A HISTORY OF MAIL CLASSIFICATION
AND ITS UNDERLYING POLICIES AND PURPOSES

by

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The postal system's functions have popularly been cast in the most sweeping and amorphous terms—for example, as "Bond of the Scattered Family," "Enlarger of the Common Life," "Carrier of News and Knowledge," and "Instrument of Trade and Industry." Realizing such lofty goals, however, required highly particularistic judgments. The mail classification system, used to assign hundreds of billions of mail pieces to one or another category, developed as a major tool for translating the post office's grand goals into workable day-to-day operations.

Mail classification does more than translate imprecise goals into tangible services. A classification plan also allows the post office to honor its obligation as a common carrier providing nondiscriminatory service to myriad customers. A design for classification makes constitutionally defensible and administratively workable distinctions among countless kinds of mail and mailers. Classification, finally, provides a basis for ratemaking; the inextricable connection between mail classes and rates has typically fueled the most heated postal controversies.

Historically, the classification system has made distinctions among mail and mailers for a number of reasons:

1. Some classes were designed to channel postal resources to further broad public goals—the dissemination of information and the advancement of nonprofit organizations, to name just two.
2. The changing needs of mailers, particularly businesses, lay behind some classification innovations. This, in turn, often grew out of changes in business tactics and technologies (e.g., the application of computers in targeting customers).

3. A variety of mail classes enabled the post office to give mailers a choice of different levels of service, notably speed and security of delivery.

4. Closely related to the preceding point, mail classes have been designed, in part, with the physical characteristics of mail pieces—size, weight and shape—in mind.

5. Some boundaries between classes and subclasses reflected differences in the nature of mailers, their motivations, and the purposes behind the matter they mailed.

6. Mail classes were often calibrated to the post office's delivery costs.

7. Postal officials pressed Congress for classification changes to improve the administration of postal laws.

8. The existence of private-sector substitutes or competition for mail services influenced some classification decisions.

Most mail classes are created from two or more of these factors.

The post office has not been alone in having to classify communication messages. Nearly every attempt to tax printed matter has raised definitional problems. When the British imposed stamp taxes in the 1700s, officials grappled with the meaning of "newspaper." More recently, revenue-hungry states have targeted publications, often taxing magazines (largely out of state) but not newspapers (predominantly local). Apart from questions of equity, this presents the practical problem of distinguishing between these two types of periodicals. Also, state law typically defines newspapers for the purposes of deciding which

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ones are eligible to carry legal notices. Even federal securities law requires some publishers dispensing investment advice to register while exempting others.

This study explores the history of domestic mail classes and subclasses from colonial times through passage of the 1970 Postal Reorganization Act. It emphasizes the reasons behind the creation of each class and major subclass. The shifting relationships of classes and subclasses to each other are also traced. Some mail categories have retained their outward form over time while the reasons behind them changed substantially.

What is a mail class? Is every variation in rates a separate class? As a practical matter, most discussions about mail classification occur as part of efforts to change postal rates. To the extent possible, however, this study includes just enough information about rates to make the discussion of classification understandable. Also, this history largely ignores the long-standing efforts to define certain types of mail for the purposes of enforcing the postal monopoly.

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4 James E. Pollard, *The Newspaper as Defined by Law* (Columbus, Ohio: Ohio State Univ. Press, 1940).
6 The Postal Rate Commission's statement of work for this study reads as follows: Research legislative, Executive Branch, scholarly and other available resources to develop a history of domestic mail classification in the United States from the colonial era through passage of the Postal Reorganization Act of 1970. Describe the evolution of domestic mail classification in this period, treating both the establishment (or repeal) of categories of mail service, and of classification distinctions between and among different types of mail. Analyze and describe with particularity the influence of public policy considerations in development of the domestic mail classification system during this period, including responsiveness to perceived national needs, assessments of appropriate commercial uses of the national postal system, and other pertinent considerations.
7 This study did not examine franking, mail for the blind, and mail for military personnel.
This study divides the history of mail classification into six periods. The next section traces rate classes from the colonial period to 1840; except for an innovative policy toward newspapers, early U.S. postal policy followed patterns established by the British. Part 3, covering 1840 to 1860, explores the proliferation of printed material in various formats, all trying to qualify for newspaper rates. Part 4 examines in some detail the origins of the 1879 Mail Classification Act. Part 5 discusses how the post office applied the classification system to mail typically connected with commerce. Part 6 shows how cost ascertainment drove changes in classification. And part 7 covers the fifteen years preceding postal reorganization.
2. RATE CLASSES IN COLONIAL AMERICA
AND THE EARLY REPUBLIC
(1690-1840)

Until the mid-nineteenth century, American postal policy and practice followed the broad patterns laid down by the British in the 1600s. Only in its treatment of newspapers did early American policy develop in markedly new directions. Lawmakers did not devise mail classes per se. Based on experience, though, postal officials came to operate with implicit classifications in mind. By the 1830s, postal instructions referred to "classes of postage" and, throughout this period, postmasters labored to assure that all mail matter subject to letter postage in fact paid it.

The Colonial Mail

For most of the colonial period, the mail served two principal clients--government officials and merchants. Government officers presumably sent what they wanted through the official mail without worrying too much about its form or contents. Newspapers, though sometimes handled by postmasters and post riders, were not considered part of the official mail. Consequently, the only distinctions that seemed to matter dealt with a letter's size and its relation to commerce. At one time or another, colonial postal laws or customs recognized differences among letters by size, by their connection to business (legal affairs or commerce), and whether they accompanied a shipment of goods.

The First Postal Services. The earliest postal services in British North America paid little attention to such niceties as classifying the mail. Given the primitive state of transportation, simply establishing regular service proved daunting enough. To send a message from one colony to another, or from a colony to Britain, the colonists simply entrusted it to a friend or even a stranger who might be heading (preferably by ship) in the right direction. Thus, the first
tangible sign of a postal service in British North America consisted of bags hung in
taverns for the collection of letters to be transported by the next departing ship.
The captains customarily received a penny per letter, twice that for a packet.
Many of these letters conveyed intelligence about business matters.1

Before 1692, inland mail service was arranged independently by
several colonies. Most of the services were launched to carry official
communications but the authorities made provisions for the couriers to carry
private letters and packets (packets were defined as four or more letter sheets). In
Massachusetts, for instance, Boston merchants prodded officials to appoint
someone to handle messages.2

British postal authorities apparently remained unconvinced of the need
for--or profit to be realized from--a postal service in the American colonies. The
potential of a unified service in the colonies was first recognized by a court
sympathetic, Thomas Neale. He prevailed upon William and Mary in 1692 to grant
him a monopoly of the American colonial mails. The preamble to Neale’s letter of
patent underscored the commercial benefits to be realized by his service: “there
never hath bin any post established for the conveyance of letters . . . [in the
American colonies] and that the want thereof hath been a great hindrance to the
Trade of those parts.”3 Most of the colonies passed laws that supported Neale’s
patent. The Crown repurchased Neale’s patent in 1707, whereupon the colonial
mails began functioning as a department of the British post office.4

The legal underpinnings of the early American mail—the enactments of
colonial assemblies, Neale’s patent, and a 1711 act that reorganized the empire’s
postal system—recognized at least one distinction among letters. Certain
commercial messages were exempt from the postal monopoly that applied to the
colonies as early as 1692. Letters pertaining to cargo they accompanied were
exempt from the postal monopoly as long as the carriers did not profit from the
delivery of the message. The reason for this distinction among letters—and

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1Wesley E. Rich, The History of the United States Post Office to the Year 1829

2Rich, Post Office to the Year 1829, 3-11.

3Letters of Patent to Thomas Neale, Feb. 12, 1692, reprinted in Mary E. Woolley, Early
History of the Colonial Post Office (Providence: Rhode Island Historical Society, 1894), 27.

4Rich, Post Office to the Year 1829, chap. 2.
exemption from the postal monopoly—is not clear; it may have simply reflected a
kind of precedence—bills of lading, invoices, and similar commercial papers had
been delivered along with goods before official mails were ever established.⁵

Capitalizing on improved transatlantic shipping, British postal law in
1765 created a category for letters sent by packet boats—fast, armed vessels
designed to carry only mail, plus a few passengers, on a regular schedule. Packet
service presumably offered greater security and speed to those willing to pay a
premium over the rate for letters sent by regular merchant vessels.⁶

Newspapers’ Mail Status. For half a century, newspapers circulated
through the colonial mail with an indeterminate postal status. In the absence of
official guidelines, individual postmasters concocted ad hoc rules and rates, leaving
newspapers vulnerable to discriminatory treatment. For the most part, colonial
postmasters emulated their counterparts in England. Before the end of the
seventeenth century, the privilege of franking newspapers—sending them postage-
free under an official’s signature—had been accepted in England as a way of
supplementing postmasters’ meager salaries. Administrative orders recognized the
practice in 1737 and Parliament codified it in 1764. If charged postage, however,
colonial newspapers probably paid the steep letter rates. To avoid such charges,
printers naturally tried to prevail on postmasters—if they were not postmasters
themselves—to accept a paper postage-free or, alternatively, attempted to arrange
with postriders for unofficial delivery at something less than letter rates.⁷

In 1753, two newspaper publishers, Benjamin Franklin and William
Hunter, became deputy postmasters general for the American colonies. In a 1758
circular to postmasters, Franklin and Hunter attempted to regularize the postal
status of newspapers by putting them in a category with specified rates. According

⁵Ibid., 26. The early history of classifying letters is closely connected with efforts to
enforce the government’s mail monopoly. Of the several histories of the postal monopoly, the best
is George L. Priest, “The History of the Postal Monopoly in the United States,” Journal of Law

⁶Carl H. Scheele, A Short History of the Mail Service (Washington, D.C.: Smithsonian
Institution Press, 1970), 53-54.

⁷William Smith, The History of the Post Office in British North America, 1639-1870
(1921; reprint New York: Octagon, 1973), 61; Jeremy Greenwood, Newspapers and the Post
Office, 1633-1834 (Reigate, UK: Postal History Society, 1971); A. D. Smith, The Development of
47-77.
newspapers official recognition served two purposes: it increased postal revenue by bringing newspapers into the system, where before postriders and postmasters had kept all the money collected from carrying papers outside the mail; and it reduced, at least slightly, the discrimination newspapers suffered at the hands of some postmasters, especially those who published their own newspapers. In the same instructions, Franklin and Hunter also ratified the custom of carrying newspapers postage free when exchanged between editors as a means of transmitting news.8

Postal Policy Under the Articles of Confederation

Little changed as the American colonies moved into revolution. Law recognized only letters and packets (defined as a multi-sheet letter), though newspapers doubtless passed by post as well. When the Second Continental Congress in 1775 absorbed the Constitutional Post that had been started by a newspaper publisher, it laid the foundation for the new nation's post office.9 For most of the war, the Continental Congress just adjusted rates using the framework of British postal laws.

The Articles of Confederation forcefully asserted the government’s prerogative over postal communications, giving the Continental Congress "the sole and exclusive right [of] . . . establishing and regulating post-offices."10 When the exigencies of war permitted, Congress revised and codified postal regulations. The Ordinance of October 18, 1782, articulated a rationale for governmental postal services: "the communication of intelligence . . . from one part to another of the United States is essentially requisite to the safety as well as the commercial interest thereof. . . ."11 But the Ordinance, along with supplementary legislation adopted later that year, largely continued provisions that had grown up under the British.

8 circular reproduced in ruth l. butler, doctor franklin, postmaster general (garden city, n.y.: doubleday, doran, 1928), 58. on the colonial origins and uses of postage-free printers’ exchanges, see richard b. kielbowicz, news in the mail: the press, post office, and public information, 1700-1860s (new york: greenwood press, 1918), 142-45.

9 the patriots’ committees of correspondence began operating an intercolonial news exchange in 1772. in early 1774, william goddard, a newspaper publisher, launched a intercolonial post that operated from new england to virginia. the legal status of franklin’s and hunter’s 1758 circular admitting newspapers to the mail was uncertain. kielbowicz, news in the mail, 22-24.

10 articles of confederation, art. ix.

11 23 journals of the continental congress, 669-78, quote at 670.
In one early sign that rates and classes were established partly to counteract private services, the Continental Congress authorized the postmaster general to "fix rates per pound for the carriage of packets with a view to attracting these to the mails." Postal law under the Articles of Confederation only definitively recognized letters and packets; the carriage of newspapers, in contrast, was left to the discretion of the postmaster general and his deputies. As Postmaster General Ebenezer Hazard noted, "[N]ews-papers have never been considered as a part of the mail, nor (until a very few years) admitted into the same portmanteau with it; but were carried in saddle-bags, provided for that purpose, by the riders, at their own expense." Mail contractors operating stage lines also indulged printers; some apparently carried newspapers for free.

Postal Policy and Practice in the Early Republic

Restructuring the federal government under the Constitution produced no immediate changes in the U.S. postal system. The Constitution's postal provision was even more economical than the language in the Articles of Confederation. The postal clause simply noted that "Congress shall have [the] Power . . . To establish Post Offices and post Roads." And neither the debates at the Constitutional Convention nor those at state ratifying conventions offer much help in construing the phrase.

The encouragement given to newspapers through cheap postage was the most striking innovation in early U.S. postal policy. With one type of mail enjoying a substantial rate preference, problems arose in deciding what mail paid which rate. Indeed, by 1832 if not before, postal instructions spoke of "three classes of postage, viz.: Postage, 1st on Letters; 2d, on Newspapers[;] 3d on Pamphlets." Anything "which is not either a newspaper, pamphlet or magazine, or 

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12Rich, Post Office to the Year 1829, 64.
15U.S. Const., art 1, sec. 8, cl. 7.
16Priest, "History of the Postal Monopoly," 46.
classed with these articles by the Department, . . . is subject to letter postage." 17

The instructions offered crude definitions for newspapers and pamphlets but not for
letters: by default, letters embraced everything else, at least for purposes of
assessing postage. 18

**Letters and Packets.** Letters sent by land were charged according to
the number of sheets and the distance mailed; Congress reduced the nine zones set
in 1792 to six in 1799 and five in 1816. 19 For the purposes of determining
postage, then, the rules mentioned letters as consisting of pieces of paper, but that
was not all. A letter consisting of four sheets, or which contained articles
weighing more than one ounce, were to be considered a packet. 20 In practice, the
letter-packet category became a catchall: any mail matter not deemed a newspaper
or pamphlet was rated as a letter or a packet, the most expensive class. Thus, the
rules directed postmasters to charge letter postage "on all handbills, printed or
written, proposals for new publications, circulars written or printed, lottery bills
and advertisements, blank forms and manuscript copy for publication. . . ." 21

Packets up to 3 pounds were considered mailable. 22

The 1794 law created a category of drop letters—letters left at the office
of delivery where the addressees picked them up. 23 Drop letters were not
considered transmitted in the mail and hence paid less than regular letters. The

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17 1832 Postal Laws and Regulations 34 [hereafter cited as PL&R].
18 1832 PL&R 34-35.
19 Act of Feb. 20, 1792, 1 Stat. 235; Act of March 2, 1799, 1 Stat. 734; Act of April 9,
1816, 3 Stat. 204. These laws also slightly altered letter rates as well as the zones.
20 1832 PL&R 35; U.S. Post Office Department, United States Domestic Postage Rates,
1789 to 1956 (Washington, D.C.: Post Office Department, 1956), 21, 50-52. For the 1790s, it is
not clear whether the term "packet" meant four sheets of a single letter or possibly four separate
letters; further confusion arises from the possibility that "packet" might have embraced mail matter
other than correspondence, possibly even including newspapers. See James I. Campbell, Jr., "An
Introduction to the History of the Postal Monopoly Law in the United States" (paper presented at
the Workshop in Postal and Delivery Economics, Naantali, Finland, June, 1995), 6-8. The 1799
law, for instance, stipulated that "no packet of letters conveyed by the water mails shall be charged
with more than quadruple postage, unless the same shall actually contain more than four distinct
letters." 1 Stat. 734.
21 1832 PL&R 35.
22 1 Stat. 734.
23 1 Stat. 360.
postal rate schedule set lower rates on drop and sometimes other locally delivered letters until 1967.\textsuperscript{24}

Early postal law also recognized another category of letters and packets—those sent by ship. To protect the government's mail monopoly, postal law required that every shipmaster deliver letters or packets carried onboard to the post office at the port of arrival. Once on shore, they were assessed a flat fee for delivery in the seaport at which they arrived; if forwarded to another office, they paid 2 cents plus the regular zoned letter rate.\textsuperscript{25} When Congress reestablished the postal system under the Constitution, it reasserted the government's mail monopoly. The monopoly, however, exempted from its coverage letters that accompanied packages or cargo.\textsuperscript{26}

**Policy Toward Newspapers.** When Congress considered the relative merits of different kinds of mail matter in the 1790s, it decided that political intelligence deserved the greatest encouragement. Hence, the 1792 post office act fixed newspaper rates considerably below those for letters—a maximum of 1.5 cents for circulation anywhere in the country; many paid less.\textsuperscript{27} Lawmakers broadly concurred on the reasons for the favored treatment of newspapers. At a time of fragile national cohesion, the widespread circulation of public information, especially about politics, helped foster a national political community. Even antagonistic political factions agreed on the desirability of preferential rates for newspapers. Federalists assumed that the widespread circulation of news and political discourse buttressed a strong central government by fostering nationalism and promoting party cohesion. At the same time, their opponents, the Jeffersonian Republicans, hoped that their party papers carried inexpensively through the mails would inform constituents of Federalists' abuses. The newspaper provisions of the

\textsuperscript{24}For an overview of the rates on drop letters, see *Domestic Postage Rates*, 21-23.

\textsuperscript{25}This paragraph summarizes rates and practices established by the 1825 postal law; see 1832 *PL&R* 47-48. For slight variations in earlier years, see U.S. Post Office, *Domestic Postage Rates*, 24.

\textsuperscript{26}See, e.g., 1 Stat. 360; Act of March 3, 1825, 4 Stat. 107.

\textsuperscript{27}Between 1792 and 1845, newspapers paid 1 cent postage for delivery in the state of publication or outside the state but up to 100 miles and 1.5 cents for greater distances. The size and weight of a paper was not considered. Furthermore, postal law permitted editors to exchange newspapers with one another postage free. These free exchanges served as an important means of gathering out-of-town news before the telegraph appeared in 1844. See Kliebowicz, *News in the Mail*, chaps. 3, 4, 8.
first U.S. postal policy thus represented a conscious effort to create a national political system.28

With this rationale, Congress reserved the most privileged rate for newspapers, many of them avowedly political journals. But even a thoroughgoing political newspaper was something of an omnibus publication that conveyed information on commodity prices, history, exploration, philosophy, and agricultural practices. With the postage schedule highly skewed in favor of newspapers, postal officials found themselves deciding which publications qualified. In short, what was a newspaper? Did contents, format, or both render some publications newspapers and others magazines, pamphlets, and books?

Answering these questions assumed an added urgency as publications with a specialized editorial focus contributed ever more copies to the mail. As Tocqueville and other 1830s observers noted, Americans were eagerly joining associations of people sharing specialized interests that transcended their hometowns. Many of these groups issued journals. Religious denominations and social reform movements sent magazines to the faithful and potential recruits. Businesses recognized the value of printed sheets giving commodity prices, shipping intelligence and warnings of counterfeit currency. Occupational groups, some exhibiting early traits of professionalism, launched journals. And individuals with faddish interests in such topics as phrenology and medicinal water cures coalesced in loosely knit associations through the pages of their magazines.

Recognizing Magazines. The 1792 post office law failed to mention magazines, leaving them to pay letter rates if sent by post. Two Philadelphia magazines, the Columbian and the Museum, suspended publication because of the prohibitively high postage. But magazines in Boston, New York, and Baltimore survived, either because they were less dependent on the mail, or because sympathetic postmasters accorded them newspaper rates.29

Two years later, Congress recognized magazines and pamphlets as mailable matter but still left them in a precarious position. Magazines and pamphlets could be transported in the mails "where the mode of conveyance and

28 See Kielbowicz, News in the Mail, chap. 3, for a more detailed discussion of the reasons for the preferential rates accorded newspapers. Another provision of postal law, the postage-free printers' exchanges, served basically the same purpose. Ibid., chap. 8.

the size of the mails will admit of it. Their admission to the mails thus became contingent on the judgment of thousands of postmasters. Magazines and pamphlets paid considerably more than newspapers for the same service: 1 cent per sheet up to 50 miles, 1.5 cents for 50 to 100 miles, and 2 cents for any greater distance. A typical sixty-four-page magazine paid 4 cents, 6 cents, or 8 cents. Newspapers, in contrast, paid no more than 1.5 cents per issue regardless of size.

The 1798 regulations issued by Postmaster General Joseph Habersham further exemplified the casual attitude displayed toward nonnewspaper periodicals. It is probable very few [magazines] will be sent in the mail," he remarked, adding that postmasters' account forms lacked space to record magazine postage. Six years later, Postmaster General Gideon Granger reminded postmasters that "you are not to receive" magazines and pamphlets if inconvenient to transport them.

Granger made the first half-hearted attempt to distinguish between newspapers and magazines. "The words newspaper, magazine, and pamphlet, are to be taken in their common acceptation," he told deputies. A newspaper gave accounts of political and other occurrences and was published once a week or more often; a magazine was any other publication issued at regular intervals. Granger's successor elaborated: "[A] magazine is a monthly pamphlet containing articles on science, politics, news &c. a [sic] pamphlet is a small stitched unbound book, consisting of two or more sheets." Frequency and contents thus defined a publication.

Exercising the discretion allowed by law, Postmaster General Return J. Meigs decided in 1815 that magazines and pamphlets interfered with the mails and should be excluded altogether. Shortly thereafter, however, Meigs made an exception for the publications of "the several Bible Societies." He tried to keep this exception secret to discourage "application for the admission of many other publications."
Pamphlets of no public utility whatever. With the mail closed to them, most magazines of the early 1800s remained local in their scope and reach. Religious magazines, exempt from the ban, attained the largest national circulations, surpassing even newspapers.  

Congress did little before 1845 to improve magazines' postal status relative to that of newspapers. In 1816, lawmakers defined how many pages constituted a single sheet, recognizing in statute what postmasters had determined in practice. When Congress revamped postal laws in 1825, it raised magazine rates slightly. More significantly, lawmakers subdivided pamphlets into two categories—periodical pamphlets, the old magazine category, and nonperiodical pamphlets, essentially small books (see below). Periodical pamphlets included magazines, legislative journals, government documents, college catalogues and the annual reports of societies. In 1827, Congress created a special rate for small magazines. 

None of this fine tuning, however, expanded the right of magazines to be transported in the mails. The mailable of nonnewspaper publications was still left to the judgment of postmasters: "When the mode of conveyance, and size of the mail, will admit of it, such magazines and pamphlets as are published periodically, may be transported in the mail to subscribers." Laboring with an uncertain postal status and higher rates, magazines styled themselves as newspapers to qualify for the lowest postage. The first issue of the octavo-size Mechanics
Register, for example, reminded readers and postmasters that it "is a newspaper, and is therefore chargeable with newspaper postage only." 44

The growing variety of periodical publications prompted the postmasters general to refine their guidelines. Rules amplifying the 1825 law were slightly more precise than before. Newspapers had to appear weekly or more often and give "an account of political or other occurrences." And extras issued by newspapers were considered regular newspapers and not magazines, an early sign that the post office adapted to suit the increasing timeliness of the press. A magazine was distinguishable from a newspaper by the frequency of publication--monthly or less often--and by its contents--"articles on science, politics, news &c." 45

The extent to which a publication dealt with political intelligence, a somewhat narrow construction of news, could be pivotal. Business publications thus added a column or more of news to qualify for the lower newspaper rates. 46 Postmaster General John McLean in 1828 outlined a process postmasters should follow in reaching decisions:

When a paper is published periodically on a large sheet, in the common form of a newspaper, it should be so considered. Where the form is different, the subject matter must determine its character. If it contains leading articles of intelligence, a summary of political events, or what is generally termed news, and is published weekly, or oftener, it should be called a newspaper.

According to this directive, format alone could qualify a periodical as a newspaper. If content figured in the determination, "political events" was the only newspaper subject specified. The postmaster general's circular cited Niles' Weekly Register, published as a pamphlet, and the American Farmer, in quarto form, as examples of the second category, newspapers in a nontraditional format. 47

45 1825 PL&R 29.
46 Forsyth, Business Press, 331.
When asked to determine whether a periodical should be charged newspaper or magazine postage, the postmaster general usually resolved ambiguity in favor of the publication. Although postmasters still ruled on a magazine's mailability. Postmaster General Amos Kendall told the House post office committee in 1835 that the law had been construed so favorably that the mail was opened to "a variety of printed matter under the name of periodicals, which was scarcely entitled to admission." In 1832, publishers in Boston, a leading magazine center, complained to Congress that the distinctions between newspapers and magazines were unwarranted. The petitioners contended that publishing in a magazine format penalized them $3,437 in postage above that assessed the same number of newspapers. More important, they argued that the information contained in magazines enriched society just as much as that in newspapers.

The discussion of the same topics in a newspaper and a periodical work cannot be supposed to render their value essentially different: the one being more direct and immediate, but more transient, in its effects; the other less rapid, but more permanent, in its influence. Nor is it maintained that those subjects of science and art, or literature and education, which newspapers cannot fully discuss, are not essential to our national character and prosperity. Both classes of periodicals your memorialists regard as indispensable to our national welfare, to prevent our falling behind the rest of the world in knowledge and improvement.

One other form of discrimination came under attack: magazine publishers were denied the privilege of postage-free exchanges that newspaper editors depended on.

48 For example, the postmaster at Marietta, Pennsylvania, inquired whether The Gospel Herald and The Anvil were newspapers. Of the Gospel Herald, the postmaster general replied, "though of a rather doubtful character, [it] is published regularly, & it is so near the character of a newspaper, that it may be considered as such." The preceding postmaster general had already determined that The Anvil was a newspaper. To ??evitt, Oct. 27, 1829, Letterbook. W: 332.

to get nonlocal news. 

Books in the Mail. Postal policy virtually excluded bound books from the mail until the mid-1800s. The first major postal law failed to acknowledge books, which left their postal status open to dispute. And in 1799, Congress prescribed that no packet weighing more than 3 pounds would be accepted for mailing, effectively barring some books and certainly packages of books. 

Although postal laws did not provide for books, some postmasters apparently accepted them for mailing. In the absence of legislative guidance, Postmaster General Return J. Meigs, Jr., exercised his administrative discretion and directed postmasters to refuse books for mailing. Some postmasters had erroneously accepted books as pamphlets, Meigs told Congress. "The consequence was, that the mails were soon overloaded with novels and the lighter kind of books for amusement." When properly construed, the law subjected books to the much higher letter rates, he wrote. But Meigs believed the situation called for more drastic action, and he "prohibit[ed] Postmasters from sending books, in any case, through the mail." 

Meigs objected to carrying books because they did not purvey timely information, they burdened the primitive postal transports, they damaged fragile letters and newspapers, and they could be carried by private freight companies. A book, he explained, is an article which is not, like letters and newspapers, valuable only for its quick conveyance, and may well be sent by the usual routes of many articles of merchandise. Books can, without inconvenience, be sent from every place where they are printed to some considerable commercial town, and from thence to any settled part of the country. Hence there is no necessity of burdening the mail with such as are intended either for public or private use.


He added that bound books, with "the hardness of blocks of wood, . . . break the bundles of letters and [news]papers to pieces. . . ." The postmaster general regarded books more as merchandise--"blocks of wood"--than as vehicles for the dissemination of intelligence and culture. Meigs assured Congress that cartage firms could supply booksellers with adequate stock. Ten years later, Postmaster General William T. Barry reaffirmed the prohibition on carrying books for essentially the same reasons.

Before 1845, no law excluded books from the mail, but a combination of administrative rules and high rates discouraged their distribution. If accepted for mailing, a book could be charged letter rates, or, more likely, as a pamphlet. In fact, pamphlets were defined as small unbound books. Readers and booksellers often bound copies that came by post. To the extent that book material circulated by post, most appeared in pamphlets or newspapers.

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53 Ibid.
54 Circular to postmasters, Apr. 11, 1833, Scrapbook of Circulars, Notices, Instructions, Regulations, and Newspaper Clippings, 1823-1871, Records of the Post Office Department, Record Group 28, National Archives.
55 In defining mailable matter, the 1845 law, 5 Stat. 737, expressly excluded bound books from the meaning of pamphlets and newspapers.
3. TOWARD A CLASSIFICATION SCHEME
(1840-1870)

The Act of March 3, 1845, often called the Postal Reform Act,
continued the general thrust of the policy established in the 1790s—that is, to bind
the country together. But in shaping particular provisions, Congress looked to the
post office’s customers and competitors as never before. The 1845 act stopped
short of devising formal classifications; it did, however, begin to write definitions
into law and to create subcategories that have survived to the present. Also, the
proliferation of new types of publications in the 1840s prompted postal officials to
seek formal legal rulings on the categorization of mail. Experience gained in
administering the 1845 law and its successors led to the relatively smooth creation
of three mail classes in 1863.

Postal Reform Act of 1845

Business mailers’ dissatisfaction with high letter postage was the
principal impetus behind mid-century reforms, especially the 1845 act. Steep letter
rates had discouraged use of the mails for routine social communication; hence,
"the major share of private correspondence was accounted for by shipping
merchants, commission merchants, brokers, factors, retailers, and other
commercial agents," according to a study of information flows in the decades
before 1840.¹ Business groups, joined by social reformers, organized cheap
postage associations that advocated a sharp reduction in letter rates. The cheap
postage campaign also raised fundamental questions about one type of mail cross-

¹Allan R. Pred, Urban Growth and the Circulation of Information: The United States
subsidizing another. A magazine writer recognized the implicit warfare among
types of mailers fostered by American postal law: the writer called "the
manufacturers of newspapers" a "privileged class . . . who have a right to the
proceeds of a tax on the writers and receivers of letters." 3

Capitalizing on the merchants' dissatisfaction with letter postage and
the growing network of railroad and steamship lines, private firms emerged about
1839 to carry letters outside the mail. Some operated within commercial centers
and others provided intercity service; in either case, the most important customers
were businesses. The Post Office Department sought to shore up its monopoly by
prosecuting some of the private expresses. When it lost an 1843 case against
Adams Express, other firms rushed into the field. 4

The 1845 Postal Reform Act addressed these issues. Congress
tightened the government mail monopoly to cripple private mail companies and it
reduced letter rates to make the public posts more attractive. 5 The 1845 law also
began to define existing rate groups and to create new ones for transient
publications and for weekly newspapers delivered near the office of publication (a
progenitor of the in-county subclass).

Letters and the First Class, 1840-1870

The 1845 law offered the first tentative definition of a letter: a
"manuscript, or paper of any kind by or upon which information shall be asked for
or communicated in writing, or by marks and signs . . . " 6 The references to
marks and signs targeted the practice of transmitting personal messages in
newspapers (see transient newspapers below). When Congress adopted a formal
classification system in 1863, it streamlined the 1845 definition: "[T]he first class

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2Richard R. John, Jr., "The Campaign for Cheap Postage, 1840-1852: A Neglected
Antebellum Reform Movement" (paper presented to the Society for Historians of the Early
American Republic, July 1987).
4Richard R. John, Jr., "Private Mail Delivery in the United States During the Nineteenth
5George L. Priest, "The History of the Postal Monopoly in the United States," Journal of
embraces all correspondence, wholly or partly in writing, except that mentioned in third class.\(^7\) The letter rate class remained a catchall: mail that did not fit in another specified group was assessed letter postage.

Postal laws of the mid-1800s continued some long-recognized distinctions among letters—drop letters, letters traveling with cargo, ship letters—and introduced one short-lived rate category. The Act of March 3, 1851, distinguished between letters prepaid by senders and those that were not. Although policymakers had long allowed postage to be paid at the office of mailing, in practice most postage was collected—or should have been collected—from the addressee. Of course, trying to collect postage after a letter had already been delivered had long vexed postmasters and had hurt the department's revenues.\(^8\) Thus, the 1851 law charged 3 cents for a letter paid for at the mailing office or 5 cents at delivery. (The introduction of government stamps in 1847 had already facilitated prepayment).\(^9\) The creation of this subclass, therefore, recognized variations in the department's costs and overall revenue needs. To simplify matters further, an 1855 law made prepayment by stamps compulsory, ending the rate distinction among letters.\(^10\)

Periodicals and the Second Class

Policymakers and administrators, especially the latter, grappled with an influx of printed matter that no longer resembled the traditional political-mercantile newspaper. Classification problems arose when magazine publishers challenged the continuing rate distinctions that treated their periodicals as inferior to newspapers; some began putting their magazine material in a newspaper format.

\(^7\) Act of March 3, 1863, 12 Stat. 705.

\(^8\) Ignoring admonitions from postal headquarters, local postmasters routinely extended credit to addressees, who were often townspeople they knew. And if a recipient refused to accept a letter, the department had already incurred the cost of transportation. A sense of the problems collecting letter postage, and the divergence between policy and practice, can be gathered from the 1847 instructions to postmasters: "172. Postmasters are not authorized in any case to give credit for postage." But then the next two sections cover several contingencies that arose from extending credit. 1847 Postal Laws & Regulations 26-25 [hereafter PL&R].


\(^10\) Act of March 3, 1855, 10 Stat. 641. Prepaying newspaper and magazine postage remained a problem until 1874.
Likewise, publishers who issued lists of business data asserted the right for their materials to be treated as newspapers and not as circulars. These and kindred administrative problems prompted legislative changes that culminated in the creation of the second-class category in 1863. The 1863 definition specified strictly technical, not content, characteristics: "The second class embraces all mailable matter exclusively in print, and regularly issued at stated periods, without addition by writing, mark, or sign." This definition obviated the need to make ever-finer distinctions based on differences in content or slight variations in format. Improvements in transports, notably railroads which could handle bulkier mails, permitted the Post Office Department to broaden the second-class category to include most magazines.

**Business Publications.** The postal status of sheets that simply listed business data—commodity prices, exchange rates, shipping intelligence, and the like—particularly confounded the authorities. Were they newspapers, magazines, or circulars? Price currents, also known as prices current, were the most important of these materials. Some were internal, reporting the price of commodities available within the city of publication; others were external, presenting price data for the region or country. Many circulated through the mail to merchants who used them to piece together a picture of national price levels. Apparently reversing a policy charging them newspaper rates, the post office decided in 1837 or 1838 that "all handbills, printed or written; prices current, sealed or unsealed; proposals for new publications, circulars, lottery bills and advertisements" were to pay letter rates. Shortly thereafter, a periodical list reporting the seaworthiness of ships for insurance purposes was denied the newspaper rates at which it had formerly passed and instead was charged as a letter. The publisher lost customers when their postage jumped several-fold. Confronted with many such cases, the postmaster general referred the matter of postal classification to the attorney general.

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13 Post Office Department circular, 183[7 or 8], House of Representatives, Record Group 233, file 25A-G15.3, National Archives [hereafter cited as House Records].
15 1840 *Annual Report* 487.
In his analysis, Attorney General Hugh S. Legare, formerly editor of the *Southern Review*, traced definitions of newspapers back to early British stamp acts. "The question you propound is one of no ordinary difficulty," he informed the postmaster general, "because neither any statute, nor any decision of our courts, so far as I have been able to discover, furnishes the definition you seek." Legare arrived at four criteria that a publication must meet to qualify as a newspaper: (1) that it is published for everybody's use, (2) that it is published on a fairly regular basis, (3) that it conveys the news, "not mere dissertation and discussion," and (4) that it is issued in sheets "in a rather cheap form." But without more explicit legislative instructions, the attorney general predicted, perplexing cases would continue to arise. Legare concluded that price currents met the definition of a newspaper as long as they were mailed from the publisher to the readers, copies distributed by commercial houses to their clients were not issued for general use.

Two years later, Attorney General John Nelson tackled a similar question, when he advised Postmaster General Charles A. Wickliffe that the *New York Bank-Note List* should be charged pamphlet postage rather than the newspaper rate. His ruling, however, did not ring with confidence. He conceded that the question "may be much more satisfactorily decided by a publisher than by a lawyer." For guidance, Nelson simply turned to dictionaries for the common construction of the word "newspaper."'

The somewhat arbitrary nature of decisions by postal officials: before 1837, the publication was "rated by the Postmaster General to be a newspaper," but in December of that year the postmaster general deemed it "not to be a newspaper, and since then has been charged with letter postage." Likewise, the price currents of New Orleans, Savannah, and Charleston had been assessed letter rates. *4 Opinions of the Attorney General* 10-13, quotes at 11 (Mar. 18, 1842).

The publisher of the *New York Bank-Note List*, Edmund Charles and Son, retaliated with a pamphlet "Dedicated to Members of the Post Office Committee and Members of Congress Generally," arguing that publications such as theirs deserved the favorable treatment accorded newspapers. The *Bank-Note List*, if folded as a newspaper, would pass in the mail for 1 or 1.5 cents. But the publication was meant to be preserved, so its two sheets were folded and stitched into thirty-two papers, which subjected it to pamphlet rates of 5 cents a copy. It occupied no more room in the mail than most newspapers, but the "consequence of this excessive tax upon it is to shut it entirely out of the mails." The *Bank-Note List* would have garnered a national circulation but for the high postage, its publishers claimed. "[A]s it is the circulation is principally confined to the city of New York, while those which are sent to other cities find their way through such channels as private expressers, &c., to the prejudice of the Post Office Department." The situation was even worse for supplements of the *List* published to announce bank failures and fraudulent bank notes. These specials, considered circulars
Mammoth Literary Miscellanies. An eclectic group of magazines, including Ladies' Companion, Gentleman's Magazine, the Southern Agriculturist and Gospel Messenger, Hunt's Merchants' Magazine, and New York Review, complained in 1840 that they paid "one-third per sheet more than Newspapers." They asked Congress if "their works be not, in general, of fully as elevating and improving a character as that of Newspapers, entitling them to all the privileges enjoyed by the latter?" They also railed against the inequity of inordinately large newspapers traveling anywhere in the country for a fraction of the postage assessed other print matter.

Instead of trying to change the law, an enterprising group of publishers shaped their magazine and book material to resemble newspapers. This genre of magazines, the mammoth literary miscellanies, became known as "Leviathans" because their dimensions sometimes exceeded six by four feet. Their publishers took pains to point out that at a single issue contained as much reading matter as six daily newspapers and more than many books. The most important of these publications were Brother Jonathan and New World. They filled many of their columns with serialized fiction; Dickens's Nicholas Nickleby, for instance, ran in sixteen installments soon after Brother Jonathan began publication.

by postal officials, were charged 25 cents postage, virtually excluding them from the mails. See Edmund Charles & Son, Suggestions upon the Nature and Disadvantages of the Present Post Office Tariff (New York: Edmund Charles & Son, 1844). See also the petition of citizens of Richmond, Va., Feb. 8, 1844, House Records, 28A-G16.6, asking for postage of 2 cents on bank note lists and price currents. Forsyth, Business Press, chap. 5, discusses banking and financial publications.


The literary miscellanies thrived by taking advantage of the post office’s nebulous definitions and generous policy toward newspapers. No matter how large, they passed through the mail at rates assessed a regular newspaper. Identical material in the format of a traditional book would have been assessed pamphlet or letter rates, thereby undermining efforts to attain the large circulations of country readers necessary to make a profit from cheap subscriptions. Therefore, some miscellanies issued two editions of the same material, one with attractive covers for street sales and the other without covers for mailing at newspaper rates.

Postmaster General Wickliffe began to exclude literary miscellanies from newspaper rates in 1842, perhaps with the encouragement of established book houses, which regarded them as competitors. For authority, Wickliffe seized on the attorney general’s definition of newspapers. Occasional supplements issued by literary miscellanies failed to qualify as newspapers because they did not appear regularly, one element of the definition. More important, a true newspaper had to "convey news, not mere dissertations and discussions, or literary and poetical miscellanies." Wickliffe first wielded the ruling against a supplement of Brother Jonathan that reprinted Bulwer’s Zanoni. He instructed the New York postmaster to charge the supplement as a nonperiodical pamphlet, liable to 12 or 18 cents postage instead of the maximum 1.5-cent newspaper rate. The reason for the determination: the miscellany was published not in loose sheets but stitched and with a paper cover. New World, however, escaped the same fate by issuing its edition of Zanoni without a cover or stitches. Both publications converted to a

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22 In 1841, for example, Postmaster General Wickliffe complained that miscellanies, some of which weighed nearly a pound, could be mailed from New York to Louisville for 1.5 cents; a one-sheet letter sent the same distance paid 25 cents. 1841 Annual Report 460.


newspaper format and passed again at the lowest rate. In 1843, Wickliffe clarified the status of such publications by looking to their contents rather than their form: "Reprints of books or magazines in newspaper form" and "Extras of a paper which contain mainly and chiefly a republication of books" were to be charged with periodical pamphlet postage.

As Congress labored over postal reform between 1842 and 1845, lawmakers repeatedly displayed Brother Jonathan, "a newspaper about ten feet square, as a specimen of the abuse in relation to newspaper transmission." The centerpiece of the 1845 law, insofar as it affected newspapers, was the first provision to calibrate rates partly to a publication's size. The law adopted 1,900 square inches as the ceiling for the standard rate. Congress carefully determined that the large dailies issued from several cities would continue to qualify for the lowest rate, while mammoth literary miscellanies paid a surcharge.

More Equitable Magazine Postage, 1845-1863. Despite the 1845 reforms, distinguishing between newspapers and magazines continued to vex postmasters. The attorney general's guidance was again sought. John Y. Mason first noted that his predecessors had grappled unsuccessfully with the same elusive issue, as even they readily conceded. Mason then pinpointed what he considered the essential feature of a newspaper: "it must be a publication communicating to the public intelligence of passing events. And it is to the contents, rather than to the form, that you must refer to determine the question." Some essays on moral, literary, or political issues might be found in a newspaper, but its primary object must be the collection and dissemination of news, he emphasized. Although this opinion probably reflected congressional intent, it hardly resolved the problem. Ironically, the definition of magazines in the 1847 regulations recognized that they too might contain some news articles, which suggests how blurred the distinction

26Barnes, Authors, Publishers and Politicians, 19.
271843 PL&R 19.
had become. Thousauds of postmasters now had to ascertain whether a given publication included sufficient news to qualify for the most advantageous rate.

A more favorable rate category for newspapers rested on the assumption that timely news was somehow more important and deserving of government subvention than other kinds of public information. Reviewing the 1845 law, the *New Englander* acknowledged the "usefulness of newspapers, on the whole, in diffusing information through society. But are newspapers exclusively useful in their way?" the writer asked. "Are they more useful than books? or more useful than periodicals in other forms?... What good reason is there for giving these privileges to the publishers of the [New York] Courier and Inquirer, and withholding them from the American Review?" A few years later, about forty New York magazine publishers pressed their case in Congress for a 0.5-cent rate that would apply to all periodicals. They called the discrimination against magazines unjust and "impracticable, because, by a little ingenuity on the part of Publishers, Periodicals of a certain size, are easily made to come within the definition of a Newspaper."

Reviewing the unsuccessful efforts to distinguish between different types of periodicals based on contents, Postmaster General Nathan K. Hall concluded that magazines and newspapers should be treated the same:

According to the 1847 regulations:

A newspaper is defined to be any printed publication issued in numbers, and published at stated intervals of not more than a month, conveying intelligence of passing events. It generally consists of a sheet, but may be composed of two sheets, of paper. In such case it is chargeable with only single newspaper postage; provided the two sheets, in the aggregate, do not exceed nineteen hundred square inches. If it exceed [sic] that superficial extent, it is to be rated as a pamphlet. . . .

160. A pamphlet is a small unbound printed book. A magazine is a pamphlet published periodically, in numbers, containing articles on science, literature, politics, news, &c. &c.

1847 PL&R 24-25.


It is difficult to assign a sufficient reason for charging upon such periodicals as the reviews, the numerous magazines, and theological, medical, and law journals, more than three times the amount of postage charged for the same distance on an equal weight of newspapers. Such periodicals are less ephemeral than the ordinary newspapers, and certainly not less beneficial in their influence. The same rates of postage, according to their weight, would be just and equitable, would simplify the accounts of the Department, and relieve it from the perplexing and often invidious duty of discriminating between different publications, and declaring one a newspaper and another not a newspaper, in cases where little difference can be perceived, and where the changed character of the next number might render it proper, in respect to such numbers, to reverse both decisions.34

The postmaster general’s recommendation was hardly surprising as earlier that year Attorney General John J. Crittenden had refused to distinguish between newspapers and magazines. Crittenden said he had no opinion on the matter, and advised that lexicographers and publishers were better suited to make such determinations.35

Charging newspapers and magazines the same rates obviated "the invidious duty of discriminating between different publications," and the 1852 postal law did just that. Under this law, both newspapers and magazines paid 1 cent for the first 3 ounces and 1 cent for each additional ounce for conveyance to any part of the United States. Charges were reduced by half where postage was paid in advance. Prepayment by publishers had been optional all along, although certainly not common. Apparently more magazines began prepaying postage to stimulate sales. Besides these general rates, Congress created a special category for small newspapers and magazines circulating in the state of publication. Those under 1.5 ounces could be mailed for half the regular rates.36 Debates leading to passage of the 1852 law were relatively muted. Simplifying the complex rate schedule and eliminating zones, which discouraged the long-distance circulation of publications, were the major reasons given for the new law.37 Thus, eleven years

35Opinions of the Attorney General 376-77 (June 13, 1851).
before the creation of a single category embracing all periodical publications,
postal law treated magazines and newspapers essentially the same.38

Newspapers. Not all newspapers escaped problems involving their
format. A few enterprising newspaper publishers tried to reduce their already low
postage by printing more than one paper on a single sheet. The postmaster general
directed deputies to follow the letter of the law and to charge postage by the
newspaper—not the sheet—subjecting each paper to postage even though printed
together. As newspapers increasingly emphasized the timeliness of their reports,
they frequently issued extras between their regularly scheduled editions. Because
extras often looked a little different, some postmasters balked at giving them the
regular newspaper rate. Regulations clearly stipulated that newspaper supplements
and extras were to be accorded the lowest rate, which encouraged the publication
of speeches and other fare as newspaper extras. Postmasters, though, could still
find that publication in this format was intended to circumvent the law and charge
them as pamphlets.39 Similarly, advertising handbills printed to resemble
newspapers were subject to letter postage.40

Free In-County Delivery. As part of the 1845 postal reform, Congress
created a new category of newspaper postage: free delivery for weekly newspapers
within thirty miles of the office of publication.41 This measure intended to make
local papers more competitive by relieving subscribers of postage. This privilege
sparked considerable debate, especially over which regions stood to benefit the
most.42

An across-the-board reduction in newspaper postage, as some
advocated, would have brought city papers into direct competition with the country
press. The people's interests were best served by encouraging local outlets for

\[38]The Act of March 3, 1851, had extended other privileges formerly confined to
newspapers to magazines—the right to exchange copies postage free among publishers and the right
to enclose subscription bills without incurring extra postage charges. 9 Stat. 589.

\[39]C. A. Wickliffe to W. G. Lyford, Aug. 16, 1843, reprinted in unidentified newspaper
cutting, Scrapbook of Circulars, Notices, Instructions, Regulations, and Newspaper Clippings,
1823-1871, Records of the Post Office Department, Record Group 28, National Archives [hereafter
cited as P.O. Scrapbook].

\[40]1843 PL&R 18; Margaret Ross, Arkansas Gazette: The Early Years, 1819-1866 (Little


28th Cong., 1st sess. 17 (1844).
news and opinion, lawmakers concluded. Newspaper postal policy, which had encouraged the long-distance transmission of public information, was conceived at a time when most people lived in the country far from the nearest newspaper. Petitioners, mainly from rural areas, told Congress that most towns now supported their own publications. Underwriting the long-distance circulation of newspapers thus was less important in diffusing information and, in fact, threatened the nation's burgeoning small-town press.\textsuperscript{43}

Congress withdrew the provision of free local circulation in 1847 because of declining revenues but restored it in a different form in 1851. Where the 1845 law had a thirty-mile postage-free zone, the new act permitted most weekly papers to circulate without charge in their county of publication. Some advocates underscored the cultural benefits of protecting the country press: "The poisoned sentiments of the cities, concentrated in their papers, ... will invade the simple, pure, conservative atmosphere of the country, and, meeting with no antidote in a rural press, will contaminate and ultimately destroy the purity of sentiment and of purpose, which is the only true conservatism," said Representative Abraham W. Venable, a North Carolina Democrat.\textsuperscript{44}

In a more temperate vein, others emphasized how the provision compensated for the postal advantages city papers enjoyed. When home in Utica, a New York representative explained, he read local newspapers to keep abreast of developments in Washington. But dailies of twice the size could be obtained from New York City, 250 miles away, at the same postage it cost to take a paper carried only four or forty miles from Utica. "Is not this gross injustice?" he asked. "Ought these country or inland papers thus be compelled to submit not only to fair competition, but to struggle on with the aid of the Government extended virtually to the city journals against them in this manner?\textsuperscript{45}

\textit{Transient Publications.} Shortly after passage of the 1845 reform act, Congress created a special category for transient newspapers—those mailed at irregular intervals by someone other than a publisher. To avoid high letter


\textsuperscript{44}Cong. Globe, 31st Cong., 2d sess. 74 (1850).

postage, people sent newspapers to friends in lieu of letters. In fact, some clever
 correspondents underscored words or pricked holes beneath characters in
 newspapers to communicate a private message.\textsuperscript{46} Regulations directed postmasters
to charge letter postage on any newspaper containing a private message other than
 a printer's notice reminding the recipient of the amount due for a subscription.\textsuperscript{47}
To remedy such evasions, an 1847 law set postage for transient papers at 3 cents,
which had to be prepaid, about double the rate for papers mailed by publishers.\textsuperscript{48}
An 1851 postal law also stipulated that the basic newspaper rate applied only to
newspapers "sent from the office of publication to actual and bona fide subscribers.
...\textsuperscript{49} At this point, the bona fide subscriber rule played only a small part in
assigning publications to one rate category or another. Decades later, however, it
assumed a place of central importance in the classification process.

Nonperiodical Printed Matter and the Third Class

In the early nineteenth century, advertising circulars, pamphlets, and
books paid postage as either letters or nonperiodical pamphlets—the two most
expensive categories. Policy treated them less favorably for two reasons: first,
they were regarded as akin to merchandise and less deserving of public support
than the exchange of news or correspondence. Second, such species of mail matter
strained the postal system: they appeared irregularly (as opposed to periodicals),
burdened transports with their bulk, and complicated postmasters' postage-
collecting responsibilities. Postal law and practice became more accommodating
by mid-century, however, and this nonperiodical matter was consolidated into the
third-class in 1863: it embraced "all pamphlets, occasional publications, books,
book manuscripts," and small merchandise.\textsuperscript{50}

\textsuperscript{46} Mill girls and factory hands corresponded with friends at home, or people in the East
with relatives in the West, by underscoring words in the column of a newspaper, or by pricking
holes under letters, which when put together, would form the words of a long communication."
John B. McMaster, \textit{History of People of the United States}, 8 vols. (New York: D. Appleton, 1883-
1913), 7: 108. See also Postmaster General to a citizen of Kentucky, Nov. 10, 1842, in
unidentified newspaper clipping, P. O. Scrapbook.

\textsuperscript{47}1843 \textit{PL&R} 18.


\textsuperscript{49} Stat. 588.

\textsuperscript{50} 12 Stat. 705.
Books. Early nineteenth-century postal regulations defined a pamphlet as "a small unbound printed book." Postal law made no provision for bound books and, if admitted to the mails, they were charged letter postage. When Congress finally recognized bound books as mailable matter it had little to do with a sudden appreciation for the timeless information contained between hard covers. The increasing use of steamships and railroads to transport mail alleviated concerns about the bulkiness of postal matter. Also, Congress liberalized the law in 1851 to undercut private express companies. Initially, Congress set the maximum permissible weight at 32 ounces but within a year raised it to 4 pounds.

Circulars. Before 1845, postal regulations assigned "all handbills, printed or written prospectuses, . . . circulars written or printed, lottery bills and advertisements" and other miscellaneous printed matter to the letter-rate class. Perhaps to draw more matter into the official mail, the 1845 Postal Reform Act created a category for "circulars or handbills or advertisements" sent folded and unsealed; its postage compared favorably to that assessed letters. Within two years, however, Congress raised the rate and mandated "payment in advance when the circulars are deposited in the office." Advertisements masquerading as newspaper extras paid postage as a circular.

In 1852 Congress loosened the prepayment requirement, probably inadvertently. This brought advertising circulars flooding into the mail. Congress reimposed the prepayment requirement in 1857. David Yulee, a senator from Florida, explained that the alteration was needed to correct a growing abuse of the postal laws. Great numbers of circulars, many promoting lotteries, were being mailed without prepayment and thus subject to full postage. Some post offices received forty bags of such matter, he said. Because recipients did not solicit the

51 1847 PL&R 25.
54 1843 PL&R 18.
55 5 Stat. 733. Circulars printed on paper no larger than single cap (also known as foolscap, about 13 by 17 inches) paid 2 cents for delivery any distance; a half-ounce letter, in contrast, paid 10 cents for delivery beyond 300 miles.
56 1847 PL&R 23.
57 1847 PL&R 24.
circulars, "very few of them are taken out at the offices, but they are transported at 
great expense to the Government."59

The First Mail Classification Act, 1863

In 1862, Schuyler Colfax, an Indiana Republican and former 
newspaper editor, began laying the foundation for further postal reform. He 
i introduced a bill to simplify postage on printed matter.60 Finding the correct rate 
to assess publications was complicated by discounts for in-county and in-state 
delivery of newspapers and varying frequencies and formats of publications. 
Considering these variables, a postmaster had to determine which of 300 rates 
applied to a given piece of mail, Colfax said. He proposed to reduce the various 
rates to three.61 The New York Times endorsed Colfax's plan with a caricature of 
postmasters' abilities and the existing taxonomy of mail matter: "To determine the 
proper charge for a paper, a magazine, or a book, postmasters are obligated to 
plunge into calculations of the most abstruse, and often insoluble character, the 
result of which, in regard to any given article, never comes out the same for two 
different and distant computers."62

The principal architects of the 1863 law were Senator Jacob Collamer, 
a Vermont Whig who had served as postmaster general from 1849 to 1850, and 
Postmaster General Montgomery Blair.63 With their combined expertise in postal 
matters, they devised the three mail classifications. The Senate passed the bill as 
reported from the post office committee without debate.64 The House, too, dealt 
with the legislation expeditiously. Colfax told his colleagues that the bill would 
reduce the 300 or so mail rates to 12 or 15.65

157-58 (1862), for a table comparing the existing and proposed rates.
63 U.S. Mail and Post Office Assistant, 3 (March 1863): 2; The New York Times, Feb. 2, 
1863; New York Herald, Mar. 5, 1863.
65 Cong. Globe, 37th Cong., 3d sess. 839-40, 1149-51, 1170, 1181, 1225, 1343, 1371, 
1454, 1494 (1863).
4. THE 1879 MAIL CLASSIFICATION ACT
(1860-1880)

The Act of March 3, 1879, laid the foundation for modern mail classification by creating the four basic categories still used today. In reality, though, the act had a much narrower purpose: to erect a wall between print matter in the second class and that in the third. A precise demarcation of print matter, Congress hoped, would channel a public resource, cheap postage, to only those publications that disseminated the most socially useful information. The Post Office Department had more prosaic reasons for helping Congress establish a proper boundary line: it wanted to staunch the revenue losses caused by heavy use of the cheapest rate and it needed administratively workable rules to conduct day-to-day business. Thus, the legislative history of the classification act deals almost entirely with defining the second and third classes; the first class remained largely unchanged, and the fourth class became a catchall for nonprint matter formerly in the third class.

Amplifying the 1863 Definition

The spare definition of second-class mail adopted in 1863 relied strictly on technical matters: the material had to be "exclusively in print and regularly issued at stated periods. . . ." Other provisions of the same act—but not the basic definition—mentioned additional requirements to qualify for the lowest rates; periodicals had to be issued "from a known office of publication, and sent to regular subscribers. . . ." An 1872 law added the clause "known office of publication" to the definition of second class.¹²³

¹ Act of March 3, 1869, 12 Stat. 705.
² 12 Stat. 707.
The phrase "regular subscribers" in the 1863 law ultimately proved more important in classifying mail. Initially, the regular subscriber requirement figured only in certain situations. Postmasters could require publishers to swear that they never sent publications to nonsubscribers without first prepaying postage. But in 1874 Congress established "regular subscribers" as a condition for all publications sent at the lowest rates.

The 1874 law also introduced the pound rate, which made the second class vastly more attractive to all kinds of publications. Instead of assessing postage on each copy of a newspaper or magazine, postmasters now weighed periodicals in bulk. The change proved a boon to newspapers and magazines; no longer would postage double when an issue exceeded, however slightly, the 4 ounces allowed for each copy. The new rates adopted by Congress charged publications issued weekly or more often (mainly newspapers) 2 cents a pound, and those issued less often (mainly magazines) 3 cents a pound. This new rate structure widened the gulf between second and third class. The 1874 law set third-class rates at 1 cent for each 2 ounces, at least four times the newspaper rate. The next year Congress, reportedly acting at the behest of private carriers eager to

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4 "The following is the form of oath prescribed to be taken by publishers as to the transmission of printed mail matter to other than bona fide subscribers: ... The undersigned ... does swear (or affirm) that he, as publisher, has not sent, nor permitted to be sent by any clerk, agent, or employee [sic], within his knowledge, any copies of the __________ without prepayment of postage by postage stamps, except as the same were sent to bona fide and regular subscribers." 1866 Postal Laws & Regulations 31-32 [hereafter cited as PL&R]. See also 12 Stat. 708.


6 Act of June 23, 1874, 18 Stat. 232. The pound rate was something of a concession on the part of the Post Office to win a long-sought reform: mandatory prepayment of postage by publishers. Previously, postage was supposed to have been prepaid quarterly in advance at either the office of mailing (by the publisher) or delivery (by the subscriber). In most cases, publishers expected subscribers to pay the postage, and collecting it vexed tens of thousands of postmasters. In fact, much of the second-class postage—possibly half that owed the Department—went uncollected. Collecting postage at the office of mailing also simplified the Department's bookkeeping chores, according to the postmaster general. 1875 Annual Report of the Postmaster General 20. See generally Richard B. Kielbowicz, "Origins of the Second-Class Mail Category and the Business of Policymaking, 1863-1879," Journalism Monographs, No. 96 (April 1986), 6-13.
carry the merchandise in third class, doubled the rate to 1 cent per ounce. In one other change with some implications for classification, the 1874 law allowed newspapers enjoying the postage-free in-county privilege to be printed partly outside the county of publication. This accommodated patent insides or outsides provided by readyprint services, companies that printed one side of a newspaper sheet and shipped it to publishers who added local news and ads.

Protests from publishers prompted Congress to restore the lower rate to most publications that fell in the third class. An 1876 law stated: "Transient newspapers and magazines, regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates, and all printed matter of the third class, except unsealed circulars, shall be chargeable with postage at the rate of 1 cent for every 2 ounces or fraction thereof."

Significantly, the 1879 Mail Classification Act incorporated the 1876 language about "publications designed primarily for advertising purposes" into the definition of print matter expressly excluded from the second class.

Congress left the remaining third-class matter, mainly merchandise weighing up to four pounds, paying 1 cent per ounce. This division of third-class mail into two rate groups, one for miscellaneous printed matter and one for merchandise, presaged the creation of a fourth class in 1879. Some lawmakers insisted that they had approved the third-class rate hike in 1875 because they believed that it fell only on merchandise. The chairman of the Senate post office committee denied that anyone from the express companies had lobbied the

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7 The New York Times and American Newspaper Reporter charged that the higher third-class rates resulted from lobbying by private delivery companies. Doubling the rates on nonperiodical publications and merchandise in the third class supposedly diverted business to the private carriers. Lobbyists spent "a good deal of money there [Washington, D.C.] in dinners to Congressmen, and in other approved devices for opening the eyes of the blind," the Times reported. The New York Times, Mar. 15, 1875, p. 4. See also ibid., Mar. 13, p. 10; Mar. 15, p. 1; American Newspaper Reporter, 9 (May 17, 1875): 396, 400; ibid. 9 (June 7, 1875): 480, 485. Congress restored the old rate, 1 cent for every 2 ounces, in 1876. Act of July 12, 1876, 19 Stat. 82.


919 Stat. 82.
Administrative Rulings Address Advertising

Two years before passage of the Mail Classification Act, printed material went into two classes and three rate categories: in second class, newspapers paid 2 cents a pound and magazines 3 cents; in third class, transient periodicals and publications designed primarily for advertising purposes paid 1 cent for each 2 ounces. With the advertising and magazine industries burgeoning, administrators scrambled to figure out where various kinds of printed matter fit. From 1876 to 1879, postal officials rendered administrative decisions and held meetings with publishers in order to minimize the confusion. These efforts culminated in the Mail Classification Act.

The impetus for an improved classification scheme, especially the modernized second- and third-classes, originated with Arthur H. Bissell of the Post Office Department's law division. In rendering legal decisions for the department,

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10. Apparently he meant that no one from the express companies had approached the post office committee in 1874, asking for higher third-class rates. He acknowledged that in 1876 the Senate Post Office Committee had "the newspaper men," "the book men," "the publishers," and "the card and envelope men before us. We have had the attorney of the express companies and who sought to exclude all merchandise from the mail." Cong. Rec., 44th Cong., 1st sess. 2222 (1876) (quoting Sen. Hamlin).


13. The Postmaster-General has been obliged to authorize the [mail] contractors upon some routes to leave quantities of merchandise to enable them to forward the letter and newspaper mail," the chairman of the Senate committee told his colleagues. "Within a very few days past the contractor upon the route from San Diego to Tucson informed your committee that on a single day one hundred and sixty-five packages of merchandise of four pounds each were delivered to him for transportation upon said route." Cong. Rec., 44th Cong., 1st sess. 2221 (1876) (quoting Sen. Hamlin).
Bissell had many occasions to rule on the nature of publications and the postage they paid. In June 1877, filling in for the POD's assistant attorney general, Bissell ruled that "[p]eriodicals intended primarily for advertising purposes should not be mailed [at second-class] pound rates." His decision was "based upon the theory that the government should not carry at a loss to itself publications which are simply private advertising schemes." Bissell's ruling forced such publications to pay third-class postage, denying them the much cheaper pound rates.

But this scarcely resolved the problem. In a five-month period, Bissell had to determine the postal status of 300 to 400 publications. Enterprising advertisers began issuing publications just frequently enough to qualify as periodicals, he complained. The intent of postal legislation was clear, he wrote, but the intent of many publications was not. Some of these publications had no regular list of subscribers and subsisted entirely on advertising revenue.

Bissell was confronting two parallel developments in publishing and advertising. First was the appearance of mail-order magazines, pioneered by E.C. Allen. Operating a mail-order business from Augusta, Maine, Allen bought liberal amounts of advertising in newspapers and magazines until he developed his own publication, the People's Literary Companion, a monthly first issued in 1869. Nominally sold for 50 cents a year, it could be obtained for less when purchased by clubs, and in fact much of its circulation was simply given away. It contained a few stories and household hints, but mainly was a device to generate mail-order sales. The Companion attained a circulation of half a million in its second year. Success spawned imitators, and many did well enough to offer weekly publications in the mid-1870s.

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formerly had eschewed most advertising, discovered its rewards. Both the mail-order journals and magazines needed the mail to reach their national audience of reader-consumers. A series of postal rulings in the mid-1870s tried to divert the flood of newer publications to the more costly third class. The department repeatedly reminded postmasters that a publication had to have a list of *bona fide* subscribers to qualify for the second-class rate. Another criterion used in classifying printed matter was the purpose of a publication. In 1876, rulings emphasized that pound rates were to be accorded only to publications whose "prevailing characteristic and purpose" was the dissemination of intelligence of passing events. Magazines jeopardized their second-class rate status if they inserted advertisements printed separately. The department held that "Unless such advertisements are printed at the same office, on paper of the same size, and regularly paged with other sheets of the publication, third-class rates of postage must be prepaid thereon." Apparently some publishers colluded with those who would otherwise issue separate advertising circulars. In 1878 the department prohibited advertisers from inserting ads in publications, buying up the entire issue, and then using the low second-class rates to reach reader-consumers.

Growing weary of endless ad hoc administrative rulings, Bissell sought a more definitive means of coping with classification issues. In 1877 he proposed registering publications in five categories, with postage at 2 to 3 cents a pound for the most privileged, rising to 12 cents a pound for advertising circulars. Postmaster General David M. Key mentioned the problem in his annual report, and

19See, e.g., 1873 PL&R 70; *U.S. Official Postal Guide*, October 1874, p. xix; ibid., January 1877, p. 56. Virtually every issue of the *Postal Guide* carried a ruling trying to define what constituted a regular subscriber. The *Postal Guide* was a quarterly published privately by authority of the Post Office Department. The first issue appeared in October 1874.
Congress considered a bill drafted by Bissell. The House post office committee invited New York City publishers to comment on the plan.23

New York publishers representing different segments of the industry met at the city post office on January 26, 1878, and appointed a committee to confer with Bissell. The committee consisted of representatives from *Scribner's Monthly*, *Christian Union*, *The Grocer*, *American News Company*, *The New York Times*, and Harper's magazine and book publishing house. Three spoke for the well-established, respectable magazines that had awakened to the possibilities of national advertising, while *The Grocer*, a trade journal, represented a class of magazines that had problems convincing postal authorities of its legitimacy and entitlement to the second-class rate.24 After two days of consultations with Bissell, the publishers committee unanimously endorsed a modified version of the bill then before Congress.25

When Bissell met with publishers in Philadelphia, he found considerable opposition to the registration features of the bill. The Pennsylvania Editorial Association unanimously opposed registration as creating the potential for censorship, but it urged Congress "to remove the discrimination between periodicals printed weekly and those issued at longer intervals."26 The Philadelphia *Public Ledger* also resisted registration because it would "superadd to


24 In 1877, the assistant attorney general for the Post Office Department ruled that a Chicago trade magazine could not pass at the second-class rate. *The New York Times*, June 8, 1877, p. 2. A trade journal for the printing industry, *Typo's Guide*, July-August, 1877, p. 32, complained: "The Postmaster General having decided that the TYPO'S GUIDE is an advertising sheet, coming under the head of third-class matter, and must, therefore, be prepaid at the rate of one cent per copy..." Bissell suspected that many trade journals were merely thinly disguised catalogues for products sold by the publishers and editors with a few articles that amounted to advertisements for their products. In making classification decisions, he sometimes directed POD agents to investigate "first whether either publishers or editors are engaged or interested in the business [connected with the subject of the magazines], and second, whether the descriptive articles contained therein are paid for as advertisements?" Bissell to Jas. E. Stuart, special agent, Chicago, June 19, 1877[7 or 8], Letters Sent from the Office of the POD Solicitor, Records of the Post Office Department, Record Group 28 (National Archives).


26 Quoted in *Printers' Circular*, 12 (February 1878): 281.
the existing administrative machinery of the Postal Department a Bureau of Mail
Classification, under a superintendent at Washington, to which all such periodical
publications must be sent for examination and judgment before they can be passed
through the mails at the low rates of postage...

Bissell accepted all the
amendments suggested by the Philadelphia publishers except one permitting
appeals of adverse classification decisions to the federal courts.

As modified by the New York and Philadelphia publishers, the bill
retained the three classes of mail then in use. The proposed change involved
bringing all printed matter into the second class and reserving the third class for
merchandise. Within the second class, however, some distinctions would be made
among publications based on their purposes. Second-class matter could either be
"registered," enjoying the lowest rate, or "ordinary," subject to a higher charge.
Registered publications would have to meet four criteria, essentially those that
became law in 1879: they had to be (1) issued at regular, stated intervals; (2) sent
from a known office of publication; (3) made of printed paper without substantial
bindings such as books; and (4) "originated and published for the dissemination of
information of a public character, or devoted to literature, the sciences, arts, or
some special industry, and having a legitimate list of subscribers." Qualified
publications issued at least twice a year could be mailed at 2 cents a pound,
weighed in bulk. This proposed classification eliminated the rate differential
between newspapers and magazines and brought trade journals into the preferred
category.

A spokesman for New England publishers testified before the Senate
post office committee on February 28 and echoed his counterparts in New York
and Philadelphia. The comments of William E. Sheldon revealed why many
publishers joined with postal administrators in pushing for registration of printed
matter. Sheldon sprinkled his testimony with such phrases as "legitimate
publishers," "the honorable publishers," and the "legitimate press"—an implicit
subclass of all publishers. He asserted that the registration scheme was "without
opposition from the entire legitimate press of the country," but predicted that the
measure would probably be opposed by a "species of publications that are designed

27Philadelphia Public Ledger, Jan. 28, 1878, quoted in Printers' Circular, 12 (February
1878): 279.

28The text of the bill adopted by the Philadelphia publishers and Bissell is reproduced in
Printers' Circular, 12 (February 1878): 274-76.

29Text of bill reproduced in Printers' Circular, 12 (February 1878): 274-76.
to sell medicines, or are designed to influence the public to buy special goods; that is, one class of trade journals that are not designed to convey intelligence to the people. 1

Bissell reported to the Senate post office committee on his meetings with postmasters and publishers. 31 In questioning Bissell, Senator Samuel Kirkwood of Iowa implied that there was no valid reason to discriminate against advertising circulars when such magazines as Scribner’s, Harper’s and the Atlantic carried several pages of advertising. Bissell admitted that, at the publishers’ insistence, a provision had been added to the bill permitting regular periodicals to carry advertisements printed on separate pieces of paper. Bissell grappled with the public policy goals of distinguishing between registered and ordinary publications. First, he noted, a series of congressional acts, especially the 1876 law, had established the “discrimination... against purely advertising sheets and in favor of legitimate periodicals and newspapers.” Regular publications dealt with public business, he added, and “If there be a loss on their carriage, the general tax is legitimate and will be paid cheerfully by the public at large.” Advertising sheets, in contrast, served private interests, making it “unfair to insist upon the public paying a tax in support of [the] private business of individuals or companies.” At bottom, Bissell told Kirkwood, “The character of the reading matter overbalances” the commercial motives of regular periodicals. The absence of such reading matter in other publications disqualified them from the most-favored rate. 32

The Classification Act in Congress

After eighteen months of consideration, the House post office committee on January 23, 1879, reported the bill that ultimately became law. Alfred M. Waddell, a Democrat from North Carolina, explained that the bill

30 Argument of William E. Sheldon, 2.

31 The only point of disagreement between some publishers and the department, Bissell told the committee, was whether local postmasters or Washington-based officials should make judgments about registration. He preferred to centralize the decisionmaking in Washington to assure greater uniformity, but Philadelphia publishers wanted that power vested in the hands of local postmasters. Bissell acceded to having the local postmasters issue the certificates of registration, though he emphasized that their decisions would be made “under such regulations as the Postmaster-General might prescribe.” Bissell’s testimony as reprinted in Argument of William E. Sheldon, 10 (emphasis in original).

32 Bissell’s testimony as reprinted in Arguments of William E. Sheldon, 16-17.
reclassified mail matter but left rates largely unchanged. The only rate change favored monthly and quarterly magazines by bringing them within the 2-cent-a-pound postage rate newspapers enjoyed. He illustrated the discrimination in existing law by comparing the weekly and monthly periodicals issued by Harper's publishing house. Joseph Cannon, later the powerful Speaker of the House, vigorously opposed consolidating newspapers and magazines into one category. "Newspapers," he said, "go to the masses of the people throughout the country, to the poor people, to the laboring people; everybody takes them. It is the exclusive few as a rule who take the monthlies." Representative Hernando Money replied that conferring the lowest rate on all second-class publications—dailies to quarterlies—eliminated an unjust discrimination against magazines, many of which represented "the very best class of periodical literature." The Missionary Herald, "the oldest monthly in the United States, and a religious paper of the very first class." paid 50 percent more postage than the Police Gazette because the latter published weekly.

The registration of "legitimate" publications was the only other noteworthy change in existing law proposed by the House committee. Waddell, in explaining the bill to his colleagues, frequently resorted to the terms "legitimate" and "illegitimate" to denote different types of publications. Where earlier versions of the bill had only three classes of mail, the committee's report suggested four. The second class would encompass regular publications, which would be registered in order to receive the two-cent-a-pound rate. The third class covered books, transient newspapers, and the so-called "illegitimate" publications—advertising circulars expressly excluded from the second-class. Third-class material would be admitted to the mail without registration at one cent for each two ounces—eight times the second-class rate.

The House failed to act expeditiously on the bill, so on February 20, 1879, the classification scheme was revived in the Senate as an amendment to the post office appropriations bill. The substance of the classification bill and the rates excited little interest in the Senate; the half-hearted debate centered on whether

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33 Cong. Rec. 692 (1879).
34 Cong. Rec. 690 98 (1879).
such legislation should be considered late at night near the end of the session, and
whether it belonged as an attachment to an appropriations bill. It passed.37

A conference committee then considered the post office appropriation
bill and retained the mail classification features and postage as they had been
shaped in the House. On the last day of Congress, March 3, 1879, the House and
Senate passed the bill without further debate, creating the mail classification system
that has lasted until today.38

There was nothing in the law that major publishers had stridently
opposed and much they had approved. Postal administrators failed to get the
registration system they had sought, but prevailed in other respects. Printed matter
now fell into either the second or third class. Qualifications for admission to the
second class were those suggested by the department and approved by publishers in
a few large cities. A publication had to appear at regular intervals at least four
times a year; be issued from a known office of publication; formed of printed
sheets without substantial binding; and disseminate "information of a public
character, or be devoted to literature, the sciences, arts, or some special industry,
and having a legitimate list of subscribers." In addition, the definition specifically
excluded from the second class "publications designed primarily for advertising
purposes, or for free circulation, or for circulation at nominal rates."39

The provisions governing the classification of second-class mail were
largely synthesized from earlier laws and some administrative rulings. In one
respect, however, the 1879 statutory language moved beyond earlier acts. For the
first time the law spoke directly about the purpose of publications admitted to the
second class—they had to disseminate information of a public character or serve a
specific industry (trade journals). This articulated lawmakers' understanding of the
public policy behind the low rate and, in fact, Bissell had begun applying a similar
standard administratively before 1879. The 1879 act made one other noteworthy
change in second class: Congress extended the free in-county privilege from
newspapers to all periodicals in the second class.40

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37 Cong. Rec. 1662-65 (1879).
38 Cong. Rec. 2372-73 (1879); 20 Stat. 358-61.
The Mail Classification Act assigned mail-order journals and advertising circulars to the third-class, along with books, transient newspapers and other printed matter. Third-class rates remained 1 cent for each 2 ounces, eight times the 2 cents a pound second-class rate. Although the law was designed to curtail use of the mail by advertising circulars, it explicitly provided that second-class publications could carry ads as long as they were permanently attached.41

The act made few changes in the first class. Apart from letters and "all matter wholly or partly in writing," the first class embraced postal cards. Government-issued postal cards had been authorized in 1872 (as distinguished from private post cards, admitted as first-class mail in 1898). The Post Office Department allowed businesses to print messages on the one-cent cards and they quickly became a popular, inexpensive advertising medium.42

The new fourth class covered all mail matter other than printed material formerly in the third class. Since 1876, this merchandise had been segregated in a more expensive category.

4120 Stat. 359.
42Printers' Circular, 12 (March 1877): 3.
5. CLASSIFYING MAIL IN AN AGE OF COMMERCE
(1880-1920)

Congress intended the Mail Classification Act to assign informative
periodicals to the second class and relegate advertising matter to the third. Since
early all publications carried some advertising, making this classification decision
often involved gauging the extent of a publisher's commercial motives. Toward
this end, the Post Office Department developed a corpus of administrative law
governing admission to the second class, while Congress continued to examine and
reexamine the underlying public policy. Noting that almost all periodicals had
become highly commercialized products, lawmakers wondered about the best use
of public resources--in this case, cheap postage--to advance publishers' interests.
In 1917, Congress restructured second-class postage by adopting zoned advertising
rates. Although this legislation was not a classification matter per se, it was
widely seen as restoring balance and integrity to the classification act.

At the same time, Congress reconsidered the post office's relation to
commerce in another vein--parcel delivery. In 1912, lawmakers reinvented fourth-
class mail by authorizing a parcel post. First-class mail remained largely
untouched between 1880 and 1920.

Policing the Second- and Third-Class Mail

After 1879, postal administrators began developing a number of tests
and rules to shore up the wall Congress had built between the highly preferential
second class and the more expensive third. Lawmakers took note of the
administrators' efforts and, around 1900, began considering plans to revise second-
class rates and terms of eligibility. These deliberations culminated in zoned
advertising postage and the creation of a new subclass for publications published by
nonprofit groups.
Age of Commerce

Elaboration of Administrative Rules. Low second-class rates tantalized publishers and advertisers looking for a way to reach the reader-consumer. Second-class mail paid 2 cents a pound until 1885, when Congress reduced it to 1 cent, where it remained until 1917. With third-class postage set at 1 cent per 2 ounces—nominally eight times as much but actually more because third class paid by the piece rather than in bulk—publishers of all kinds of printed matter naturally tried to pass their wares at the subsidized rate. The post office battled these "Second Class Matter Fiends," the administrators' label for mailers who devised ingenious schemes to qualify for the lowest possible rate. In classifying a periodical, postal administrators judged its intent or character to determine whether it was primarily or incidentally designed for advertising purposes. The problem, as a congressional commission recognized in 1907, was that "every periodical is designed for advertising purposes or no periodical is so designed." Resolving this dilemma propelled most of the major developments in mail classification between 1880 and 1920 and stimulated Congress to seek broader reforms of the second-class mail category.

By the late 1800s, advertising was transforming almost all periodicals, a development that vastly complicated application of the Mail Classification Act. Before 1900, advertisers furnished less than half of periodicals' income; by 1920, advertising's share approached two-thirds. The number of pages devoted to advertising in monthly magazines more than doubled between 1888 and 1928; for weekly magazines, it rose by a factor of twenty-five. Publishers came to regard subscribers less as readers than as consumers to be delivered to merchandisers. Entrepreneurs launched national magazines in the 1880s and 1890s expressly to serve as vehicles for advertising brand-name consumer items featured by mass retailers. This new genre of magazines, epitomized by Curtis Publishing Company's Saturday Evening Post, Ladies' Home Journal, and Country Gentleman, cut subscription rates to attract a mass middle-class audience. The mail, of course, was crucial in delivering these publications. With advertising-

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3 H.R. Doc. No. 608, 59th Cong., 2d sess. xxxv-xlili, quote at xxvii (1907) [hereafter cited as Penrose-Overstreet Commission].
filled periodicals blanketing the nation, second-class mailings grew twenty times faster than population in the four decades after 1880.4

With the pages of most publications filled with ads, postal officials looked for external evidence to judge their eligibility for a second-class permit. Some publications sent excessive quantities of sample copies to nonsubscribers. For example, the Appleton, Wisconsin, Post mailed an extraordinary number of one issue marked "sample" to a list of nonsubscribers furnished by an advertiser. In another case, the post office denied the second-class privilege to a publication that issued 20,000 sample copies but had only 1,500 subscribers.5 Mail-order journals posed another problem. Styled as magazines, these advertising-filled publications devised countless schemes involving discounts, premiums, and clubbing arrangements to give away subscriptions. Publishers compensated for negligible subscription revenue by charging steep advertising rates based on inflated circulations. Yet another target of postal administrators was the publication conducted merely as an auxiliary to a business. Firms ranging from agricultural implement manufacturers to insurance companies issued periodicals advertising the owner's products along with a few stories that were little more than disguised promotions for the products.6 When postal officials detected these attempts to stretch the definition of legitimate second-class matter, they classified the questionable publications as third-class mail.

Initially, any postmaster could grant a second-class permit. "There were almost an endless variety of rulings; for there were almost as many judges as there were postmasters," according to Marshall Cushing. After 1887, however,


decision making was centralized in Washington, D.C., where the classification division labored to maintain the integrity of the second-class mail category. Under an 1885 opinion of the post office solicitor, publishers had to provide local postmasters with sworn answers to a series of questions (nineteen by 1902, some with several parts). Most delved into a periodical's business practices to ascertain whether it disseminated information of a public character or was primarily intended for advertising purposes. For instance, publishers had to provide details about ownership, their other businesses and how they related to the publication, advertising practices, and subscription terms—an extensive inquiry by federal officials into the conduct of private enterprises. Applying the criteria set forth in *Postal Laws and Regulations,* postmasters determined whether to issue a provisional second-class mailing permit. The application, affidavit, sample copies, and other evidence were then forwarded to the classification division in Washington, D.C., for a final decision about admissibility. Difficult decisions and appeals were referred to the solicitor (also known as the assistant attorney general) for the department. His published opinions compiled by the headquarters staff, along with the *Postal Laws and Regulations,* built a corpus of postal administrative law. A monthly *United States Official Postal Guide* also communicated rulings, orders, and sundry information to the nation's widely scattered postal staff. Procedures for classifying mail were thus highly centralized in the hands of a professional staff, counterbalancing the inexperienced politician-postmasters who headed the thousands of offices throughout the nation.7

A principal figure behind stricter application of mail classification standards was Third Assistant Postmaster General Edwin C. Madden, who served from 1899 to 1907 under five postmasters general. The forty to forty-five clerks in his classification division issued two to five hundred decisions, instructions, and answers daily for postmasters, publishers, and citizens throughout the country. As the workload increased, Madden appointed a superintendent of classification and a few special agents to oversee the clerks. For the most part, these special agents remained in their posts as the postmasters general came and went, thereby

solidifying the institutional commitment to fight abuses of the second-class mail privilege.8

Between 1901 and 1919, Madden and his successors expanded the paid subscriber rule, which became the linchpin in determining whether mail fit in the second or third class. Policymakers and administrators had grown increasingly frustrated in determining second-class eligibility by looking at a publication's content. "You can only draw a line between the subscriber and the nonsubscriber," Congressman Eugene F. Loud concluded after investigating second-class mail for several years. "[T]he only line you can draw is to permit the rate to continue on such matter . . . that the people want to pay for. That is, where a man pays money for anything, it is the assumption that he wants it."9 The American Newspaper Publishers Association, Agricultural Press League, and American Trade Press Association endorsed using this sign to differentiate between second- and third-class matter.10

Applying the paid subscriber rule in the early 1900s, the department cracked down on the practice of sending huge quantities of sample copies to nonsubscribers.11 The assistant attorney general advised in 1907 that the postmaster general could exercise his administrative discretion to limit sample copies as long as his action reflected congressional intent.12 The department thereupon limited sample copies to 10 percent of a publication's paid subscriptions.13 Samples sent in excess of this limit had to pay transient second-class rates, 1 cent per 4 ounces. The third assistant postmaster general boasted that this "regulation has taken out of the mails since January 1 [1908] millions of copies of publications whose 'circulation,' for advertising purposes, was swelled to the

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13Order No. 907, Dec. 4, 1907, Miscellaneous Orders of the Postmaster General, 12:311-26, U.S. Postal Service Library, Washington, D.C.
limit. " Ten years later, Congress recognized this administrative rule—the 10 percent limit on samples—in a statute.

Scrutinizing how a publication obtained subscriptions helped postal officials determine whether it was "designed primarily for advertising purposes, for free circulation or for circulation at nominal rates." A number of monthly mail-order journals ceased publication around 1908 because the Post Office Department challenged the validity of their subscription lists. In 1915, the postmaster general complained that the practice of offering premiums to induce subscriptions flouted the law. He argued that the second class should be reserved for publications that "circulated in response to a genuine public demand based on their merits." Two years later he determined that rates would be deemed nominal where the subscriber received a reduction of 50 percent or more from the advertised price, whether through a direct discount or a premium. This interpretation largely reaffirmed a test the department had been using for many years. A second rule discounted subscriptions obtained through agents who kept most of the money so that publishers received little or no payment.

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16 Mott, History of American Magazines, 4:364-68, esp. 365 n.54.
17 1915 Annual Report 36-37.
18 1917 Annual Report 64-65. Two 1911 administrative decisions illustrate how postal administrators applied the paid subscriber rule to determine eligibility for the second class. The department denied the Orange Judd Northwest Farmstead second-class mailing privileges after scrutinizing its subscription list. Postal officials found that many subscriptions had expired, had been purchased by banks for readers at nominal rates, or had been claimed by the publishers without any supporting evidence. Furthermore, the department surveyed a sample of the addressees and only 52 percent considered themselves subscribers. Sen. Doc. No. 32, 62d Cong., 1st sess. (1911); 5 Op. Ass'ty Gen'l 493-502 (Nov. 8, 1911). In another case, the department curtailed the Woman's National Weekly's use of its second-class permit. The post office decided that the Weekly did not satisfy the paid subscriber test because many copies were undeliverable, a quarter of 3,000 readers contacted by the department did not consider themselves subscribers, and many subscriptions were given as gifts. The department ruled that, until the Weekly purged its subscription list, 24 percent of its circulation would not qualify as regular-rate second-class mail. Sen. Doc. No. 26, 62d Cong., 1st sess. (1911).
In policing eligibility for the second class, the department ruled that paperbound books issued periodically as part of a series no longer qualified. This was a particularly bold move for the post office as Congress had declined to act after considering the same remedy. Affected mailers protested the administrative initiatives. "Having failed repeatedly in its attempt to secure the legislation desired, the department has now arrogated to itself the right to gain its ends by arbitrary rulings calculated to cover the points which Congress has repeatedly refused to grant through legislation," the Arena complained. A publisher challenged the book ruling in a 1904 U.S. Supreme Court case, Houghton v. Payne. Acknowledging that the rule reversed the department's own precedent and accomplished administratively what Congress had refused to do legislatively, the court nonetheless upheld the post office and gave it wide boundaries of administrative latitude.

Congress Reconsiders Second-Class Mail Policy. While administrators applied and extended the rules governing second class, Congress reconsidered the merits of the underlying policy. Mounting postal deficits and mushrooming quantities of second-class mail kept lawmakers' attention focused on the issue almost every year from 1900 to 1920. Some questioned whether a policy devised during the early Republic still made sense in the twentieth century, especially when modern publications no longer resembled those of the 1790s. Was it necessary for government to help bind the nation together? If so, was subsidizing the circulation of advertising-filled newspapers and magazines the best way to do so? Did any distinction between publications in the second and third class make sense when the editorial content of the former existed largely to draw attention to the advertising?

The Post Office Department had tried to crack down on books masquerading as periodicals since the mid-1870s. After some inconclusive departmental rulings, officials sought guidance from the attorney general, who advised in 1877 that such series fit in the second class. The attorney general noted that the book series published literary material periodically and without substantial binding. Furthermore, the books were addressed to subscribers, both in the usual meaning of the term as well as news agents, who qualified under law as subscribers. 1 Op. Asst. Att'y Gen'l 163-64 (1875); 15 Op. Att'y Gen'l 346 (1877); Cong. Rec., 53d, Cong., 2d sess. 4051 (1884). Each postmaster general from 1889 to 1901 pleaded with Congress to adopt legislation removing book series from the second class; Congress considered the proposals but refused to act. On the controversy over paperback books passing as second-class mail, see Richard B. Kielbowicz, "Merc Merce Merchandise or Vessels of Culture? Books in the Mail, 1792-1942," Papers of the Bibliographical Society of America, 82 (2d quarter 1988): 179-86.

20 "Bureaucracy in America." Arena, 26 (December 1901): 659-61, quote at 660.

In 1906, an advertising agent told the Joint Commission of Congress on Second-Class Mail as much:

There is still an illusion to the effect that a magazine is a
periodical in which advertising is incidental. But we don't look
at it in that way. A magazine is simply a devise to induce people
to read advertising. It is a large booklet with two departments--
entertainment and business. The entertainment department finds
stories, pictures, verses, etc., to interest the public. The business
department makes the money.22

Lawmakers searched for ways to bring the second-class mail category, and its
underlying policy, into line with publications' dual nature--commercial products
that conveyed public information and culture.23

Congress, through the 1912 Newspaper Publicity Act, strengthened
administrators' hands in classifying mail. The act conditioned admission to the
second class on the disclosure of three kinds of information. First, the law
prescribed that periodicals publish the names of their owners and stockholders
twice a year; this provision addressed the concern that some publications advanced
private interests more than public. Second, the act required that daily newspapers
publish a sworn statement attesting to their paid circulation; this helped in applying
the paid subscriber rule. Third, the 1912 law directed editors to label as
"advertisement" any material inserted for payment that might be mistaken for a
story; this aimed at the widespread practice of disguising advertising as news
stories and editorials, which indicated whether a publication was designed
primarily for advertising purposes. The Supreme Court upheld the
constitutionality of the Newspaper Publicity Act in 1913, and, in slightly modified
form, these conditions for admission to the second-class mail remain today.24

22James H. Collins quoted in Penrose-Overstreet Commission, xxxvii.
23For a detailed discussion of congressional debates about second-class mail at this time,
see Richard B. Kielbowicz, "Postal Subsidies for the Press and the Business of Mass Culture, 1880-
Morgan, 229 U.S. 288 (1913). For a discussion of the act, see Linda Lawson, Truth in Publishing:
Univ. Press, 1993). Lawson's book reviews the many abuses of the second-class mailing privilege
and details the responses of postal administrators.
Congress continued to seek a more fundamental reform, one that calibrated a public resource—cheap postage—to the public benefits it produced. Lawmakers devised zoned advertising postage, adopted as part of the 1917 War Revenue Act. Since 1885, periodicals in the second class had paid 1 cent a pound regardless of their advertising content and distance mailed. The new law charged low postage on periodicals' reading matter and higher rates on their advertising contents, with postage for the latter rising in proportion to distance. This creative solution combined three pricing theories: the flat, low rate for editorial content continued public service pricing (charge less because of its societal value); the distance component reflected cost-of-service pricing (charge more to cover transportation expenses); and the advertising differential represented value-of-service pricing (charge more for the private benefits it produced). Viewed another way, zoned advertising postage narrowed the gap between the treatment of advertising in the second and third classes.

Exempting Nonprofit Publications in the Second-Class. When Congress adopted zoned advertising postage in 1917, it also created a subclass for the publications of nonprofit organizations. Such publications, however, had been battling over their place in the second class for nearly thirty years. In the early 1890s, the post office began excluding the publications of fraternal and benevolent associations from the second class. Journals issued by organizations for their members belonged in the more expensive third-class, postal administrators concluded, because they were "devoted entirely and exclusively to advertising the private interests of the owners. . . ." Also, collecting subscriptions through membership assessments was "a compulsory collection and can not be considered as constituting 'a legitimate list of subscribers'," the assistant attorney general ruled. At the behest of some of the affected organizations, Congress in 1894 amended the law to bring publications of fraternal and related societies into the

second class along with publications issued by educational institutions, labor unions, and professional, literary, historical, and scientific societies.28

In administering the 1894 law, the post office discovered that many such publications carried general consumer advertising unrelated to the sponsoring groups' special missions.29 When administrators began denying second-class permits on this basis, the affected mailers pointed out to lawmakers that advertising both informed readers and generated funds for charitable works.30 Congress in 1912 clarified the law by expressly permitting fraternal, professional and benevolent periodicals to carry all kinds of advertisements.31

The 1894 and 1912 laws did not establish special rates, but they did anticipate the policy of treating certain kinds of organizations preferentially. Congress went a step further in 1917, bestowing special rates on some of the groups already admitted to the second-class mail. The legislative history of this provision in the War Revenue Act of 1917 law is spare, for debate about the commercial press overshadowed all other considerations.32 The law establishing zoned advertising postage exempted the publications of prescribed nonprofit organizations. Hence, these periodicals became known as "exempt publications" or "exempt second-class matter." Specifically, the law provided

That in the case of newspapers and periodicals entitled to be entered as second class matter and maintained by and in the interest of religious, educational, scientific, philanthropic, agricultural, labor, or fraternal organizations or associations, not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, the second-class postage rates shall be, irrespective of the zone in which delivered . . . 1 1/8 cents a pound or fraction. . . .

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29 1894 Annual Report 481; 1901 Annual Report 772-86; Penrose-Overstreet Commission, 304.
32 For scattered discussions of the nonprofit rate, see Cong. Rec., 65th Cong., 1st sess. 2352, 2357, 2773-75, 6399 and appendix 247, 493 (1917).
The act phased in higher rates for regular second-class matter, establishing preferential treatment. It also required organizations using this subclass to provide "satisfactory evidence that none of the net income of such organization inures to the benefit of any private stockholder or individual."  

**Parcel Post**

The radical potential originally envisioned for parcel post, and the controversy that surrounded its inauguration, is hard to appreciate from today's vantage point. Yet parcel post marked a dramatic departure in public-sector initiatives: it put the federal government in the transportation business to compete with well-established private firms. That the United States started parcel post so late—it was the last major industrialized nation to do—suggests the extent to which the service raised fundamental questions about the proper sphere of state action. More narrowly, parcel post made the post office a full-fledged auxiliary of the nation's commercial system. Advertisements on the pages of publications and in circulars had long reached consumers through second- and third-class mail. Customers submitted orders by first class. But any order above 4 pounds had to be delivered by private express companies—if one served a customer's town. After 1913, much larger parcels could be delivered by the government's service—the post office—which went everywhere.  

Before the inauguration of parcel post on January 1, 1913, the post office charged the exorbitant postage of 1 cent an ounce for any parcel weighing less than 4 pounds and refused to deliver heavier packages. This amounted to $320


a ton when the same haul cost $1.90 at railroad freight rates or about $28 as railway express. Montgomery Ward and Co. estimated in 1911 that it shipped about 82 percent of its orders by freight, 10 percent by express, and only 8 percent by mail. The express companies expedited packages; alternatively, the slower but cheaper freight services handled loads above 100 pounds.35

Express companies' parcel business burgeoned in the late 1800s as various mail-order merchandisers, most notably the big catalogue houses--Montgomery Ward (1872) and Sears, Roebuck and Company (1887)--began offering their wares to the nation. From the start of the parcel post campaign, proponents, notably the Grange, accurately predicted that a government service would particularly help rural Americans. Small-town residents often had only one or two modestly stocked general stores at which they could conveniently shop; farm families living along country lanes had trouble reaching even these. Rural Americans began to demand that the post office carry parcels at a competitive rate because express companies refused to serve isolated regions and, where service existed, the absence of real competition led to high and uneven rates. Also, the people's growing resentment of railroads and railway expresses as powerful and abusive institutions fueled the parcel post movement.36

The Populists' expansive view of federal postal powers appealed to some postal administrators. Ironically, perhaps, the most far-reaching proposals were put forward by a businessman-turned-postmaster general. John Wanamaker, founder of the Philadelphia department store, worked to put the post office on a more businesslike footing by expanding into fields heretofore left to the private sector. Appointed head of the Post Office Department in 1889, Wanamaker repeatedly urged the establishment of rural free delivery, parcel post, postal telegraphs, and postal telephones. "[P]arcel post is a success wherever it is in operation" around the world, he proclaimed, blaming the "four great express companies" for blocking it in the United States. Wanamaker's immediate

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successors vary in their commitment to parcel post, but a growing cadre of postal
officials saw advantages in capitalizing on the department's unrivaled nationwide
infrastructure. In a related vein, foreign governments and international postal
congresses repeatedly asked the United States to provide parcel post on the same
terms as other industrial nations to facilitate cross-border package exchanges.37

Although the Populists failed to win a parcel post during their heyday,
they did secure an equally important postal service, Rural Free Delivery (RFD).
Apart from its own merits, RFD enlarged the constituency for parcel post and
proved to many rural residents and postal officials that the government could offer
a viable package delivery service. As RFD routes multiplied after 1896, families
living along country lanes gradually found themselves tied into the national
communication and marketing network. Reader-consumers in the countryside
received advertising-filled periodicals and mail-order catalogues and remitted their
orders by letter. They found, however, that the government, which had promoted
such transactions, would not carry the fruits of all this mail—packages.
Unofficially, however, RFD carriers used extra space in their mail wagons to
deliver parcels for patrons along their routes until postal officials and Congress
curtailed the practice. Nonetheless, this unplanned test heartened parcel post
advocates and strengthened claims that the postal system's underutilized capacity
could efficiently accommodate additional services. Proponents saw parcel post as
the capstone in a postal communication and transportation system that already
promoted marketing on a national scale.38

When a consumer movement emerged in the early twentieth century,
parcel post advocates appropriated its tenets. The phrase "cost of living" and cries
of "Eliminate the middleman!" echoed throughout parcel post hearings, articles,
petitions, and correspondence.39 "The women of the country are very much
concerned in getting articles for their homes cheaper than they can get them now,
and they believe the parcel post will help them in that direction," Harriette J.
Hifton told Congress. Hifton belonged to the Consumer's League as well as
suffrage associations, the Women's Trade Union League, and other groups.

38 Wayne E. Fuller, "The Populists and the Post Office," Agricultural History 65 (Winter
1991): 1-16; see generally Fuller, RFD.
39 According to a flier, "The tendency of the time is to eliminate middlemen." Retail
Merchants' Association of Illinois, "Why Parcels Post Should be Opposed," Nov. 18, 1907; Senate
Committee on Post Office and Post Roads, Records of the U.S. Senate, RG 46 (National Archives)
file S62A-F20 [hereafter cited as Senate Records]. See also Fuller, RFD, 219-21.
Capitalizing on such sentiments, the Mail Order Association sponsored a pro-parcel post tract entitled *A Practical Way to Reduce the High Cost of Living.*

Popular magazines, which stood to benefit from parcel post, filled their columns with approving articles and editorials. "As civilization develops, commerce divides itself more and more into parcels and the carrying of packages must play a constantly increasing part," the Hearst-owned *Cosmopolitan* maintained in 1904, the year William Randolph Hearst, a congressman from New York, introduced parcel post legislation. Magazines spotlighted the success of foreign parcel posts in articles replete with photographs of tidy post offices, food-filled wicker baskets, and modern delivery vehicles. *Good Housekeeping* propagandized on behalf of parcel post in a gushing article, "Housekeeping by Parcels Post: its Advantages and Satisfactions, as Witnessed by an American Housewife." An American woman accompanies her English friend on a multi-city shopping expedition; the Englishwoman ships her purchases home via parcel post. The American marvels at the reasonable cost and fast service; she laments that the United States lacks a similar service. "Let every woman write to her husband's congressman and speak her mind!" the editor commands in a postscript.

The peculiar organization of express companies, "a distinctive American institution," did much to keep the parcel post campaign alive.

Although largely offshoots of railroads, the express companies maintained separate

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corporate structures that allowed them to sidestep regulation until 1906. When the Interstate Commerce Commission finally scrutinized the industry, its report basically corroborated what the pro-parcel post muckrakers had been telling magazine readers for several years: express companies double charged and over charged, refused to tell customers about free delivery areas beyond rail depots, sent shipments by circuitous routes to inflate costs, discriminated among customers, and more.

With findings such as these, Congress could no longer put off acting on parcel post. For twenty years, repeated attempts to push legislation through had usually died in committee, and popular magazines attributed this to the influence of railroad-express interests and their legislative allies. An 1897 parcel post bill failed when railway interests "seized the Chairmanship of the Postal Committee of the U.S. House," according to James L. Cowles, the chief parcel post lobbyist. House Speaker Joseph Cannon stacked later post office committees against parcel post and kindred proposals. Post office committee chairmen appointed by Cannon bottled up parcel post legislation as long as possible and then watered down proposals. The House leadership kept parcel post from receiving a hearing until April 1910; it took a petition from a majority of the representatives to get that proceeding started. The railway domination of Congress closed with the


Parcels Post hearing of April, 1910," Cowles cheerfully told the Woman Suffrage
Association.47

By 1911, some sort of parcel post seemed inevitable—the adoption of
postal savings had opened the door to government enterprise; a new Congress, one
more amenable to such initiatives, had convened; muckraking exposes of railroads
and express companies had cultivated considerable popular sympathy; and
preliminary findings from the ICC's investigation had documented the magnitude
of the problem with private-sector services. But what form should the government
parcel post take, what principles of political economy should it express?

Much of the campaign for parcel post turned on beliefs about the
capacity of the Post Office Department to handle new tasks. The size, complexity,
and reach of the Post Office had earned the department accolades as "the greatest
business concern in the world." In this view, the department possessed the
requisite logistical expertise to successfully manage a parcel delivery business.48
Of course, critics of the department, usually big mailers complaining about their
high postage bills, impugned the POD's business acumen and managerial skill. A
1908 essay in the Journal of Political Economy identified features of the post office
that distinguished it from for-profit businesses and concluded "that the Postal
Department as now organized and operated would be utterly unable to compete
with express companies upon purely a business basis."49

Another argument for parcel post presumed that business imperatives
should drive the POD; therefore, entrepreneurial-minded postal managers had an
obligation to add services that capitalized on the system's unmatched infrastructure.
Proponents had long argued that parcel post would take advantage of rural carriers'
underutilized capacity, their partly loaded wagons. And some pointed out that the
post office already had the unprofitable business, delivering parcels under four

47Cowles, What Women Might Do with the Ballot, 6.
48Postmaster General Charles E. Smith, Greatest Business Organization in the World: The
Department," World's Work, 19 (March 1910): 12645-44; 1912 Senate Hearings 202 (testimony of
Postmaster General Hitchcock).
(February 1911): 13978-86 (Seitz was a newspaper editor and spearheaded the publishers' campaign
to protect low second-class rates); Albert N. Merritt, "Shall the Scope of Governmental Functions
be Enlarged So as to Include the Express Business?" Journal of Political Economy, 16 (July 1908):
417-35.
pounds to sparsely settled parts of the country, leaving the more lucrative
shipments to the express firms. A full-fledged parcel post would develop
profitable routes that compensated for the unprofitable ones found in any system
promising universal service. Parcel post, in sum, would improve the department’s
finances. Opponents, of course, argued forcefully that any extension of service
would just increase the postal deficit.50

As the parcel post debate crested, Congress considered four options:
(1) leave the parcel delivery business entirely to private-sector competition; (2)
subject private carriers to stricter regulation by the Interstate Commerce
Commission; (3) launch a public service to compete with the private sector; and
(4) invoke the Constitution’s postal clause to establish an outright public
monopoly. The upshot of the debate—joining ICC regulation of private firms with
state-sponsored competition—straddled competing visions of political economy.

Some proponents of a government monopoly were pragmatists.
Without a government monopoly, Postmaster General Frank H. Hitchcock told
Congress, the expresses would skim off the lucrative business, leaving revenue-
losing routes to the department. Others believed in the inexorable expansion of
state functions. The most ideologically driven proponents of a government
monopoly—the Grange, Farmers’ Union, small businesses upset with private
carriers, and the Knights of Labor, exhibited a deep-seated resentment of private
transportation companies, especially railroads.51

The alternative was government-sponsored competition, and its chief
exponent was Senate post office committee chairman Jonathan Bourne. He
believed that public-private competition in the package delivery business would
maximize service and minimize rates. The most likely outcome, he predicted, was
"decreased cost to the public whenever the Government can operate as cheaply and
efficiently as a private individual." Outright government ownership "tends toward


51 1912 Senate Hearings 191-242 (testimony of Hitchcock); 1911 House Hearings 82-108, esp. 85 (testimony of A. C. Shuford for the Farmers’ Union); 1912 Senate Hearings 1260-67 (T. C. Atkinson of the National Grange testifying for the eventual absorption of the express companies but willing to accept intermediate measures in the meantime); ibid., 1039-41 (testimony of I. S. Chamberlain for the Knights of Labor). Speech in Part of George J. Kindel on the Relation of Parcels Post to the Business Man and the Farmer Before the Trans-Mississippi Commercial Congress (Kansas City, Mo.: the author, 1911).
paternalism and bureaucracy," Bourne argued, though he held it out as "a dernier
court, where regulation has been demonstrated to be a failure."52 Others who
supported postal competition with private expresses invariably applauded its value
in making "express companies come to a just price in sending articles."53 As
passage of parcel post in some form appeared inevitable by late 1911, even the
express companies grudgingly endorsed the idea of public-private competition to
head off government absorption of their business.54

Years of investigations and exposes had by 1911 destroyed railroads'
and expresses' public credibility in fighting parcel post. Fearing a public backlash,
the express companies remained in the background throughout the congressional
debates. Much more persuasive were the forecasts of small-town businesses and
allied interests that parcel post would divert patronage to mail-order merchandisers,
derminating the economic and social foundation of their communities. Small-town
merchants and their suppliers lobbied directly and through their trade associations,
which in turn pooled resources in the 300-member American League of
Associations (ALA). One line of attack was to cast doubts on the financial
viability of parcel post.55 The ALA and allied groups, however, quickly moved
beyond the practicality of parcel post to matters of principle. Letters, petitions,
pamphlets, articles, and testimony warned against government intrusions into the
realm of private enterprise, either as a monopolist or as a competitor.56

Long before the last round of hearings concluded in April 1912, public
opinion had crystallized in favor of parcel post. The Republican, Democratic, and
Progressive parties, along with their presidential nominees, all endorsed parcel

52 Jonathan Bourne, Jr., Parcels Post: Report Submitted to the Subcommittee on Parcel
Post of the Senate Committee on Post Offices and Post Roads (Washington, D.C.: Government
file S60A-J110.
54 Bureau of Railway Economics, A Study of the Proposed Parcel Post as Affecting the
55 For details on the ALA, see 1912 Senate Hearings 541-88 (testimony of E. B. Moon of
the ALA); on small-town merchants' opposition, see Kielbowicz, "Rural Ambivalence."
56 Cong. Rec. 2846 (1908) (remarks of Rep. Smith of Calif.); 1912 Senate Hearings
541-88, esp. 543, 563, 572 (testimony of E. B. Moon of the ALA).
post; the Socialists subsumed it among more radical proposals.57 Most of the floor
debate dealt with parliamentary maneuvers, the merits of appropriating express
companies versus competing with them, and the fine points of parcel post zones
and rates. The parcel post legislation was attached as a rider to the post office
appropriation bill, passed, and signed by President Taft on August 24, 1912.58

As passed, the law raised the fourth-class weight limit to 11 pounds,
the International Postal Union's standard, and charged postage graduated according
to distance. With only an 11-pound limit, and relatively high rates for the near
zones, the original parcel post posed only modest competition in areas served by
private carriers. Parcel post, though, reached twenty million people outside
express companies' markets and early tests comparing the two showed that the
government service was generally faster.59 A unique feature of the parcel post law
granted the postmaster general considerable latitude to modify rates and zones. In
contrast, Congress had always set postage and the basic terms for every other mail
class. Agrarian groups had insisted upon a provision empowering the postmaster
general to change rates and weight limits, subject to the consent of the ICC.60 The
law provided that rate and weight adjustments could be made "in order to promote
the service to the public or to insure the receipt of revenue from such service
adequate to pay the cost thereof."61 Requiring ICC consent was intended to keep
rates and service roughly in line with the private carriers the commission regulated.

Against the Parcels Post," ibid., 15 (Dec. 1911): 22. For platform statements, see Arthur M.
2488, 2594.

58Key congressional players and their philosophies are discussed in Anna M. Moon and Joe
Phillips, John A. Moon: Father of the Parcel Post (N.p., 1941), chap. 11; Albert H. Pike,
"Jonathan Bourne, Jr., Progressive" (Ph.D. dissertation, Univ. of Oregon, 1957), 1-3, 190-96,
248-49. House discussion of parcel post can be found at 48 Cong. Rec., 62d Cong., 2d sess.,
5641-52, 11749-61, and appendix 107-109, 137-57, 156-57, 194-95, 254-55, 583-86, 669, 742-45,
918-20 (1912). Senate deliberations are at Cong. Rec., 9448-65, 11673-77, and appendix 128-30,
254-55, 669-75 (1912).

59Fuller, RFD, 230; 1912 Annual Report 7-8.

60Statement of Provisions Essential to a System of Parcel Post Adequate to Meet the
Service Requirements of Producers and Consumers by the Farmers National Committee on Postal
Reform, June 1, 1912, Senate Records, file S62A-F20.

61 37 Stat. 558.
Almost immediately the new postmaster general exercised the
discretion granted by law. Woodrow Wilson appointed as postmaster general
Albert S. Burleson, a member of Congress from Texas who, though conservative
on social issues, subscribed to most of the old Populist agenda on government
enterprise. Within a year, Burleson had cut rates for all zones, most sharply for
the first two, and dramatically increased the weight limit. He also admitted books
over four pounds to the mail, long a goal of the nation's librarians that Congress
had repeatedly ignored.62

The farm-to-table food service that parcel post's proponents had touted
never came close to realizing their expectations. Shortly after parcel post started in
1913, the agriculture and post office departments began promoting food sales by
mail. A modest farm-to-city food service, involving mainly eggs, butter, cheese,
and fruits, did grow out of parcel post but withered after World War I, except in
the citrus industry.63 But within a few years the catalogue houses were the
dominant parcel post mailers.64

Era" (Ph.D. diss., Texas Tech, 1967), 166-77; Jane Kennedy, "United States Postal Rates, 1845-
63 See, e.g., Lewis B. Flohr, "Shipping Eggs by Parcel Post," U.S. Department of
Agriculture Farmers' Bulletin No. 594 (Washington, D.C., 1914), Grover C. Talmi and Lawrence
(New Paris, Ind., 1915); Hamilton H. West, Parcel Post Profit from Farm Produce (Rockford, Ill.,
1915); St. Louis Post Office, United States Parcel Post Produce List: The Farm to Table Plan (St.
Louis, 1917).
64 Sen. Doc. No. 944, 63 Cong., 3d sess. 5-7 (1915).
6. ASCERTAINING COSTS AND ADJUSTING CLASSIFICATIONS
(1920-1955)

By 1920, Congress had fixed the boundaries of the four basic mail
classes and did not move them significantly in the decades preceding
reorganization. But while the outer walls of each class remained stable, the inner
lines shifted in response to discoveries about cost characteristics, service
requirements, mailers' needs, and the societal value of different mail types.

The development of formal and regular cost ascertainment studies
drove many of the classification refinements after the 1920s. Although the post
office had undertaken cost studies between 1906 and 1912, often at the behest of
Congress, their validity and usefulness remained limited. In attempts to cancel or
roll back rate hikes phased in as part of the 1917 zoned advertising postage,
publishers claimed that their mail already paid a fair share of the postal system's
costs. Mailers dependent on the first class also pressed for a class-by-class cost
ascertainment to show the modest postal expenses incurred in handling their mail
and to establish the existence of a cross-subsidy benefiting the press. In 1923,
Congress ordered a new cost study that ambitiously sought to dissect the cost
characteristics of each component of the multifaceted postal system. Congress
directed the Post Office Department to conduct annual cost studies beginning in
1926.1

Although cost ascertainment findings were intended mainly to inform
congressional ratemaking, they also proved useful in illuminating the nature of
classes and subclasses. Among other consequences, the annual studies helped
identify cost characteristics that could be used as the basis for creating new

1Early efforts to understand the costs of operating the postal system, and the steps toward
the first regular cost ascertainment, are sketched in Richard B. Kielbowicz, "Cost Accounting in the
Service of Policy Reform: Postal Rate Making, 1875-1926," Social Science Quarterly, 75 (June
Costs and Classifications

subclasses sought by mailers. In contrast, the value of mail—to senders, recipients
and, ultimately, society—could not be measured so easily. This criterion remained
the most elusive in setting rates and adjusting classifications.

The creation of new subclasses after 1920 reflected implicit shifts in
policy that were ratified in 1958. Foremost, the post office recognized the
importance of supporting business enterprise, as demonstrated by the creation of
categories for bulk third-class mail, business replies, controlled-circulation
publications, and catalogue shipments. At the same time, Congress continued the
basic commitment to the diffusion of socially and culturally useful information by
the creation of subclasses for library materials, books, and the third-class mail of
nonprofit organizations. Also, Congress created a category for premium service—
airmail.

First Class

The basic definition of first-class mail remained unchanged through the
early and mid-1900s: "letters, postal cards, and all matter wholly or partly in
writing. . . . [And] matter sealed or otherwise closed against inspection. . . ."2 A
slight rate distinction remained between nonlocal letters and drop letters at offices
without carrier service.3 Other than the perennial complaints about high letter
rates, few controversies swirled around first-class mail. The most significant
developments in classification occurred as business mailers and postal
administrators worked quietly to meet each other’s needs. One result was the
authorization of business reply cards and letters in 1928. The advent of airmail
also offered postal patrons a premium service.

Permit and Business Reply Mail. Early in the twentieth century,
businesses began organizing to make better use of the mails. Countless firms used
the first class for correspondence, billing, and direct-mail advertising. The

2 1924 Postal Laws & Regulations 135 (hereafter cited as PL&R); 1948 PL&R 187-88.
3 Drop letters were deposited at the office of delivery; hence, they involved no
transportation between offices. There were two categories of drop letters—those left at carrier
offices (hence delivered by carrier) and those at noncarrier offices (hence the addressee called for
them). Beginning in the late 1800s, drop letters at carrier offices generally paid the same rate as
nonlocal letters; from 1933 until 1944, however, Congress granted a 1-cent discount from regular
rates on drop letters delivered by carrier. Drop letters left at noncarrier offices generally paid 1 or
2 cents less than the regular rate. U.S. Post Office Department, United States Domestic Postage
introduction of postal cards in 1873 and private post cards in 1898 provided new
tools for merchants sending advertisements to customers; the post office
generally cooperated in allowing the cards to be used for this purpose. The
National One-Cent Letter Postage Association, a coalition of retailers, chambers of
commerce and business leagues, emerged as the principal champion of cheaper
letter rates. The department discovered that working with businesses increased
revenue from first-class postage and produced efficiencies in handling mail.4

After World War I, businesses sought new postal services and
improvements in old ones; the department sought the cooperation of businesses to
hold down costs and to attract revenue-generating mail. Between 1917 and 1920,
the New York City Merchants' Association monitored the delivery time, locally
and nationally, of first-class business correspondence and third-class circular mail.
The association carried their complaints to the postmaster general and Congress.5
Formal cooperation between businesses and the post office spread: the U.S.
Chamber of Commerce appointed a seven-person committee to work with the
department to improve service and asked its affiliates in fifty cities to consult with
local postmasters.6 The post office also exhibited interest in marketing postal
services. In 1919, for instance, the department sent letters to more than 50,000
business organizations soliciting "suggestions and criticisms."7

To make first-class mail more attractive to businesses, the post office in
1920 pressed Congress to extend the permit privilege. Since 1904, third- and
fourth-class mail users could deposit without stamps 2,000 or more identical pieces
of mail.8 Printing the word "paid" on each piece rather than affixing stamps
simplified mail preparation for the businesses. Moreover, the department tolled
Congress in 1920 that permit mail brought in remunerative letter mail while cutting

4One-Cent Drop-Letter Postage: Hearings Before the Senate Committee on Post Offices
and Post Roads, 64th Cong., 2d sess. (1917).
24, 1917, pp. 11-14; "How the Postoffice Delays Business Men's Mail," ibid., Mar. 3, 1919, p. 4;
Merchants' Association of New York, Inquiry Concerning Mail Delays: Report by the Committee
6"Businesses Men to Improve Mail," Fourth Estate, Apr. 19, 1919, p. 4.
7John C. Koons, "The Co-Operation the Post Office Department Wants from Business,"
Printers' Ink, Dec. 9, 1920, p. 118; Koons was first assistant postmaster general.
8Act of Apr. 28, 1904, 33 Stat. 440. For regulations implementing this law, see 1912
Postal Laws & Regulations 245-47 [hereafter cited as PL&R].
costs; for example, the post office printed fewer stamps. The postmaster of Washington, D.C., also noted that it saved labor costs by eliminating the need to face and cancel each piece. "Another thing is this: I think we would be able in Washington, if this is extended to first-class matter, to get the gas company, and the electric-light company to use this mail. They deliver their bills by hand. We would get more business." Congress agreed.

In 1928, the post office proposed another change to accommodate businesses and help itself. Business reply cards and envelopes would facilitate companies' exchanges with customers, generating revenue for the department, a post office witness told Congress. The House post office committee enthusiastically endorsed the business reply proposal and another boon for business—a bulk third-class rate (discussed below). Apart from championing such legislative changes, the post office worked directly with businesses to revise and better administer "the regulations governing the various classes of mail, conditions of acceptance, methods of handling, and other allied subjects." At conferences, the post office and mailers searched for ways to reduce costs and expedite delivery.

Airmail. After 1918, mailers had a truly expedited service—airmail. Although most closely associated with letters, airmail transportation in fact cut across the mail classes. In 1918, Congress gave the postmaster general the discretion to transport mail by airplane at a maximum rate of 24 cents per ounce. For the next ten years, the postmaster general adjusted rates and terms of service in accordance with the rapidly changing conditions of transportation by air. Rates stabilized after 1928. In 1948 Congress established air parcel post by extending

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9*Permit Privilege for First-Class Mail: Hearings Before Subcommittee No. 6 of the House Committee on the Post Office and Post Roads, 66th Cong., 2d sess. 4 (1920).

10Ibid., 12 (testimony of Merritt O. Chance).


12*Regulating Postal Rates: Hearings on H.R. 9296 Before the House Committee on the Post Office and Post Roads, 70th Cong., 1st sess. 10 (1928).

13H.R. Rep. No. 1006, 70th Cong., 1st sess. 5-6 (1928).

14U.S. Post Office Department, *Conference of Mail Users on Postal Regulations* (Washington, D.C.: Government Printing Office, 1930), 1. This 1929 conference was probably the first such structured meeting between the department and participants drawn from across the nation.

15Act of May 10, 1918, 40 Stat. 548.
the zone system to pieces over 8 ounces. And, effective the next year, the public could send airmail post and postal cards at the flat rate of 4 cents.

Second Class

Although second-class mail was perennially embroiled in controversies over costs and rates, Congress made relatively minor classification changes in this category between 1920 and 1960. It established a per piece charge in lieu of pound rates for some publications, it enlarged the list of organizations admitted to the nonprofit subclass, and it created special rates for classroom publications.

Regular-Rate and In-County Second Class. Advances in postal delivery required adjustments in the in-county subclass, yet the basic subsidy remained intact. Free in-county delivery had originally applied just to publications in towns without carrier service. With the advent of village and city carrier services and rural free delivery, some in-county periodicals were assessed postage. Rates established in 1885, however, remained basically the same until 1962. Even when regular second-class rates faced greater scrutiny, few recommended abolishing or adjusting the in-county subclass. This reflected, first, the belief that the department did not lose much revenue for the short hauls involved and, second, the solicitude Congress showed rural postal services in general and country newspapers in particular.

In 1946, Charles A. Heiss, special consultant to the post office, prepared a report on the second-class mails that included an incisive study of the in-county subclass. Heiss concluded that several improvements in communication--telephones, automobiles, radio, and more--had substantially reduced rural isolation since the creation of a special category for local circulation in the mid-1800s. The "time is ripe for revision in line with present conditions and

requirements," Heiss observed. But the only noteworthy change in the subclass was the imposition of a minimum per-piece charge in 1951 that applied to both in-county and regular-rate second class. Requiring a minimal postage payment per copy reflected the cost characteristics discovered through the ascertainment studies—that the post office incurred substantial handling costs in processing small second-class publications beyond that recovered through a pound rate.

Even as Congress raised rates on regular second-class mail in the 1950s, it took pains to exempt in-county. When critics observed that protecting locally delivered publications had become an anachronism in an age of modern communications, lawmakers and small-town editors rebuffed the argument with two points. First, they noted, the costs of production for rural newspapers were rising and profits falling, especially in relation to those of metropolitan dailies and magazines. For instance, small newspapers paid more for newsprint and syndicated features than larger, often chain-owned, newspapers. Second, the pervasiveness of national media, especially television, heightened the need for government to protect small, rural voices in the national marketplace of ideas.

Nonprofit Second Class. Between 1920 and 1960 Congress only slightly modified the subclass for publications issued by nonprofit organizations. In 1951, when it created a similar category for third-class mailings, lawmakers

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20 Heiss, Report on Second-Class Mail, 51.
21 The per-piece charge did not apply to the relatively few periodicals that still qualified for free in-county delivery—those in towns without any carrier service.
added veterans organizations to the list of eligible mailers (see discussion of nonprofit third class below).

The most enduring criticism and administrative headache involving the special second-class rate arose from the quantity and nature of advertising carried in some publications. The mailing privilege for nonprofit organizations was a byproduct of legislation that, for the first time, assessed postage on most periodicals partly by the quantity of advertising. Nonprofit periodicals, on the other hand, continued to pay a flat rate regardless of their advertising content, which gave them a competitive edge as advertising vehicles, some lawmakers complained in the 1920s. Moreover, the publications made hefty profits paid as salaries to editors, the critics asserted.26

The nonprofit rate, raised slightly in 1925, survived thirty-eight years without change. Until 1951, classification problems were minimized in two ways: construing eligibility broadly obviated disagreements with mailers and centralizing decisionmaking in Washington, D.C., assured more consistency than would have been possible had it been left to thousands of local postmasters. Regulations offered no guidance as to eligibility beyond that given in the statute.27 Proposals to raise the special rate in the 1950s revived and publicized long-held concerns about this subclass. In 1958, for example, Senator A.S. (Mike) Monroney decried the expansive interpretation of eligibility. He noted that almost all groups qualified for the special second-class rate "except the Rotary Clubs, the United States Chamber of Commerce, and the National Association of Manufacturers, which have been excluded because they were definitely mentioned in a House report." He singled out the publications of such wealthy organizations as the American Bar Association, the American Medical Association and the teamsters union as undeserving of the subsidized rate.28

Classroom Publications. Congress quietly created a new subclass for classroom publications in 1951. In approving a three-step rate increase on regular rate publications, lawmakers exempted both the second-class mail of nonprofit organizations and "any religious, educational, or scientific publication designed

26Cong. Rec., 68th Cong., 2d sess. 2502-08, 3664-65; Congressional Digest, February 1925, pp. 153-79.
specifically for use in school classrooms or in religious instruction classes. 29
Classroom publications did not have to qualify as nonprofit. 30

**Controlled-Circulation Publications.** Under the 1879 Mail
Classification Act, controlled-circulation publications originally fit in the third
class. Although the second class accommodated publications devoted to a
particular industry, the law also stipulated that they must have paid subscribers and
not be available for free or for a nominal subscription. In the early 1900s, as
discussed in part 5, the post office wielded the paid subscriber rule, tests of
nominal subscription rates, and other regulations to keep many trade publications
out of the second class. Those that required readers to signify their interest by
remitting a real payment could usually qualify, but those that subsisted almost
entirely on advertising revenue were considered third-class mail.

In 1934, however, Congress shifted larger controlled-circulation
publications to the fourth class. In part, the move simply continued the general
policy of treating mail over 8 ounces as fourth-class matter. But in reclassifying
free-circulation publications, Congress accorded them a more favorable status than
regular parcel post. Where parcel post paid zone rates, the controlled-circulation
publications paid 1 cent for each 2 ounces regardless of distance, the same as the
lowest third-class rate. The conditions for admission excluded strictly advertising
matter: free-circulation publications had to appear regularly at least twelve times a
year and devote a minimum of 25 percent of their pages to text or reading
matter. 31 The regulations also required that the publications be "separated to
States, cities, and routes, in the same general manner as prescribed for second-
class matter. . . ." 32

In fact, Congress reclassified controlled-circulation publications as
second-class matter in 1948. 33 The reclassification allowed regularly issued
publications circulating free or mainly free to pay a pound rate or minimum
postage per piece. The change also dropped the 8-ounce minimum weight limit.

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30 For testimony about the need for this subclass, see Postal Rate Revision, Part I:
Hearings Before the House Committee on Post Office and Civil Service, 82d Cong., 1st sess. 336
(1951).
32 1940 PL & R 297.
which admitted smaller controlled-circulation publications to this subclass. Some
free newspapers or shoppers qualified if they carried enough editorial matter.\footnote{34}
Congress added one new restriction that reflected the policy underlying this
subclass: the publication could not be "conducted as an auxiliary to and essentially
for the advancement of the main business or calling" of its owners.\footnote{35} Thus, house
organs would not qualify. Trade publications, even if given away, had to contain
information that served their readers' interests and did more than advance the
business concerns of the publishers.

Third Class

In 1925, Congress redrew the line separating third and fourth class
mail. When designed in 1879, third class embraced printed matter excluded from
the second class. The adoption of parcel post, however, introduced "flagrant
inconsistencies in the rates for third and fourth class matter over 8 ounces," the
House post office committee stated.\footnote{36} With only slight changes, the same material
paid widely varying third- or fourth-class rates. "A 4-pound package of printed
matter is third class and the charge is 32 cents," a congressman told his colleagues.
"By adding an ounce of ballast it can be sent \[as parcel post\] to the first and second
zone for 9 cents."\footnote{37} Furthermore, "Postal employees have considerable difficulty
in discriminating between third and fourth class matter." Books in 1914 had been
classified as parcel post regardless of weight, "but in many instances it is very
difficult to determine at what point the change takes place from a pamphlet \[in
third class\] to a book."\footnote{38}

Congress originally considered consolidating the two classes. Instead,
it adopted weight as the dividing line: everything under 8 ounces became third
class mail; everything heavier, fourth. The nature of the mail no longer
complicated this classification decision. Lawmakers also established a distinction
within third class. They retained the existing rate, 1 cent per 2 ounces, on books,
catalogues, seeds and cuttings in the third class, but raised the rate by half a cent on everything else—notably circulars.39

This seemingly small rate adjustment ignited a campaign that quickly culminated in the creation of a category for bulk third-class mailings. Businesses found it so attractive that the resulting volume of direct-mail advertising fueled the controversy over so-called junk mail, especially when the post office in 1953 experimented with a special subclass to help local merchants. Third-class bulk mail also appealed to nonprofit organizations that sought, and won, a special subclass in 1951.

Advent of Bulk Third-Class. The half-cent rate hike on circulars galvanized business mailers as never before. They felt particularly aggrieved because this round of rate increases was ostensibly predicated on the 1923-24 cost ascertainment report. Although the report had found the widest gap between second-class costs and revenues, the bill put forth by Congress asked for proportionally greater increases in first and third.

The Direct Mail Advertising Association (DMAA) (now the Direct Marketing Association) complained about the differential treatment of advertising in the second and third classes: "Is the Government being asked not only to create a subsidy through rates, but to express a preference for one advertising medium over another as well?"40 More than 200,000 merchants and retailers extensively used the third class, according to DMAA. Its 1,100 members mailed "advertising matter such as circulars, letters, broadside booklets, and such literature as is used by practically every type of business."41

DMAA's postal committee took the lead in organizing allied interests into a new group, the National Council of Business Mail Users (NCBMU) representing major patrons of first-, third-, and fourth-class mail.42 The new alliance scored a dramatic victory in 1928—the creation of a bulk mailing category

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41Ibid., 300-06, quote at 300 (testimony of Charles W. Collier for DMAA).
in third class. The House post office committee that crafted this provision noted that third-class mail had dropped by 400 million pieces after the 1925 rate hike. The U.S. Chamber of Commerce reported that the 1925 rate increase had driven some circulars out of the mail altogether and others had shifted to the first class to take advantage of the narrow rate difference, especially considering the superior service accorded first class. 43

NCBMU explained to Congress how advertising circulars served different markets: in the countryside, direct mail might be the only way to reach potential customers; in cities, stores serving a single neighborhood found circulars more cost effective than buying ads in a metropolitan daily; and, nationally, manufacturers used direct mail to reach a particular class of clients. 44 Many lawmakers echoed these remarks as they shaped the 1928 law. Simply rolling back rates, the House post office committee concluded, would prove less useful to businesses than a “concession to users of third-class mail of bulk pound rates on separately addressed pieces in quantities of not less than 20 pounds or of not less than 200 pieces.” 45 Publishers had availed themselves of a bulk rate for fifty years. As one representative predicted during the floor debate, retailers would discover that Congress “had given them great advantages in this measure.” 46

Congress initially paid only passing attention to two of the defining characteristics of bulk third class—the pre-mailing preparation by senders and its deferred status. One lawmaker observed that bulk third-class “is really fill-in mail and should be so considered in cost-keeping.” Third-class, he explained, was processed only after clerks finished with other mail and was not entitled to services accorded higher cost mail. 47 Of greater concern to mailers were the post office’s preparation requirements. Regulations prescribed that mail be separated by state


44Regulating Postal Rates: Hearings on H.R. 9296 Before the House Committee on the Post Office and Post Roads, 70th Cong., 1st sess. 147-49 (1928) (testimony of Richard H. Lee, National Council of Business Mail Users). For extensive testimony about the value of all classes of mail, particularly third, see Postal Rates: Hearings Before the Special Joint Subcommittee on Postal Rates (1926). The indexed hearing record, in twenty-seven parts, runs about 1,700 pages.


and town where there were sufficient pieces. Small mailers complained that the
time and labor for such sorting exceeded the savings realized from using the bulk
rate. Post office savings from deferred service and the mailers' extensive
preparation had implications for cost accounting and ratemaking, the NCBMU
emphasized. "It should be borne in mind that this is an expense which is in the
nature of a rate imposed upon mail users but for which the mail user gets no credit
when it comes to the question of a profit or a loss to the department."48

8 The Patron Mail Experiment and Origins of the Junk Mail Controversy.
Questions about the value of mail--to the sender, recipient, and society--arise most
frequently and vigorously in connection with so-called junk mail. Before the
1950s, public attacks on the value of third-class mail were rare.49 A 1917
magazine editorial, "A Plague of Circulars," however, anticipated many of the
later arguments against junk mail:

[A] pestiferous circular, weighing quite as much [as a letter], is
carried through the mails for a cent... More than ninety per
cent of the mail matter passed as third class is sheer waste and
promptly goes, unopened, unread and unconsidered, into the
wastebasket... To contend that the printed circular is a
necessary or even valuable adjunct to the business of the country
is absurd... Mail solicitation of business by printed circular
has become an intolerable annoyance, to which all are subjected
whose addresses appear in the directory or the telephone books.50

The junk mail controversy ignited when the post office experimented
with a new subclass in the early 1950s. When Arthur E. Summerfield became
postmaster general in 1952, he began searching for ways to cut the postal deficit.
Summerfield believed that allowing locally delivered third-class mail to use a

48 U.S. Post Office Department, Conference of Mail Users on Postal Regulations

49 Although relations between second- and third-class mailers had never been warm, their
relatively esoteric disputes had been largely confined to the halls of Congress and the pages of trade
journals before the 1950s. For the most part, mailers testifying in legislative hearings concentrated
on promoting their own interests and rarely denigrated, at least directly, other classes. Direct
mailers, for instance, did not so much challenge the value of the second-class mail subsidy as they
pointed out how increasing third-class rates put them at a competitive disadvantage in competing
with newspapers to deliver similar kinds of advertising. Mailers in each class also disputed the
findings of the cost ascertainment reports and argued that their mail paid its way.

simplified address system would stimulate mailings and would reduce the department's sorting costs. Under the experiment launched August 21, 1953, advertisers simply delivered to their local post office enough mail bundled for each carrier's route covering the targeted areas. Patron mail, as it was known, omitted names and addresses. Eliminating the costly task of maintaining and updating mailing lists proved to be a boon for small businesses. When a writer for the direct-mail trade magazine explained patron mail to some retailers, "They fell for it like a ton of bricks; admitted their advertising had slipped because they couldn't keep up their mailing list and newspapers were not giving them the concentrated coverage they wanted." For its part, the post office benefited by eliminating several costly steps in sorting. Carriers simply left one of the identical pieces at each address.51

Simplified address systems had seen limited and noncontroversial use since 1924. Originally they had been limited to post offices without village or carrier service, about 32 percent of the population. The advent of patron mail in 1953 allowed advertisers to reach the remaining 68 percent using only a simplified address.52

Some newspapers saw patron mail as a threat to their local retail advertising. To scuttle the experiment, newspapers raised several questions about the nature and value of third-class mail, wielding the term "junk mail" regularly for the first time. First, critics claimed that ad circulars unduly burdened postal carriers; however, federal law limited carriers' bags to a maximum of 35 pounds. Second, some asserted that patron mail would delay letter deliveries even though postal regulations gave first class priority in processing. Third, others charged that the postage direct mail paid was too low, especially in relation to letter rates; in response, advertisers pointed to the pre-mailing preparation and deferred delivery that reduced the post office's handling costs. Fourth, and most elusive, was justifying the value--to senders, recipients, and the economy--of third-class

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52 Before 1953, third-class mail could be addressed simply "Rural or Star-route box holder," "Post Office box holder," or "Postal patron" in towns without carrier service. The post office noted how many pieces were needed to cover a rural route or boxes and the mailers supplied the correct number. No names or addresses were needed for this saturation mail, making it attractive to advertisers striving to reach every potential customer in a community. 1924 PL&R 189, 225; 1948 PL&R 262-63; Virgil E. Harder, "A History of Direct Mail Advertising" (Ph.D. dissertation, Univ. of Illinois, 1958), 156.
advertising mail. Was junk mail indeed junk? Critics of direct-mail advertising
dwelled on the fact that it was not requested by addressees.53

In December 1954, Postmaster General Summerfield announced the
 discontinuation of the patron mail experiment effective March 31, 1955. The
official statement explained the decision in only the most general terms: The
department had started patron mail "to reduce the huge losses incurred in handling
third-class mail and to provide additional service to the public. The results have
not satisfactorily met these objectives and the only possible solution is increased
postage rates which will be sought in the next session of the Congress." The
direct-mail industry instead blamed newspapers and magazines for pressuring the
post office to kill the experiment. Patron mail's opponents pronounced it a failure
even though no evaluation was ever conducted.54

Nonprofit Bulk Rates. Congress created the nonprofit third-class rate
by indirection. In 1951, it exempted the bulk mailings of nonprofit organizations
from a rate increase applied to commercial mailers. At 1949 congressional
hearings, nonprofit groups dependent on direct-mail fund raising lobbied against
higher postage proposed for the third class. Philip G. Rettig, director of research
services for the National Society for Crippled Children and Adults, argued
persuasively that any rate hike would undercut the society's charitable services.
The society received almost all of its annual funds from responses to 25-million
appeal letters mailed as part of its Easter Seal campaign. Congress declined to act
in 1949 and 1950.55

53Harder, "History of Direct Mail," 137, 152, 165; "Mur-Durr11," RDMA, October 1954,
21; The New York Times, Feb. 7, 1953, p. 56; ibid., April 21, 1953, p. 26; ibid., June 20, 1953,
54Post Office Department press release no. 3242, Dec. 30, 1954 (U.S. Postal Service
1. As the newspaper campaign against direct mail crested, the postmaster general was developing a
bill to raise postage rates; direct mailers suggested that scuttling the patron mail experiment may
have been a gambit to curry favor with publishers. "The December 30th Story," RDMA, Jan. 1955,
55Adjustment of Postal Rates, Part 2: Hearings on S. 1103 Before a Subcommittee of the
Senate Committee on Post Office and Civil Service, 81st Cong., 1st sess. 236-39, 477-81, 801-2
(1949); Postal Rate Increases: Third- and Fourth-Class Mail and Special Services: Hearings on
H.R. 2943 Before the House Committee on Post Office and Civil Service, 81st Cong., 1st sess.
1051-52 (1949).
The Senate committee warmly received the nonprofit groups in 1951. After hearing testimony on behalf of twenty-one national voluntary health and welfare organizations, the committee chairman said, "[W]e ought not to do anything that would handicap any of the organizations you mentioned here." Supporters argued, as they had before, that (1) nonprofit groups devoted any income earned from mailings to their charitable activities; (2) the organizations might have to curtail some of their services to cover higher postal costs while the post office would gain little revenue; (3) these groups were helping people who would otherwise be forced to depend on government aid; and (4) in the midst of the Korean and Cold Wars, voluntary associations had added responsibilities and expenses. The conference committee adopted Senate language exempting certain nonprofit organizations from increases in third-class rates; the prescribed types of organizations were identical to those in the preferred second-class.

The creation of the nonprofit third-class category in 1951 opened the floodgates, both in numbers of applicants and in administrative problems. Barely eighteen months after Congress enacted the special third-class rate, the department had processed 38,000 applications, denied 6,250, and was still receiving several hundred a week. Because Congress did not specify how to determine eligibility, the post office simply adapted the procedure that it was using for the preferred second-class rates. Usually eligibility depended on two elements: the principal

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57See, e.g., ibid. 139-50 (testimony for 21 groups), 166-73 (Elks Clubs), 227-30 (Veterans of Foreign Wars), 438-43 (religious magazines), 479-92 (Easter Seals).


59Authorizing Educational Films and Related Material to be Transmitted at Book Rates: Hearings on S. 971 Before Senate Committee on Post Office and Civil Service, 83d Cong., 1st sess. 18 (1953).

60An organization gave the local postmaster evidence that it was "not organized for profit and none of its net income inures to the benefit of any private stockholder or individual." 16 Fed. Reg. 13,092, 13,094 (1951); 26 Fed. Reg. 11,543, 11,547 (1961). The classification division in Washington, D.C., then rendered a decision. The flood of applications for the special third-class rate necessitated one procedural change. Beginning in 1957, local postmasters decided the eligibility of applicants for the privileged third-class rate, with appeals going to the mail classification division. 22 Fed. Reg. 4500 (1957). Later, to attain a more uniform application of the law, initial determinations were shifted from local postmasters to the sixty-two postal service centers. Appeal was still available to the Classification and Special Services Division. 27 Fed. Reg. 1417 (1962); 30 Fed. Reg. 23:13-14 (1965).
activity of the organization and its nonprofit status.61

Initially, the department attached the greatest weight to whether an
organization fit one of the specified categories.62 But workable definitions proved
evusive. As Postmaster General Arthur E. Summerfield told the House post office
committee in 1953, "We probably need a little help from this committee in
definitions as to what is educational and what is religious."63 Earlier he had
complained that "many nonprofit organizations not included in the groups
designated by the law have applied for exemption."64 The educational category
proved most troubling, and the department developed as a test whether the
organization offered instruction through a student-teacher relationship.65

The other dimension of eligibility focused on an applicant's nonprofit
status, which seemed more in tune with the legislative history of the 1951 law. In
1955, the post office solicitor recommended discarding the primary activities test--
that is, whether an organization was primarily educational, scientific or the like.
Instead, he advised that the post office defer to the Internal Revenue Service's
decisions dealing with an applicant's tax exempt status. He suggested that where
the statutory standards in . . . [the corresponding sections of the Internal Revenue
Code] are at least as high, or higher, than those contained in the postal statutes, the
department should follow the lead of the Internal Revenue Service. This would be
in all cases except those involving labor, agricultural, and veterans'
organizations.66

61 Neal S. McCoy, "Report on Preferential Second and Third Class Postal Rates for
Nonprofit Organizations" (unpublished study submitted to the associate general counsel, Post Office
Department), 7 (available in U.S. Postal Service Library).
63 Postal Rate Revision; Statement and Testimony of the Postmaster General and Staff:
Hearings on H. R. 6052 Before the House Committee on Post Office and Civil Service, 83d Cong.,
1st sess. 1:29 (1953).
64 1952 Post Office Department Annual Report 62.
66 Letter from Abe M. Goff to Edwin A. Riley, May 9, 1955, reprinted in McCoy, "Postal
Fourth Class

Although Congress originally designed the fourth-class to accommodate merchandise, it also became the home for much printed material. In 1928, Congress created a special subclass for library materials, and ten years later President Franklin D. Roosevelt established a category for books sent by mail. Catalogues and controlled-circulation publications also were assigned to their own categories in the fourth class.

Library Rate. The American Library Association (ALA) launched a faltering movement to secure a special rate for library books in the 1880s. The ALA and its allies argued that printed matter contained between hard covers produced the same social benefits—and deserved the same rates—as newspapers and magazines in the second class. In 1886 Congress considered an ALA-backed bill admitting library books to the second class, but the timing proved impropitious. Lawmakers and the post office were then working to remove books disguised as periodicals (the so-called library series discussed earlier) from the second-class mail. With policymakers laboring to restrict rather than expand this category, the ALA's proposal died.67

Thus, before 1914, libraries rarely used the mail; rather, they shipped materials, usually interlibrary loans, by private express companies. The post office became more hospitable to the circulation of library materials in 1914 when the postmaster general shifted books to fourth class. Parcels of books weighing 8 ounces or less paid 1 cent per 2 ounces, the same as third-class rates. For heavier parcels, rates were substantially less per ounce and assessed according to parcel-post zones.68 This reclassification stimulated various library extension services. Most notably, state and city libraries began offering their resources to patrons, especially readers in the countryside, through parcel post.69

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68Postmaster General Order No. 7705, Dec. 6, 1913; Order No. 7706, Dec. 6, 1913; Order No. 7800, Jan. 31, 1914.
The movement for a library subclass gained many adherents in the early 1920s as Congress considered it along with other rate and service changes. Representatives from the ALA, American Federation of Labor (AFL), National Grange, Library of Congress, League of American Penwomen, National Education Association (NEA), PTA, and the General Federation of Women's Clubs testified about the advantages a low library rate would bring to rural America. Several witnesses claimed that 40 to 50 million rural Americans had no library services. "It was an essential matter of good public policy that in this wide country, with the far-separated populations, that all classes in all sections should have regular and reliable access to the same sources of information," one witness said.  

The breakthrough finally came in 1928 when the post office embraced a special library rate as a small part of a plan to overhaul postage in all classes of mail except the first. During House hearings, Joseph Stewart, speaking for the department, recommended a library rate of 3 cents for the first pound and 2 cents for each additional pound (reduced during deliberations to 1 cent); this rate would apply up to 300 miles or within a state. He also indicated the department's willingness to consider an even lower library rate on rural routes that did not require the use of expensive railway transportation. The library rate, limited to use by libraries and nonprofit organizations and their patrons, provoked no debate as it wound through Congress. The library rate adopted in 1928 was among the provisions Representative Clyde Kelly of Pennsylvania called "not in the least controversial, since they have been approved without qualification by every party concerned."  

In the early 1950s Congress heeded librarians' pleas and extended the library privilege to include films. Schools rarely purchased films, educators and librarians explained, and relied on the mail to exchange them among one another. And, the educators noted, a single film was typically viewed by--and benefited--dozens of people. Both the Senate and House committees strongly supported the
Costs and Classifications

bill. Only the post office testified against it, estimating that the proposal would reduce revenues more than the $3 million one proponent had mentioned. But, as South Carolina Senator Olin Johnston told the department's witness, "I am convinced this is just as important as the subsidies in other classes." The 1953 law also specified that schools, colleges, and universities could use the preferred rate. 72

Book Rate. The development of the library and book rates were closely entwined. The National Association of Book Publishers (NABP) endorsed the proposed library post in 1926 but went further, suggesting that Congress create a fifth mail class for all books, not just those sent to and from libraries. The NABP argued, first, that leaving books in the eight-zone parcel post discouraged their long-distance transmission and injured booksellers and readers far from publishing centers. Second, NABP asserted that books deserved the same treatment--a flat rate--as the reading portion of newspapers and magazines. Other appeals were directed to fiscally minded lawmakers and postal officials who appreciated ease in administering the law. 73

With two measures before Congress in the mid-1920s--one for all books, the other restricted to library books--key interests gravitated toward the latter. The Post Office Department joined congressional opponents of a fifth class for all books, testifying that it would hurt postal revenues. Even library groups, notably the ALA, concentrated on the more politically attainable library-rate while quietly supporting the broader privilege. After congressional committees rejected a mail class for books, its principal congressional backer tried one last compromise--a two-level book rate, a higher one for commercial enterprises and a lower one for nonprofit libraries. This version addressed complaints that commercial publishers, not the reading public, would reap the benefits of a new postal subsidy. Congress declined to create a general book post in 1928. 74


73The NABP's testimony can be found in Postal Rates: Hearings Before the Special Joint Subcommittee on Postal Rates, 69th Cong., 1st sess. 398-412 (1926); Regulating Postal Rates: Hearings Before the Senate Committee on Post Offices and Post Roads, 70th Cong., 1st sess. 17-28, 46-53 (1928).

74Regulating Postal Rates, 17, 21-30, 53-54; Cong. Rec., 69th Cong., 2d sess. 3672-73 (1927); ibid., 70th Cong., 1st sess. 5788, 7607-09 (1928).
Ten years later, proponents of a book post organized the National Committee to Abolish Postal Discrimination Against Books and quickly obtained their objective. In a strategic move, the committee retained attorney Morris L. Ernst to present its case to his friend President Franklin D. Roosevelt. Ernst recalled how he dramatized the discrimination against books by sending "the President a package of books including the Bible and Shakespeare, and in another package of equal weight I sent some of our most tawdry magazines. The book package had cost 60 cents to mail from New York to Washington; the magazines cost less than 15 cents." Ernst also sent Roosevelt a brief on postal laws and economics and then visited the president. Acting under a Depression-era law, the president reduced book postage to 1.5 cents a pound regardless of distance—the same flat rate that applied to the reading portions of second-class mail.75

Roosevelt renewed his proclamation into 1942 while the national book committee kept pressing Congress to put the book post on a firmer statutory footing. With a broad consensus on the desirability of a permanent book post, much of the debate centered on technical adjustments in the legislation. During the trial period, the post office had developed regulations to keep catalogues and book-like items, such as checkbooks, annual corporate reports, calendars and the like, from sneaking into the book post. The several House and Senate bills agreed that books should pay a flat rate regardless of distance. The legislation enacting a permanent book post excited little opposition on the floor of Congress and became effective on July 1, 1942.76

75Ernst, a New York lawyer, had long been active in liberal causes, especially those dealing with freedom of expression. But the credential that best qualified him for his mission was the entree he enjoyed at the White House. Ernst was a friend of Franklin Roosevelt; the two had worked together when Roosevelt was governor of New York and Ernst remained a stalwart champion of the president and his policies. Morris L. Ernst, The Best Is Yet... (New York: Harper & Brothers, 1945), 124-25; Ernst, The First Freedom (New York: Macmillan, 1946), 258. An obscure, ambiguous provision in a 1933 revenue law empowered the president to temporarily modify postal rates by proclamation. Act of June 16, 1933, 48 Stat. 254. The president's order lowering postage on books was signed Oct. 31, 1938 and can be found at 3 Fed. Reg. 2755. For details of this episode, see Richard B. Kielbowicz, "Mere Merchandise or Vessels of Culture?: Books in the Mail, 1792-1942." Papers of the Bibliographical Society of America, 82 (2d quarter, 1988): 194-99.

Catalogues. In 1939 the postmaster general created a subclass for larger catalogues. Effective July 1, individually addressed catalogues consisting of 24 or more pages and weighing less than 10 pounds passed at about half the regular zone rates. The postmaster general was acting under his authority to adjust fourth-class mail if he determined that rates or other conditions discouraged beneficial uses of parcel post or that the service cost more than it earned. In seeking the Interstate Commerce Commission's consent, the postmaster general stated that increasing numbers of catalogues were being diverted from the mail to private channels. The department predicted that the new subclass would recapture this business, "lower the unit cost of handling, and increase the demand for other post office services." More catalogues in circulation, the post office believed, would generate demand for first-class mail, money orders, and parcel post shipments.

77Postmaster General Order No. 13098, June 29, 1939.
791939 Annual Report 54.
7. TOWARD POSTAL REORGANIZATION  
(1955s-1970)

In the twenty years preceding postal reorganization, the mounting deficit fueled an ongoing battle among the mail classes over cost ascertaimnent. To that extent, nothing had changed. But while policymakers and mailers struggled with the fine points of postal rates, Congress also tried to assess how each mail class contributed to the life of the nation. This permitted lawmakers to move beyond merely ascertaining costs to devising a statutory expression of policy in 1958. The new policy considered the value of mail--personal, social, cultural, and economic--alongside its costs. Simply enunciating a policy, however, did not end difficult decisions about costs, rates, and classification. During the 1960s, Congress continued to grapple with the minutiae of postal rates and classes while simultaneously looking toward relinquishing congressional supervision of the nation's postal system.

Assessing Value and Prescribing Policy

After years of listening to claims about the relative merits of different species of mail, Congress launched a full-scale study to make its own determination. The ultimate goal was to develop a comprehensive postal policy so that the rates and classifications bore some relation to an articulated social policy. The 1953-54 study endeavored, in large part, to reconcile the sometimes competing views of the post office as a disseminator of culture, on the one hand, and as an adjunct of the nation's business system, on the other. The outcome, the Postal Policy Act of 1958, promised to guide subsequent developments.

\footnote{See, e.g., \textit{Postal-Rate Revision: Hearings on H.R. 6052 Before the House Committee on Post Office and Civil Service, 83rd Cong., 1st sess.} (1953). Volume 1 presents the testimony of the postmaster general and his staff and volume 2 reports the testimony of all other witnesses.}
Assessing the Value of Mail. The Senate post office committee commissioned studies by the National Industrial Conference Board and the National Education Association. The former gathered evidence about the postal system's relation to business operations and the economy; the latter focused on its contributions to cultural life.

Assessing the post office's influence on the economy was "an excursion into unexplored territory," the conference board noted, but it nonetheless concluded that

The invaluable economic functions and utilities the postal service performs in our present-day economic system--whether in transporting goods and services, facilitating a variety of financial transactions, distributing advertising and affording a major channel for promotion of sales, general business communication and correspondence, to say nothing of a variety of other services--virtually constitute a truism. Their total impact is so pervasive and fundamental in a complex modern economy as to bar precise or comprehensive documentation or quantification.

The board estimated that at least three-fourths of the post office's revenues came from business activities, including advertising. The study treated equally the advertising found in different subclasses--newspapers in regular second class, trade magazines sent as regular second class or controlled circulation, and direct mail in the third class.

Working with nearly twenty organizations, the National Education Association prepared a report that "define[d] and classify[d] educational benefits derived from the use of the mails." The study examined a spectrum of mailers that contributed to the nation's education. The groupings loosely corresponded to mail classes and subclasses: educational institutions, institutions promoting education, commercial enterprises supplying educational materials, and commercial publishers distributing printed material to the public. The study concluded that "educational benefits derived from the use of the mails consist primarily in the benefits to the consumer or recipient of mail rather than to the producer or mailer." Therefore,
even though commercial firms profited from the post office's distribution of their
products, such mail still deserved favorable consideration for its contribution to
"the general welfare." According to the advisory committee overseeing the
studies, the general welfare benefits justified "the low postal charges for the
torial portion of periodicals and newspapers, books... [and] preferential rates
for matter mailed on a nonprofit basis...."

of the 1953-54 studies. It was certainly the most important congressional
statement on the postal system in decades and probably the most comprehensive to
that time. The 1958 law formally delineated the goals of the postal system. Most
strikingly, it elevated the postal system's economic contributions to a level roughly
equal to the mail's long-acknowledged cultural contributions. The act opened with
six congressional findings, and the first three, in a contrapuntal fashion, balanced
statements about the traditionally recognized social and cultural externalities of the

5The National Education Association's report is in ibid., 177-234, quotes at 224, 227
(emphasis in original).
6Ibid., 19, quoting the remarks of the advisory council to the Senate committee.
7Key legislative documents that evolved into the Postal Policy Act include Sen. Rep. No.
8Congress had never formally outlined the postal system's goals, though some clues about
its presumed objectives could be inferred from specific policies. The post office had originally been
lodged in the Treasury, which some historians interpreted as a sign that Congress emphasized its
revenue-making potential. One delegate to the Constitutional Convention did express the opinion
that the postal clause would "give the Federal Government a power, not only to exact as much
postage, as will bear the expense of the Office, but also, for the purpose of raising a revenue."
in Max Farrand, ed. The Records of the Federal Convention of 1787 (New Haven: Yale Univ.
Press, 1937), 3: 117. At the same time, however, Congress extended below-cost services to
newspapers, which cancelled any expectation of making money from carrying the mail. In 1851
Congress legislated a policy of extending postal services even when it diminished revenues. Act of
Mar. 3, 1851, 9 Stat. 590. The only other general statement of policy adopted by Congress before
1958 was the 1930 Kelly Act. The act enumerated certain classes of mail that, because of their
public value, did not have to produce revenues covering their costs. Act of June 9, 1930, 46 Stat.
523. Apart from franked mail and free matter for the blind, the law identified free in-county and
second-class nonprofit mail as public service functions. Sen. Rep. No. 619, 71st Cong., 2d sess. 2
(1930); Clyde Kelly, United States Postal Policy (New York: D. Appleton and Co., 1932), 88-106.
postal system (e.g., promoting unity, fostering social intercourse, etc.) with
statements about its service to business and the economy.\(^9\)

The act reaffirmed that a public service philosophy had guided the post
office in general and certain classifications of mail in particular:

\[([\text{H}istorically and as a matter of public policy there have evolved, in the operations of the postal establishment authorized by the Congress, certain recognized and accepted relationships among the several classes of mail. It is clear . . . that the postal establishment performs many functions and offers its facilities to many users on a basis which can only be justified as being in the interest of the national welfare. . . .]^{10}\]

The act specifically included four subclasses—in county, second-class nonprofit, classroom publications, and third-class nonprofit—among the public service functions of the post office. Below-cost postage accorded these classes was to be paid from the Treasury and not assessed to other classes, the law prescribed.\(^11\)

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\(^9\) The first three of the six congressional findings follow:

SEC. 102. The Congress hereby finds that—

(1) the postal establishment was created to unite more closely the American people, to promote the general welfare, and to advance the national economy;

(2) the postal establishment has been extended and enlarged through the years into a nationwide network of services and facilities for the communication of intelligence, and the dissemination of information, the advancement of education and culture, and the distribution of articles of commerce and industry. Furthermore, the Congress has encouraged the use of these broadening services and facilities through reasonable and, in many cases, special postal rates;

(3) the development and expansion of these several elements of postal service, under authorization by the Congress, have been the impelling force in the origin and growth of many and varied business, commercial, and industrial enterprises which contribute materially to the national economy and the public welfare and which depend upon the continuance of these elements of postal service; . . . .


The 1958 act also enumerated several criteria to be considered in adjusting "the postal-rate structure" and, presumably, the classification system. First was "the promotion of social, cultural, intellectual, and commercial intercourse." Other criteria required the maintenance of an "efficient postal service" with "equitable rates." Any adjustments should consider their impact on mailers. And the act recognized such factors as pre-mailing preparation, "the value of mail," "the value of time of delivery," and the "quality and character of the service rendered." The act applied these criteria to first-class mail, declaring it "a preferred service of the postal establishment." But apart from the four public service subclasses identified above, the act remained silent about other categories of mail.\(^\text{12}\)

**Classification on the Eve of Reorganization**

Although architects of the postal policy act believed it would rectify long-standing problems, it became apparent that annual postal appropriations battles would be fought with undiminished ferocity. Concerns about rates and ratemaking formulas triggered most disputes, but some had implications for mail classification. Several changes involved tinkering with classification—for instance, lengthening the list of mailers eligible to use the preferred subclasses. Others reflected technical developments—improvements in transportation and the advent of ZIP codes, for example. Two of the most contentious issues surrounding classification were social acceptability considerations in third class and private-sector competition with parcel post in the fourth.

*First Class.* Shortly before reorganization, a number of changes occurred in first-class mail. First, the greater use of airplanes for mail transportation allowed the post office to begin merging first-class and airmail into a single priority class. Second, a 1967 postal act abolished the category of drop letters. Third, the same act classified all "bills and statements of account" as first-class mail. This prevented such mail from qualifying for the much cheaper third-class bulk rate.\(^\text{13}\)

\(^{12}\)72 Stat. 135-36.

Second Class. Although regular-rate periodicals labored to defeat rate hikes in the 1960s, the basic classification for this group remained unchanged.

The 1960s brought two changes in the in-county second class. First, in 1962, Congress eliminated free in-county delivery, which applied only in towns without village or city carrier service. Some rural publishers seemed willing to sacrifice the free in-county privilege to retain other favorable rates. One concession granted the small papers proved troubling later. The 1962 law dropped the long-standing requirement that a periodical enjoying in-county rates had to be printed, at least in part, in the county of publication. This accommodated the increasingly common practice of printing rural papers at a centralized plant, often one outside the county.

Accommodating rural newspapers' out-of-county printing inadvertently proved beneficial to large magazines. In 1966, the postmaster general reported that large-circulation magazines used their reentry privilege to qualify for the in-county rate across the country. By trucking magazines to cities where they had second-class permits, publishers avoided zone rates and paid the comparatively low in-county postage. In 1967, Congress amended the law to restrict the low per copy in-county rates to the office of original entry.

The same 1967 law substantially restructured the subclass for nonprofit publications. Responding to criticisms that nonprofit periodicals carried excessive amounts of advertising, Congress extended zoned postage to the subclass. Previously, the entire contents had paid a flat rate. The House post office committee pointed out that nonprofit publications laden with advertising gained an unfair postal advantage over taxpaying commercial publishers. As a preferred subclass, however, the nonprofit publications continued to pay postage well below that charged commercial publications.

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18 81 Stat. 616-17.
Between 1962 and 1967, Congress added four types of publications to the nonprofit subclass—magazines issued by rural electric cooperatives (1962), state highway magazines (1962), the program guides of educational broadcasting stations (1967) and one publication of each state’s development agency (1967). For the most part, an individual lawmaker pushed for each of these additions and they passed with little debate.21

*Third Class.* The last general rate increase before reorganization did not spare users of third-class mail, but the direct marketing industry could find some consolation in the 1967 act. The House report proclaimed that “The postal service is the key link of the Nation’s commerce.”22 Other language in the report treated third-class mail’s contributions to the nation’s commercial life as co-equal with second class’s advancement of education and culture.23 In recognition of this role, Congress created a subcategory within the bulk rate. The act gave a slight discount in the minimum piece rate for the first 250,000 third-class pieces mailed in a year. Small businesses were the intended beneficiaries.24

Direct mailers’ sense of victory was short-lived, however, as the post office urged Congress to consider the social acceptability of mail along with cost coverage in setting rates. James W. Hargrove, assistant postmaster general for finance and administration, contended that bulk third-class mail should pay a premium because of its opprobrium. Explaining his reasoning to the Direct Mail Board:25

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23Specifically, the House report said that rate making should consider that

3. All classes of mail, particularly second and third-class mail, have been instrumental in providing one or more of the following—communication of intelligence, dissemination of information, the advancement of education and culture, the distribution of articles of commerce and industry, and the growth of many commercial enterprises which contribute materially to the national economy and to the public welfare.

Ibid. at 15.

24The lower rate applied to "a person who mails for himself, or on whose behalf there is a mailing. . . ." 81 Stat. 613, at 619. This permitted mail preparation firms working on behalf of retailers to qualify for the lower rate. On the origins of this rate break, see H.R. Rep. No. 1013, 90th Cong., 1st sess. 44 (1967); Cong. Rec., 90th Cong., 1st sess. 35,836 (1967).
Advertising Association, he said that ratemakers should consider a mail class's
demonstrably related and institutional costs as well as "other factors."

Now, one of the "other factors" in a public operation, and
particularly a government operation, has got to be the worth
which the recipient public (not the sender) places upon a
particular service. As long as the public is directly influential in
determining the rate policy of the postal system, the value to the
recipient will reflect itself ultimately and inexorably in the price
of the service.

The general view of the public benefit or detriment will
surface just as it will in the form of taxes, even punitive taxes on
such public-policy controversies as cigarettes, leaded gasolines,
over-powered automobiles, and so forth. In such an
environment, users of advertising mail will find it more effective
to spend their dollars on public relations than on lobbying.25

Direct mailers saw Hargrove's suggestion as the long-feared denouement of the
campaign against direct mail advertising.

Some lawmakers took up the call to treat third-class mail differently
than others because of its supposed social undesirability. Representative Ken
Hechler, a West Virginia Democrat, spearheaded a campaign to assess direct mail
higher postage because it was supposedly not desired by its recipients.26 Like-
thinking colleagues in the Senate voiced similar objections.27 Opposing lawmakers
noted the value of direct mail for small businesses and the deferred service it
received.28 "[S]ome people use the term 'junk mail' and maybe that is popular in
some areas," a Nebraska republican told a postal forum. "But this is advertising
mail. It is the little grocery store, the drug store, that only wants to reach maybe a

25Hargrove, "New Cost Analysis Figures," 26-30, quote at 30. See also his testimony in
Postal Rates and Revenue and Cost Analysis: Hearings Before the Subcommittee on Postal Rates of
27See, e.g., Cong. Rec. 33,984 (1967).
two-mile area for his customers, where his customers live. He can’t afford to take an ad in a big metropolitan newspaper.  

The controversy surrounding advertising circulars spread beyond third class when newspapers began seeking the same material. Bundling separately printed ad circulars with newspapers was increasingly popular. The American Newspaper Publishers Association instructed its members on How to Comply with Postal Regulations on Pre-Printed Advertising Supplements, noting that third-class material could often be sent under a publication’s second-class permit. Postal officials and lawmakers tried to discourage the practice by pushing—unsuccessfully this time—for surcharges on ad circulars bundled with newspapers.

**Fourth Class.** After the Second World War, parcel post faced increasing competition from private carriers. Congress made a number of adjustments in this class to assure that parcel post did not unduly compete with the private services. The basic law governing this class stipulated that the postmaster general adjust rates or size-weight limits to promote service or to produce enough revenue to cover costs. When the cost coverage on parcel post dropped to about 80 percent, Congress in a 1950 law strengthened the break-even objective. This law effectively relegated the promotion of service objective to a secondary position.

To further insulate private carriers from competing with parcel post, Congress in 1951 lowered the size-weight maximums for parcels delivered at first-class post offices. The law, however, retained the much higher size-weight ceiling for second-, third-, and fourth-class post offices. This change diverted parcel business to private carriers and confused the public. Postal clerks had to explain

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32 In 1967, a conference committee dropped a House proposal to charge more for advertising inserts in second-class mail. H.R. Rep. No. 1013, 90th Cong., 1st sess. 44 (1967).

33 *Act of Sept. 27, 1950, 64 Stat. 1050; Rates and Rate-Making,* 2-49.

"to outraged mail patrons why a 21-pound package might be mailed from New York City to Alaska but not to Chicago."35 In 1966, Congress responded to pressure from the post office and from businesses seeking a more uniform parcel delivery service by raising the size-weight ceiling on packages delivered at larger post offices.36 Congress broadened the library subclass in several ways during the 1950s and 1960s. First, lawmakers lifted the 300-mile (or within state) limit on materials in the subclass in 1958. The subclass had originally been created to serve library extension programs within states; witnesses told Congress that researchers now needed interlibrary loans to use specialized regional and national collections throughout the nation.37 The 1958 law also added bound magazines, bibliographies and other educational materials and eliminated the need to obtain a permit from the postmaster.38 In the ten years before postal reorganization, Congress expanded the subclass by adding sound recordings and scientific kits as well as by enlarging the list of eligible mailers to include museums and herbaria.39

Mail Classification and Postal Reorganization

The failings of the Post Office Department and the events that generated momentum for reform have been widely recounted and generally do not bear repeating here.40 Whatever the reasons for reform, the sweeping changes initiated by the Postal Reorganization Act of 1970 were designed to improve the delivery of mail by providing a more uniform, high-quality service to all customers and by amending the existing postal law.41 For details about these changes, see Linda Lawson and Richard B. Kielbowicz, "Library Materials in the Mail: A Policy History," Library Quarterly, 58 (January 1988): 41-43.

35Rates and Rate-Making, 2-51.
reorganization of the department represented one of the most dramatic
transformations of a long-established federal institution in the nation's history.
Although perennial dissatisfaction with postal costs and price formulas and
ratemaking procedures was a major impetus for the overhaul, mail classification
per se rarely warranted discussion. Most participants in the transformation of the
post office—mailers, lawmakers, postal administrators, and others—apparently
regarded ratemaking and classification matters as nearly one in the same. The
principles and framework of mail classification received modest attention at three
points in the steps leading to reorganization: in some mid-1960s reports, in the
report of the President's Commission on Postal Organization, and in discussions of
the provisions that Congress ultimately enacted.

Mid-1960s Reports. In a report that presaged many elements of
reorganization, a special panel in 1965 discussed classification as an issue distinct
from ratemaking. This had occurred only twice before: in 1879 when Congress
devised the Mail Classification Act and, obliquely, in deliberations over the Postal
Policy Act of 1958. A seven-member advisory panel on postal rates, including
four business leaders, prepared a report for Postmaster General John Gronouski.
The panel's recommendations touched on the most controversial postal topics of
the day—Treasury funding of preferential rates, the cost of rural facilities, cost
ascertainment and a cost allocation scheme, ratemaking guidelines, and plans for
rate increases that imposed a "basic piece handling charges for each copy" of
second-class mail. But its last recommendation was more novel: "Revise the
Department's mail classification system." 41

The report reserved its last section, coincidentally or not, for mail
classification, a matter "closely related to rates." "The postal classification system
is no longer a logical grouping of mails," the panel concluded. "It is a patchwork
of subclasses, each subject to a different rate." Classification's chief merit "is that
it is an expedient means of extending rate concessions in the least obtrusive
manner." If every rate difference represented a different class, "it would lift much
of the mystery that now envelopes the classification structure." The panel,
however, stopped short of making such a recommendation. 42
The report critiqued the existing classification. "[A] wide assortment of inconsistent principles and rules" pervaded the design. Some classes and subclasses were defined by physical characteristics of the mail, others required specified pre-mailing preparation. Most classes, though, "are determined by the contents of the mail, irrespective of their physical characteristics or the processing required. In other cases, subclasses are defined by the economic and social function of the mailer, or . . . that of the recipient." The report recognized that the "present system reflects numerous political and economic realities. Many businesses and institutions have been built and nurtured with sustenance from rate concessions." 43

Most of the guideposts the panel offered in reforming classification dealt with technical characteristics and not the content of the mail or the purposes of the mailers.

A key objective of reclassification should be the harnessing of business and institutional capacities, putting them to work to simplify postal operations and to improve postal productivity. Incentive rates and improved mail classifications could serve as inducements for large mailers to extend their premailing preparation: sorting, bagging, palletizing, transporting, etc. The payoff in reduced operating costs and lower capital outlays for the postal service would make a significant contribution toward meeting the current revenue deficiency. Also incentive rates may enable volume mailers to cut their own mail costs. 44

Some of these suggestions were revived when reorganization gathered momentum a few years later, but in the meantime they were overshadowed by more immediate concerns.

The Postal Revenue and Federal Salary Act of 1967, the last major legislation under the old regime, still adhered to some of the principles enunciated in the 1958 policy act. A 1967 House report proclaimed that "Historically, and as a matter of public policy, the Congress has recognized and accepted certain relationships among the several classes of mail." First class was deemed a "preferred service" with a correspondingly high cost coverage to reflect "the quality and character of the service rendered in terms of priority, secrecy, security,

43Ibid., 7-8.
44Ibid., 8.
and speed of transmission." In discussing second- and third-class mail, however, the report emphasized their role in communicating intelligence, disseminating information, advancing education and culture, distributing articles of commerce, and stimulating the growth of commercial enterprises. The report did note that most second- and third-class mailers perform "at least one-half of the mail-handling steps." 45

The Kappel Commission. In a 1967 speech by Postmaster General Lawrence O'Brien, the Johnson administration called for an overhaul of the nation's postal establishment. 46 Within ten days, President Lyndon B. Johnson had appointed a commission to investigate postal reform. 47 The commission itself offered only tentative recommendations about the nature of a classification design, though the thrust of its report elevated economic considerations over matters of public welfare and social acceptability. One of the commission's contractors examined classification more closely:

Headed by the former chairman of A.T.&T., Frederick R. Kappel, the President's Commission on Postal Organization drew most of its members from the upper echelons of the corporate world. 48 "[T]oday the Post Office is a business," the commission proclaimed after assaying the composition of the mails and analyzing the varied postal services. "Like all economic functions it should be supported by revenues from its users. The market should decide what resources are to be allocated to the postal service." 49 The postal system, according to the commission, operated as a public utility, and "A utility is not allowed to discriminate unduly among its users in the pricing of its services...." 50 Much of the complexity in classification and the rate structure derived from "legislative judgments of public benefit—the social contribution of the mailer or of the matter mailed." 51 The commission's proposed rate-making standards would allow for

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49 ibid., 48.
50 ibid., 129.
51 ibid., 123.
narrowly drawn, congressionally designated subsidies, but the overarching consideration was for each class to pay its demonstrably related costs.\textsuperscript{52} 

The commission did not dwell on classification \textit{per se}, though it certainly touched on classification matters in its extensive discussions of rates. The commission delineated each of the principal mail categories, identifying its contents and subclasses, legal requirements for admission, and handling.\textsuperscript{53} The commission used 10 copies of a 4-ounce monthly publication to illustrate anomalies in the existing design. Such publications could fit into two categories of the in-county subclass, three categories of preferred second-class, regular zone, controlled circulation, third-class nonprofit or in two categories of regular-rate third class. The proper classification depended "on the mix of advertising and editorial matter, the pages it contained and whether or not it had a paid subscription list. The 10 copies would be delivered for a price ranging from 3.25 cents to 55 cents."\textsuperscript{54} 

As part of a discussion about standards to be applied in ratemaking, the commission presented an alternative classification system "based on major cost and service considerations." This alternative broke mail into three categories receiving either regular or priority service. General message mail embraced letters, post and postal cards, and some non-private messages; merchandise and miscellaneous mail covered small pieces and parcel post; and bulk mail included bulk message mail (circulars), various kinds of books, periodicals sent by publishers, and small pieces sent bulk. In addition, the commission noted a fourth possible category--"preference mail," classes for which Congress had authorized a subsidy. In the end, however, the commission did not "necessarily endorse each classification in this proposal, but reclassification along some such lines appears a highly desirable first step until postal market analysis can begin to develop information on true postal service needs."\textsuperscript{55} 

The Kappel Commission based its assessment of the classification design largely on a report, \textit{Rates and Rate-Making}, prepared by a contractor, Foster Associates, Inc. "The starting point in rate structure design is the

\textsuperscript{52}Ibid. at 148.

\textsuperscript{53}The commission produced a lucid table that nicely outlines the principal mail categories as of 1968. Ibid., 124-25.

\textsuperscript{54}Ibid., 123, quote at 126.

\textsuperscript{55}Ibid., 135-36.
establishment of a logical, equitable, and practicable scheme for classifying the services for which differential rates are desirable," its report asserted. Foster Associates suggested the four-class design—general message mail, bulk mailings, merchandise and miscellaneous, and preference mail—noted with approval by the Kappel Commission. In offering its classification design, the contractor emphasized how it reflected standards of service, which were linked to cost, and differential pricing to accommodate market sectors.57

Classification in the Congressional Deliberations. The Kappel Commission’s recommendations, introduced in Congress, underwent numerous legislative transmutations over two years.58 The more far-reaching proposals contemplated changes in virtually every aspect of the postal establishment. Two questions had particular relevance for mail classification—where to vest the authority to classify mail and set rates, and what criteria to use? For the most part, classification matters were subsumed and overshadowed by discussions of ratemaking.

The administrative structure—the Postal Rate Commission—and the criteria to be used in ratemaking and classification grew from proposals of the Senate post office committee. Thus, the Senate committee’s report provides the best insights into classification principles.59 Throughout the report, references to classification are entwined with discussions of ratemaking. The section specifically devoted to the classification criteria, one of five topics subsumed under "Postal Ratemaking," tracked closely with those ultimately adopted. The Senate report stated that

In making recommendations concerning the classification of mail, the [Postal Rate] Commission must act in accordance with the postal policy set forth in section 101 (a) and section 102, and must give due recognition to the factors set forth in section 3704(b), including the relative value to the people of the different kinds of mail matter; the desirability of and justification for

56 *Rates and Rate-Making*, 7-1.
57 *Ibid.*, 7-5 to 7-10.
58 For an examination of three major bills, see generally *Postal Reform: Hearings on H.R. 17070 and Similar Bills Before the House Committee on Post Office and Civil Service, 91st Cong., 2d sess.* (1970).
special mail classifications and services; the importance of
providing classifications that recognize different degrees of speed
in delivery and in the reliability of such speed; and such other
factors as the Commission may deem appropriate.\textsuperscript{60}

Finally, the Senate post office committee underscored the importance
of making rate and classification decisions "on the basis of expert consideration of
the overall value of the service provided and the allocation of costs on a scientific
or quasi-scientific basis. . . ." The committee expressly disapproved of basing
classification decisions on judgments of social acceptability. "If postal rates and
postal classification are going to be established on a basis of . . . 'social
acceptability,' then Congress is clearly better qualified to make such judgments
than the Postal Service or any expert commission. Such purely political judgments
are the province of Congress," the Senate report insisted.\textsuperscript{61}

\textsuperscript{60}Ibid., 15. Compare the language of the Senate report with the section ultimately
adopted, Postal Reorganization Act, 84 Stat. 761: "The Commission shall make a recommended
decision on establishing or changing the schedule in accordance with the policies of this title and the
following factors:

(1) the establishment and maintenance of a fair and equitable
classification system for all mail;
(2) the relative value to the people of the kinds of mail matter
entered into the postal system and the desirability and justification for special
classifications and services of mail;
(3) the importance of providing classifications with extremely high
degrees of reliability and speed of delivery;
(4) the importance of providing classifications which do not require
an extremely high degree of reliability and speed of delivery;
(5) the desirability of special classifications from the point of view
of both the user and of the Postal Service; and
(6) such other factors as the Commission may deem appropriate.

\textsuperscript{61}Ibid., 11.
8. SUMMARY AND CONCLUSIONS

Only twice in the nearly 200-year history of the Post Office Department did Congress look beyond particular classes and rates to seriously examine the general classification design. Even then, the 1879 Mail Classification Act dealt almost entirely with the problem of demarcating second from third class, while the Postal Policy Act of 1958 largely articulated a vision in statutory language. To be sure, most congressional rate adjustments carried implications for mail classification, but the press of legislative business or the political currents swirling around ratemaking prevented an exploration of overall design. Congress thus erected the mail classification framework one class and subclass at a time.

Mail Classes and Public Policies

The legislative process naturally used rates and classifications as instruments to advance various public policies—binding the nation, cultivating rural communities, aiding education and culture, supporting the charitable works of nonprofit organizations, boosting businesses and the economy, and promoting personal communication. Not surprisingly, problems arose in using mail classifications in pursuit of such goals. Tailoring a mail category to fit a broad, diffuse policy proved troublesome. Also, some policy objectives collided with one another, which introduced tensions in the classification scheme. And mail classes continued decade after decade even as the conditions that created them changed.

Binding the nation was the first and most enduring objective of mail classes and subclasses. Justifiably concerned about the political unity of the young nation, the first Congresses created a mail class for newspapers. This signaled a notable departure from colonial policy, which had treated the delivery of newspapers as tangential to the main business of the post office. When Congress created the newspaper class, it intended to promote the circulation of political journals by adopting a largely flat rate in contrast to steeply zoned letter postage. Encouraging the long-distance circulation of newspapers, however, collided with
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the goal of protecting small-town culture. In response, Congress created a subclass for the in-county circulation of newspapers. Moreover, newspapers changed in appearance and purpose much more rapidly than their mail class, complicating the post office's administration of the laws (discussed below). The flat rate for periodicals' editorial content adopted in 1917 continued the commitment to bind the country through the long-distance circulation of the printed word.

Since the creation of a category for the in-county delivery of newspapers, the mail classification system has shown particular solicitude for rural communities. For instance, parcel post was long sought by agrarian interests; small-town merchants, however, feared it would divert their business to mail-order centers. The original library subclass was also designed to help rural residents. With a limit of 300 miles or a state's borders, the library category allowed rural residents to obtain materials from a nearby city or the state capital.

The original rate classes only modestly encouraged the dissemination of educational and cultural fare. The newspaper category, from which second-class grew, favored political information from the start. Slowly but significantly Congress added categories for various kinds of materials because of their educational and cultural benefits. In roughly chronological order, the categories were for periodical pamphlets, magazines, nonprofit publications, library materials, and books.

In 1917, Congress singled out the publications of nonprofit organizations as worthy of special support beyond that accorded second-class matter in general. In creating this subclass, Congress distinguished between commercial publications and those issued by organizations engaged in some kind of noncommercial work. Similarly, Congress created a third-class category for the same organizations; this subclass assisted fund raising through direct-mail appeals.

While the postal system has long boosted businesses and the economy, the mail classification structure has not always been as accommodating. Through the mid-1800s, businesses contributed most of the nation's letter mail. The original letter rate class was used for business correspondence, financial transactions, and advertising and not much changed when the category was reincarnated as the first class. First class, however, was not specifically tailored to business needs. The third class, of course, embraced advertising and other matter circulated by businesses. And the fourth class provided a channel for the distribution of merchandise. Not until the twentieth century, however, did Congress make particular changes in classification expressly in the interests of
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business mailers. Businesses welcomed permit mail, bulk third class, and reply cards and envelopes.

Promoting the exchange of personal messages was often mentioned as a desirable goal but rarely addressed through classification. Post cards, of course, served this end, though businesses also found them helpful. Maintaining a classification for sealed messages delivered promptly has abetted social intercourse, though this category has long—if not always—attracted as much business mail.

Elements of Classification Design

A number of elements in classification design have developed along with the effort to use the post office to further broad public policy goals.

Classification design and administration have often accommodated the needs of mailers, particularly publishers and businesses. When newspapers rushed to provide more timely news by issuing extras, postal administrators decided that they qualified for the regular rates; indeed, the rules governing second-class mail allowed quite a few practices that help publishers (e.g., sample copies, supplements, enclosing subscription reminders). In the twentieth century, classification innovations have often been driven by the changing needs of business mailers. For instance, a category in third class for bulk mailings proved quite a boon for merchants.

Concerns about levels of service have both led to the creation of some mail classes and delayed the creation of others. Until railroads were widely used in the transportation of mail, the post office preferred not to carry books; the same was true of merchandise. Postal officials believed that hard, bulky items would burden small-capacity transports, damaging letters and publications. Conversely, improvements in technology and the demand of mailers created opportunities for new levels of service, notably airmail, air parcel post, and the merger of airmail and first class. One classification reform suggested on the eve of reorganization was to subdivide every class into regular and premium services.

The physical characteristics of mail—size, weight, shape—obviously affected classification. The size or bulk of mail made some transportation difficult. At times, classification decisions hinged almost entirely on weight as, for instance, in the dividing line between third and fourth class. Basing classification decisions largely on physical characteristics relieves administrators of examining content or inquiring into a mailer's motives.
The nature of mailers, their motivations, and the purposes behind the
matter they mailed frequently were used as guideposts in classification decisions
despite the obvious pitfalls in administration. Historically, the nature of mailers
created a kind of classification hierarchy, corresponding loosely to lawmakers'
perceptions of the mail's social utility. The implicit hierarchy is evident in the
following examples of different types of publications:

First, and atop the hierarchy, are the periodicals issued by
nonprofit organizations; presumably they made no profit or used
any revenue for charitable purposes.

Second, Congress regarded regular-rate periodicals in the
second-class as producing noteworthy public benefits because
they offered enough reading matter to "overbalance" their
commercial content.

Third, in creating a separate category for controlled-circulation
publications, lawmakers appreciated that trade journals with at
least 25 percent editorial content ably served their specialized
audiences even if their circulation were largely free.

Fourth, publications designed primarily for advertising purposes
mostly benefited their proprietors even if their ads incidentally
aided businesses or consumers.

Fifth, transient second-class mail was seen as serving private
interests, as when individuals in the early nineteenth-century
forwarded publications to friends or relatives to convey a
message.

Basing classification partly on the motives of senders or the purposes of their mail
increased problems for administrators.

Indeed, refinements in the design of classification were often intended
to improve the administration of postal laws. For example, to minimize the
subjective judgments about the motives of mailers or their mail, administrators
preferred to look at tangible indicators. In judging eligibility for the second class,
administrators looked outside a publication's contents to see if its subscribers
valued it enough to pay for a subscription.

The post office's handling and delivery costs have been reflected in the
classification schedule. Beginning around the First World War, the post office
worked with larger mailers to achieve efficiencies that helped both. In creating
bulk subclasses, for instance, Congress expected the senders to do more pre-
mailing preparation--facing, sorting, bundling and the like. Using zones for parcel
post and the advertising portions of second class corresponded to costs the
department incurred in transportation. Also, mail that was presented to the post
office on a regular basis--periodicals--allowed for advance planning not possible
for nonperiodical mail.

Finally, some classification features related to the existence of private-
sector alternatives or competition. This consideration most directly affected the
first and fourth classes. For the first class, the post office tried to maintain its
monopoly while accommodating some exemptions (e.g., in allowing messages to
accompany cargo). And competition pulled fourth class, notably parcel post, in
two directions. Congress launched parcel post partly to compete with private
expresses; however, lawmakers expected the postmaster general to adjust rates,
weights and other conditions so parcel post would break even and not unfairly
compete with private carriers.