

NYTIMES 16 APR 70

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A.C.L.U. Challenges U.S. Over Mail Inspection

By HENRY RAYMON

The American Civil Liberties Union has filed a suit here challenging the constitutionality of proposed Federal regulations that would authorize customs officials to open mail from overseas without the recipient's permission, which is currently required.

In announcing that suit had been filed in the Federal District Court here, Melvin L. Wulf, legal director of the civil rights organization, said yesterday that he had received evidence that the proposed regulations were already in effect, even though Post Office Department officials had denied this.

David A. Nelson, general counsel of the department, said by telephone from Washington that the regulations were still under consideration as part of a series of measures the Nixon Administration hoped to enact to stop the growing flow of pornography mailed into this country.

Problem a Sensitive One

Mr. Nelson, recalling that the proposal had aroused some opposition in Congress, said: "we're dealing with an uncom-

Unit's Legal Director Says Post Office and Customs Have Put Rule in Effect

monly sensitive problem that may require much more discussion before it is adopted. Mr. Wulf is simply wrong about this—the regulations have not been adopted."

But the union's legal director insisted that Post Office officials were already turning suspicious material over to the customs authorities under the provisions of the proposed regulations. He said he would seek a preliminary injunction to halt this alleged practice.

"The A.C.L.U. maintains that regulations allowing the opening of first-class mail without a search warrant violate the guarantees of the Fourth Amendment prohibiting unreasonable search and seizure," Mr. Wulf said. "And because of the inhibiting nature of the illegal search and seizure, the union charges that First Amendment freedom of press rights are violated because the regulations will discourage publication of material written abroad."

Three other plaintiffs were brought into the suit by Mr. Wulf to underscore the impact he believes the new regulations would have on various segments of the community. They are Pantheon Books, a division of Random House; a New York University professor who receives scholarly materials from Latin America, and a housewife with relatives abroad.

Andre Schiffrin, managing editor of Pantheon Books, said yesterday that he considered the proposals to be "terribly harmful" to the publishing industry.

Manuscripts Are Involved

"They may well be opening our mail now without our knowing it," he said. "Under the guise of searching for pornography they may end up inhibiting the mailing of all kinds of manuscripts from abroad and cause great hardship to an industry based on free exchange of ideas."

Mr. Schiffrin said he was also opposed to "arbitrary confiscation" of materials considered pornographic on the ground that "it should be up to us to decide what we want to publish, just as it's up to us to determine if a manuscript is libelous."

Another sponsor of the suit is Laurence Birns, professor of Latin-American studies at New York University. The housewife is Deirdre Wulf, a British citizen who is the wife of the A. C. L. U. legal director.

"My wife engages in regular correspondence with her family and friends abroad," Mr. Wulf said, "I believe she has a right to defend her privacy."

A spokesman for the Post Office Department said the proposed regulations would require that postal officials turn over any overseas mail suspected of containing prohibited matter to local customs officials, who would then open it. Under present regulations, the addresses would have to authorize the opening of the mail, otherwise it would be returned to the sender.