

9-23-1970

## Congressional Record S. 16322 - Designation of Obscene and Offensive Mail

Mike Mansfield 1903-2001

Let us know how access to this document benefits you.

Follow this and additional works at: [https://scholarworks.umt.edu/mansfield\\_speeches](https://scholarworks.umt.edu/mansfield_speeches)

---

### Recommended Citation

Mansfield, Mike 1903-2001, "Congressional Record S. 16322 - Designation of Obscene and Offensive Mail" (1970). *Mike Mansfield Speeches*. 915.

[https://scholarworks.umt.edu/mansfield\\_speeches/915](https://scholarworks.umt.edu/mansfield_speeches/915)

This Speech is brought to you for free and open access by the Mike Mansfield Papers at ScholarWorks at University of Montana. It has been accepted for inclusion in Mike Mansfield Speeches by an authorized administrator of ScholarWorks at University of Montana. For more information, please contact [scholarworks@mso.umt.edu](mailto:scholarworks@mso.umt.edu).

Mr. MANSFIELD. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER (Mr. BIBLE). The Senator from Montana is recognized for 2 minutes.

Mr. MANSFIELD. Mr. President, on yesterday, the Senate adopted an amendment to S. 3220. That amendment used the phrase "first-class mail." Under the recent reorganization bill for the Postal Department, that phrase is now antiquated.

Even though the amendment was agreed to on yesterday, I ask unanimous consent that it be in order for me to offer an amendment to the amendment. I send the modified amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modified amendment will be stated.

The assistant legislative clerk read as follows:

On page 5, line 19, strike out the quotation marks.

On page 5, between lines 19 and 20, insert the following:

"(3) Each piece of mail required to bear the notice required by paragraph (1) of this subsection shall be sent at the same rates of postage prescribed for that class of letter mail established under the third sentence of section 3623(d) of this title."

The PRESIDING OFFICER. The question is on agreeing to the modified amendment of the Senator from Montana.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, the intent, may I emphasize, is the same. It will get the pornographic literature which was sent through the mails out of the junk mail class and will increase the payment in addition thereto.

Mr. President, have the committee amendments been agreed to? I believe they were on yesterday, but I am not sure.

The PRESIDING OFFICER (Mr. BIBLE). The Chair would state that there is a committee amendment in the nature of a substitute.

Mr. MANSFIELD. Mr. President, if I may proceed for 2 more minutes—

Mr. FONG. Mr. President, has that been accepted?

The PRESIDING OFFICER. The substitute modified amendment was agreed to.

Mr. MANSFIELD. Mr. President, I am gratified that the Senate chose to adopt this amendment. It is one which I endorse wholeheartedly. It adds a feature to this bill which will improve it greatly as a law. I am happy to give full credit for the idea to Dr. Robert E. Englert of Great Falls, Mont., one of many of my constituents who have taken a vital interest in this critical problem.

On September 16, Dr. Englert wrote me concerning his deep interest in the matter and included in that letter the suggestion which has now become the "Englert" amendment to the Mansfield pornography bill. I ask unanimous consent, Mr. President, that Dr. Englert's letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr.

BIBLE). Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, Dr. Englert's letter exhibits the same strong interest in condemning the peddlers and pushers of obscene material that characterizes the views of so many of the people I represent. These are people who simply resent the mailer who invades the privacy of their homes with unsolicited filth and dirt. They have rights that are every bit as sacred as those safeguarded under the first amendment. This bill—S. 3220—and the added feature of requiring the mailer of obscenity to pay his own way—and then some, I hope—is a first step in recognizing those rights.

Mr. President, I urge the Senate to adopt the Mansfield bill with the Englert amendment attached.

#### ADDITIONAL COSPONSORS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of S. 3220: The Senator from Oregon (Mr. HATFIELD); the Senator from Hawaii (Mr. FONG); the Senator from Alabama (Mr. ALLEN); and the Senator from West Virginia (Mr. BYRD), and any other Senators who want to get on.

The PRESIDING OFFICER (Mr. BIBLE). Without objection, it is so ordered.

The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

#### EXHIBIT 1

GREAT FALLS, MONT.,  
September 16, 1970.

HON. MIKE MANSFIELD,  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR MANSFIELD: I have your letter of recent mailing and the accompanying copy of your statement regarding S 3220—on pornography in the mails.

You note that your mail has been heavy regarding this matter.

The idea of enabling persons to return such mail, having been warned by a statement on the outside of the envelope is just a start. Why not carry the fight a bit further and require any and all mail to carry a first class postage stamp? This would certainly stop a good deal of the "scrap mail" that is daily being processed through the postoffice at a loss. I think it fitting and proper that each class of mail in our postoffices should pay its way. According to my understanding, first class mail has never been a burden on funds to maintain it in the mails, whereas, all other classes such as second class, third class and fourth class mail have deluged the postoffice with mail that is costing far more than the postage received for its transmission through the mails.

First class postage on pornographic material would certainly help to slow down the many pieces of mail going out to the public on an unsolicited basis.

First class postage on the other classes would also cut down the work load and perhaps the postoffice would then not have a deficit each year. It would be appreciated by the majority of the public who, every day, receive such mail—also on an unsolicited basis.

Sincerely,

ROBERT E. ENGLERT, D.D.S.

#### DESIGNATION OF OBSCENE OR OFFENSIVE MAIL

The Senate continued with the consideration of the bill (S. 3220) to protect a person's right of privacy by providing for the designation of obscene or offensive mail matter by the sender and for the return of such matter at the expense of the sender.