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THE WHITE HOUSE

WASHINGTON

March 17, 1983

The Honorable William von Raab
Commissioner of Customs
United States Customs Service
1301 Constitution Avenue, N. W.
Washington, D. C. 20229

Dear Mr. von Raab:

I am pleased that you will be able to join the President on March 28 and to speak to the coalition of anti-pornography leaders.

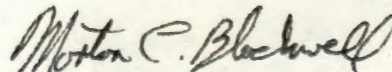
You are scheduled for fifteen minutes, which would include time for questions from participants. The meeting will be chaired by Mrs. Whittlesey.

Enclosed are the following items:

1. Agenda of the meeting.
2. List of the President's invitees.
3. A letter and packet of information for you sent by Father Morton Hill, who is the prime mover behind this coalition.

I look forward to meeting with you on March 28.

Sincerely,



Morton C. Blackwell
Special Assistant to the President
for Public Liaison

Enclosure

THE WHITE HOUSE

WASHINGTON

PRESIDENTIAL MEETING WITH ANTI-PORNOGRAPHY COALITION

Cabinet Room March 28, 1983 2:30 to 4:00 p.m.

AGENDA:

- | | |
|------|---|
| 2:30 | The Honorable William von Raab, Commissioner of Customs |
| 2:45 | The Honorable William F. Bolger, Postmaster General |
| 3:00 | The Honorable William Webster, Director, Federal Bureau
of Investigation |
| 3:15 | The Honorable William French Smith, Attorney General |
| 3:30 | President Ronald Reagan |

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Ret. Episcopal Bishop of Michigan

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Federal Paper Board Co Inc

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Presidential Commission

Obscenity and Pornography

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Ret Chairman Sinclair Oil Corp

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Alma Products Inc

LAWRENCE WELK

MISS LORETTA YOUNG

March 15, 1983

The Honorable William Conrad von Raab
Commissioner of Customs
U.S. Customs Service
1301 Constitution Avenue, N.W.
Washington, D.C. 20229

Dear Commissioner von Raab:

President Reagan, as you know, has graciously agreed to meet with various national leaders on the matter of the expanding criminal traffic in pornography and the need for vigorous enforcement of Federal obscenity laws.

We are deeply grateful for the Administration's concern about this traffic and its effects on our society, for it is a matter of grave concern to the majority of the American people.

Prior to the meeting with the President, we have been invited to meet with the heads of the enforcement agencies involved: Department of Justice, Customs Service, the Postal Service, and Federal Bureau of Investigation.

In the view of those of us who met at the White House last summer to discuss the need for enforcement, the only way a policy of vigorous enforcement can be accomplished is by the coordinated forceful action of those charged with responsibility in the enforcement agencies. It seems clear that the Administration seeks an end to the lethargy and lax enforcement of the Federal obscenity laws that have persisted over the past several years.

For purposes of your information and response in this matter, we attach nine specific recommendations for your consideration. We list the roadblocks and handcuffs of policy that have defeated meaningful enforcement of the Federal statutes. (Also attached is a brochure prepared for last July's meeting at the White House.) Letters similar to this are being sent to the heads of the other enforcement agencies since a coordinated effort is obviously needed.

In fact, we make one further overall recommendation, and that is that a coordinator be appointed in each of the three agencies, working with an overall coordinator in the Department of Justice.

Our presentation to you is made, after careful research and reflection, with the utmost sincerity and in a spirit of eager cooperation. We have no doubt that you will receive them in the same spirit and relate them to the correction of this threat to the common welfare.

Sincerely & Gratefully,

Morton A. Hill
Morton A. Hill, S.J.

MAH:kl
Attachments

Suggestions for Implementation of
Policy of Vigorous Enforcement
of the Obscenity Laws for the
Honorable William Conrad von Raab
Commissioner of Customs
U.S. Customs Service

1. It has been estimated that the Port of New York is the entry point for ninety percent of all imported pornography. Nevertheless the number of seizures by Customs officials in that Port declined from 15,000 in 1975 to 1,500 in 1980.

Our first recommendation is that the Commissioner of Customs be directed to determine the reasons for this decline and report his findings so that appropriate corrective measures may be taken.

2. Customs has eliminated the Imports Compliance Branch in the Port of New York. This office was manned by experts trained in ferreting out and reviewing imported films for violation of 19 USC 1305. We believe that the elimination of this unit has virtually brought to an end, in the Port of New York, implementation of the law prohibiting the importation of obscene matter. We suggest that seizures are now well below the disastrous figure of 1,500. This results from the inability of untrained substitute personnel to determine obscenity, and from the removal of equipment previously used to screen imported films.

Our second recommendation is that the Commissioner of Customs be directed to review the entire situation including the lack of expertise and the failure of enforcement. Upon receiving such report, we suggest that corrective steps be taken, including a reactivation of the Imports Compliance Branch which did screen all sexually oriented films and films "containing children in sexual situations." At present, the Port of New York is not even screening for child pornography.

3. Even if a Customs Inspector locates what he suspects to be pornographic material at an airport or at a Postal facility, recent changes in timing by the Department of Justice as to when it must be presented to the United States Attorney have been so shortened that enforcement is virtually impossible. As a consequence, we understand, suspect material is passed through. We know of no valid legal reason for these shortened time constraints.

Our third recommendation is that this matter be taken up with Justice for the purpose of having the time limitation returned to the 14-day time period in effect prior to this recent change.

4. We suggest that the "Waiver of Screening" form, by which an importer indicates that a film is not obscene, should be modified to ask specific questions about the content of the film viz. about specific sexual acts and organs. Anything suspect should be screened for obscenity or child pornography.

5. We recommend the appointment of at least one Customs official in every port who is knowledgeable on the definition of, and recognition of obscenity; together with a requirement that no Waiver of Screening of films or videocassettes be finalized without his or her written consent.

6. We recommend the maintenance of a record of every Waiver of Screening granted, with reasons for such Waiver if the application contained any depictions described above; and a record of every application for Waiver of Screening denied, and the reasons for denial.

7. We recommend that annual reports be submitted to the Customs Service in Washington, of all seizures made and the number and nature of convictions obtained; further, that this information be disseminated to all Regional Offices and Ports with an explanation required where declines are shown, or where it appears procedures are not being followed.

8. We suggest the issuance of instructions to Field Offices, reminding them that Postal Inspectors are not charged with the obligation nor the authority to seize letter-class mail coming in from overseas; that only Customs Mail Inspectors are so authorized. The practice of opening any envelope remotely suspected of containing obscenity should be encouraged. We recommend also a reordering of Customs Mail Inspectors duty shifts so that the shifts correspond with the mail shifts of the Postal Inspectors. In other words, if Postal Inspectors are examining mail around the clock, then a Customs Mail Inspector should be on duty to seize suspected mail; otherwise it will pass into the country. Example: if the Customs Mail Inspectors are not present at the hours 6 p.m. to 12 midnight and 12 midnight to 6 a.m. then obviously no check is being made for obscenity and child pornography during that period. Such a gap in inspection violates the mandate of the Customs Service.

9. We suggest the establishment of a system by which all refusals to prosecute criminally or to institute forfeiture proceedings by the Justice Department are reported to the General Counsel of Customs for review. If, in his opinion, Justice is wrong on the question of the obscene nature of the material; or is refusing for reasons not relating to whether or not the matter is obscene, it is suggested he report the matter to the Secretary of the Treasury who would then request a review of this refusal by the Attorney General. It is further suggested that Treasury establish a position that once Treasury has seized material as obscene under Title 19, the law requires that the "obscenity or not" of the matter seized be determined by the District Court and not Justice. We recommend an Executive Order directing that the ultimate decision, as to whether to implement proceedings under 19 U.S.C. 1305, is to rest with the Secretary of the Treasury and not the office of the United States Attorney.

Suggestions for Implementation of
Policy of Vigorous Enforcement of the
Federal Criminal Code Provision
Against Mailing Obscene Materials
for the Honorable Willim F. Bolger,
Postmaster General

1. On May 10, 1979, the Postal Service issued a communication signed by Mr. Benson, then the Chief Postal Inspector, which restricted the Postal Inspectors in the use of any further decoy letters relative to investigations under 18 U.S.C. 1461. It restricted them to unsolicited mailings. This order resulted from a misapprehension of the Blucher test. This was in error because, "It is clear that the Supreme Court's disposition of Blucher was not a decision on the merits of the venue claim, but was merely a response to the Solicitor General's motion." [United States v. Bagnell, 679 F. 2d 826 (11th Cir. 1982)]. Bagnell makes it clear that venue would be not only at the place where the objectionable matter is mailed, but also at the place of delivery or in any judicial district through which it is carried. At all events there is nothing in Blucher or Bagnell that inhibits the Supreme Court-approved, time-honored and principal weapon of decoy letters, regardless of venue.

Our first suggestion, then, is that these restrictions be removed, and new instructions issued after consultation with Justice.

2. We discern, in our various contacts with Postal Inspectors, that they perceive an attitude, at the Postal Service, of discouraging the pursuit of violations of 18 U.S.C. 1461, and permitting them only to pursue violations of the Federal child pornography law. This appears to be a widespread reality and is confirmed by the actual statistical reports of the Postal Service (cf. Digests in the attached brochure).

Our second suggestion, therefore, is that the Postmaster General inform all Postal Inspectors of the policy of vigorous enforcement of 18 U.S.C. 1461, following the same approach used to inform them in the past that the child pornography laws were to be enforced by the Postal Service.

3. We suggest that Sections 2.14 and 9.3 of your Confidential Field Manual should be revised in consultation with Justice. This gives the distinct impression to Postal Inspectors that a "consenting adult" has in some way a right to receive obscene materials through the mail in violation of 18 U.S.C. 1461 and that neither the Postal Service nor the Department of Justice is interested in such violations. This is an open invitation to pornographers and child pornographers and violates the 1973 Supreme Court opinions viz. Paris Adult Theater v. Slaton (No doctrine of consenting adults - No right to receive), U.S. v. 37 Photographs (No right of a consenting adult to import), U.S. v. 12 200 Ft. Reels and U.S. v. Orito. The suggestion that the Redmond case means that there is a right to send, or a right to receive, obscenity through the mails is incorrect. That case said the opposite. The case was not heard in the Supreme Court because the Solicitor General requested that it be dismissed as contrary to Departmental policy. It is also to be noted that it was a case of a husband and wife mailing nude photos of each other to each other. Redmond cannot be expanded to encompass violations of the obscenity law by so called "consenting adults." There is no such concept in the law of obscenity. There is no right to send, nor right to receive, obscenity. There is no Justice Department directive that speaks of a "consenting adults" exception.

4. We suggest that the provisions of Section 2.17 of the Confidential Field Manual relating to identifying pornographers whose advertisements appear in "swinger's" magazines be brought to the attention of the Postal Inspectors and that follow up decoy letters be sent and prosecutions started. These ads themselves are violations of the statutes. Yet they continue openly and unabated. Obviously these Sections of the Manual are not being utilized.

5. We suggest that discussions be initiated with Justice to eliminate the procedure that prevents direct contact between the Inspector and the United States Attorney (as specified in Section 4.13 of the Postal Manual). This inhibits prosecutions and we understand it is not utilized in child pornography cases where such direct contact is apparently permitted (see Section 13.5). This request is also being made to the Department of Justice.

6. Finally, we suggest that the Postmaster General initiate an investigation as to why the attached Digest of Activities of the Postal Inspection Service for the Fiscal Years 1979, 1980 and 1981 shows not one conviction for violating 18 U.S.C. 1461 (mailing obscenity). In this situation the pornographer sees an open license to use the mails to circulate obscenity, contrary to the will of the Congress and the American people. Title 39, Section 501 directs the Postmaster General to prescribe rules and regulations to accomplish the object of the statute, instruct Departmental personnel as to their duties, investigate Postal offenses and execute all laws relating to the Postal Service.

THE WHITE HOUSE

WASHINGTON

March 17, 1983

The Honorable William French Smith
Attorney General
Department of Justice
10th and Constitution Avenue, N. W.
Washington, D. C. 20530

Dear Mr. Smith:

I am pleased that you will be able to join the President on March 28 and to speak to the coalition of anti-pornography leaders.

You are scheduled for fifteen minutes, which would include time for questions from participants. The meeting will be chaired by Mrs. Whittlesey.

Enclosed are the following items:

1. Agenda of the meeting.
2. List of the President's invitees.
3. A letter and packet of information for you sent by Father Morton Hill, who is the prime mover behind this coalition.

I look forward to meeting with you on March 28.

Sincerely,



Morton C. Blackwell
Special Assistant to the President
for Public Liaison

Enclosure

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| 3:15 | The Honorable William French Smith, Attorney General |
| 3:30 | President Ronald Reagan |

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March 14, 1983

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LAWRENCE WELK

MISS LORETTA YOUNG

The Honorable William French Smith
Attorney General of the United States
U.S. Department of Justice
10th and Constitution Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Attorney General:

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In the view of those of us who met at the White House last summer to discuss the need for enforcement, the only way a policy of vigorous enforcement can be accomplished is by the coordinated forceful action of those charged with responsibility in the enforcement agencies. It seems clear that the Administration seeks an end to the lethargy and lax enforcement of the Federal obscenity laws that have persisted over the past several years.

For purposes of your information and response in this matter, we attach nine specific recommendations for your consideration. We list the roadblocks and handcuffs of policy that have defeated meaningful enforcement of the Federal statutes. (Also attached is a brochure prepared for last July's meeting at the White House.) Letters similar to this are being sent to the heads of the other enforcement agencies since a coordinated effort is obviously needed.

In fact, we make one further overall recommendation, and that is that a coordinator be appointed in each of the three agencies, working with an overall coordinator in the Department of Justice.

Our presentation to you is made, after careful research and reflection, with the utmost sincerity and in a spirit of eager cooperation. We have no doubt that you will receive them in the same spirit and relate them to the correction of this threat to the common welfare.

Sincerely & Gratefully,

Morton A. Hill
Morton A. Hill, S.J.

MAH:kl
Attachments

Suggestions for Implementation of
Policy of Vigorous Enforcement
of the Obscenity Laws for the
Honorable William French Smith,
Attorney General of the United States

1. There is at present a "perceived" Department of Justice "attitude" toward enforcement of obscenity laws, which needs to be corrected. Our information indicates that there is a pervasive belief by Federal law enforcement officials (F.B.I., Customs, Postal Service, District of Columbia Police) that, with the exception of child pornography, there is no real desire at the Department of Justice to enforce the Federal laws against Importation, Interstate Transportation, Mailing and Broadcasting Obscenity. This perception should be corrected. We would hope that the Department would realistically recognize that this has existed through the years and continues to exist. We believe the best way to overcome this perception is by the issuance of direct instructions to the Deputy Attorney General and the Associate and Assistant Attorneys General that strong measures be taken to see that this perception is corrected and stays corrected.

2. The memorandum from the Attorney General dated October 4, 1982 to the various United States Attorneys was a first step in correcting this perception of Departmental attitude. Unfortunately, it appears to have produced no real change in that perception. We say this because as far as we have been able to determine, this memorandum was not disseminated to law enforcement officials (viz. F.B.I., Customs, Postal Service and D.C. Police). The concept of vigorous enforcement can not become a reality unless and until the persons who are on the firing line know that the Departmental attitude, as they perceive it, is changing. In addition, although the United States

Department of Justice on September 24, 1982 authorized us to inform Presidential Assistant Blackwell that the Department accepted the Resolution adopted at the White House Conference on Enforcement of Federal Obscenity Laws on July 27, 1982, the memorandum of October 4 does not reflect that assurance. The said Resolution which the Department accepted read as follows:

RESOLVED, that the President of the United States be requested to indicate publicly that prosecution of the federal laws relating to the Mailing, Importing, Broadcasting and Interstate Transportation of Obscenity is a matter of utmost importance; and to direct the Attorney General to issue instructions to the Federal Bureau of Investigation and all United States Attorneys to make this a matter of prime concern.

FURTHER RESOLVED, that such instructions authorize and encourage all United States Attorneys to institute criminal proceedings of violations of such laws brought to their attention by the Federal Bureau of Investigation, the United States Postal Service and United States Customs.

The further resolve, which the Department accepted, is not implemented in the memorandum of October 4, 1982.

It should also be observed that, for the most part, the memorandum repeats language which has been in the United States Attorneys' Manual for years, and which apparently has been interpreted by United States Attorneys as "do not take any obscenity cases brought to us by the United States Postal Service, United States Customs, or the F.B.I. unless child pornography is involved." The exception for Organized Crime is made in Washington and not at the local level. This attitude and perception of United States Attorneys is unfortunately not changed by the memorandum. The constant turn-down of Postal officials, Customs and the F.B.I. is reflected in the documents we have attached to this letter. We will not correct the blatant open violation of the Postal laws, the law against importation of obscenity and the District of Columbia obscenity laws unless Federal investigative officers are told in so many words that when they make an obscenity case they will get a friendly reception at the office of the United States Attorney.

Our second recommendation, therefore, is that another memorandum be sent to all United States Attorneys, incorporating the sense of the further resolve; and that the F.B.I., and the Postal and Customs Services be given copies of the same with the request that it be forwarded to all F.B.I. agents, to all Postal Inspectors and to all on-line Customs officials.

3. Another factor inhibiting effective prosecution by the United States Attorneys, and not changed by the October 4 memorandum, is the prohibition (contained in Section 9-2.433 United States Department of Justice Manual) against their initiating any obscenity case on their own. They do not have that authority. The memorandum tells them on one hand that the Attorney General is behind vigorous enforcement of the obscenity laws, but they are not given authority to initiate an information or to seek an indictment. This is an inhibition on United States Attorneys that should be removed. There is no real basis for this requirement, and it hamstring local United States Attorneys.

Our third recommendation, therefore, is that this requirement, now found in Section 9-2.133 of the United States Department of Justice Manual, be eliminated.

4. The General Counsel of the Postal Service tells us that they take their instructions on the correctness of their investigative procedures from the Department of Justice. The Postal Service issued a directive in 1979, the effect of which was to eliminate the use of decoy letters. This decoy letter approach is an effective tool that the United States Postal Service has in obtaining convictions under the law against mailing obscenity. The idea that it is prohibited by the Blucher case is erroneous, and the recent Bagnell case has made that error clear. In fact, the United States Attorneys' Manual makes it abundantly clear that this is a valid technique and urges that it be used in child pornography cases. Unless the United States Department of Justice notifies the Postal Service to rescind these instructions, the record of convictions for violation of 18 U.S.C. 1461 will continue to be what they report it to be (no obscenity convictions in three fiscal years).

Our fourth recommendation, therefore, is that a letter be sent by the Department of Justice to the Chief Postal Inspector urging him to rescind the decoy letter instructions, and asking him to notify all Postal Inspectors to make vigorous and frequent use of the decoy letter approach in the initiation of investigations relating to violation of 18 U.S.C. 1461.

5. We are informed that a major factor in the poor record of seizures by United States Customs is the frustration of Customs officials in their inability to get the United States Attorney to move. As the attached brochure points out, seizures in the Port of New York declined from 15,000 in 1975 to 1,500 in 1980, and we have reason to believe that they have fallen below that figure in the last fiscal year. We understand that instructions emanating from Justice have so

lowered the time between seizure and presentation of the case to the United States Attorney that Customs' contraband obscenity forfeiture cases are virtually impossible to make. Seizure, transportation, paper work and presentation cannot be accomplished in this new short time frame. We know of no decided Supreme Court case that requires this time period.

Our fifth recommendation, therefore, is to return to the 14-day limitation, and to advise Customs On-Line Inspectors and officials that the United States Attorney's office will vigorously enforce the Federal laws (both criminal and civil) prohibiting importation of obscene materials.

6. The practice of the United States Department of Justice in refusing to enforce 18 U.S.C. 1464 relating to the broadcasting of obscene or indecent materials needs correction. Many over-the-air Subscription Programmers continuously violate the law [enunciated in FCC v. Pacifica (1978)] against broadcasting indecent programs. These services are transmitted to TV sets via over-the-air broadcast frequencies. This is not cablecasting and is subject to 18 U.S.C. 1464. Justice does not move on complaints in this area. Normal Departmental policy as spelled out in the United States Attorneys' Manual is not to bring criminal proceedings for violations of 18 U.S.C. 1464, but to let the FCC handle violations. However, the FCC has no facilities for criminal prosecutions.

We recommend that this policy be rescinded and that this criminal Section be enforced vigorously.

7. We recommend that the Section of the United States Attorneys' Manual entitled "Commercial Films," which calls for a continuing review by the F.B.I. (9-75.610) and cooperation by the Department, be implemented and brought to the attention of every United States Attorney and F.B.I. office.

8. We suggest that the Department "Handbook For Federal Obscenity Prosecutions," dated June 1972, be updated and reissued.

9. We strongly recommend the removal of the unwarranted restrictions placed on the Washington, D.C. Metropolitan Police. They inform us that they have been frustrated by the action of the United States Attorneys not only in refusing to prosecute obscenity violations, but in preventing them from getting probable cause orders from a judge to seize obscene material. As we understand it, from August 1981 to June 1982, the Metropolitan Police initiated seventeen cases by affidavit for seizure warrant. The United States Attorneys refused to permit all but six of these affidavits. On these affidavits six films were seized, but not prosecuted. From January 1982 to the present the District police prepared fourteen warrants, but the United States Attorneys refused them permission to present the warrants to a judge. One case was tried, in all this time, and that case lost, perhaps due to lack of experience in this field. The nation's Capital should be a showplace, rather than a city where the law is openly flaunted because the police are hamstrung.

We also note that the District of Columbia is in the position of a State of the Union, where Justice has said local laws should be enforced. Here, neither local nor federal laws are being enforced due to a short-sighted policy on the part of Justice. The District police authorities point to neighboring Arlington where successful prosecutions are helping to clean up that community. They say they can clean up the nation's Capital if Justice will let them function and not frustrate their efforts.

Our ninth recommendation, therefore, is to permit the police officials to obtain warrants from a Magistrate whenever the police believe there is probable cause for arrest or seizure. After all,

judicial scrutiny of the material is the obligation of the Magistrate. It is he who must decide probable cause. The function of the United States Attorneys is to prosecute vigorously as the October 4 memorandum directs them.

10. Finally, we believe that the enforcement of the Federal obscenity laws cannot adequately be dealt with in the frame of reference of the Task Forces now existing in the Department. If the Task Force asks a local prosecutor how it can be of service, he will not complain about importation of obscenity, the mailing of obscenity or broadcasting obscenity. He has more local concerns. If the Department will not move in these areas unless the local officials make this an issue, then the laws will not be enforced. These are national and not local matters and investigation and prosecution by Federal authorities is called for by the statutes. Enforcement should not turn on whether a local official makes violations of the Federal statutes a priority.



Federal Bureau of Investigation

Washington, D.C. 20535

July 14, 1982

Mr. Kenneth Lisenbee
825 West End Avenue
New York, New York 10025

Dear Mr. Lisenbee:

This is in response to the Freedom of Information Act (FOIA) requests you have recently directed to numerous FBI Field Offices. In your letters you ask for information, subdivided into five categories, relevant to the investigation and prosecution of obscenity matters pursuant to Title 18, Sections 1461-1465, United States Code, for the years 1978 through 1982.

These five categories of information are not retrievable through a search of the indices to the FBI central records system. While the FOIA requires the Government to prepare for release copies of records identified by a requester, it does not require a Governmental agency to compile statistical data unless such information is maintained as reasonably retrievable agency records.

As a matter of discretion, the determination was made to compile, in response to your requests, certain statistical data not retrievable through a search of the central records system. This information includes the approximate number of obscenity matters investigated by the FBI and the number of convictions resultant from these investigations. For your information the majority of investigations and convictions relate to Title 18, Sections 1462 and 1465, United States Code. In almost all instances investigations concerning Sections 1461 and 1463 of Title 18 are the jurisdiction of United States Postal Authorities.

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100-100000-100
TRANSFERRING

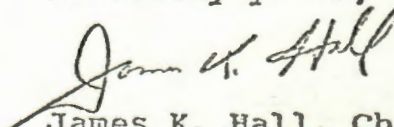
Mr. Kenneth Lisenbee

The statistical data being furnished to you is broken down by fiscal year as follows:

<u>Year</u>	<u>Approximate Investigations</u>	<u>Convictions</u>
1978	1311	19
1979	1087	21
1980	926	7
1981	809	12
1982 (Ending 3/31/82)	656	10

This letter incorporates by reference each of your individual inquiries to our Field Offices concerning the investigation and prosecution of obscenity matters. It is intended as a final response to each of those requests for information.

Sincerely yours,



James K. Hall, Chief
Freedom of Information-
Privacy Acts Section
Records Management Division

Suggestions for Implementation of
Policy of Vigorous Enforcement
of the Obscenity Laws for the
Honorable William H. Webster, Director
Federal Bureau of Investigation

1. The perception in the F.B.I. offices, as reflected in the enclosed brochure, that the United States Attorneys will not prosecute any violation of the Federal obscenity laws unless child pornography is involved needs to be reversed. Our first recommendation is that the memorandum of the Honorable William French Smith of October 4, 1982, plus any further clarification from the Justice Department, should be circulated to every F.B.I. office.

2. We suggest that at present there are very few agents assigned full time to investigation of violations of the Federal obscenity laws. We recommend a full time agent in each of the 59 F.B.I. offices.

3. There has been a marked decline in obscenity investigations by the F.B.I. as evidenced by the chart attached which shows a drop in F.B.I. investigations of obscenity cases every year since 1978. Our third recommendation is that the cause of this decline be investigated, and corrective measures be taken.

4. The F.B.I. has published a Manual entitled "Techniques In Pornography Investigations" which, while a valuable document, has not been updated in many years. Our fourth recommendation is that this work be updated, republished and distributed to all F.B.I. offices.

5. The United States Attorneys' Manual Section
9-75.610 entitled "Commercial Films" reads as follows:

"Because of the increasingly pervasive dissemination, for commercial exhibition, of films which may be considered 'hard core' pornography, the Federal Bureau of Investigation, at the request of the Criminal Division, has instituted a continuing review of all 'X-Rated' films being commercially distributed and exhibited. If, upon viewing such films being exhibited in local theaters, a Bureau agent reports that a film depicts explicit sexual conduct which appears to have been included in the production solely or primarily for the purpose of appealing to prurient interests, the Bureau has been advised to pursue necessary investigation to establish that the film was transported in interstate commerce, and to identify the person responsible for the shipment and those who accepted delivery. Upon development of such evidence, the Bureau will present the matter to the United States Attorney for prosecutive evaluation.

"It is urged that wherever the description of the film indicates that it is obscene under the definition set forth in Miller v. California, 413 U.S. 15 (1973), prosecutive action be considered..."

It is our belief that this procedure, authorized by Justice, is not being followed by the F.B.I. We asked an agent, supposedly charged with being an obscenity specialist in a large metropolitan city, if the procedure is being followed; and he indicated that he had never heard of the directive.

Our fifth recommendation, therefore, is that all F.B.I. offices be notified to follow this directive.

6. Finally we propose that Seminars for assigned F.B.I. agents be conducted at the F.B.I. Academy or in Washington to sharpen investigative techniques and methods of making an obscenity case, including training in legal and constitutional aspects. We would be pleased to cooperate in that endeavor by providing names of potential lecturers who have proven expertise in these fields.

THE WHITE HOUSE

WASHINGTON

March 17, 1983

The Honorable William F. Bolger
Postmaster General
Washington, D. C.

Dear Mr. Bolger:

I am pleased that you will be able to join the President on March 28 and to speak to the coalition of anti-pornography leaders.

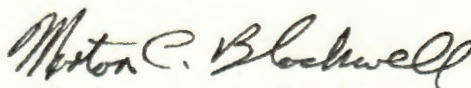
You are scheduled for fifteen minutes, which would include time for questions from participants. The meeting will be chaired by Mrs. Whittlesey.

Enclosed are the following items:

1. Agenda of the meeting.
2. List of the President's invitees.
3. A letter and packet of information for you sent by Father Morton Hill, who is the prime mover behind this coalition.

I look forward to meeting with you on March 28.

Sincerely,



Morton C. Blackwell
Special Assistant to the President
for Public Liaison

Enclosure

WASHINGTON

Cabinet Room March 28, 1983 2:30 to 4:00 p.m.

2:30	The Honorable William von Raab, Commissioner of Customs
2:45	The Honorable William F. Bolger, Postmaster General
3:00	The Honorable William Webster, Director, Federal Bureau of Investigation
3:15	The Honorable William French Smith, Attorney General
3:30	President Ronald Reagan

Morality in Media inc.

475 RIVERSIDE DRIVE, NEW YORK, N.Y. 10115-(212) 870-3222

March 14, 1983

The Honorable William F. Bolger
Postmaster General of the United States
U.S. Postal Service
475 L'Enfant Plaza, S.W.
Washington, D.C. 20260

Dear Postmaster General:

President Reagan, as you know, has graciously agreed to meet with various national leaders on the matter of the expanding criminal traffic in pornography and the need for vigorous enforcement of Federal obscenity laws.

We are deeply grateful for the Administration's concern about this traffic and its effects on our society, for it is a matter of grave concern to the majority of the American people.

Prior to the meeting with the President, we have been invited to meet with the heads of the enforcement agencies involved: Department of Justice, Customs Service, the Postal Service, and Federal Bureau of Investigation.

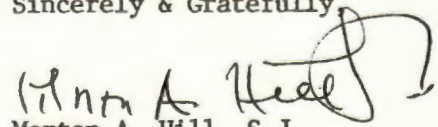
In the view of those of us who met at the White House last summer to discuss the need for enforcement, the only way a policy of vigorous enforcement can be accomplished is by the coordinated forceful action of those charged with responsibility in the enforcement agencies. It seems clear that the Administration seeks an end to the lethargy and lax enforcement of the Federal obscenity laws that have persisted over the past several years.

For purposes of your information and response in this matter, we attach six specific recommendations for your consideration. We list the roadblocks and handcuffs of policy that have defeated meaningful enforcement of the Federal statutes. (Also attached is a brochure prepared for last July's meeting at the White House.) Letters similar to this are being sent to the heads of the other enforcement agencies since a coordinated effort is obviously needed.

In fact, we make one further overall recommendation, and that is that a coordinator be appointed in each of the three agencies, working with an overall coordinator in the Department of Justice.

Our presentation to you is made, after careful research and reflection, with the utmost sincerity and in a spirit of eager cooperation. We have no doubt that you will receive them in the same spirit and relate them to the correction of this threat to the common welfare.

Sincerely & Gratefully


Morton A. Hill, S.J.

MAH:kl
Attachments

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MISS LORETTA YOUNG

Suggestions for Implementation of
Policy of Vigorous Enforcement of the
Federal Criminal Code Provision
Against Mailing Obscene Materials
for the Honorable Willim F. Bolger,
Postmaster General

1. On May 10, 1979, the Postal Service issued a communication signed by Mr. Benson, then the Chief Postal Inspector, which restricted the Postal Inspectors in the use of any further decoy letters relative to investigations under 18 U.S.C. 1461. It restricted them to unsolicited mailings. This order resulted from a misapprehension of the Blucher test. This was in error because, "It is clear that the Supreme Court's disposition of Blucher was not a decision on the merits of the venue claim, but was merely a response to the Solicitor General's motion." [United States v. Bagnell, 679 F. 2d 826 (11th Cir. 1982)]. Bagnell makes it clear that venue would be not only at the place where the objectionable matter is mailed, but also at the place of delivery or in any judicial district through which it is carried. At all events there is nothing in Blucher or Bagnell that inhibits the Supreme Court-approved, time-honored and principal weapon of decoy letters, regardless of venue.

Our first suggestion, then, is that these restrictions be removed, and new instructions issued after consultation with Justice.

2. We discern, in our various contacts with Postal Inspectors, that they perceive an attitude, at the Postal Service, of discouraging the pursuit of violations of 18 U.S.C. 1461, and permitting them only to pursue violations of the Federal child pornography law. This appears to be a widespread reality and is confirmed by the actual statistical reports of the Postal Service (cf. Digests in the attached brochure).

Our second suggestion, therefore, is that the Postmaster General inform all Postal Inspectors of the policy of vigorous enforcement of 18 U.S.C. 1461, following the same approach used to inform them in the past that the child pornography laws were to be enforced by the Postal Service.

3. We suggest that Sections 2.14 and 9.3 of your Confidential Field Manual should be revised in consultation with Justice. This gives the distinct impression to Postal Inspectors that a "consenting adult" has in some way a right to receive obscene materials through the mail in violation of 18 U.S.C. 1461 and that neither the Postal Service nor the Department of Justice is interested in such violations. This is an open invitation to pornographers and child pornographers and violates the 1973 Supreme Court opinions viz. Paris Adult Theater v. Slaton (No doctrine of consenting adults - No right to receive), U.S. v. 37 Photographs (No right of a consenting adult to import), U.S. v. 12 200 Ft. Reels and U.S. v. Orito. The suggestion that the Redmond case means that there is a right to send, or a right to receive, obscenity through the mails is incorrect. That case said the opposite. The case was not heard in the Supreme Court because the Solicitor General requested that it be dismissed as contrary to Departmental policy. It is also to be noted that it was a case of a husband and wife mailing nude photos of each other to each other. Redmond cannot be expanded to encompass violations of the obscenity law by so called "consenting adults." There is no such concept in the law of obscenity. There is no right to send, nor right to receive, obscenity. There is no Justice Department directive that speaks of a "consenting adults" exception.

4. We suggest that the provisions of Section 2.17 of the Confidential Field Manual relating to identifying pornographers whose advertisements appear in "swinger's" magazines be brought to the attention of the Postal Inspectors and that follow up decoy letters be sent and prosecutions started. These ads themselves are violations of the statutes. Yet they continue openly and unabated. Obviously these Sections of the Manual are not being utilized.

5. We suggest that discussions be initiated with Justice to eliminate the procedure that prevents direct contact between the Inspector and the United States Attorney (as specified in Section 4.13 of the Postal Manual). This inhibits prosecutions and we understand it is not utilized in child pornography cases where such direct contact is apparently permitted (see Section 13.5). This request is also being made to the Department of Justice.

6. Finally, we suggest that the Postmaster General initiate an investigation as to why the attached Digest of Activities of the Postal Inspection Service for the Fiscal Years 1979, 1980 and 1981 shows not one conviction for violating 18 U.S.C. 1461 (mailing obscenity). In this situation the pornographer sees an open license to use the mails to circulate obscenity, contrary to the will of the Congress and the American people. Title 39, Section 501 directs the Postmaster General to prescribe rules and regulations to accomplish the object of the statute, instruct Departmental personnel as to their duties, investigate Postal offenses and execute all laws relating to the Postal Service.



CHIEF POSTAL INSPECTOR
Washington, DC 20260-2100

June 1, 1982

Mr. Paul J. McGeady
General Counsel
Morality in Media, Inc.
475 Riverside Drive
New York, NY 10115

Dear Mr. McGeady:

This is in reference to your request of May 25, 1982, requesting, pursuant to the Freedom of Information Act, a copy of the Postal Inspection Service Digest of Activities for Fiscal Years 1979, 1980 and 1981.

Enclosed is the material which you requested.

Sincerely,

K. H. Fletcher

Enclosures

POSTAL INSPECTION SERVICE
**DIGEST OF
ACTIVITIES**
FISCAL YEAR 1979

NEW YORK
DIVISION

WASHINGTON
DIVISION

NATIONWIDE

- A total of 16,046 convictions.
- Convictions obtained in 99% of all cases brought to trial.
- A total of 179,107 criminal investigations completed.
- Recoveries, restitutions made and fines imposed—\$25.2 million.

BURGLARY AND HOLDUP

- 354 convictions—Burglary.
- 125 convictions—Holdup.
- \$13,279 in stamps and cash and 3,177 stolen money orders recovered.

PROHIBITED MAILINGS

Commercial Obscenity Dealers (18 USC 1461, 2251, 2252)

- 84 investigations completed; of these 57 involved child pornography.
- 9 convictions for child pornography were obtained.

Narcotic Investigations

- 698 investigations completed.
- 154 individuals convicted.

Explosives and Bombs by Mail Against Postal Properties and Functions

- 227 bomb investigations completed.
- 18 actual bomb mailings; 8 were related to terrorist activities.
- 49 individuals convicted in all postal related bomb investigations.

MAIL FRAUD (18 USC 1341)

- 204,332 complaints received.*
- 5,497 investigations completed.
- 2,249 questionable promotions discontinued.
- 2,063 convictions obtained.
- \$3,647,179 fines imposed.
- \$15,265,869 restitution.
- * Does not include Consumer Complaint Program complaints.

EXTERNAL MAIL THEFTS

- 10,246 convictions.
- 137,897 complaints received.

CIVIL ADMINISTRATIVE ACTIONS— FALSE REPRESENTATION— LOTTERIES (39 USC 3005/3007)

- 164 cases presented to USPS Law Department.
- 73 False Representation Orders issued.
- 85 Consent Agreements entered.

CONSUMER COMPLAINT PROGRAM

- To assist consumers in resolving unsatisfactory mail order transactions.
- 42,274 complaints received.
- 40,379 or 96% of complaints resolved.

EMBEZZLEMENTS AND RECOVERIES

- 182 convictions for embezzlement
- 3,287 investigations of embezzlements and shortages.

These investigations disclosed:

- 196 embezzlements amounting to \$363,513.
- 1,369 shortages amounting to \$605,326
- \$515,448 recovered from embezzlements, shortages, revenue deficiencies, forgeries, mail theft, property damage, etc.

ORGANIZED CRIME INVESTIGATIONS

- Postal Inspectors are assigned to each of the Federal Strike Forces established in metropolitan centers throughout the country to combat organized crime.

CRIME LABORATORIES

Received

- 8,140 requests for examination.

Examined

- 233,547 questioned and known documents.
- 27,862 physical evidence items.
- 60,906 fingerprint exhibits.

Identified

- 3,586 individual offenders.
- 1,016 items of physical evidence.

Made

- 345 court appearances.

The Chief Postal Inspector is responsible for internal audit of the Postal Service. Postal Inspectors provide management with independent audits and investigations of all postal activities as a part of the USPS internal control system.

Audits and inspections of installations and systems protect the assets of the Service, improve its financial management system, assist in the resolution of customer complaints, investigate matters of Congressional interest and identify specific improvements for better customer service and more economical operations.

Over 4,000 improvements recommended were adopted by management. Additional suggestions for improving postal operations and systems could result in annual savings of \$35 million when fully implemented.

INSTALLATION AUDITS were made of more than 600 major management facilities

representing coverage of the operation and control of postal units comprising about one-half of the nation's total mail system and revenue.

FUNCTIONAL AUDITS were made of about 90 major management functions and programs. These audits contributed to the integrity of postal financial systems by examining payrolls, internal management reporting, and financial statements.

CONTRACT AUDITS were made of 51 price proposals and active contracts to assist contracting officers and management in negotiations and administration. These contracts were valued at over \$43 million with \$4.6 million in potential savings and cost avoidance being identified.

INVESTIGATIONS were made in over 7,600 cases concerning postal revenues, operating matters, and accidents involving postal employees, vehicles, and property.

SECURITY

PLANT PROTECTION

- 2,400 uniformed postal security force personnel are employed at 123 locations.

BURGLARY AND ROBBERY COUNTERMEASURES

- 268 new burglar alarms installed.
- 70 new security containers installed.
- 205 bullet-resistant counterlines installed to date in postal facilities.
- Security measures saved the Postal Service \$4.6 million in potential losses from burglaries.

PERSONAL SECURITY

- 6,368 postmaster suitability investigations conducted.
- 51,876 National Agency Checks and Inquiry investigations for non-sensitive positions
- 15,000 mail transportation contract employees screened.

LEGAL LIAISON

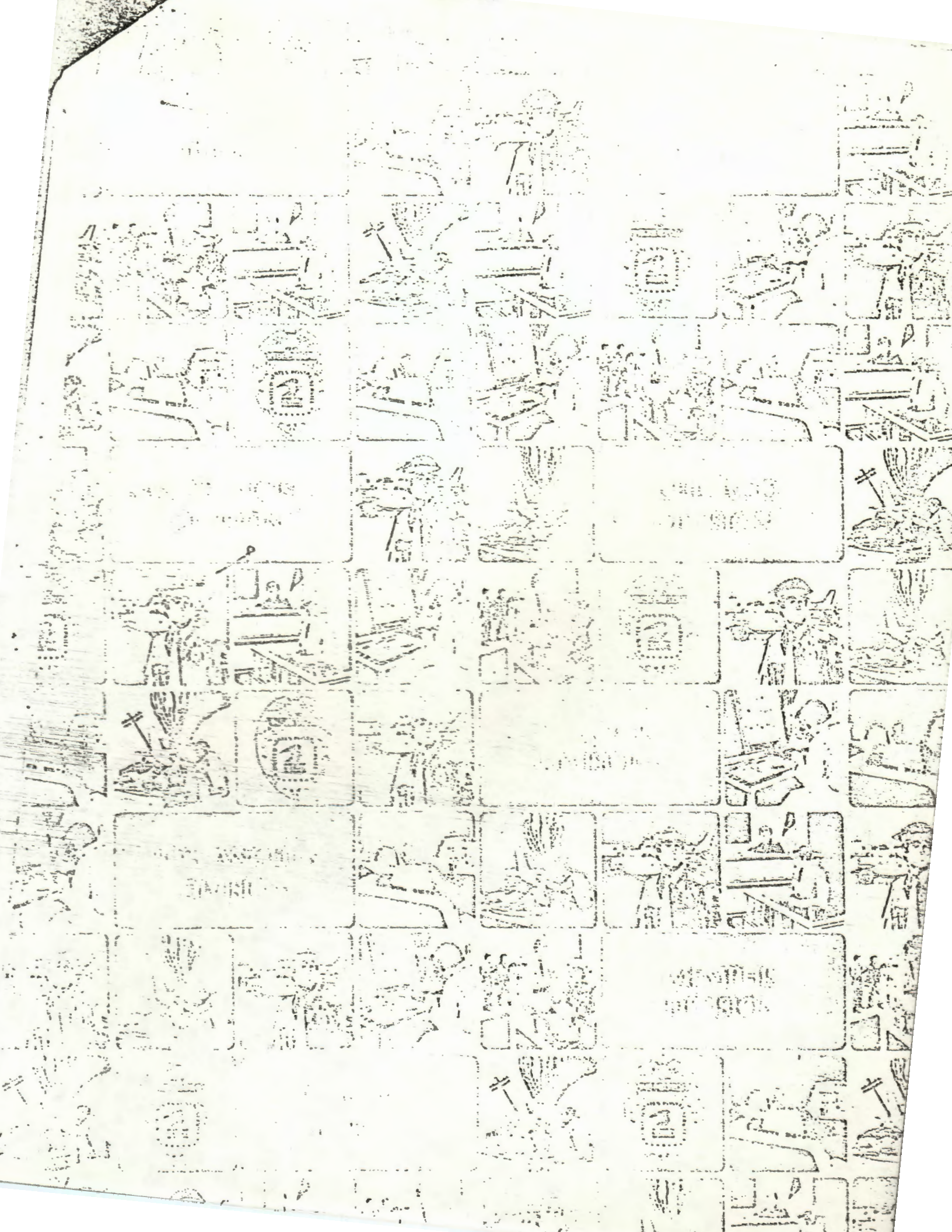
- 636 Freedom of Information/Privacy Act requests received.
- Assistance provided USPS Law Department and Department of Justice in 175 civil actions.

SECURITY IMPROVEMENT PROGRAM

- Security screening in postal jeeps implemented to reduce thefts in high crime areas.
- Quality of apartment house mail receptacles upgraded to reduce vandalism and theft.

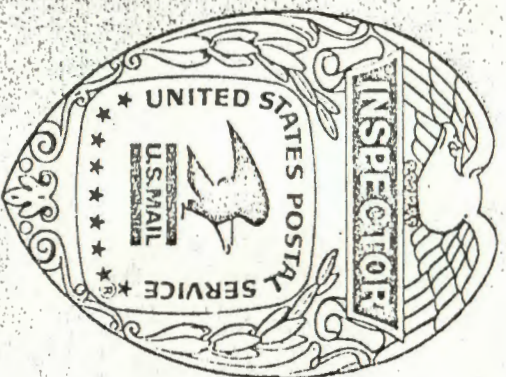
TECHNICAL SERVICES

Over 8,000 items of technical equipment available to aid in investigations; over 11,700 alarm systems in service to protect the mails and more than one hundred different types of technical equipment.



FISCAL YEAR 1980

Digest of Activities



UNITED STATES POSTAL INSPECTION SERVICE

CRIMINAL INVESTIGATIONS

NATIONWIDE

- A total of 189,474 criminal investigations completed.
- A total of 9,576 convictions.
- Convictions obtained in 99% of all cases brought to trial.
- Recoveries, restitutions made and fines imposed—\$21.2 million

BURGLARY AND HOLDUP

- 242 convictions—Burglary.
- 143 convictions—Holdup.
- \$11,155 in stamps and cash and 4,978 stolen money orders recovered.

PROHIBITED MAILINGS

Pornography Dealers (18 USC 1461, 2251, 2252)

- 301 investigations completed; of these 278 involved child pornography.
- 14 convictions for child pornography were obtained.

Narcotic Investigations

- 408 investigations completed.
- 79 individuals convicted.

Bombs and Explosives Directed at Postal Properties and Functions

- 125 incidents reported; 6 related to terrorist activities.
- 19 actual mailings.
- 35 individuals convicted in all postal related bomb investigations.

MAIL FRAUD (18 USC 1341)

- 4,430 investigations completed.
- 1,370 convictions obtained.
- \$2,449,656 fines imposed.
- \$3,372,270 restitution.

EXTERNAL MAIL THEFTS

- 5,761 convictions.
- 153,445 complaints received.

CIVIL ADMINISTRATIVE ACTIONS— FALSE REPRESENTATION— LOTTERIES (39 USC 3005/3007)

- 226 cases presented to USPS Law Department.
- 72 False Representation Orders issued.
- 67 Consent Agreements entered.
- 43 Temporary Restraining Orders.

CONSUMER COMPLAINT PROGRAM

- To assist consumers in resolving unsatisfactory mail order transactions.
- 58,333 complaints received.
- 48,738 or 93% of complaints resolved.

EMBEZZLEMENTS AND RECOVERIES

- 204 convictions for embezzlement.
- 3,850 investigations of embezzlements and shortages.

These investigations disclosed:

- 214 embezzlements amounting to \$327,307.
- 1,249 shortages amounting to \$485,611.
- \$1,403,891 recovered from embezzlements, shortages, revenue deficiencies, forgeries, mail theft, property damage, etc.
- 1,655 revenue deficiencies amounting to \$2,895,730.

ORGANIZED CRIME INVESTIGATIONS

- Postal Inspectors are assigned to each of the Federal Strike Forces established in metropolitan centers throughout the country to combat organized crime.

CRIME LABORATORIES

Received

- 6,515 requests for examination.

Examined

- 249,357 questioned and known documents.
- 10,349 physical evidence items.
- 73,714 fingerprint exhibits.

Identified

- 2,982 individual offenders.
- 1,573 items of physical evidence.

Made

- 304 court appearances.

AUDIT

The Chief Postal Inspector is responsible for internal audit of the Postal Service. Postal Inspectors provide management with independent audits and investigations of all postal activities as a part of the USPS internal control system.

Audits of installations and systems protect the assets of the Service, improve its financial management system, assist in the resolution of customer complaints, investigate matters of Congressional interest and identify specific improvements for better customer service and more economical operations.

Suggestions for improving postal operations and systems were offered which could result in annual savings of \$41.7 million when fully implemented.

INSTALLATION AUDITS were made of more than 600 major management facilities representing coverage of the operation and

control of postal units comprising about one-half of the nation's total mail system and revenue.

FUNCTIONAL AUDITS were made of about 80 major management functions and programs. These audits contributed to the integrity of postal financial systems by examining payrolls, internal management reporting, and financial statements.

CONTRACT AUDITS were made of 107 price proposals and active contracts to assist contracting officers and management in negotiations and administration. These contracts were valued at over \$59 million with \$3.8 million in potential savings and cost avoidance being identified.

INVESTIGATIONS were made in about 7,000 cases concerning postal revenues, operating matters, and accidents involving postal employees, vehicles, and property.

SECURITY

PLANT PROTECTION

- 2,440 uniformed postal security force personnel discovered 258 fires, provided first aid in 685 instances, and responded to 10,367 alarms.

BURGLARY AND ROBBERY COUNTERMEASURES

- 295 new burglar alarms installed.
- 149 new security containers installed.
- 243 bullet-resistant counterlines installed to date in postal facilities.
- Security measures saved the Postal Service \$5,343,623 in potential losses from burglaries.

PREVENTION

- 750 new containers for registered mail were obtained to increase in-transit security for valuable shipments.

WORKERS' COMPENSATION PROGRAM ABUSE

- 7 arrests made.
- 45 employees removed from the Postal Service.
- \$1.7 million estimated savings.

LEGAL LIAISON

- 729 Freedom of Information Act/Privacy Act requests received.
- Assistance provided USPS Law Department and Department of Justice in 180 civil actions.

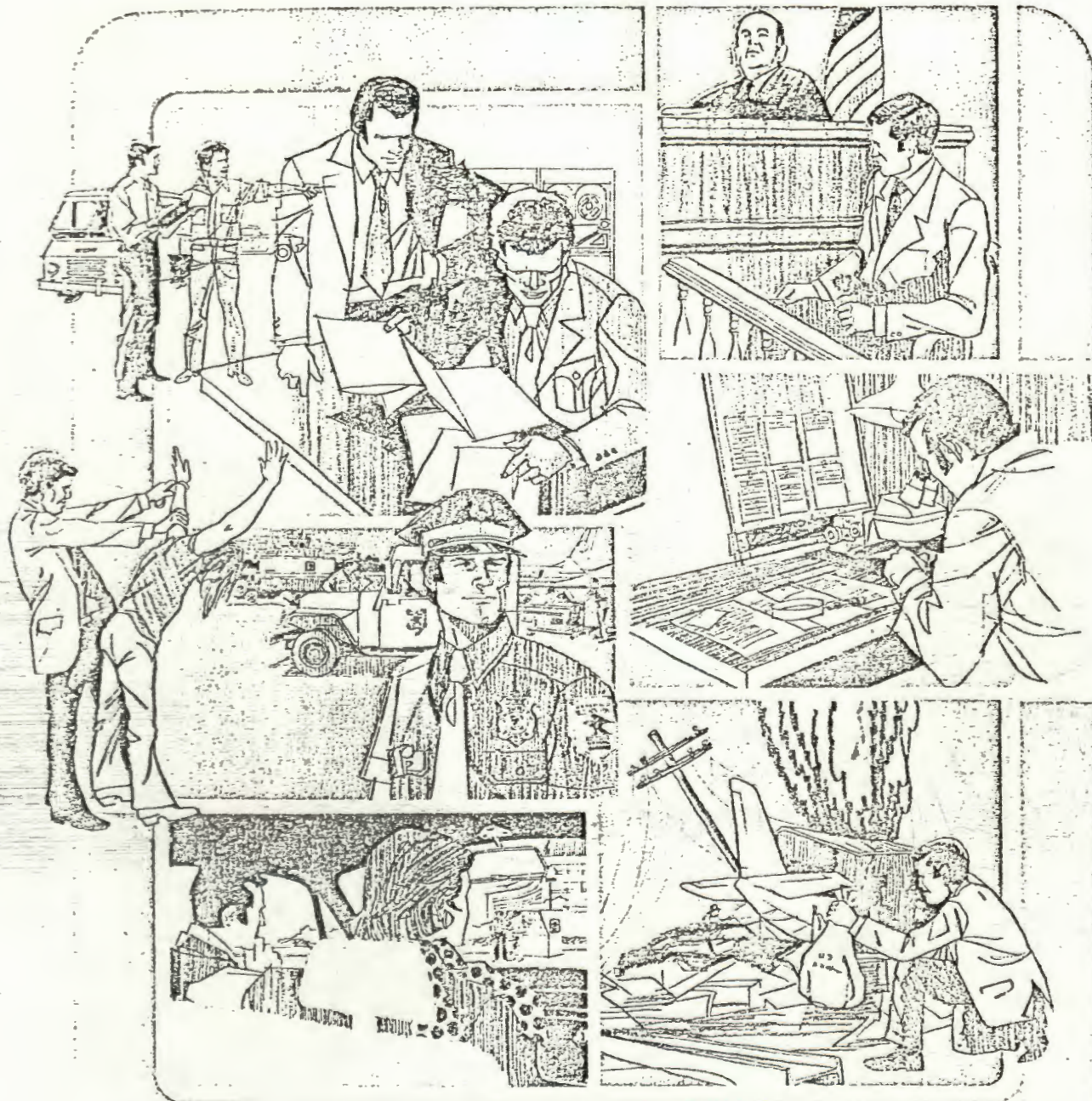
TECHNICAL SERVICES

Over 8,200 items of technical equipment available to aid in investigations; over 11,950 alarm systems in service to protect the mails, and more than one hundred different types of technical equipment.



FISCAL YEAR 1981

DIGEST OF ACTIVITIES



UNITED STATES POSTAL INSPECTION SERVICE

CRIMINAL INVESTIGATIONS

NATIONWIDE

- A total of 29,018 criminal investigations completed.
- A total of 5,410 convictions.
- Convictions obtained in 98% of all cases brought to trial.
- Recoveries, restitutions made and fines imposed—\$15.8 million.

BURGLARY AND HOLDUP

- 213 convictions—Burglary.
- 127 convictions—Holdup.

PROHIBITED MAILINGS

Pornography Dealers (18 USC 1461, 2251, 2252)

- 237 investigations completed; of these 214 involved child pornography.
- 26 convictions for child pornography were obtained.

Narcotic Investigations

- 300 investigations completed.
- 71 individuals convicted.

Bombs and Explosives Directed at Postal Properties and Functions

- 113 incidents reported; 5 related to terrorist activities.
- 7 actual mailings.
- 16 individuals convicted in all postal related bomb investigations.

MAIL FRAUD (18 USC 1341)

- 3,550 investigations completed.
- 1,046 convictions obtained.
- \$3,491,408 fines imposed.
- \$9,590,239 restitution.

EXTERNAL MAIL THEFTS

- 2,442 convictions.
- 202,533 complaints received.

CIVIL ADMINISTRATIVE ACTIONS— FALSE REPRESENTATION— LOTTERIES (39 USC 3005/3007)

- 371 cases presented to USPS Law Department.
- 169 False Representation Orders issued.
- 177 Consent Agreements entered.
- 59 Temporary Restraining Orders.

CONSUMER COMPLAINT PROGRAM

- To assist consumers in resolving unsatisfactory mail order transactions.
- 45,030 complaints received.
- 38,860 or 86% of complaints resolved.

EMBEZZLEMENTS AND RECOVERIES

- 259 convictions for embezzlement.
- 4,182 investigations of embezzlements and shortages.

These investigations disclosed:

- 195 embezzlements amounting to \$547,865.
- 422 shortages amounting to \$241,741.
- \$1,173,873 recovered from embezzlements, shortages, revenue deficiencies, forgeries, mail theft, property damage, etc.
- Revenue deficiencies amounting to \$1.8 million.

ORGANIZED CRIME INVESTIGATIONS

- Postal Inspectors are assigned to each of the Federal Strike Forces established in metropolitan centers throughout the country to combat organized crime.

CRIME LABORATORIES

Received

- 5,021 requests for examination.

Examined

- 220,317 questioned and known documents
- 16,367 physical evidence items.
- 87,486 fingerprint exhibits.

Identified

- 2,463 individual offenders.

Made

- 268 court appearances.

AUDIT

The Chief Postal Inspector is responsible for internal audit of the Postal Service. Postal Inspectors provide management with independent audits and investigations of all postal activities as a part of the USPS internal control system.

Audits of installations and systems protect the assets of the Service, improve its financial management system, assist in the resolution of customer complaints, investigate matters of Congressional interest and identify specific improvements for better customer service and more economical operations.

Suggestions for improving postal operations and systems were offered which could result in annual savings of \$147.4 million when fully implemented.

INSTALLATION AUDITS were made of more than 500 major management facilities representing coverage of the operation and control of postal units, comprising about

one-half of the nation's total mail system and revenue.

FUNCTIONAL AUDITS were made of over 100 major management functions and programs. These audits contributed to the integrity of postal financial systems by examining payrolls, internal management reporting, and financial statements.

CONTRACT AUDITS were made of over 240 price proposals and active contracts to assist contracting officers and management in negotiations and administration. These contracts were valued at over \$234 million with \$31.7 million in potential savings and cost avoidance being identified.

INVESTIGATIONS were made in about 4,500 cases concerning postal revenues, operating matters, and accidents involving postal employees, vehicles, and property.

SECURITY

PLANT PROTECTION

- 2,409 uniformed postal security force personnel discovered 267 fires, provided first aid in 635 instances, and responded to 10,335 alarms.

BURGLARY AND ROBBERY COUNTERMEASURES

- 158 new burglar alarms installed.
- 109 new security containers installed
- 259 bullet-resistant counterlines installed to date in postal facilities.
- Security measures saved the Postal Service \$3,473,895 in potential losses from burglaries.

PREVENTION

- 3,000 new containers were obtained to increase in-transit security of domestic registered mail shipments.
- 500 containers were obtained for exchange of international high value mail with countries experiencing high losses.

WORKERS' COMPENSATION PROGRAM ABUSE

- 32 arrests made.
- 78 employees removed from the Postal Service.
- \$1.5 million estimated savings.

LEGAL LIAISON

- 562 Freedom of Information Act/Privacy Act requests received.
- Assistance provided USPS Law Department and Department of Justice in 350 civil actions.

TECHNICAL SERVICES

Over 9,000 items of technical equipment available to aid in investigations; over 12,035 alarm systems in service to protect the mails, and more than one hundred different types of technical equipment.

