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# Pornography Literature from Post Office Department

Mike Mansfield 1903-2001

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POST OFFICE DEPARTMENT  
THE EXECUTIVE ASSISTANT TO THE POSTMASTER GENERAL  
WASHINGTON, D.C. 20260

JAN 29 1971

INFORMATION COPY  
FROM  
MIKE MANSFIELD  
UNITED STATES SENATOR  
MONTANA

Dear Senator Mansfield:

This is in response to your inquiry concerning the mailing of unsolicited and offensive sexually oriented advertisements.

The Postal Service is well aware of the vexing problems which such mail creates. The number of letters we receive from postal customers relative to these problems shows the extent of their impact upon the American people.

We are pleased to be able to advise you of an important protection now available to those who do not wish to receive sexually oriented advertisements through the mails. This protection, which is provided by a portion of the recent Postal Reorganization Act, may be obtained by completing and filing with any postmaster Part II of PS Form 2201 (Application for Listing Pursuant to 39 U.S.C. 3010). This form is available at any post office. A person may file on his own behalf and on behalf of any of his children under the age of 19 years who reside with him or are under his care, custody, or supervision. Full instructions for filing are contained in Part I of the form.

The Postal Service maintains a list of the names and addresses of those who have filed, and it is against the law to mail a sexually oriented advertisement to a person whose name and address have been on the list for more than 30 days. Mailers may obtain copies of the list from the Postal Service, for a fee, so they can make sure not to mail such advertising to those who have been on the list over 30 days. Use of the list for any other purpose is prohibited. Instructions for reporting violations of this new law are also contained in Form 2201.

The new law protects against receiving sexually oriented advertisements through the mail from any source whatsoever. This protection may be obtained by those who have never received a sexually oriented advertisement, as well as by those who have.


A person who receives unsolicited advertising through the mail which offers to sell matter he considers erotically arousing or sexually provocative may still use the 1968 pandering advertisements statute

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(39 U.S.C. 3008, formerly 39 U.S.C. 4009) to obtain a prohibitory order against only the mailer of the offending advertisement. He is not required to use the new law, nor does the new law prevent use of the 1968 law. Instructions and forms concerning the 1968 law will continue to be available at all post offices.

The definition in §3010(d) of "sexually oriented advertisement" is broad enough to include matter which may come within the legal definition of obscenity, as well as matter which may not. It is still a criminal offense under 18 U.S.C. 1461 to mail obscene matter to anyone, regardless of whether or not he is on the Postal Service list maintained under the new law. You may be assured that the Postal Service will continue its vigorous efforts to see that those within the jurisdiction of our criminal laws who use the mails to deal in obscene matter are duly prosecuted. There are a considerable number of indictments now outstanding under the criminal postal obscenity law.

Sincerely,

  
Jerry L. Reynolds  
Congressional Liaison Officer

Honorable Mike Mansfield  
United States Senate  
Washington, D. C. 20510