.

Mr. MORRISON. You may proceed.

Mr. HENRY. Thank you very much, Mr. Chairman.

First of all, to reidentify myself, I am attorney for the company, Visual Education Association, Inc., which is an Ohio corporation. We speak really not only for the company today but also for this type of product because the type of product, as the chairman has noted, is what is being denied the special educational postal rates. It is not this company alone we assume the Post Office is out to deny the rate for, but rather this type of product. We do not attribute any personal feeling on the part of the Post Office Department in making this denial.

We have a special type of product and that is what the law which has been proposed by the Honorable Congressmen from Ohio was designed to remedy.

I would like to express my appreciation for the opportunity of being here, also.

We have passed around a memorandum and I would like to ask the chairman to include this in the record so I would not have to read it.

Mr. MORRISON. Without objection it is so ordered.

(The memorandum referred to follows:)

PREPARED STATEMENT SUBMITTED BY THE VISUAL EDUCATION ASSOCIATION,
INC., DAYTON, OHIO

INTRODUCTION

This memorandum is submitted in support of H.R. 2837 and H.R. 2838, identical bills introduced respectively by the Honorable William M. McCulloch and the Honorable Rodney M. Love, Representatives of the Fourth and Third Congressional Districts of the State of Ohio.

This memorandum is being submitted by Visual Education Association, Inc., Dayton, Ohio, a manufacturer and distributor of modern educational materials.

H.R. 2837 and H.R. 2838, which we shall hereafter refer to collectively as the "bill" seek to amend 39 U.S.C., section 4554 by, in effect, adding the following additional paragraph to the section:

"(9) Training cards designed for use in, or in conjunction with, classroom instruction."

The entire section is set out as appendix A, at the conclusion of this memorandum, with the new paragraph (9) added in *italic* to show its position therein.¹

THE PURPOSE OF THE BILL

While it would be most presumptuous of us, who are presenting this memorandum, to assume to speak for either the Honorable William M. McCulloch or the Honorable Rodney M. Love, we do believe it is important for us to speak of the purposes and effects of the bill as they appear to us.

We can see the bill as having at least a twofold effect and purpose, namely:

(a) To include within the purview of section 4554 of the United States Code the most advanced training materials available; and

(b) To continue past practice so as to relieve—

(i) the Post Office Department from a unique and untenable position, inconsistent with the administration's program to further education;

(ii) Our individual company and other companies in like situations—from the discrimination effectuated by the denial of the special rates of section 4554, United States Code, to some while granting them to other—both of whose purposes and materials serve the same market and the same educational ends and needs; and

¹ See appendix A.

(iii) the consumer from having to make a "price" choice rather than a choice dictated by the educational "needs" of its market, and its students.

A. The inclusion of the most advanced training materials—Visual Education's product

Visual Education's products consist primarily of training cards designed for review, reference, and study in, or in conjunction with, regular classroom instruction.

Samples of our products have been distributed in the course of the presentation of this memorandum to the honorable subcommittee and two samples of our products are set forth in appendix B.

The sets of training cards cover more than 40 subjects ranging from Greek to government and from Spanish to spelling. Each title subject has been carefully written by one or more competent and skilled college professors and has been carefully reviewed and edited by capable and qualified high school teachers. Among the contributors of titles are some very well-known names including, for example,

J. K. Leslie, Ph. D.
W. F. Leopold, Ph. D.
John J. Kennedy, Ph. D.
Wilfred J. Steiner, Ph. D.
Claude W. Faulkner, Ph. D.
Samuel Frumer, Ph. D.

Nearly every set sold by Visual Education Association, Inc. is used directly in classroom instruction, in whole or in part. These sets are sold primarily to teachers, schools, and college book stores where it is estimated that more than 500,000 students will use the company's products in the school year to come.

There is no doubt as to the educational integrity in the advanced educational training approach of the company's products.

B. Training cards, flash cards and other manipulatives are becoming a larger and larger part of our national education program each year

The fact that many of the company's products have been approved and adopted by school systems across the country including, for example, the Chicago public schools and the Philadelphia public schools, is ample evidence of the effectiveness of this educational training approach and of the products themselves.

In appendix C, we have included a report by Prof. Donald W. Ormiston of Miami University at Oxford, Ohio, concerning the company's products.

While we are before the honorable subcommittee as representatives of our company on behalf of the bill, what we have said concerning the nature of our products is equally applicable to similarly designed products of our competitors.

The purpose and effect, therefore, of the bill is to include "training cards designed for use, or in conjunction with, classroom instruction," within the purview of the postage rates granted "books, films, and similar educational materials."

There is no doubt that "training cards" serve the identical purposes, from an educational standpoint, served by the other categories of section 4554, United States Code.

The company has used the special postal rate for more than 10 years and has believed the company's products were always within the purview of the present statute.

The Post Office Department, however, after 10 years is now refusing to include educational materials which bear the cognomen of "training cards" within the section. If "training cards" are not so included, it can only be because they were inadvertently omitted since, in every other respect, they fall within the obvious intent of section 4554.

We submit, therefore, that the amendment at its broadest merely includes additional but obvious educational training materials that have come to be recognized as a distinct class, since the original section was written.

CONTINUATION OF PAST PRACTICE

The educational materials rate has been consistently applied to the company's products, from approximately 1954, all the way through January 1, 1965.

In 1964, the Post Office Department, for the first time, questioned the applicability of the educational materials rate to the company's products. The passage of the bill will, therefore, not change or alter the past practice of the Post Office Department, but simply continue that practice as it has existed for more than 10 years.

The failure of the bill to pass, on the other hand, will place the Post Office in the untenable and inconsistent position of administratively taking away the very materials which the Congress of the United States has seen fit to attempt to give to the public as expeditiously and freely as possible in its educational enactments.

President Johnson in his special message on education has, with the approval of a great majority of our Congress, established the desires of this great Nation in implementing and approving educational facilities. Our President said:

"* * * I propose that we declare a national goal of full educational opportunity. Every child must be encouraged to get as much education as he has the ability to take.

"We want this not only for his sake—but for the Nation's sake.

"Noting matters more to the future of our country; not our military preparedness—for armed might is worthless if we lack the brainpower to build a world of peace; not our productive economy—for we cannot sustain growth without trained manpower; not our democratic system of government—for freedom is fragile if citizens are ignorant.

"We must demand that our schools increase not only the quantity but the quality of America's education. For we recognize that nuclear-age problems cannot be solved with horse-and-buggy learning. The three R's of our school system must be supported by the three T's—teachers who are superior, techniques of instruction that are modern, and thinking about education which places it first in all our plans and hopes.

"Specifically, four major tasks confront us:

"To bring better education to millions of disadvantaged youth who need it most.

"To put the best educational equipment and ideas and innovations within reach of all students * * *"

This avowed aim of the administration is in direct conflict with the position that the Post Office Department has had to take in its new strict and limited construction of section 4554. The bill will take the Post Office Department "off the hot seat" so to speak, by allowing it to administer the educational postal rates in accordance with the aims and purposes of the Congress of the United States, rather than in direct contrast and conflict thereto.

As we have said, therefore, another of the purposes to the bill is to continue past practice so as to relieve the Post Office Department from this unique and untenable position. Still another purpose and effect of the bill in continuing past practices is to relieve our company and others in like situation from discrimination.

We have shown to the committee samples of summary outlines designed to serve the identical educational purpose as the company's products serve. A one-page sample is attached as appendix D, and we submit that there is no logical difference between the educational purpose of appendix D and the educational purpose of the company's products. However, as section 4554 is now being construed by the Post Office Department, one product is transmitted at a substantially lesser rate than the other.

The special fourth-class rates of section 4554 have been extended to bulk films, printed music, testing materials, sound recordings, printed educational reference charts, and other similar items.

The company's training cards are similar in content and purpose to many of the fine books and charts being marketed today. Yet these books and charts, only because of their physical construction, and not because of their contents, are given a substantial and material postal rate discriminatory advantage over this company's training cards and all training cards as such.

Books, cards, training cards, and charts compete daily in the educational marketplace for the same educational dollar and for the same educational training purpose. These materials are displayed side by side. These materials serve the same purpose and are selected by students based upon which type of material most adequately meets the individual student's needs.

Yet, because of a new narrow interpretation of section 4554, the training cards, which are more expensive to manufacture and process in the first place, cannot and will not remain competitive with the other study aids, to the deprivation of the student to whom they are the greatest help, if they must carry the burden of additional postage rates.

Since 1954, our company—and other like companies—has been using the special fourth-class rate in good faith. Our company was not informed until September 16, 1964, by the Post Office Department that we were not using the proper postal rates. During the intervening 10 years, based upon the educational rate, we have carefully developed and invested in our product and have formulated

our current pricing, advertising, and marketing. The company's entire approach in the field of education and the development of its advanced products have been based on the availability of the Post Office Department's educational rate. To change now would bring disastrous results to the company's product and to the type of product sold by the company. To illustrate, let us cite a few examples. A Cleveland, Ohio, schoolteacher has ordered 12 sets of Vis-Ed English Vocabulary Cards to use in her English class. Normally, under special fourth-class rates, this shipment would have cost 95 cents. The same shipment under regular fourth-class rates would now cost \$1.23. The difference becomes even more apparent on shipments to more distant points. The same 12 sets of cards to California would now cost \$3.71 instead of 95 cents.

Certainly no school would ask its students to pay this additional postage; just as certainly, no school would absorb this additional postage itself; and, no publisher is so affluent as to be able to pay such high costs to supply his products to the consumer when the comparative costs of similar materials are substantially less.

Postage charges under the special fourth-class rates amount to approximately \$15,000 annually for the company. Under the regular rates, which the post office now seeks to enforce, the company's postage bill would amount to more than \$35,000 annually. (These figures are based on a 1-month analysis of every order shipped from the company's plant and cover mail orders only, excluding truck shipments, advertising mail, or routine business mail.) The increase in postage paid by the company would be additional postage collected by the Post Office Department. However, the adoption of the bill would not decrease by one cent the amount of revenue now collected by the Post Office Department since, in the past, the company has always been able to ship at the special fourth-class rates.

In addition to the increased mailing costs, the company will be burdened with additional cartons and extra handling which the company estimates at \$6,000 per year.

The passage of the bill will free our company and others in like situations from the inherent discrimination in denying to training cards, which are the advanced materials in the educational field, the postal rates granted to similar educational materials having similar purposes.

A final purpose and effect of the passage of the bill will be to free the consumer from a "price" rather than a "needs" choice.

The effect of now denying the special postage rate to training cards will be to remove training cards from the competitive market and from their availability for use by those students who find this as the best and most effective way to learn.

The company is aware that the major objection of the Post Office Department to the bill is that it will increase the postal deficit. In fact, it is not that it will increase the postal deficit, but that the failure of the bill to pass will either cause this product to disappear from the market which will lower postal revenue or will penalize this company's product by extracting more revenue from its type of product than from products with similar purposes but having specific exemptions.

Be that as it may, and bearing in mind the "financial objection" of the Post Office Department, it is significant to note the statement of policy contained in House Report No. 668 concerning educational films wherein the House of Representatives stated the underlying principals which motivated it in that case and which are equally applicable to the training cards sought to be included by the bill.

"The general purpose of this legislation is to encourage the free communication of ideas in our democracy and to provide for utilization of the educational and cultural value of modern, up-to-date methods of communicating knowledge * * *.

"The purpose of this legislation is entirely consistent with the policy laid down by Congress 15 years ago, when reduced postal rates were established for books. The reduction in postal rates for books was approved because such reduction in the cost of circulating books through the mails is beneficial not only in the communication of ideas but also in the educational and cultural development of our country. America's world leadership is due in part to the fact that the American people are the best informed people in the world. This policy laid down 15 years ago was based on the determination by Congress that the widest possible dissemination of information for both educational and cultural purposes is essential to our national welfare * * *.

"The only objection to this legislation is on the ground that the granting of more favorable book rates for transmission of films through the mail would increase the postal deficit. The committee is fully aware of the many problems resulting from our postal deficit. However, the committee also feels that the mat-

ter of the postal deficit is entirely separate and apart from the matter of policy—already determined by the Congress—that our best and most effective method of disseminating educational information is through the facilities of the postal service.”

That the consumer actually knows that the existence and presence of the “training cards” depend upon the availability of the educational materials special postage rate, as shown by the fact that many of the company’s customers actually specify that the articles must be shipped under the special rates of section 4554.

We have attached, as appendix E, two purchase orders, one from New York and one from Louisiana, indicating how two of our customers have specified this special rate. Without the special rate, the company’s materials which have been found to be most effective by over 500,000 students, since that many will purchase the company’s materials during the coming year, would be rendered unavailable, to the obvious detriment of the country’s program to stimulate and advance education.

CONCLUSION

We repeat, that the effect of the bill, if passed, will only be to include within the purview of section 4554, the most advanced educational materials and to continue past practice so as to relieve the Post Office Department from its untenable and inconsistent position as far as education is concerned, the company and others in like situations from discriminatory practices and the consumer from a “price” rather than a “needs” choice. Unfortunately, legislation is the only answer. We realize that you are being requested to amend an enactment of Congress—or rather to add to a previous fine enactment—which is no small undertaking. However, you are meeting this request only as a last alternative. The company has tried, in every way it knows how, to handle the problem herein presented—the problem of a Post Office Department approach which is inconsistent with our modern-day educational programs and discriminatory as far as types of educational materials are concerned. It has attempted to do so administratively by administrative presentation at a local level and at the level of the Post Office Department here in the Nation’s Capital. One of the briefs presented to the Post Office Department has been given to your subcommittee in connection with the presentation of this memorandum.

Your fellow Congressmen have attempted to help the company in seeking administrative relief and even in seeking merely extensions of administrative relief until the problem can be dealt with at more leisure. However, all these attempts have been to no avail. Perhaps we should not say they have been to no avail, since they have, as a matter of fact, brought the problem squarely before this subcommittee and have also produced a proposed bill which authorities in the Post Office Department have advised us is clear and capable of ready administration.

Since the mailing season for educational materials is immediately upon us, we sincerely and urgently request this subcommittee to give favorable consideration to the bill in the form that it has been presented and in doing so we believe that the subcommittee will not only further the ends of our great Nation in advancing education as such, but will also relieve the Post Office Department of a serious administrative dilemma and discriminatory position.

APPENDIX A

§ 4554. Postage rates on books, films, and similar educational materials

(a) Except as provided in subsection (b) of this section, the postage rate is 9½ cents a pound for the first pound or fraction thereof and 5 cents for each additional pound or fraction thereof when mailed after January 6, 1963, and prior to January 1, 1964, and 10 cents for the first pound or fraction thereof and 5 cents for each additional pound or fraction thereof when mailed after December 31, 1963, except that the rate now or hereafter prescribed for third- or fourth-class matter shall apply in every case where such rate is lower than the rate prescribed in this subsection on—

(1) books permanently bound for preservation, consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for notations and containing no advertising matter other than incidental announcement of books;

(2) 16-millimeter films and 16-millimeter film catalogs except when sent to commercial theaters;

- (3) printed music, whether in bound form or in sheet form;
 - (4) printed objective test materials and accessories thereto used by or in behalf of educational institutions in the testing of ability, aptitude, achievement, interests, and other mental and personal qualities with or without answer, test scores, or identifying information recorded thereon in writing, or by mark;
 - (5) sound recordings, including incidental announcements of recordings and guides or scripts prepared solely for use with such recordings;
 - (6) manuscripts for books, periodicals, and music;
 - (7) printed educational reference charts, permanently processed for preservation; and
 - (8) looseleaf pages, and binders therefor, consisting of medical information for distribution to doctors, hospitals, medical schools, and medical students.
 - (9) *Training cards designed for use in, or in conjunction with, classroom instruction.*
- (b) (1) * * *

APPENDIX B

An individual sample of one type of chart follows:

5

THE POSTWAR SOUTH

The destruction of the Southern economy due to the war was almost complete. Both industry and agriculture suffered tremendously. Many factories and buildings were destroyed, railroads had been torn up, and the plantation system could not continue without slave labor.

The main agricultural change was the breaking up of the plantations. Both whites and Negroes obtained use of such land. Under share-crop system the landowner gave use of land and some supplies for a share of the crop. Crop-lien system was a mortgage on the ungrown crop held by the landowner. Neither system was particularly helpful in agricultural recovery.

Industrial development depended on investment of northern capital. Textile manufacturing became the major industry. Often mill villages were created around the factory. Here the company-owned all facilities, including houses, stores, etc. Often entire families worked in the mill.

The rebuilding of the South was a long, painful process. Various groups interfered. Carpetbaggers (Northerners who came South for personal gain) took advantage of Southern helplessness. Scalawags were Southerners who supported them. Ku Klux Klan, organized in 1866, hindered adjustment by terrorizing Negroes and promoting white supremacy.

Some states enacted Black Codes, laws designed to regulate activities of freed Negroes. Some were reasonable, others excessively harsh.

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6

RECONSTRUCTION OF THE SOUTH

President Lincoln's plans for reconstruction of the Southern states were formulated before war's end. Main parts of the plan were: (1) granting of amnesty (pardon) to all Southerners, except political and military leaders, under certain conditions; (2) readmission of a state to the Union when 10% of the electorate had taken an oath to support the Constitution. Under this plan governments had already been established in 1864 in Tennessee, Louisiana, and Arkansas.

Congress proposed its own plan for reconstruction in the Wade-Davis Bill, passed in July, 1864. This bill required that 60% of the electorate must take an oath to support the Constitution before readmission of the state to the Union. The bill was given a pocket veto by President Lincoln. Congressional leaders criticized him for this action in the Wade-Davis Manifesto (1864).

The Presidential plan for reconstruction was continued by President Johnson until Congress interfered at the end of 1865. In December, 1865, Congress established a Joint Committee of Fifteen to exerting control over reconstruction. Thaddeus Stevens, Radical Republican leader in the House, dominated the committee. Radical Republicans passed several measures through Congress on reconstruction in the next few years. These were much more harsh than the proposals of the presidential plan.

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The other type of reference chart produced by the company is set forth below this paragraph:

21

Saint Augustine

1. When was it founded and by whom?
2. What was its importance?
3. Where was it located?

21

1. It was founded in 1565 by the Spanish.
2. It was the first permanent settlement to be made on the coast of North America.
3. It was located on the Atlantic coast of Florida.

Both reference charts are delivered as accessories to printed objective tests. A sample of a portion of the objective test is set forth below:

American History Quiz No. 1
Civil War - Present Time

NAME _____ DATE _____

ROOM _____ GRADE _____

DIRECTIONS: Indicate true or false statements by placing T or F in the appropriate space.

- _____ 1. Pres. Johnson's moderate program for reconstruction was opposed by the Radical Republicans.
- _____ 2. The Presidential Reconstruction Plan would grant amnesty to most Southerners taking the loyalty oath.
- _____ 3. The war debt of the South was repudiated in the Fourteenth Amendment.
- _____ 4. The Black Codes were laws passed by Congress to protect the freedmen from discrimination.
- _____ 5. The Reconstruction Act prevented the Negroes from voting in the South after the Civil War.
- _____ 6. Carpetbaggers were Southerners who fought for the Confederacy during the Civil War.
- _____ 7. Horatio Seymour was the Democratic candidate for the presidency in the election of 1868.
- _____ 8. The Southern Negroes participated in the sharecrop system in the post-Civil War South.
- _____ 9. Andrew Johnson was elected for a second term in the presidency in 1868.
- _____ 10. Horace Greeley favored a high tariff and opposed slavery.

Full samples of the products, as indicated above, have been submitted with this memorandum.

APPENDIX C

REPORT ON THE EDUCATIONAL USE OF VIS-ED PRODUCTS

By Donald W. Ormiston, Ph. D., Assistant Professor of Psychology, Miami University, Oxford, Ohio

ABBREVIATED REFERENCE CHARTS AS MODERN EDUCATION MATERIALS

The question has been raised as to the quality of abbreviated reference charts such as those of "Vis-Ed" and "Compact Facts" as educational materials. The purpose of this report is to offer reasons for an enthusiastic answer to this question in the form of empirical evidence. The empirical support comes from the results of consumer research conducted by the author which included a survey of the attitudes of college students toward the products in question.

Certainly it would seem that the users of abbreviated reference charts are in a strong position to assess the educational value of such charts as these published by the Visual Education Association, Inc., of Dayton, Ohio. The consumer research mentioned above, conducted last fall, asked random samples of college

freshmen and sophomores at Ohio State University and Miami University for their opinions. One hundred students from each university carefully examined these short-form charts among other types of study aid materials, e.g., "Data Guides," "Monarch Review Notes," "Colliers Basic Facts," and "College Outline" paperbound books, then filled out a 37-item questionnaire and made additional comments in personal interviews. The responses of the students from one university were quite similar to those from the other, suggesting the data are reliable.

Approximately 15 percent of the students had used abbreviated charts in the form of "Vis-Ed Flash Cards" and another 74 percent had either seen them or heard about them. Only 3 percent had used "Compact Facts," which had been on the market only a short time, but an additional 52 percent knew about them prior to the survey.

Of those who had actually used the "Vis-Ed" charts, 12 percent rated them as "very valuable" study aids, 41 percent said they were "considerably helpful," 27 percent thought they were of "some help," 18 percent considered them of "slight value," and only 2 percent declared them to be "not helpful." Clearly, a great majority (80 percent) of the students felt that "Vis-Ed" products were of at least some help in their studies, many rating them highly.

Among "Compact Facts" users, a much more limited number of students, none found them "very valuable," but 43 and 42 percent rated them as "considerably helpful" and of "some help," respectively, with 15 percent rating them as "not helpful." Again, most students felt they made a positive contribution to their learning.

When both users and nonusers (so far) were asked for their general evaluation of these and other study aids as educational materials, an overwhelming 81 percent indicated that they believed them to be desirable.

The comments of individual students also give some insight into their view of chart sets. Abbreviated learning charts were described by many as well-suited to the study of languages, particularly desirable because the loose, small charts allow more flexibility, and "very useful for quick review." One student liked the way they permit you to program your own study. Another said they "make it easy to study for tests." "Compact Facts" were also lauded as study aids because they "help condense and organize * * *" and enable one to "get to the facts easier."

Another criterion that might be applied in defining the nature of any material is who uses them and how they come to use them. It seems quite evident that high school and college students are the major uses of the chart sets. And the consumer research shows that most buy them because their teachers or fellow students recommend them as helpful in their courses. Many bought them when they saw them in their college bookstores, usually at the beginning of the semester at or about the time they were purchasing their textbooks. High school students frequently buy them at school through their teachers.

The setting and motivation for their using study charts might also provide clues as to their proper classification. High schools and college campuses are definitely the most likely settings and the motivation seems to derive from the desire for educational achievement. The promotional efforts of the publisher are directed toward students and teachers, attempting to persuade these people of their value in the educational context and to boost achievement. The value of abbreviated study charts in the learning of languages is well recognized by students and teachers alike.

Therefore, the conclusion seems warranted that study charts of the types produced by "Vis-Ed" are primarily educative, employed mostly in educational settings by students, often on the recommendations of their teachers. Furthermore, most of those who have used the abbreviated charts rate them as making a positive contribution to their education in the areas or courses for which they were intended. The writer's experience as both a student and a professor confirms what they say. It is his opinion, then, that the classification of the "Vis-Ed" products as "educational materials" would appear to be entirely consistent with what he ordinarily considers as educational.

BIOGRAPHY OF DONALD W. ORMISTON

Born in Akron, Ohio, on October 5, 1927, he attended the University of Akron, where the B.S. and M.A. degrees were received in 1950 and 1954, respectively. Prior to college there was a 9-month period of active duty in the U.S. Naval Reserve. After completing the master's degree he entered the graduate school at

Purdue University and was awarded the Ph. D. degree in psychology in January 1958.

Professional experience has been gained in teaching, research, consulting, and clinical activities. After a 1-year clinical internship at the Columbus Psychiatric Institute in the Ohio State University Health Center, he taught for Kent State University during the following year. Then came 3 years of research for the U.S. Air Force on human factors problems associated with space flight. Since that time he has been an assistant professor of psychology at Miami University, Oxford, Ohio.

APPENDIX D

Data-Guide's

PERMANENT ALL PLASTIC



Otto Plescia, Columbia University

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KEY TO NOTATION

° degrees Absolute °C degrees Centigrade deg Fahrenheit T temperature m mass V volume P pressure P pressure, pure s solvent x mole fraction	r ratio of diffusion M.W. molecular weight no. of molecules N concentration molarity N normality electron L liter cal. calories
--	--

1. MATTER

a. CLASSIFICATION OF MATTER. i) ELEMENT—cannot be decomposed by ordinary chemical reactions. ii) COMPOUND—composed of two or more elements chemically combined in definite proportions by weight.

2. CLASSIFICATION OF ELEMENTS. i) METALS—solids of high density, malleable and ductile, good conductors of heat and electricity; tend to lose electrons in chemical reactions (electropositive); oxides form bases with water (copper, magnesium, etc.). ii) NON-METALS—usually low in density and tensile strength; poor conductors of heat and electricity; tend to gain electrons (electronegative); oxides form acids with water (sulfur, chlorine, etc.). Amphoteric elements possess properties of both metals and non-metals.

3. CLASSIFICATION OF COMPOUNDS. i) ACIDS—contain ionizable H⁺; donors of H⁺. ii) BASES—contain ionizable OH⁻; acceptors of H⁺. iii) SALTS—products of neutralization of acids with bases; contain neither H⁺ nor OH⁻ (NaCl). iv) OTHER—ammonia, etc.

II. STRUCTURE OF MATTER

a. LAW OF CONSERVATION OF MASS AND ENERGY. In any ordinary chemical reaction, mass and energy are neither created nor destroyed.

b. LAW OF CONSTANT COMPOSITION. In every sample of a chemical compound, no matter how formed or where found, the proportion by weight of constituent elements is always identical (true for all practical purposes though some exceptions have been noted because of the existence of isotopes).

c. LAW OF MULTIPLE PROPORTIONS. In two or more compounds consisting of the same elements, the definite weights of one element combined with a fixed weight of any other element can be expressed as a ratio of whole numbers.

d. LAW OF COMBINING WEIGHTS. In every compound the proportion by weight of each element may be expressed by a characteristic number or by an integral multiple of that number.

e. DALTON'S ATOMIC HYPOTHESIS. They explain the laws of composition of compounds: i) the ultimate particles of all elements are atoms, incapable of further division; ii) all the atoms of an element have the same relative weight which can be expressed on a relative scale in terms of the atom of ¹²C; iii) chemical reaction consists of union or separation of atoms, as wholes, with each other; iv) molecules are the smallest units of compounds. (These hypotheses are inaccurate in that atoms can be further subdivided, though not by ordinary chemical reactions, and isotopes of elements have been discovered.)

f. ATOMIC WEIGHT OF AN ELEMENT. It is the average weight relative to atomic weight of oxygen taken arbitrarily as 16 (average value used because atoms of an element are isotopic mixtures).

g. LAW OF DILUTION AND TITR. It is a guide to atomic weights—product of atomic weight of element and its specific heat in solid state = 6.4 calories approximately.

h. MODERN ATOMIC THEORY

i) SOME FUNDAMENTAL UNITS OF THE ATOM. proton charge +1, mass 1.00758; electron charge -1, mass 0.0005486; alpha particle (Helium ion) charge +2, mass 4.001508; deuteron charge +1, mass 2.01355; positron charge +1, mass 0.0005486.

ii) STRUCTURE OF ATOM. Minute nucleus consisting of protons and neutrons having net + charge; electrons arranged in concentric rings or energy levels at comparatively great distances from the nucleus. Number of electrons = number of protons so that the atom is electrically neutral. Energy levels are denoted by letters K, L, M, N, O, P, and Q where K is first, located nearest the nucleus, and Q the seventh, located farthest from the nucleus. Electrons at great distance from nucleus but are in constant motion and are able to jump from one energy level to another. Maximum number of electrons in outermost level is 8 and in next to outermost level is 18 (maximum number of electrons in energy level "n" is 2n²). The number of protons in nucleus is called the atomic number. Elements differ in their atomic number—atoms of same element having the same atomic number but differing in atomic weight are called isotopes. Electrons in outermost level are called valence electrons because they are responsible for the formation of chemical bonds (hold atoms together in compounds). Inner electrons may also participate for some elements—these exhibit variable valence and are called transition elements. Atoms with a complete outer ring (8 electrons), forming a stable octet, are chemically inert (e.g. noble gases).

iii) PERIODICITY OF PROPERTIES OF COMPOUNDS AND ELECTRON DISTRIBUTION. The properties of compounds are a periodic function of their atomic numbers.

iv) TYPES OF CHEMICAL BONDS. IONIC—formation involves transfer of one or more electrons from one atom to another. COVALENT—sharing of electron pairs between atoms, each giving electrons. COORDINATE COVALENT—shared electron pairs come from one atom only.

III. GASES

a. GENERAL PROPERTIES. Have no inherent volume or shape; can be compressed; diffuse readily to form homogeneous mixture; non-compressible; exert pressure.

b. LIQUIDATION OF GASES. Caused by lowering temperature and increasing pressure. Temperature above which gas cannot be liquefied, however great the pressure, is called critical temperature. Pressure necessary to produce liquefaction at critical temperature is called critical pressure.

c. GAS LAWS. See section CHEMICAL CALCULATIONS.

d. IDEAL GAS. Its behavior described by perfect gas law $PV = nRT$. It is a theoretical gas. Real gases deviate from ideal behavior because gas molecules exhibit intermolecular forces of attraction which increase with compression of gas, and molecules have volumes of their own. At high pressures this volume is appreciable compared to the volume occupied by the gas.

e. ASSUMPTIONS OF KINETIC THEORY. Explain general gas behavior. i) Gases are composed of unit particles (molecules) which are very far apart relative to their size. ii) Molecules are in rapid motion, bombarding the walls of the containing vessel. iii) Molecules are perfectly elastic, i.e. there is no loss of energy when they collide with each other and with the walls of the containing vessel. iv) Velocity of the molecules is so great that the forces of attraction between them are insignificant. v) The kinetic energy of gas molecules increases with temperature rise, thus causing an increase in their velocity. Molecules tend to cohere, and occupy an appreciable fraction of the space when pressure is very great.

IV. SOLUTIONS

a. DEFINITION OF A TRUE SOLUTION. Absence of settling or separation of components (in solutions of ordinary depth), apparent homogeneity; dissolved substance subdivided to molecular level. In colloidal solutions or suspensions, the substance is minutely subdivided but not to molecular magnitude.

b. SOLVENT. It is that part of a mixture which dissolves another substance called solute. i) Solute and solvent mix in all proportions. ii) In colloidal solutions or suspensions, the substance is minutely subdivided but not to molecular magnitude.

c. CONCENTRATION OF A SOLUTION. It is the quantity of solute dissolved in a given quantity of solvent. Expressions of concentration are: weight of solute per given volume of solvent or weight of solute per given weight of solvent (wt % basis); molarity—number of moles of solute per liter of solution; molality—number of moles per 1000 grams of solvent; normality—number of equivalents of solute per liter of solution.

d. SATURATED SOLUTION. Solute molecules are in equilibrium with undissolved molecules in the solid. Supersaturated solutions contain more solute molecules in solution than in a saturated solution at the same temperature and pressure.

e. HEAT OF SOLUTION. It is the quantity of heat evolved or absorbed when one mole of solute dissolves in a solution of given concentration at a given temperature.

f. VAPOR PRESSURE OF A SOLUTION. It is the pressure of its vapor phase in equilibrium with the solution.

g. BOILING POINT OF A SOLUTION. It is the temperature at which its vapor pressure = atmospheric pressure; normal boiling point is the temperature at which its vapor pressure = 760 mm. of Hg or 1 atmosphere.

h. FREEZING POINT OF A SOLUTION. It is the temperature at which solid and liquid phases are in equilibrium.

i. CONDUCTANCE OF A SOLUTION. It is a measure of its ability to conduct current and is the reciprocal of electrical resistance. Conductance of a 1M solution placed between electrodes 1 cm. apart is its molar conductance.

j. VISCOSITY OF A SOLUTION. It is the measure of its internal friction or the resistance to its flow.

k. DIFFUSION. It is a transport of molecules due to a concentration gradient only. A concentration gradient of solute exists between two points in a solution when the concentration of solute is different at these two points. Diffusion of a solute may be observed and measured across the boundary formed between these solutions.

l. EXTRACTION. It is the process of transferring a substance from one solvent into another solvent in which it is more soluble.

m. CRYSTALLIZATION. It is the formation of solid crystals from a supersaturated solution; crystallization is aided by "seeding" (introducing solid crystals of the same substance).

n. DISSOLUTION. If a solution is separated from the pure solvent by a semipermeable membrane which permits only solvent molecules to pass through, there develops across the membrane a pressure called osmotic pressure. Osmotic pressure is the pressure which must be applied to the pure solvent to prevent it from passing into the solution. This pressure difference is called the osmotic pressure of the solution. Osmotic pressure is a function of solute concentration and the number of solute molecules, for solutions at 20° Centigrade, $P = 23.6 \times C$ where P is the osmotic pressure in atmospheres and C is the concentration of solute in molarity. Osmotic pressure method is used for determining the molecular weight of substances of high molecular weight soluble in solvents.

o. ELECTROLYTES. i) Strong electrolytes are substances which dissociate completely into ions in solution. ii) Weak electrolytes are substances which dissociate partially into ions in solution. iii) Non-electrolytes are substances which do not dissociate into ions in solution. iv) Strong electrolytes dissociate completely but weak electrolytes, only partially. v) GASES, LIQUIDS, AND SOLIDS. Gases, liquids, and solids are generally more soluble with increase in temperature—gases, less soluble. Gases are more soluble with increase in pressure.

p. TYPES OF CHEMICAL BONDS. IONIC—formation involves transfer of one or more electrons from one atom to another. COVALENT—sharing of electron pairs between atoms, each giving electrons. COORDINATE COVALENT—shared electron pairs come from one atom only.

— charges on the solution is electrically neutral. i) A gram-molecular weight of ionic substance has the same effect on vapor pressure, boiling point, or freezing point, as has one mole of un-ionized substance. ii) Electrolytes dissociate to different extents, increasing with dilution; undissociated molecules of solute and its ions are in equilibrium. iii) DISSOLUTION. i) Strong electrolytes are 100% dissociated in solution. ii) Electrolytes appear to be partially ionized because of intermolecular interaction resulting from electrostatic forces which increase with concentration and charge of ions. These forces cause retardation in movement of ions in solution and account for the decrease in conductance of solution and mobility of ions. iii) Because of intermolecular interaction, the concentration of solute is multiplied by a correction factor called the activity coefficient which depends on the concentration. The product of concentration and activity coefficient is called the activity—the effective concentration.

V. CHEMICAL NOTATION

a. SYMBOLS. represent elements; either 1 atom or 1 gram atom (atomic wt., expressed in grams). Ca, Fe.

b. FORMULAS. represent compounds; represent either 1 molecule with the subscripts denoting the no. of atoms or 1 mole (molecular wt., in grams) with the subscripts indicating the no. of gram-atoms. $AlCl_3$ (aluminum chloride).

c. CHEMICAL EQUATIONS. consist of formulas of the reactants grouped to the left of the arrow and the products grouped to the right. To balance equation, adjust the number of molecules of reactants and products so that no. of atoms of given element appearing in reactants = no. of atoms appearing in products. $2NaOH + H_2SO_4 \rightarrow Na_2SO_4 + 2H_2O$.

d. TYPES OF CHEMICAL REACTIONS. DECOMPOSITION—two or more substances combine to form a single complex substance ($N_2 + 3H_2 \rightarrow 2NH_3$). RECOMBINATION—substance breaks down into two or more simpler substances ($2H_2O \rightarrow 2H_2 + O_2$). SINGLE DISPLACEMENT—an element displaces one of the elements from a compound and unites with the remaining constituents of the compound ($Mg + 2HCl \rightarrow H_2 + MgCl_2$). DOUBLE DECOMPOSITION (or metathesis)—an exchange of radicals takes place between two compounds, a radical is an atom or group of atoms, charged or uncharged, which acts as a unit in chemical changes ($NaCl + AgNO_3 \rightarrow AgCl + NaNO_3$).

VI. CHEMICAL CALCULATIONS

a. TEMPERATURE SCALES AND CONVERSIONS. $^{\circ}C = 5/9(^{\circ}F - 32)$. $^{\circ}A = ^{\circ}C + 273$. $^{\circ}F = 9/5^{\circ}C + 32$.

b. DENSITY. Absolute density = m/V . Relative density = w/v wt. per unit substance ÷ wt. per unit V standard; specific gravity = m of given substance ÷ m of equal V of H_2O at specified temperature.

c. MEASUREMENT OF GASES. i) $P = \text{force} + \text{area}$; ii) standard P = pressure of column of Hg 760 mm. high at $0^{\circ}C = 1 \text{ atm.} = 760 \text{ mm. of Hg}$; iii) $V = \text{volume}$; iv) $n = \text{number of moles}$; v) $T = \text{temperature}$; vi) $P_1/V_1 = P_2/V_2$ (P and n constant); vii) $P_1/T_1 = P_2/T_2$ (V and n constant); viii) $P_1/P_2 = T_1/T_2$ (V and n constant); ix) Dalton's Law of partial pressures. For mixture of two gases $P = P_1 + P_2$.

d. Collection of gases over H_2O . $p_{\text{gas}} = P - p_{\text{H}_2O}$ vapor at temperature gas is collected.

e. Graham's Law of diffusion. $\frac{d}{d_1} = \sqrt{\frac{M_1}{M_2}}$.

f. MOLECULAR WEIGHTS. i) Compounds from their formula: $M.W. = \text{sum of products of atomic weights of constituent elements by number of atoms per molecule of compound}$. Example: $M.W. \text{ of } Na_2CO_3 = 2(23) + (12) + 3(16) = 106$. ii) Gases using Avogadro's hypothesis: $M.W. = \text{vol. at } 0^{\circ}C \text{ and 1 atm.} \times \text{Non-volatile non-electrolyte factor}$. Example: $M.W. = (\text{g. substance per 1000 g. } H_2O) (0.52)$.

g. Boiling point. $M.W. = (\text{g. substance per 1000 g. } H_2O) (1.86)$.

h. Freezing point. $M.W. = (\text{g. substance per 1000 g. } H_2O) (1.86)$.

i. Freezing point. $M.W. = (\text{g. substance per 1000 g. } H_2O) (1.86)$.

j. COMPOSITION OF COMPOUNDS AND FORMULA. i) The % of constituent element = product of number of atoms of element per molecule and its atomic weight ÷ $M.W.$ compound, fraction obtained $\times 100$. Example: % Na in $Na_2CO_3 = \frac{2(23)}{106} \times 100 = 43.4\%$.

k. Simplest formula from composition of elements. Divide % of each element by its atomic weight. Find these values by their smallest to get simplest ratio of whole numbers giving number of atoms of each element per molecule in its simplest formula. Example: 40% C and 60% O. $\frac{40}{12} = 3.33$, $\frac{60}{16} = 3.75$. Simplest formula is CH_2O .

l. Stoichiometric problems based on chemical equations.

m. PRELIMINARY DIVIDING WEIGHTS ONLY. i) write complete balanced equation; ii) single out substances involved and under each write equation-weights (M.W. times number of molecules).

APPENDIX E

PURCHASE ORDER

LOUISIANA STATE UNIVERSITY
IN NEW ORLEANS

LSUNO BOOKSTORE
LAKEFRONT
NEW ORLEANS 22, LA.

No. 80275

PLACE THIS NUMBER
ON YOUR INVOICE,
PACKAGES, AND ALL CORRESPONDENCE.

MEMBER
NATIONAL ASSOCIATION
OF COLLEGE STORES



Vis-Ed Association
321 Hopeland Street
Dayton 8, OHIO

DELIVERY DATE: April 1, 1965 19
TERMS: April 15 or before
F.O.B.:
SHIP VIA: Book Post

NO TAX FOR RESALE

INSTRUCTIONS	QUANTITY	DESCRIPTION	UNIT	TOTAL
COMPACT FACTS				
1. SUBMIT INVOICE IN DUPLICATE.	5	ENGL GRAMMAR		
	5	ENGL PUNCT		
	5	ENGL COMP		
2. INVOICE OR PRICED PACKING SLIP MUST ACCOMPANY SHIPMENT.	5	FRENCH GRAMMAR		
	5	FRENCH CONV		
	5	SPANISH VERBS		
	5	SPANISH GRAMMAR		
3. DO NOT INSURE AT OUR EXPENSE.	5	SPANISH CONV		
	10	GERMAN VERBS		
	5	RUSSIAN CONV		
4. WE WILL NOT ACCEPT CHARGES FOR PACKING AND CRATING.	10	AM HIST I		
	5	AM HIST II		
	5	AM GOVT		
	5	BASIC ALGEBRA		
5. SHIPMENT WILL BE ACCEPTED ONLY AT PRICES, DISCOUNTS, AND TERMS, STATED HEREON.	5	INTERM ALGEBRA		
	5	PSYCHOLOGY		
	5	MARKETING		
	10	GERMAN GRAMMAR		
	10	GERMAN CONV		
	10	BLANK CARDS		
		VIS ED CARDS		
	10	AM HIST I	5	
	10	ENGLISH	5	
	10	AM HIST II	5	
	10	AM GOVT	5	
	5	HIST OF ENGLAND		
	10	WORLD HIST I		
	5	FRENCH		
	5	SPANISH		
	10	GERMAN		
		11611		
		ALGEBRA		
		PHYSICS		
		INORG CHEMISTRY		
		ORGANIC CHEMISTRY		
		TOTAL		

SELLER AGREES THAT THE SALE OR USE OF THE MERCHANDISE COVERED BY THIS ORDER DOES NOT INFRINGE UPON ANY UNITED STATES PATENT, TRADE MARK, OR COPYRIGHT AND SELLER SHALL HOLD PURCHASER AND ITS VENDEES HARMLESS AGAINST ANY SUIT OR JUDGEMENT ENTERED AGAINST PURCHASER OR ITS VENDEES ON ACCOUNT OF ANY INFRINGEMENT.

ACCOUNT NO. 394-08/610

Ralph Jordan
BOOTHMAN MANAGER

VENDOR'S COPY

PURCHASE ORDER		CORNELL CAMPUS STORE, INC.	ITHACA, N. Y.	No. 3303
To			THIS ORDER NUMBER MUST APPEAR ON YOUR INVOICE AND ON ALL SHIPMENTS. TERMS DEL. DATE DATE 7-23-65	
Visual Ed. Assoc. 321 Hopeland St. Dayton 8, Ohio				
QUANTITY	ARTICLES			
10	VISUAL ED. VOC. CARDS - spanish			
10	" " " " ENGLISH			
5	" " " " INORGANIC CHEMISTRY			
5	TWENTY WORDS A DAY TO PERFECT SPELLING			
5	VIS ED. VOC. CARDS - ITALIAN			
5	" " " " LATIN			
IMPORTANT — SHIP THIS ORDER AS INDICATED BELOW ☐ PARCEL POST, ZONE RATE ☒ PARCEL POST, BOOK RATE ☐ RAILWAY EXPRESS ☐ MOTOR TRUCK ☐ UNITED PARCEL SERVICE				
			THIS ORDER IS SUBJECT TO CONDITIONS OF PURCHASE LISTED ON BACK. CORNELL CAMPUS STORE, INC. P. J. KREBS, Mgr. By <i>Stamp, Roy</i>	

Mr. HENRY. We have also placed samples on the desk of each of the Congressmen. We ask they be kept by the Congressmen and not inserted in the record

Mr. MORRISON. Thank you.

Mr. LOVE. For educational purposes.

Mr. HENRY. For educational purposes, as Congressman Love says.

I might say this: Mr. Udall, you asked if other companies were involved in this field. There are 4 major companies who produce this type of product, and there are perhaps 20 additional small companies who have it as part of their product production.

Our own dollar volume of sales is about \$400,000 annually.

Mr. MORRISON. Are the other major companies denied this rate?

Mr. HENRY. We know of one who has not come to the attention of the Post Office Department and who, I believe, is still shipping under the old rate, but we do not mention their name purposely.

Mr. MORRISON. What about the others?

Mr. HENRY. It has come to the attention of the Post Office Department that there was shipment of like product by others and they have been denied.

Mr. MORRISON. You say there are four?

Mr. HENRY. There are four major producers of this type of product.

Mr. MORRISON. And you are one of them?

Mr. HENRY. Yes, sir.

Mr. MORRISON. So three of them are not getting the rate and one is?

Mr. HENRY. We know of one that is.

Mr. MORRISON. By simple mathematics that leaves three.

Mr. HENRY. I believe that is true; yes, sir.

What has happened, in fact, I think, is that this is an educational pup grown up. The training cards are something which have become of vogue in the educational field. They have developed into a fine and good tool to teach. This was not true until after World War I when this product began to expand.

As a result, in the early days for 10 years we had the use of this special postal rate. I think we had it because we were sitting on the laps of all the other educational materials.

We are now sort of a distinctive field. When the Post Office Department saw it was a distinctive field they said:

This is technical, you are not under this bill, and we want you not to receive this special postal rate.

Mr. MORRISON. As I understand it, when this issue first came up you were allowed a certain number of months in which to continue to operate at the preferential rate.

Mr. HENRY. When it became known we were right in the middle of the shipping season of 1964, nothing was done during that intervening period. They gave us the extension beyond the shipping season.

Mr. MORRISON. How long was that extension?

Mr. HENRY. Until January 1, 1965, and those last few months of 1964.

Mr. MORRISON. January 1, 1965. Since then you have been shipping at the new rate?

Mr. HENRY. Yes, sir, although we are just now coming into the major shipping season, the latter part of the year.

Mr. OLSEN. What is the difference in the rate?

Mr. HENRY. What it would amount to to us is the difference between \$15,000 we are paying annually now and \$35,000, or \$20,000 to us in additional cost.

Mr. OLSEN. It is substantial to the Post Office, too.

Mr. HENRY. But this is the amount they would be increasing their revenue. They would not be decreasing their income by that much.

Mr. MORRISON. How many people do you employ?

Mr. IMBUS. We employ only six to eight people but we have association with another company which does the manufacturing of our product. Actually our company is strictly a marketing organization and the company which manufactures our product, I would say our product accounts for roughly 30 percent of their business. They have approximately 80 employees.

Mr. HENRY. We have covered this with the Post Office Department. We employ seven regular full-time employees. We provide additional full-time employment for 18 employees of this associate company in addition to our regular full-time employees and others employed because of the company, and finally we are a substantial part-time employer in that we employ over 40 educators and professors on a part-time basis to prepare these cards. We are also a part-time employer in that we employ mailing clerks at the high time of the year, 20 additional female employees. We are a regular full-time employer of 65 persons plus the female employees and mailing clerks.

Mr. MORRISON. Where cards are put in book form and perforated so you can tear them off, they receive a preferential book rate. Your product involves the same principle, the same features, and accomplishes the same thing in the educational field but you do not enjoy this rate because it is put in a card box.

Mr. HENRY. That is right. If I may pass around the sample. It shows a French tear-out book which achieves the rate and our cards do not achieve the rate.

Mr. MORRISON. In other words, it is just a question of the difference in how you make the cards. In one instance the purchaser tears them off at the perforation, and can very well put them in a box like this, but you do this in advance and are penalized.

Mr. HENRY. That is right. For the students who use them, these two products are displayed side by side because they both have the educational rate at this moment, and have had it. Some students prefer this way and some others this other way. To deny the educational rate to this is to deny the chance to use this technique.

Here is another example, Mr. Chairman. Here is a summary card or chart which contains the same information in economics as the cards in this box. The only difference is that this is printed on a sheet so you can put it in a notebook and this is in card form so you can put it in your pocket and study it as you go along.

If I may pass this along it will show the same information exactly; one getting the educational rate and the other denied the educational rate.

Mr. MORRISON. It is like having a transportation rate for a suit of clothes, a two-button suit at one rate and a three-button at another rate, even though both serve the same purpose.

Mr. HENRY. The chairman has stated it exactly.

Mr. MORRISON. It is still a suit. This is still educational material and an educational product.

Mr. HENRY. If I may say a couple more words in conclusion.

Mr. OLSEN. The Post Office Department makes the distinction that one is more a tool of the teacher than the other. Is that the distinction?

Mr. HENRY. If the honorable Congressman will look at the plastic chart up there which has just come around, the Post Office Department—

Mr. OLSEN. I can't read it. It is too fine a print.

Mr. HENRY. The teacher does not use that. That is a tool of the student. They say:

This was the only sample shown Congress when this section was approved and, therefore, we will limit it to this.

We also argued to the Post Office Department we should come within section 7 as it now stands, but they say "No, we have now made a new class of your people."

That is not the distinction they have made, sir.

I think they have made several statements but not that distinction, at least not to us as being the reason for not allowing it.

I might say to the chairman, if he will look at the conclusion of our memorandum, one of the last two exhibits, appendix E, we have there a purchase order from your great State. We have included that for a very real purpose.

If you will note on the purchase order it says "Ship by book post" up in the right-hand corner to "Louisiana State University." The reason they do this is because the customers, our market who would be selling to the student, compare this to all the other educational materials they are receiving under this special fourth-class rate. This customer will not absorb an increase. We can't. This product undoubtedly will disappear from the market if it cannot be competitive. It costs as much to produce it as the other forms. If we have

a higher shipping rate than the other forms of teaching equipment which are comparable in their ends and purposes, and they have a lower shipping rate, this product must disappear from the market because it cannot take that difference.

What the Department is doing, in effect, is saying to our company "We will raise your rates so you will go out of business and this product will disappear."

We submit that is not in accordance with the whole philosophy of today of the educational postal rate and the administration's program. We want to educate our students as much as we possibly can and we want to provide to them as many competitive tools as they can use.

Our reporter even asked me for a set because he is contemplating teaching stenotyping by correspondence in schools and he thinks perhaps this may be a way he can teach English best, that his people might learn it best this way. That is an example of how this field is growing up. It comes within the intent and meaning of the law.

The Post Office has made a technical distinction which we ask you to correct.

Mr. MORRISON. Are there any questions?

Mr. DANIELS. To whom do you sell your merchandise?

Mr. HENRY. Mostly college and school bookstores.

Mr. DANIELS. Direct to the students, also?

Mr. HENRY. No, sir. We would but the student usually goes into a college bookstore, looks at merchandise displayed on shelves there, and selects that kind of educational merchandise, or the teacher may go in, the high school teacher may go in and select that kind of educational merchandise which most appeals to him.

We also sell to school systems.

Mr. DANIELS. Can you furnish names of the colleges?

Mr. HENRY. You have two back there, the Philadelphia school system which has approved it. The Chicago school system purchases directly from us, and then the largest small customers are the bookstores you see listed in the brief. In every State in the Union bookstores send in their orders.

I can furnish you the names of many of them if you would like me to, Mr. Daniels. We mentioned only two school systems but I can give you more.

Mr. DANIELS. We should have them for the record, Mr. Chairman.

Mr. HENRY. We shall send it to the committee.

Mr. MORRISON. Thank you very kindly for your excellent presentation, gentlemen.

Mr. LOVE. Thank you again, Mr. Chairman.

Mr. MORRISON. The committee now would like to hear from the two gentlemen representing the Post Office Department, Mr. Charles H. Ryan, Deputy Assistant Postmaster General, Postmaster and Patron Relations, Bureau of Operations, and Mr. Edwin A. Riley, Director, Classification and Special Services Division, Bureau of Operations.

STATEMENT OF CHARLES H. RYAN, DEPUTY ASSISTANT POSTMASTER GENERAL, POSTMASTER AND PATRON RELATIONS, BUREAU OF OPERATIONS, AND EDWIN A. RILEY, DIRECTOR, CLASSIFICATION AND SPECIAL SERVICES DIVISION, BUREAU OF OPERATIONS

Mr. RYAN. Mr. Chairman, I am Charles H. Ryan, Deputy Assistant Postmaster General, Postmaster and Patron Relations, Bureau of Operations.

I have with me Mr. Edwin A. Riley, Director, Classification and Special Services Division, Bureau of Operations.

We are also accompanied by Mr. Arthur Eden, who is the Director of the Postal Rates Division of the Bureau of Finance, and Mr. William Lawrence of the Office of the General Counsel.

Mr. Chairman, I have just a very brief statement which is merely a reiteration of the Department's position presented to the committee on April 28 by Postmaster General John A. Gronouski.

These measures would amend the law 39 U.S.C. 4554(a) to permit the mailing of training cards designed for use in connection with classroom instruction at the special postage rates provided therein.

The Department is opposed to the enactment of this legislation.

The training cards described above would include the ordinary index type cards, blank or ruled, and other such cards which appear to be more closely akin to general school supplies than to educational materials such as books, manuscripts, films and the like.

This legislation would discriminate against mailers of such school items as slide rulers, protractors, T-squares, and similar aids used in classroom instruction.

Mr. MORRISON. Let me interrupt you there. How would it discriminate?

Mr. RYAN. Sir, those items are used as a matter of practice in schools as instruction aids. These items cannot be mailed presently under the educational rate.

Mr. MORRISON. Well, that could be true. Slide rules, protractors, and T-squares have not come before the committee and as far as we know its manufacturers have made no objection.

No law has ever been passed by Congress in which you could not go off on a tangent and say that because the law takes care of these people there may be some people in x or y direction who would be discriminated against.

Frankly I do not see how this bill would discriminate against slide rule manufacturers. A student who would use this visual aid product would not necessarily use a slide rule or a protractor or a T-square. That may be beyond their reach.

I will tell you this: I think the slide rules and protractors and T-squares can speak for themselves.

Do you have any information that you can give this committee that the owners or manufacturers of T-squares, protractors, and slide rules object to this legislation because it is discriminatory against them?

Mr. RYAN. No, sir; I do not.

Mr. MORRISON. Then your argument does not impress me very much.

Mr. OLSEN. Mr. Ryan, what I would like to know is the difference in the cost of shipping this small box of French grammar cards and this book of French grammar. Do I get that from the Post Office Department?

Mr. RILEY. You mean the difference in the rate applicable at this time?

Mr. OLSEN. How much does it cost to move this French grammar book, and how much does it cost to move this French box?

Mr. RILEY. Assuming that is a book within the meaning of the statute, the rate would be 10 cents for the first pound and 5 cents for each additional pound. That appears to be a very small book so it would be sent at the book rate, the rate of postage for books. This material was being mailed when it first came to our attention identically the same way, 10 cents for the first pound and 5 cents for each additional pound.

Mr. OLSEN. Now the rate has been changed?

Mr. RILEY. Yes. We did not change the rate.

Mr. OLSEN. You changed the classification of the materials?

Mr. RILEY. Yes, sir.

Mr. OLSEN. What is the rate which must be paid now?

Mr. RILEY. These would be mailed at the regular third- or fourth-class rate which applies to any kind of merchandise. If it weighs 16 ounces or over, it would be the regular parcel post rate. If they mail them in boxes, a box of 16 ounces or over would take the regular parcel post zone rate paid for other merchandise.

Mr. OLSEN. In the first zone, how much would it be?

Mr. RILEY. The local zone for 2 pounds is 29 cents. That is the cheapest rate there is.

Mr. OLSEN. If it went to the eighth zone, how much would it be?

Mr. RILEY. The eighth zone for 2 pounds is 72 cents.

Mr. OLSEN. This would be 72 cents a pound?

Mr. RILEY. In 16 ounces or over.

Mr. OLSEN. And the book?

Mr. RILEY. If it is a book—

Mr. OLSEN. Assume it is a book.

Mr. RILEY. The book would be 10 cents for the first pound, 5 cents for each additional pound.

Mr. MORRISON. From the educational standpoint, what is the difference between the two?

Mr. RILEY. This rate is really not an educational rate.

Mr. MORRISON. I am not talking about the rate. From the educational standpoint, what is the difference between the cards and the book? I do not think there is any difference, do you?

Mr. RILEY. I am not sure I can answer that. The book rate—

Mr. OLSEN. Mr. Chairman, I have been referring to this item, the French grammar, as a book. He refers to a book rate instead of the educational rate.

Mr. MORRISON. I understand that. What is the difference in the educational features of these two? Maybe I have not made myself clear. I do not see any difference between them from the educational standpoint. The card is for education and the book is for education. I want to know if you feel the same way about it.

Mr. RILEY. The only point I want to make is, the book is entitled to the book rate whether it is educational or not.

Mr. MORRISON. That is exactly correct. That is exactly why we are here. One gets one rate and the other one does not. Regardless of the rate, let us get down to the purpose of the book as compared to the purpose of the card. Are not both of them similar, both being educational, training, or teaching?

Mr. RILEY. I think it is perfectly possible that the book could have the same purpose as the card, yes, sir.

Mr. MORRISON. I am not asking you if it is possible. I am asking you what both of them do. Do not both of them do the same thing? Both of them are educational.

Mr. RILEY. They do if they are designed for the same purpose. The point I want to make—

Mr. MORRISON. That is right, they are designed for the same purpose, even though one is put in a box and the other is put in a book.

Mr. RILEY. We already have a rate here for books. There is no requirement that they be educational. They can be the most terrible book that anyone ever wrote, and still be entitled to the low rate.

Mr. MORRISON. That is all well and true. If you tear a perforated book in order to make cards out of them, what is the difference between this and cards initially placed in boxes? And why did you let this continue for 10 years?

Mr. RILEY. We are working here from a book rate. There was originally a book rate. In 1958 the book rate was amended by adding several individual items to it. These items were very confusing to people out in the post offices. So, beginning somewhere in there, in 1959 or 1960, in this case the Dayton post office started accepting these cards at the book rate of postage. The Department here in Washington did not know about this, but it could not have gone on any longer than back to 1958, because that is the first time that the law was enlarged to cover anything other than books.

Mr. MORRISON. Frankly, I think these cards should be given the same rate as given to books. Congress always has given education a top priority. This year we appropriated several billion dollars for educational purposes. I believe this bill follows the same pattern. Rather than put this company out of business, the people out of work, and more important, prevent people from using these materials for educational purposes, we should be assisting them to continue the service they perform in the field of education. I believe the Post Office Department could do this under existing law.

Since the company originally had the benefit of the lower rate to ship their product through the mail, I wonder why they cannot continue to use the same rate until we have an opportunity to re-examine the matter. All of us realize there will be a postal rate bill next year and our subcommittee will have to consider it. Since the precedent has been set, it would seem to me that the company should be permitted to continue to use the lower rate until this committee has a chance to consider all of the postal rate problems next year. Could this be done?

Mr. RILEY. I do not believe we are in a position to answer that this morning.

Mr. MORRISON. With whom does it have to be taken up with?

Mr. RILEY. We feel Congress has itemized specific items here and we have no authority to expand these descriptions here.

Mr. MORRISON. I understand that, but you have set the precedent of giving an extension; have you not?

Mr. RILEY. I hate to call it a "precedent."

Mr. MORRISON. I call it a "precedent." You call it whatever you want. A precedent has been set. If it is wrong to give an extension, then you should not have done it. You thought it was right to give them an extension previously. Since you gave them one extension on behalf of this subcommittee I request that you give them another extension. I think this is a reasonable request because this subcommittee will take up the rate bill beginning in January and go into it fully. Then we can take all the testimony that is necessary and formulate legislation which will make it crystal clear to the Department what they should do about this. In the meantime, from the overall standpoint, you would just be extending the precedent. You that you have already set.

I do not know how the Department feels about a request from a congressional committee, but I think you ought to give it serious consideration. If you cannot answer that this morning, then we would like to have the answer as quickly as you can get it for us. You gentlemen are the experts in this field.

Mr. OLSEN. In that regard, may I ask a question on section 4554, subparagraph (4), where it says:

(4) Printed objective test materials and accessories thereto used by or in behalf of educational institutions in the testing of ability, aptitude, achievement, interests, and other mental and personal qualities with or without answer, test scores, or identifying information recorded thereon in writing or by mark.

I am looking at these cards. I can guarantee you that they are objective test material and they give the question and they also provide the answer.

Have you seen them?

Mr. RILEY. Yes, sir.

Mr. OLSEN. On one side is the question, and on the other side is the answer.

Mr. RILEY. May I offer an explanation?

Mr. OLSEN. I want you to comment on that, Mr. Riley, because it directly relates to the question of the chairman. Sitting here this morning we think that by just reading that subsection (4) you can grant the educational rate to this material and, if you cannot do it under (4), then look down at No. (7):

Printed educational reference charts, permanently processed for preservation.

Go ahead. Let us have your comment on (4).

Mr. RILEY. No. (4) was added in 1958 to the postage rate bill. There was no hearing on this amendment that year. There had been a hearing, I believe, in 1956 or 1957 before the House committee. At that time the publishers of what were commonly referred to as the college entrance tests, and such material, made a case for this amendment. It was our understanding that the objective tests to determine ability, aptitude, achievement, and so on, were not to be confused with so-called teaching aids. There are a great number of teaching aids of all shapes and sizes, big contraptions, all kinds of things. We have been asked by the mailers of many of these materials to call them objective test materials. I have had some very interesting experiences on this line.

We have had lawyers who represent the mailer for a while insist it is objective test material, and then later they change lawyers and the lawyers will come back and say of course it isn't objective test material, but it should come under the charts or something else. In other words, these provisions are so complicated and so intricate, you might say, there isn't general agreement as to what they mean.

However, I was intrigued by the testimony here this morning during which these cards were referred to at one time as review, reference, and study material, another time they were referred to as to be used solely for learning purposes, and a third time they were called a tool to teach with. In view of that, I simply cannot see how you could say they are objective test materials within the meaning of (4), which we know was put in there for the abstract type of test.

As to No. (7), the chart which was given to you—

Mr. OLSEN. This specific one on "Principles of Economics"?

Mr. RILEY. Yes, that was the exhibit that was used by the mailer when he asked that No. (7) be made a part of the law. Originally the draft of the bill had the word "plastic" in it, permanently processed by plastic for preservation. There wasn't any doubt but what it meant some kind of permanent lacquer or plastic or something applied to the paper to make these things waterproof and fireproof and that sort of thing. The Congress enacted this provision in this restricted way, and we do not feel that we have authority to expand it to other material.

Mr. OLSEN. Your interpretation of this language is based upon some history in the presentation of the amendment.

Mr. RILEY. Yes, sir. The original rate was fixed by President Roosevelt in 1936 as a rate for books. It was fixed by Executive order originally. It was not until 1951 that it was changed in any way. At that time the first item here, No. (2), film, was added to go at the book rate. We called this the book rate up until about 1959, at which time there were so many items included that we had to call it something else. Now we call it the special fourth-class rate because some of these items obviously do not need to be educational. You can mail any kind of phonograph record that you have, for example, sound recordings. You can even mail tape recordings that are not music. They can actually be correspondence.

Mr. MORRISON. Mr. Ryan, I think I interrupted your testimony. Have you any further testimony?

Mr. RYAN. The only thing I wanted to add was one paragraph, if I may.

In recent years there has been a tremendous growth in the volume of mailings under the special fourth-class rate. The volume of mailings which received the special fourth-class postage rate in 1964 was almost twice the volume of such mailings in 1961. The difference between the costs and revenues rose from \$19 million in 1961 to \$57 million in 1964. Pursuant to law, these sums were accounted for as public service items.

That is all I wanted to put in the testimony, sir.

Mr. DANIELS. Mr. Ryan, the mere fact that the volume of mail has doubled from 1961 to 1964 should not be the determining factor as to whether or not this material qualifies or does not qualify for this special rate.

Mr. RYAN. That is correct, sir.

Mr. DANIELS. Either it qualifies or it does not qualify. I have been looking at these cards, both the type that are in the large box and also this rectangular box. I fail to see why this material does not qualify for the special rate under section 4554, subsection (4), which says:

Printed objective test materials and accessories thereto used by or in behalf of educational institutions in the testing of ability, aptitude, achievement, interests, and other mental and personal qualities with or without answer, test scores, or identifying information recorded thereon in writing or by mark.

There is nothing in that paragraph which says it must be in book form. It could be any kind of material which is used for testing the educational aptitude of persons. The testimony by the previous witnesses was to the effect that this material is sent to colleges, schools, and booksellers, and it could very well qualify under this section.

Who made these rulings or the determination that this material does not qualify?

Mr. RILEY. I made the original ruling. It has been confirmed by our General Counsel's Office.

Mr. DANIELS. Has it ever been tested in the court?

Mr. RILEY. No, sir. I would like again to say there isn't anything in this section (4) about teaching aids. A vast quantity of these materials is being used.

Mr. OLSEN. If it qualifies under that language at all, then because it happens to be a teaching aid, because it happens to have other utility in addition to qualifying under No. 4, should not then disqualify it. That is our point. If it can be used as objective test material, then it qualifies. Because it has some other particular qualities should not disqualify it.

Mr. RILEY. I would like to say that administratively it is very difficult to draw lines between teaching aids and objective tests. We have felt if Congress wants to extend this postage rate to vast quantities of teaching aids, Congress should indicate it so desires, rather than have the Department do this administratively. There is really an enormous amount of revenue involved here.

Mr. MORRISON. Mr. Riley, I think you are getting a hint today just that way. Frankly, when we take up our rate bill beginning the first of the year, I think this committee is going to go to the very nth degree, so to speak, to the greatest degree, in assisting to get educational material to all the people of this country. I do not see why we should not when we are spending billions of dollars for education, as we are, and when this administration is putting the emphasis on education that it is.

You say one of the reasons this legislation should not go through is that the costs will increase from \$19 to \$57 million. I am sure there is a lot of cost in connection with educational materials. To me, that is not very impressive. I wish more educational material were sent to our people all over the country. You take the negative position: don't send it to the people. Don't get it to them at a low cost which the poor people can afford. Charge them the high rate so the company has to go out of business.

I think you are figuring reasons why it cannot be done, instead of going ahead and doing it. As Congressman Olsen has brought out, it certainly comes within the present law. This Congress is growing to a close and there is not much time left for the legislation which already

has been put forth. I think the best way of doing it and certainly the way the committee would like to have it done is that you give another extension until this matter can be taken up in full. Then you will have ample opportunity to testify concerning the feelings of the Department in January.

I will direct this question to Mr. Ryan. You hold a very high position in the Post Office Department. You said you could not decide today. We are in haste because time is running short in this Congress. I am just wondering when you could give us an answer to our request.

Mr. RYAN. Congressman, I will give you an answer by the end of this week or early next week.

Mr. MORRISON. I do not mean to be putting such a rush act on. Today is Wednesday. I do not see why, after you leave here today, you cannot go ahead and decide whether you are going to do it or not. It is not such an involved question. It has been well aired before the committee today. I took it up with Mr. Belen some 10 days or 2 weeks ago. He kept on putting me off for one reason or another. Frankly, I think the committee would like to have an answer by Friday noon.

Mr. RYAN. All right, sir.

Mr. MORRISON. Any further questions?

Mr. OLSEN. Not on this subject but on another part of the act. You say any tape recording or phonograph record can go at the special rate?

Mr. RILEY. Recording.

Mr. OLSEN. It does not have to be connected with education at all?

Mr. RILEY. No, sir, and in no particular style. It can be narrative or music or whatever. Actually, this is open to the transmission of personal correspondence under this provision.

Mr. OLSEN. And printed music, I see, whether in bound form or sheet form. That does not have to be in any way educational. It can be commercial shipments.

Mr. RILEY. Yes, sir.

Mr. OLSEN. Do they get the special rate here?

16-millimeter films and 16-millimeter film catalogs except when sent to commercial theaters.

Film catalogs and printed music, in bound form or sheet form, are the only ones, though, that do not have to have some connection with education. The other exceptions have to have some connection with education.

Mr. RILEY. The big item is the books. Just books.

Mr. OLSEN. Any book?

Mr. RILEY. Yes.

Mr. OLSEN. Even the kind that Mr. Cunningham does not like?

Mr. RILEY. Yes, sir.

I would like to make another point, too. In considering this question, we cannot just consider one company. We have to consider the producers of every material of this kind there is.

Mr. MORRISON. The Visual Education Association witnesses just testified there were but four manufacturers of this particular product. So what difference does it make whether you give a ruling that will

take care of 4 of them or 400? If 400 people could be in the manufacture of this product, it would aid education and would help people who may not be able to buy expensive books. They could buy this product at a nominal price.

The Post Office Department, Congress, and everybody else ought to be highly pleased and very gratified that these people produce this product. It is a wonderful product and should get into the hands of many people. Louisiana State University sells it in their bookstore in New Orleans. Louisiana State University has around 25,000 students. If it were not a good product, I do not think Louisiana State University would be using it. I do not think Cornell would be using it. I do not think a lot of schools that they are going to would be using it.

Mr. OLSEN. I wish to concur with the chairman. I think it would be well if the Post Office Department could give these people an extension of time until we can consider the subject the first of the year. At that time I would like to go into the whole question of who can qualify to get this low rate. I would like to give some thought to a permit system. For example, to qualify for a special permit, you would have to be in the education business in order to take advantage of this special rate.

Mr. RILEY. Approved by Health, Education, and Welfare, or something like that.

Mr. OLSEN. You would have to qualify for the permit first. Once you showed that you were in the educational field then you would get the special rate for certain materials. Something like that I think would be a better approach than a hit-or-miss amendment.

Mr. MORRISON. That is why I think our request is reasonable. That is why I think the Post Office Department ought to grant it. They have already set a precedent.

Mr. OLSEN. I think especially with educational material.

Mr. MORRISON. Why not give another extension until we can take the matter up fully, as you have suggested. Certainly the cost is irrelevant as far as the overall cost of Post Office operations. It will certainly be very beneficial to the company and keep them from going out of business. It certainly will be very beneficial to the people who get this product, because it is used strictly for education. I do not see any reason for not granting this committee's request. All the arguments are preponderantly for it. It would be different if Congress were just beginning instead of Congress trying to get through the great amount of pressing work we have in order to adjourn for this session.

I think you ought to grant it if the feeling of Congress means anything to the Post Office Department. Of course, if it does not, you can refuse to grant it. I just cannot see where this request is not very reasonable, and I cannot see why this is not the logical way to go about it. Certainly it is the way the committee would like to go about it.

Congress wants to do something about it and will do something about it if you give us the opportunity to do it in the proper way.

Mr. DANIELS. Mr. Riley, have you examined this group of cards under the caption of "English Grammar"?

Mr. RILEY. I am not sure I have. I have one here on "History."

Mr. DANIELS. Will you take a look at this particular pack and refer to any part of it?

Mr. RILEY. I believe I have seen these.

Mr. DANIELS. Those cards ask questions, and the answers appear either on the face or the back of the card. If that material was sent by this Visual Educational Association to a school and was used by a schoolteacher teaching English grammar, would you not say that this material comes under the category of material referred to in section 4554(a), subsection (4) of the Code?

Mr. RILEY. No, sir. We have drawn a distinction between what (4) purports to cover according to our understanding.

Mr. DANIELS. What is your understanding?

Mr. RILEY. We understand this covers the type of test which is given to a child to determine his ability and aptitude, and so on. Here you have a teaching process, which is certainly distinguishable.

Mr. DANIELS. Why can it not be used by a teacher for the purpose of testing a child? I happen to have a daughter who now teaches the fourth grade, and I can visualize the situation where she may use those cards for the express purpose of testing a student in her class.

Mr. RILEY. I would certainly be the first to admit that this is a very confusing definition of what mail should be. Again I want to make the point that there are vast numbers of teaching aids, very few of them in card form, and they are all in principle the same thing.

Mr. DANIELS. This could be used as part of a system in a school to test students.

Mr. RILEY. I recognize that.

Mr. DANIELS. If it were so used, would you not say it came under subsection (4)?

Mr. RILEY. With our understanding of the purpose of this provision and the conditions under which it was adopted, we do not think it does, because there are very few of these objective test materials being manufactured and distributed, whereas there are a great many teaching aids. We feel if Congress wants to cover the teaching aids, they should say so.

Mr. DANIELS. I happen to serve also on the Education and Labor Committee, and this year, particularly, we have turned out a mass of legislation dealing with education. One particular bill deals with primary and secondary schools and involves an expenditure by the Government of \$1,200 million. There is another bill in conference now dealing with higher education which runs into millions of dollars. We have the National Defense Education Act. We also passed this year a bill to furnish loans to doctors and dentists and other related fields.

As the chairman has already pointed out, we are spending billions of dollars for educational purposes. The first line of defense, the President said, is the education of our youth who are the future citizens. We are endeavoring to educate all our children, and I think this material is most beneficial for teaching and learning, particularly to youth, ought to be given careful consideration as to whether or not it comes under the purview of this section. If it does not, I wholeheartedly agree with the chairman that it should. In view of the fact that the Department already has taken upon itself to grant an extension from last year to January of this year, I think the suggestion made by the Chair is a good one, that you continue to grant an

extension until we have a further opportunity to review all of this legislation.

Mr. MORRISON. If there are no further questions, the meeting will stand adjourned, and we will expect to hear from the Department. Thank you very much, gentlemen.

(Whereupon the subcommittee adjourned at 11:45 a.m.)

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