

New Regulations Challenged

Suit Filed to Stop Opening of First Class Mail

The American Civil Liberties Union filed suit last month for the Managing Editor of Pantheon Books charging that the opening of his private and business correspondence from abroad could adversely affect his business.

The ACLU, in the first test of recent Post Office regulations authorizing seizure of any foreign mail thought to contain "prohibited matter," called the regulations unconstitutional on the basis of the First and Fourth Amendments to the Constitution as well as the Constitutional right to privacy.

The Union called for an immediate injunction against enforcement of the regulations.

Damage Threatened

Andre Schiffrin of Pantheon Books, a division of Random House complained that sealed first class mail addressed to him from abroad has been or will be opened. This he feels could seriously endanger his relationship with foreign authors who often submit manuscripts dealing with a wide variety of controversial—often political—subjects. Schiffrin also feels that foreign authors, fearing confiscation of their work, will be discouraged from submitting manuscripts to him.

The Regulation

The postal regulation states that: all mail originating outside the customs territory of the United States is subject to customs examination . . ." and that "Mail believed to contain matter liable to customs duty or believed to contain prohibited matter is submitted immediately to local customs officers" and after submission, the material can be "held by customs officers for appropriate treatment under customs law."

The Legal Issues

The ACLU 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. 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.

Privacy Violated

The ACLU also contends that Constitutional guarantees of privacy are violated in that the plaintiffs are denied the right to receive first class mail without having it first opened and read by government officials.

Professor A Plaintiff

Also represented in the suit is Laurence Birns, a Professor of Latin American Studies at the New School for Social Research and New York University. He regularly receives first class mail from Latin American and other foreign countries which often deals with political movements and other controversial subjects. He maintains that if this mail is opened by the government, it will seriously affect his professional relationship with academicians, organizations and other correspondents in these countries.

Other Plaintiffs

Other plaintiffs in the action include the ACLU itself as an organization which regularly receives foreign mail and Deirdre Wulf, a British citizen, as a resident alien who engages in regular correspondence with family and friends abroad.