

Postal Service: The Case Of the Late Subpoena

To the Editor:

Your Feb. 16 editorial "Special Delivery" was so error-ridden that it begs correction. The editorial based an argument for time-of-mailing postmarks on the erroneous premise that a subpoena for the President took seven days for delivery from Los Angeles to Washington. This is simply not true.

The document was not mailed on Monday, Feb. 4, as was initially reported. Nor was it mailed on Feb. 5, when a postage-meter strip bearing that date was affixed to it by a court clerk. The court clerk's receipt shows that the document was actually mailed the afternoon of Wednesday, Feb. 6, bearing first-class postage—not airmail. The mailer requested certified service, not registered, as widely reported.

First-class mail from Los Angeles is normally given three-day delivery service to Washington. Thus, the first possible delivery date was Saturday, Feb. 9. But the court was closed Feb. 9 and Feb. 10, so the letter could not

be delivered on either date. The Times carried an Associated Press dispatch in its first edition of Feb. 15 noting most of these facts, but your editorial ignored them.

The letter was dispatched for delivery on Monday, Feb. 11, but, unfortunately, the document was not delivered until the following morning—Tuesday, Feb. 12. We regret, of course, any mail delays. But we do not feel that the Postal Service is guilty of any major failing in this case, considering the circumstances that prevailed.

As to your contention that time-of-mailing postmarks would provide legal proof of mailing, it is spurious. The fact that the court clerk applied a Feb. 5 postmark to the subpoena but didn't mail it until Feb. 6 points up the fallacy of your argument. Mailing by certified mail or by registered mail provides the type of legal proof that you contend is required—and that is why the courts do use certified-mail service.

JAMES H. BYRNE
Assistant Postmaster General
Public and Employee Communications
Washington, Feb. 19, 1974