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Congressional Record S. 16262 - Designation of Obscene or Offensive Mail

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The Presiding Officer. The amendment will be stated.

Mr. Mansfield. Mr. President, the intent of this amendment is to place an added burden on the publisher—the peddler, if you will—of pornographic literature, which is unsolicited, indecent literature which is an invasion of the right of privacy of the individual. This amendment seeks to cope with a problem which has become quite prevalent through the use of second-class, third-class, and even fourth-class mail.

It is my hope that this proposal, affecting unsolicited obscene literature, pornographic material through the mails, will be given the most serious consideration.

The way it operates at the present time, the U.S. Government, because of the fact that it does deliver, collect, and deposit mail, acts as a handmaiden to these pushers of pornography. This is one way to face up to a problem which has become quite prevalent.

In my own State of Montana, based on the correspondence I have received from many of my constituents—and I know in other States of the Nation as well—many people are greatly offended by this unsolicited literature.

This bill has nothing to do with what one orders if one will order, but, I repeat, has to do only with unsolicited pornographic material delivered to the homes of the citizens of this country; I think when these materials are sent without request or solicitation there is a clear invasion of a person's right of privacy. Those individuals that market these materials should be limited in their distribution to those individuals that specifically request them. This bill will put a burden on these distributors to bear the financial risk of paying return postage plus a service charge if any party receives their materials without prior request. In addition, first-class postage rates must be used by the distributors to send out their products. This added burden is imposed by the amendment just adopted by the Senate. I believe, Mr. President, that this bill is an excellent start in protecting the individual not to view pornographic literature.
Presently, section 3010 imposes restrictions upon sexually oriented advertisements. Thus, the thrust of the amended bill is to provide further protection for addresses from offensive advertising material sent through the mail. The bill as introduced applies to any obscene mail matter or mail matter that finds itself obscene or mail matter that the addressee deems to be obscene. The committee believes that it is advertisements which constitute the greatest bulk of unsolicited sexual material that privacy rights are invaded. The committee believes that pornography and malicious advertisements must, by law, be returned to the sender if the addressee so requests. The amendment makes it more descriptive of the bill's purpose. The title now refers to sexually oriented advertisements rather than to obscene and offensive mail matter.

SUMMARY

5. A person who does not wish to receive sexually oriented advertisements in his own name or in the name of his minor children may so advise the postal service and the postal service shall make his name available to mailers who are prohibited from sending him such advertisements.

4. Under the provisions of S. 3220 as amended any unrequested sexually oriented advertisement may be returned to the sender at no cost to the addressee. Return postage of such unrequested advertisements will be paid by the sender plus a surcharge of not less than 50 cents.

When a question arises whether there is a violation on the part of the sender, a determination will be made by a district court of the United States. The court will have recourse to the definition spelled out in law excepting certain advertising material from the general restrictions.

The committee believes that these explicit provisions of law, taken together, will protect the privacy of the home from invasion by unsolicited sexual material and will protect publishers and advertisers from unjustified misapplication of the law.