

GAO

Report to the Chairman, Subcommittee
on the Postal Service, Committee on
Government Reform and Oversight,
House of Representatives

May 1997

U.S. POSTAL SERVICE

Information About Restrictions on Mailbox Access





General Government Division

B-272447

May 30, 1997

The Honorable John M. McHugh
Chairman, Subcommittee on the Postal Service
Committee on Government Reform and Oversight
House of Representatives

Dear Mr. Chairman:

This letter responds to your request for information to help the Subcommittee assess whether changes are needed to the law that essentially gives the U.S. Postal Service exclusive access to mailboxes (18 U.S.C. 1725). The Postal Service believes that this law, generally called the "mailbox restriction," is needed to protect postal revenue, facilitate efficient and secure delivery of mail, and promote the privacy of postal customers. Some major competitors of the Service believe the mailbox restriction law should be repealed because, in their view, it is unnecessary, unfair, and adversely affects their delivery operations. As the Subcommittee considers proposed postal reform legislation,¹ which, among other things, includes a demonstration project to test relaxing the mailbox restriction, the issue of mailbox access has become hotly debated, with little empirical data available to support the arguments, pro or con. To assist the Subcommittee in considering whether to test changes to the mailbox restriction, we agreed to obtain and provide information on (1) the purpose and history of the mailbox restriction; (2) current U.S. public attitudes toward the mailbox restriction; (3) views of the U.S. Postal Service, competitors, major mailers, postal labor organizations, the U.S. Department of Justice, and the Postal Rate Commission on the mailbox restriction; and (4) the experience of the United States and certain other countries regarding mail theft and the need for a mailbox restriction.

To address the above objectives, among other methods, we contracted for a national survey of 1,013 randomly selected adults (18 and older), which achieved a 65 percent response rate and can be generalized to all adults in the continental United States.² We also used a 1-page questionnaire to survey 59 selected domestic organizations, including the U.S. Postal Service, competitors, major mailers, postal labor organizations, the U.S. Department of Justice, and the Postal Rate Commission, and obtained 41 written responses. We gave a more extensive questionnaire to eight

¹Postal Reform Act of 1997, H.R. 22, 105th Cong. (1997).

²The overall results were surrounded by 95 percent confidence intervals of plus or minus 4 percent or less.

selected foreign postal administrations and received written responses from all of them.

Results in Brief

Congress adopted the mailbox restriction in 1934 to protect postal revenue by preventing delivery of unstamped matter to mailboxes, which reportedly was having a considerable impact on postal revenues. The U.S. Supreme Court upheld the constitutionality of the mailbox restriction in 1981. Civic groups, which had delivered unstamped material regarding their activities to mailboxes, claimed that the mailbox restriction abridged their First Amendment rights to free speech and the press. The Court denied the groups' claim, ruling that the law and enforcement actions were not geared in any way to the content of the message placed in mailboxes. The Court also found that mailboxes are an essential part of national mail delivery and that postal customers agree to abide by laws and regulations that apply to their mailboxes in exchange for the Postal Service agreeing to deliver and pick up mail in them.³

On the basis of our national survey, we estimated that the vast majority of adults (82 percent) are opposed to allowing just anyone to put mail into their mailboxes.⁴ However, views differed regarding the desirability of mailbox access for particular companies or particular items. For example, 58 percent favored allowing express mail companies, e.g., Federal Express and United Parcel Service (UPS), to put packages into mailboxes. Fewer adults favored allowing companies to leave other types of items in mailboxes, such as utility bills (48 percent); magazines or newspapers (38 percent); and catalogs, coupons, or ads (29 percent). Sixty-six percent of adults reported their households receive most of their mail in mailboxes without locks. If there were neither the mailbox restriction nor regulatory restrictions, these mailboxes would be legally and practically accessible to private delivery companies or others with respect to delivery of items not covered by the Postal Service's letter mail monopoly.

Postal stakeholders expressed mixed views about the need for the mailbox restriction. The Postal Service, the seven major postal labor unions and management associations, and a contractors' association said that the mailbox restriction should remain unchanged. The Service said it protects postal revenue, facilitates the efficient and secure delivery of mail, and promotes the privacy of postal customers. The seven major

³U.S. Postal Service v. Council of Greenburgh Civic Associations, 453 U.S. 114 (1981).

⁴Views on mailbox access were about the same for all adults surveyed as for the 87 percent of adults who said their households get most of their mail in mailboxes.

postal labor unions and management associations and a contractors' association gave similar reasons, saying that the restriction ensures mail security and privacy, among other things. The Justice Department also opposed any relaxation, saying the restriction deters the distribution of sexually explicit materials to mailboxes because certain laws and regulations governing the distribution of such materials⁵ apply only to mail delivered by the Postal Service and would not apply to others if they were allowed to deliver material to mailboxes.

In contrast, the Service's competitors generally said the restriction should be repealed or modified because it is unnecessary, impedes competition, and infringes on private property. A majority of mailer groups and mailers that responded favored retaining the restriction but others had varying views about the extent to which the restriction should be changed.

Although the Postal Inspection Service—which is responsible for enforcing postal laws—had no data on the number of mail thefts from mailboxes, Inspection Service officials said that mail theft from mailboxes is a very serious problem in the United States. Six of the eight foreign postal administrations we surveyed reported minor or no problems with mail theft from mailboxes in their countries. Like the Postal Service, the eight foreign postal administrations also did not have data on the number of mail thefts from mailboxes. However, two factors apparently contribute to the better mailbox security reported by most of the eight foreign postal administrations we surveyed: (1) the mix of residential mail receptacles was different from the mix in the United States, with the postal administrations of two foreign countries reporting that the majority of their residential customers use mail slots in doors or walls instead of mailboxes and another foreign postal administration reporting that its residential customers are more likely to use locked mailboxes; and (2) seven foreign postal administrations reported that they generally do not collect outgoing mail from residential customers' mailboxes.

Officials of the U.S. Postal Inspection Service said the mailbox restriction helps deter mail theft and makes it easier to detect, investigate, and resolve cases of mail theft from mailboxes. The eight foreign postal administrations we surveyed said that they do not have mailbox restriction laws, have never had exclusive access, and did not believe that they needed it. Five foreign postal administrations said that exclusive mailbox access would be inconsistent with the concept of fair competition in their countries.

⁵39 U.S.C. 3008 and 3010 and Domestic Mail Manual (DMM) C032 and C033.

Background

In 1934, Congress enacted a law known as the “mailbox restriction” that prohibits anyone from placing mailable matter without postage into any mailbox. This law, 18 U.S.C. 1725, gives the Postal Service a virtual monopoly over mailboxes and currently reads as follows:

“Whoever knowingly and willfully deposits any mailable matter such as statements of accounts, circulars, sale bills, or other like matter, on which no postage has been paid, in any letter box established, approved, or accepted by the Postal Service for the receipt or delivery of mail matter on any mail route with intent to avoid payment of lawful postage thereon, shall for each such offense be fined under this title.”

Under current law, a violation of the mailbox restriction law is an infraction that can be punished by a fine but not by imprisonment. The maximum fine for each offense is \$5,000 for individuals and \$10,000 for organizations.⁶

In addition to the mailbox restriction law, Postal Service regulations provide that “every letterbox or other receptacle intended or used for the receipt or delivery of mail” may be used only for matter bearing postage and that any mailable matter found in mailboxes without postage is subject to payment of the same postage as if it had been carried by mail.⁷ Postal Service regulations are broader than the mailbox restriction law. The regulations restrict items placed upon, supported by, attached to, hung from, or inserted into a mailbox.⁸ However, the regulations do not apply to door slots, among other things.⁹

The Postal Inspection Service is responsible for enforcing postal laws, including the mailbox restriction. The Inspection Service has maintained that because the mailbox restriction limits access to mailboxes to the Service and the customer, it helps deter mail theft and helps the Inspection Service enforce postal laws against mail theft. Because the Inspection Service believes that the mailbox restriction is relevant to its

⁶18 U.S.C. 3559 and 3571.

⁷DMM D041.1.1, D041.1.3, and P011.2.2.

⁸DMM D041.1.3.

⁹Exemptions allow (1) mailable matter to be left without postage in door slots and nonlockable bins or troughs used with apartment house mailboxes; (2) mailable matter to be left without postage on a hook or ring attached to the post or other support for the mailbox; and (3) unstamped delivery of newspapers that are regularly mailed second-class to curbside mailboxes on Sundays and national holidays, if they are removed before the next scheduled day of mail delivery. See DMM D041.1.2, D041.2.10, and Rockville Reminder, Inc. v. United States Postal Service, 480 F.2d. 4 (1973).

investigations of mail theft, obstruction of mail, and mail fraud, these laws are discussed below.

Federal laws prohibit mail theft, obstruction of mail, and mail fraud. Theft of U.S. mail is a federal criminal offense punishable by fine and/or imprisonment under two federal laws: (1) 18 U.S.C. 1708 makes it a crime for anyone to steal U.S. mail or unlawfully possess stolen U.S. mail; and (2) 18 U.S.C. 1709 makes it a crime for Postal Service employees to steal U.S. mail. Obstruction of U.S. mail is also a criminal offense under two federal laws: (1) 18 U.S.C. 1701 makes it a crime for anyone to knowingly and willfully obstruct or retard the passage of U.S. mail; and (2) 18 U.S.C. 1702 specifically prohibits anyone from taking U.S. mail from post offices, mailboxes, and letter carriers before delivery to the addressee with the intent to obstruct the correspondence or pry into the business of another. Mail fraud is prohibited by a federal law, 18 U.S.C. 1341, which makes it a criminal offense for anyone to use the U.S. mail in any scheme of fraud.

In addition, federal laws govern the distribution of sexually oriented advertisements through the U.S. mail, which may be distributed to mailboxes.¹⁰ These laws, and the postal regulations that implement them,¹¹ enable postal customers to request that (1) they be added to lists of customers who should not receive sexually explicit advertisements through the U.S. mail and/or (2) the Service issue a prohibitory order directing a particular mailer to refrain from making further mailings to that addressee. These laws and regulations also establish packaging and labeling requirements for U.S. mail that contains sexually explicit material.

The U.S. Department of Justice is responsible for prosecutions of violations of postal related laws. U.S. Attorneys' offices, which are part of the Justice Department, have the responsibility for prosecuting these cases. The U.S. Attorneys' offices work with the Postal Inspection Service and other law enforcement authorities who are involved in these cases.

The Postal Service Glossary of postal terms defines a mailbox as "any receptacle or container used by customers to receive mail at their residence either by door-to-door or by curbside delivery." Widespread use of mailboxes began in the 1890s, and today the Postal Service deposits mail for most residential customers in mailboxes purchased and installed by the customers. The Service also collects outgoing mail from most

¹⁰39 U.S.C. 3008 and 3010.

¹¹DMM C032 and C033.

mailboxes. Curbside mailboxes generally have a flag that can be raised to notify the letter carrier that outgoing mail has been left for collection.

Even if there were no statutory restrictions on mailbox access, locked apartment mailboxes, cluster mailboxes, and U.S. post office boxes as they are currently used would generally not be accessible to private delivery companies. As a practical matter, only the Postal Service and the postal customer are currently supposed to have keys to these receptacles, which do not have slots for incoming mail. Figure 1 illustrates different types of mailboxes, door slots, and U.S. post office boxes.

Figure 1: Mailboxes, Door Slots, and Post Office Boxes Used in the United States



Curbside mailboxes



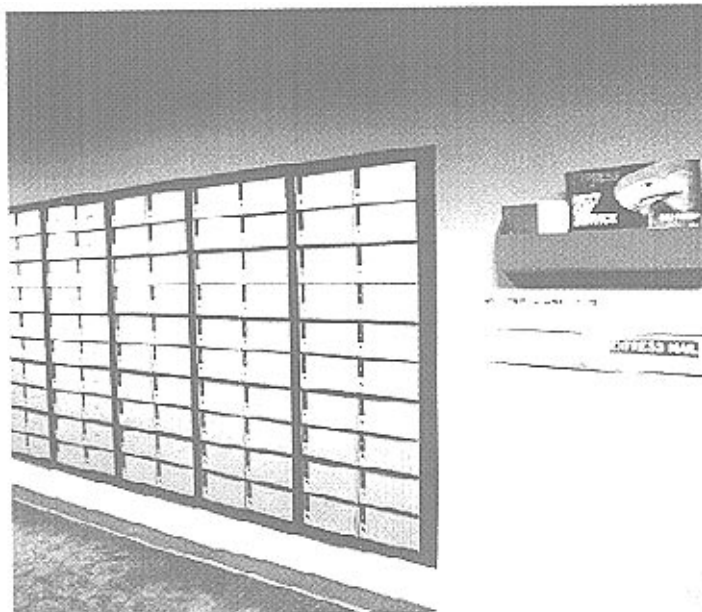
Mailbox attached to a house



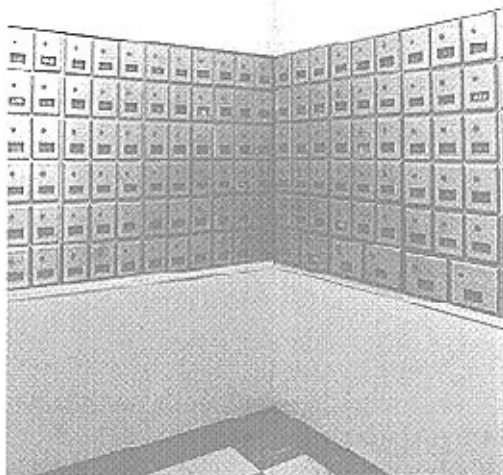
Door slot



Cluster boxes



U.S. post office boxes



Apartment house mailboxes

Source: Photographs by the U.S. Postal Service and GAO.

The Postal Service does not have complete data available on the total number of residential mailboxes. However, available Postal Service information shows residential delivery to approximately 42 million curbside mailboxes; 10 million cluster boxes; 17 million post office boxes; 17 million centralized residential delivery points, such as apartment house mailboxes, delivery centers, or mailroom receptacles; and 34 million other residential delivery points, such as mailboxes attached to houses, mailboxes behind the sidewalk, and door slots. Some postal customers with U.S. post office boxes may receive some mail at their residences and some mail at their post office boxes.

As we reported in September 1996, the mailbox restriction is related to the Service's monopoly over the delivery of letter mail.¹² We said that if the Private Express Statutes¹³ were relaxed, retaining the mailbox restriction would help shield the Postal Service from private competition for First-Class letters because mailers wish to safeguard bills and other mail with personal or confidential information. However, we also reported that if the Private Express Statutes were relaxed, the mailbox restriction would be less likely to shield the Service from competition for Priority Mail and heavyweight First-Class mail. This mail is typically delivered to businesses and often is too large to fit in residential mailboxes. In addition, the five principal national carriers of U.S. domestic expedited and parcel mail often rely on a signature for delivery. We reported that these national carriers generally did not see lack of mailbox access as a barrier to pursuing increases in their shares of these markets. However, if Congress allows more private letter delivery, the mailbox restriction may become more important because the firms might find the use of mailboxes desirable to improve competitiveness.

We testified in January 1996 on eight foreign countries that operate without laws comparable to the mailbox restriction.¹⁴ These countries were Australia, Canada, France, Germany, The Netherlands, New Zealand, Sweden, and the United Kingdom. Private delivery companies in these countries can deliver advertising and other items not covered by their letter mail monopolies by depositing material into mailboxes without

¹²Postal Service Reform: Issues Relevant to Changing Restrictions on Private Letter Delivery (GAO/GGD-96-129A/B, Sept. 12, 1996).

¹³The Private Express Statutes are a set of criminal and civil laws (18 U.S.C. 1693-1699 and 39 U.S.C. 601-606) that established the Service's monopoly restricting the private delivery of letter mail.

¹⁴U.S. Postal Service: A Look at Other Countries' Postal Reform Efforts (GAO/T-GGD-96-60, Jan. 25, 1996).

locks, into locked mailboxes with slots for receiving mail, or into mail slots in doors or walls.

In recent years, some of the Service's main competitors and some critics of its letter mail monopoly have called for repeal of the mailbox restriction. In June 1996, the Chairman of the Subcommittee on the Postal Service, House Committee on Government Reform and Oversight, introduced legislation to reform the Postal Service (H.R. 3717) that included testing changes to the mailbox restriction. The Chairman cited the experiences of foreign countries that do not have statutory mailbox restrictions as a key reason to test relaxing the mailbox restriction. The bill would have created a demonstration project to test relaxing the mailbox restriction in certain areas for 3 years. The Subcommittee held four hearings on the bill and received a number of comments on the proposed mailbox demonstration project, both pro and con. The bill was not reported out of the Subcommittee during the 104th Congress. However, in January 1997, the Chairman introduced H.R. 22, a similar bill that proposed the same mailbox demonstration project.

Scope and Methodology

To determine the purpose and history of the mailbox restriction, we reviewed relevant documents, including the current law, the House and Senate reports submitted in support of the law when it was passed in 1934, the 1981 U.S. Supreme Court case that upheld its constitutionality, and current Postal Service regulations that restrict access to mailboxes.

To determine current public attitudes toward the mailbox restriction, we developed survey questions and contracted with the University of Maryland's Survey Research Center to conduct a national telephone survey. A total of 1,013 randomly selected adults (18 and older) in the continental United States were interviewed between August 12 and October 14, 1996. The survey results are representative of all adults in the continental United States, and the overall results were surrounded by 95 percent confidence intervals of plus or minus 4 percent or less. Appendix I describes the survey methodology more fully, and appendix II gives the responses to each survey question.

To obtain the views of key stakeholders on the mailbox restriction, we used a 1-page questionnaire to survey 59 selected domestic organizations, including (1) the Postal Service; (2) the 5 national expedited mail and parcel delivery firms the Service has identified as its principal competitors and an association that represents expedited mail and parcel delivery

firms; (3) 14 alternate delivery firms and alliances, which we judgmentally selected to obtain a range of company sizes, geographic locations, companies in areas with different population levels, and both newspaper-owned firms and other firms; (4) 28 mailer groups and mailers, which we judgmentally selected to obtain the views of mailing industry trade associations and mailers that represent those who send significant volumes of mail, and mailer groups and mailers in the credit card, financial, and insurance industries; (5) 7 major postal labor unions and management associations and an association that represents contractors who transport and deliver U.S. mail; (6) the Justice Department; and (7) the Postal Rate Commission. We received a total of 41 written responses. Results based on responses from national expedited mail and parcel delivery firms, alternate delivery firms and alliances, and mailer groups and mailers are not generalizable to all such organizations. See appendix I for more detail.

To provide information on the experience of the United States and certain other countries regarding mail theft and the need for a mailbox restriction, we obtained information from the U.S. Postal Service and eight selected foreign postal administrations. We interviewed U.S. Postal Inspection Service headquarters officials who oversee enforcement of postal laws. They provided written responses to our questions, and we reviewed the relevant documents they submitted. We also obtained documentation of Service policies regarding delivery of mail to mailboxes and relevant data from Service headquarters officials. In addition, we gave questionnaires to postal administrations in eight foreign countries that do not have laws restricting mailbox access: Australia, Canada, France, Germany, The Netherlands, New Zealand, Sweden, and the United Kingdom. We received written responses from all eight foreign postal administrations. Information in this report on mailbox security is primarily based on information provided by the Postal Inspection Service and the eight foreign postal administrations. We did not independently verify this information, evaluate the effectiveness of open access to mailboxes in the eight foreign countries, or reach an independent judgment on whether theft of mail from mailboxes is a problem in the United States or the eight foreign countries. See appendix I for more detail on our objectives, scope, and methodology.

We did our audit work in Washington, D.C., and Dallas, Texas, from June 1996 through February 1997 in accordance with generally accepted government auditing standards.

We requested comments on a draft of this report from the Postmaster General. The Postal Service's comments are discussed in this letter, summarized at the end of this letter, and reprinted in appendix V. We also arranged for the eight foreign postal administrations to review relevant sections of this report. We incorporated their technical comments to improve the accuracy of the report where appropriate.

Purpose and History of the Mailbox Restriction

Congress enacted the statutory mailbox restriction in 1934 to protect the former U.S. Post Office Department's¹⁵ revenue and keep unstamped matter out of mailboxes. The law was intended to stop businesses from delivering or using private carriers to deliver mailable matter to mailboxes without paying postage, which reportedly deprived the former Post Office Department of considerable revenue. In 1981, the U.S. Supreme Court upheld the constitutionality of the law. It had been challenged by an umbrella organization for a number of civic groups that delivered unstamped notices and pamphlets to mailboxes. The Court ruled against the groups' claim that the law abridged their rights to freedom of speech and press under the First Amendment, because the law was not geared to the content of items left in mailboxes. The Court also found that mailboxes are an essential part of national mail delivery and that postal customers agree to abide by laws and regulations that apply to their mailboxes in exchange for the Postal Service agreeing to deliver and pick up mail in them.

Congress Adopted the Mailbox Restriction in 1934 to Protect Revenues and Keep Unstamped Matter Out of Mailboxes

Congress enacted the 1934 statute, according to Senate and House reports, to protect the former U.S. Post Office Department's revenue and prevent unstamped matter from being placed in mailboxes.¹⁶ The reports said that the law was intended to curb the practice of persons other than postal employees depositing mail in mailboxes without paying postage by making it a criminal offense. Businesses, particularly utility companies, reportedly were delivering or using private carriers to deliver circulars and statements of accounts in mailboxes without postage. The reports said that these practices deprived the former Post Office Department of considerable revenue. The reports also noted that the stuffing of mailboxes with unstamped matter was a source of considerable annoyance to the Post Office Department.

¹⁵The Postal Reorganization Act of 1970 (P.L. 91-375) reorganized the U.S. Post Office Department into the U.S. Postal Service.

¹⁶S. Rep. No. 73-742 at 1-2 (1934) and H.R. Rep. No. 73-709 at 1-2 (1934).

The Constitutionality of the Mailbox Restriction Was Upheld in 1981

In 1981, the U.S. Supreme Court upheld the constitutionality of the law restricting mailbox access.¹⁷ The statute was challenged by an umbrella organization for a number of civic groups that delivered unstamped notices and pamphlets to mailboxes. The Court denied the groups' claim that the law abridged their rights to freedom of speech and press under the First Amendment because the statute and enforcement actions were not geared in any way to the content of the message placed in mailboxes. In its ruling, the Court found that mailboxes are an essential part of the Postal Service's nationwide system for the delivery and receipt of mail and that although mailboxes are privately owned, the postal customer implicitly agrees to abide by statutory and regulatory restrictions that apply to the mailbox in exchange for the Service agreeing to deliver and pick up mail in it.

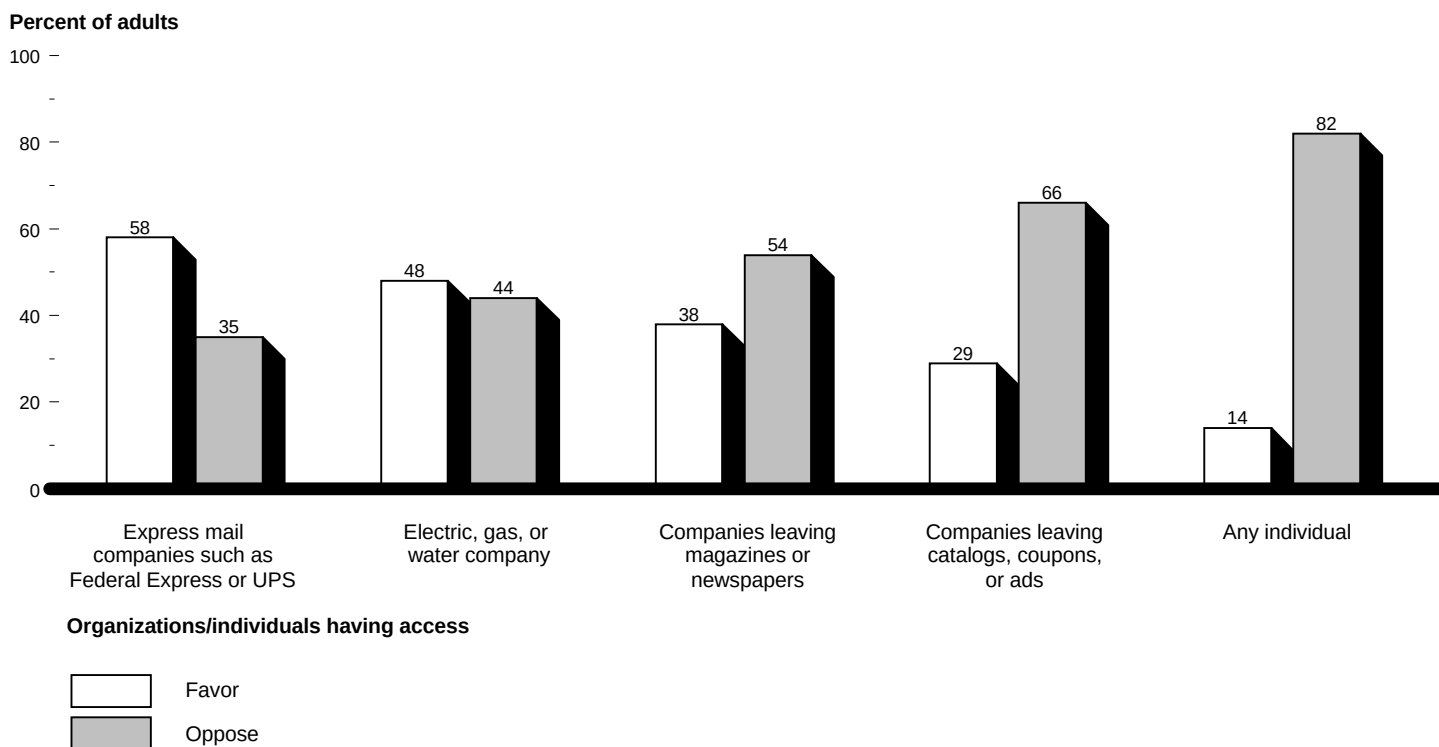
During litigation of the case, the Service offered a number of justifications for the mailbox restriction in addition to protecting postal revenue and reducing unstamped matter left in mailboxes. The Service said the mailbox restriction aided investigations of mail theft by enabling investigators to assume that anyone other than a letter carrier or the postal customer who opens a mailbox may be stealing mail. For example, the Service said the restriction helped it to investigate thefts of government benefit checks from mailboxes. Moreover, the Service said that if civic associations but not others could leave circulars in mailboxes, letter carriers would have to remove and examine individual unstamped items to determine their legality. The Service said that if the mailbox restriction were eliminated or if civic groups could leave items in mailboxes, letter carriers would be confronted with a larger amount of unstamped mailable matter that they would be obliged to separate from outgoing mail. According to the Service, these additional activities by letter carriers would add substantially to the daily cost of mail delivery. The Service also said that the restriction protects the privacy interests of postal customers by giving them a way to send and receive mail without their correspondence becoming known to other members of the community.

¹⁷U.S. Postal Service v. Council of Greenburgh Civic Associations, 453 U.S. 114 (1981).

Views on Mailbox Access Depended on Who Would Be Given Access and What Would Be Delivered

Views on mailbox access expressed in our national survey varied depending on who would be given access to the mailbox and what materials they would leave in the mailbox.¹⁸ The vast majority of adults (82 percent) opposed allowing “any individual person” to put mail in their mailboxes. In contrast, 58 percent favored allowing “express mail companies like Federal Express or UPS [United Parcel Service]” to leave packages in their mailboxes, “if they are small enough to fit.” Opinions were about evenly divided over whether the “electric, gas, or water company” should be allowed to put bills inside mailboxes, with 48 percent in favor and 44 percent opposed. Conversely, 54 percent opposed and 38 percent favored allowing companies to put subscription magazines or newspapers inside their mailboxes. Sixty-six percent opposed and 29 percent favored allowing companies to put “catalogs, coupons, or ads” inside their mailboxes (see fig. 2).

¹⁸Eighty-three percent of adults said that they are aware that only the Postal Service leaves mail in their mailboxes, which is the intended effect of the mailbox restriction.

Figure 2: Views of Adults Differed on Allowing Any Individual or Certain Types of Companies to Leave Mail in Mailboxes

Note: Percentages do not add to 100 percent because volunteered responses such as "no opinion" are not shown.

Source: GAO survey.

In addition, strong support and opposition to expanded mailbox access varied depending on who would put items in the mailbox and what they would deliver. Fifty-nine percent said they strongly opposed allowing any individual to put mail into their mailboxes, while only 2 percent said they strongly favored such access. Also, 40 percent said they strongly opposed allowing companies to put catalogs, coupons, or ads inside their mailboxes; 7 percent strongly favored it. In contrast, 15 percent said they strongly opposed allowing express mail companies to put packages inside their mailboxes; similarly, 19 percent strongly favored it. This was the only question on mailbox access for which about as many adults expressed strong support as strong opposition.

Not only did adults in general distinguish between who should have mailbox access and for what items, but certain subgroups identified in our survey tended to hold views different from others. For example, adults with more formal education were more likely to support allowing express mail companies access to the mailbox. Fifty-five percent of those with a high school education or less, 60 percent with some college education, and 69 percent of college graduates said that express mail companies should be allowed to leave packages in their mailboxes. In contrast, adults with more formal education were more likely to oppose allowing companies to put catalogs, coupons, or ads in their mailboxes. Sixty percent of those with a high school education or less opposed allowing companies to put such matter into their mailboxes, compared to 71 percent of those with some college education and 75 percent of college graduates. The Postal Service's latest Household Diary Study on mail received by households found that households headed by adults with more formal education received more pieces of advertising mail and tended to make more mail order purchases.¹⁹

Moreover, adults using mailboxes without locks were more likely to favor allowing some others access to their mailboxes, compared to adults with locked mailboxes.²⁰ For example, 53 percent of those using mailboxes without locks favored allowing utility companies to put bills in their mailboxes, compared to 30 percent of those with locked mailboxes. Forty-four percent of those using mailboxes without locks favored allowing companies to put magazines or newspapers inside their mailboxes, compared to 18 percent of those with locked mailboxes. Seventeen percent of those using mailboxes without locks favored allowing any individual to put mail in their mailboxes, compared to 5 percent of those with locked mailboxes.

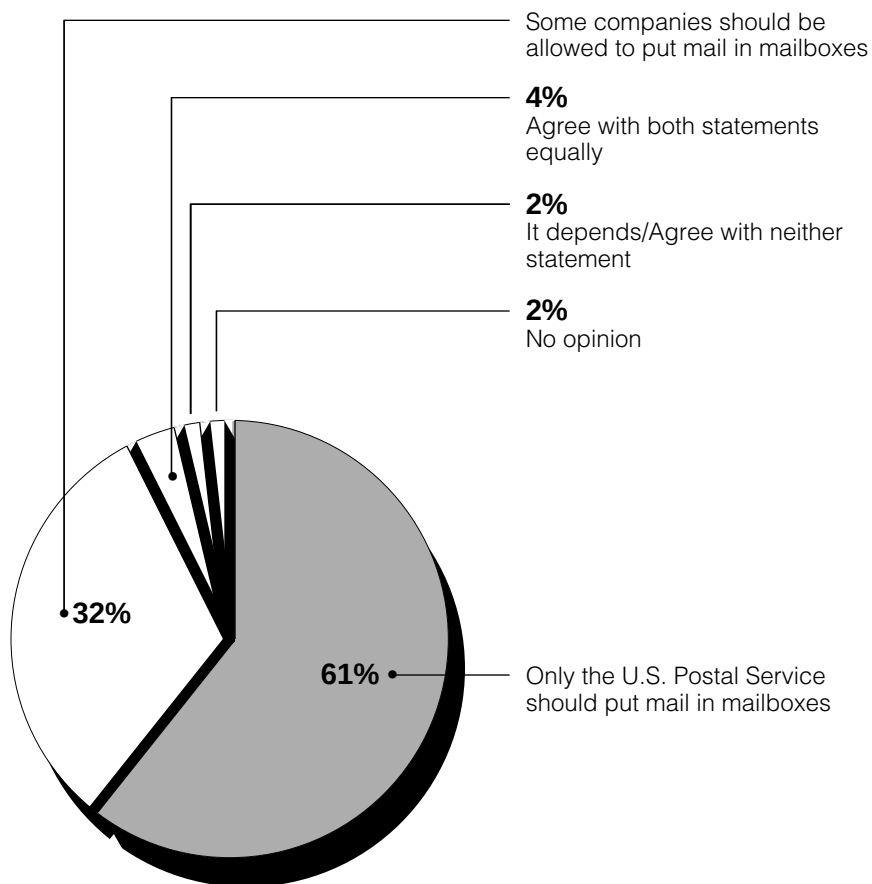
When Asked to Choose, Adults Generally Preferred Mailbox Access Only by the Postal Service

When asked to sum up their views on mailbox access by choosing which of two general statements came closest to their views, 61 percent said that "only the U.S. Postal Service should put mail inside mailboxes"; 32 percent said that "some companies should also be allowed to put mail inside mailboxes" (see fig. 3).

¹⁹The Household Diary Study, Fiscal Year 1995, U.S. Postal Service, Finance (Washington, D.C.: U.S. Postal Service, Nov. 1996), pp. III-16, III-22, VI-163, VI-165.

²⁰Results for adults using locked mailboxes and mailboxes without locks were based on adults who said their households get most of their mail in curbside mailboxes, mailboxes attached to their houses, a cluster of mailboxes near their homes, or apartment house mailboxes.

Figure 3: When Asked to Choose, Adults Generally Favored Limiting Mailbox Access to the Postal Service



Note: Adults were asked which of two statements came closest to their own views. Percentages do not add to 100 percent because of rounding.

Source: GAO survey.

The results of this general question were not necessarily consistent with other, more specific questions on mailbox access because (1) adults were asked to “sum up your views” by giving a single response to one question; and (2) adults were asked to choose the response that came closest to their views, even if it did not match their views for each of the specific questions on mailbox access. Adults in our national survey held a range of

views on mailbox access, so no single question should be used as the sole measure of public opinion on the subject. In response to specific survey questions, adults generally indicated that their views on mailbox access depended on whether the mailbox access was limited to particular companies or items.

Two-Thirds of Adults Received Mail in Mailboxes Without Locks

Two-thirds (66 percent) of adults we surveyed reported that their households get most of their mail in mailboxes without locks. If there were neither the mailbox restriction nor regulatory restrictions, mailboxes without locks would be legally and practically accessible to private delivery companies or others with respect to delivery of items not covered by the Postal Service's letter mail monopoly.

Our survey asked adults two questions to determine whether their households use mailboxes without locks. First, the survey asked adults how their households get most of their mail. A total of 87 percent said that their households get most of their mail in either curbside mailboxes (42 percent), mailboxes attached to their houses (25 percent), in a cluster of mailboxes near their homes (11 percent), or in apartment house mailboxes (10 percent).²¹ The other 13 percent said their households get most of their mail either at U.S. post offices (8 percent), through door slots (4 percent), or in some other way (1 percent).

Second, our survey asked, "is there a lock on your mailbox, or not?" (This question was asked of the 87 percent who had said their households get most of their mail in either curbside mailboxes, mailboxes attached to their houses, a cluster of mailboxes near their homes, or apartment house mailboxes.) In response, 66 percent of all adults in our national survey said their households get most of their mail in mailboxes without locks; 21 percent said their mailboxes are locked. As described above, the other 13 percent said their households get most of their mail either at U.S. post offices (8 percent), through door slots (4 percent), or some other way (1 percent).

Another question asked adults how concerned they were that mail could be stolen out of their households' mailboxes (i.e., curbside mailboxes, mailboxes attached to their houses, a cluster of mailboxes near their homes, or apartment house mailboxes). Twenty-five percent of all adults in our national survey said that they were either "very concerned" (10 percent) or "somewhat concerned" (15 percent) that mail could be

²¹Percentages of each type of mailbox do not add to 87 percent because of rounding.

stolen out of their households' mailboxes. Thirty percent said they were "not very concerned," and 31 percent said they were "not at all concerned."²²

The survey also asked adults how often they left outgoing mail in their households' mailboxes (i.e., curbside mailboxes, mailboxes attached to their houses, a cluster of mailboxes near their homes, or apartment house mailboxes). Sixteen percent of all adults in our survey said their households generally leave outgoing "letters or bills" in their mailboxes "all of the time," 11 percent said they leave outgoing mail in their mailboxes "most of the time," and 13 percent said they leave outgoing mail in their mailboxes "some of the time." The Postal Service has said that it can collect outgoing mail from mailboxes more efficiently because the mailbox restriction prevents others from leaving items in mailboxes.

Stakeholders Had Mixed Views on the Need for the Mailbox Restriction

Postal stakeholders expressed mixed views on the need for the mailbox restriction. The Service, the seven major postal labor unions and management associations, and a contractors' association said the mailbox restriction should remain unchanged. The Service said the mailbox restriction protects postal revenue, facilitates efficient and secure mail delivery, and promotes customer privacy. The seven major postal labor unions and management associations and a contractors' association gave similar justifications, saying that the restriction protects the security and privacy of the mail, among other things. The Justice Department also opposed any relaxation, saying the restriction deters the distribution of sexually explicit materials to mailboxes because certain laws and regulations governing the distribution of such materials²³ apply only to mail delivered by the Postal Service and would not cover such material if deposited into mailboxes by persons other than the Postal Service.

In contrast, the Service's competitors said the restriction should be modified or repealed. They said mailboxes are private property, and the owners should decide who has access; other laws exist to protect mail security; and the mailbox restriction impedes competition. A majority of mailer groups and mailers that responded to our questionnaire favored retaining the restriction, but others had varying views about the extent to which the restriction should be changed (see app. III for a copy of the

²²One percent declined to express a level of concern, and 13 percent were not asked this question because they had said their households get most of their mail either at U.S. post offices, through door slots, or in some other way.

²³39 U.S.C. 3008 and 3010 and DMM C032 and C033.

questionnaire). Table 1 summarizes responses to our questionnaire on the mailbox restriction. Results based on responses from national expedited mail and parcel delivery firms, alternate delivery firms and alliances, and mailer groups and mailers are not generalizable to all such organizations.

Table 1: Overall Responses as to Whether the Mailbox Restriction Should Be Kept Unchanged, Modified, or Repealed

“Does your company/organization support keeping, modifying, or repealing 18 U.S.C. 1725?”

	Total	Keep the law	Modify the law	Repeal the law	No position
U.S. Postal Service, postal labor unions and management associations, contractors' association, ^a U.S. Department of Justice, and Postal Rate Commission ^b	11	10	0	0	1
National expedited mail and parcel delivery firms	4	0	0	4	0
Alternate delivery firms and alliances	9	0	4	5	0
Mailer groups and mailers	17	10	3	0	4
Total	41	20	7	9	5

Note: See appendix IV for a list of organizations that were selected to receive the questionnaire.

^aThis association represents contractors who transport and deliver U.S. mail.

^bThe Postal Rate Commission declined to take a position on the mailbox restriction because “it could be construed by some as inappropriate and a potential conflict of interest regarding our ratemaking responsibilities.”

Source: Responses to GAO questionnaire.

Postal Service, Justice Department, Major Postal Labor Unions, and Management Associations Supported the Mailbox Restriction

The Service told us that the mailbox restriction is justified for the three broad reasons provided earlier by the Service in the Greenburgh case: it protects postal revenue, facilitates the efficient and secure delivery of mail, and promotes the privacy of postal customers. But the Service also noted that just deleting the mailbox restriction from the United States Code apparently would not, in itself, authorize private carriers to deposit matter in mailboxes since postal regulations also prohibit such behavior. According to the Service, its authority to issue these regulations comes from its rulemaking authority under Title 39 of the United States Code, without regard to the mailbox restriction, which is part of Title 18. These regulations were upheld by a U.S. Court of Appeals in the Rockville Reminder case. Additionally, in commenting on our report, the Deputy Postmaster General expressed serious concerns with the idea of resolving the mailbox restriction issue by allowing selective access to postal

customers' mailboxes, based either on the kind of matter to be delivered or on each postal customer's individual preference. He explained that (1) the resulting judicial, administrative, and enforcement burdens would far outweigh any benefits to mailers or postal customers, and (2) it may be difficult or impossible for Congress to write a law that gives some parties access to mailboxes which would withstand a court challenge from other parties who had been denied access to mailboxes.

The Service has also supported the mailbox restriction in written responses to questions from the House Subcommittee on the Postal Service. In 1995, the Inspector General and Chief Postal Inspector for the Postal Service wrote that the Postal Service should maintain exclusive access to mailboxes.²⁴ He cited concern about the security of mail and the potential that without the mailbox restriction, mailboxes would be overcrowded with materials delivered by others. In October 1996, the Chairman of the Postal Service Board of Governors wrote that "... we are opposed to any relaxation of the Private Express Statutes and to unrestricted access to the mailbox." He explained that a limited monopoly over the delivery of letter mail and exclusive access to mailboxes have generally been regarded as required to preserve the necessary financial underpinnings for affordable universal postal service, which the Service is obligated to provide. He said the universal service requirement, uniform letter rate, and many public service activities of the Postal Service are directly related to the Private Express Statutes and the mailbox restriction. He added, "We believe that these restrictions cannot be relaxed without serious threat to universal service."²⁵

The seven major postal labor unions and management associations and a contractors' association unanimously supported the mailbox restriction. These organizations' justifications were similar to the Postal Service's, emphasizing the need to limit mailbox access to the Service and the customer in order to protect mail security and privacy. Seven of these organizations stated that the mailbox restriction protects mail security. The organizations variously said the restriction protects universal service, helps the Service enforce other postal laws, and protects Service revenues. In 1996, the seven major postal labor unions and management associations and the contractors' association provided testimony or written statements

²⁴October 31, 1995, letter to the Chairman, Subcommittee on the Postal Service, Committee on Government Reform and Oversight, House of Representatives, to be included with the record of the hearing held by the Subcommittee on July 25, 1995.

²⁵October 1, 1996, letter to the Chairman, Subcommittee on the Postal Service, Committee on Government Reform and Oversight, House of Representatives.

to the House Subcommittee on the Postal Service that opposed or expressed strong concerns about the proposed mailbox demonstration test.

The Justice Department opposed the use of mailboxes by anyone other than the Postal Service. Certain federal laws and postal regulations govern the distribution and labeling of sexually explicit advertisements and allow postal customers to request not to receive such materials.²⁶ These federal laws and postal regulations apply only to mail delivered by the Postal Service and would not cover such material if deposited into mailboxes by persons other than the Postal Service. In its response to our questions, the Justice Department said:

“Currently, because of statutory limits on access, usually only mail which has been processed through the Postal Service can be found inside mailboxes. In the past, many companies sent unsolicited sexually oriented advertisements to postal customers, causing a furor and resulting in federal criminal prosecutions. Today, companies which use the mail know that materials will arrive at a mailbox only if the firms comply with regulations which are substantial and can be monitored by postal employees. The repeal of existing authorities will permit anyone to put material into mailboxes, which will undoubtedly permit the return of sexually explicit advertisements that do not adhere to postal regulations. For that reason, we oppose the use of mailboxes by anyone other than the [U.S. Postal Service].”

The Acting Deputy Chief, Child Exploitation and Obscenity Section, Justice Department Criminal Division, told us that without the mailbox restriction, he believed there would be substantial amounts of illegal sexually explicit and obscene (SEO) materials delivered to mailboxes without going through the postal system. The official said that distributors of SEO materials will try to take advantage of any opportunity to achieve widespread distribution of such materials. He said the mailbox restriction deters placement of such materials because (1) the Postal Inspection Service currently has authority under other laws to investigate violations involving items delivered to mailboxes and is aided by the mailbox restriction, which limits access to mailboxes to the Postal Service and the postal customer; and (2) the mailbox restriction essentially makes a suspect of anyone opening a mailbox other than the Postal Service and the postal customer. The official said that although many laws cover the distribution of SEO materials, without the mailbox restriction it would be more difficult to identify and apprehend violators delivering illegal SEO materials because almost anyone could legally open mailboxes and not be

²⁶39 U.S.C. 3008 and 3010 and DMM C032 and C033.

a suspect. The official also said that such potential problems could be tempered somewhat if only large private delivery companies such as Federal Express were allowed access to mailboxes, because there are a limited number of such companies and because they are large enough to provide adequate security and assurance that materials they deliver meet applicable laws.

Postal Service Competitors Wanted the Mailbox Restriction Repealed or Modified

The four national expedited mail and parcel delivery firms that responded to our questionnaire said that the mailbox restriction should be repealed. An executive at one of the three firms who explained her firm's views said that the public interest would be served by repealing the mailbox restriction because U.S. history has shown that absent special circumstances, competition is generally the best and fairest way to advance the economy. The executive said there is no economic evidence to demonstrate that the mailbox restriction is needed to maintain universal postal service; it is unnecessary for protecting mail security, since other laws punish theft and trespass; and it was not intended to restrict the delivery of express parcels when it was passed in 1934.²⁷ The executive also said the mailbox restriction is a matter of great frustration to the firm, and a representative of the firm has previously said it imposes considerable difficulties on private carriers. An executive at a second firm favoring repeal said that mailbox owners should be able to use their property as they wish. An executive at a third firm said that the mailbox restriction gives the Postal Service an unfair advantage because the firm is currently forced to leave items in doorways and other places rather than in the mailbox. The executive said repeal would allow it to leave documents and packages in a safer and more secure location, which would help protect them from the weather.

Among the nine alternate delivery firms and alliances that responded to our questionnaire, four favored modification of the mailbox restriction and five favored repeal. An executive at one firm that favored modification said that private carriers with access to mailboxes should have to meet certain verification and delivery requirements. An executive at another firm that favored modification said that the Service should receive some type of compensation from others who use mailboxes. Executives at the five alternate delivery firms and alliances favoring repeal gave a number of

²⁷The executive also said her firm would support two possible limitations to mailbox access: (1) allowing individuals to limit access to their own mailboxes; and (2) allowing the Postal Rate Commission to restrict access in areas or circumstances where evidence shows that the public interest in universal service requires it, and such restrictions would apply equally (e.g., if competitors could not put express shipments in mailboxes, neither could the Postal Service).

reasons to support their positions, including that mailbox owners should decide who has access.

Ten of 17 Mailer Groups and Mailers Supported the Mailbox Restriction

Ten of the 17 mailer groups and mailers that responded to our questionnaire said they want to keep the current mailbox restriction, 3 favored modification of the law, and 4 had no position. Executives of these organizations that favored keeping the restriction primarily expressed concerns about security of the mail, but other concerns included customer privacy, protection of postal revenue, unwanted material being placed into mailboxes, and efficient mail delivery by the Postal Service.

We asked those who said the mailbox restriction should be modified or repealed to indicate whether certain companies or “private individuals” should be “allowed to place mailable matter without postage into private mailboxes.” In contrast to the four national expedited mail and parcel delivery firms that said that mailboxes should be open to private individuals, six of nine alternate delivery firms and alliances did not want to allow private individuals access to mailboxes (see table 2). Executives at four of these alternate delivery firms and alliances said that there should be some form of licensing or positive identification of those allowed access to the mailboxes.

The three mailer groups and mailers that favored having the law modified said that private individuals should not be allowed to place matter into mailboxes (see table 2). Executives at two of the three organizations that favored modifying the law to allow the proposed mailbox access test said that those who deposit matter into mailboxes should be licensed or registered. An executive at the other organization said that delivery services should be allowed to distribute individually addressed mail pieces to mailboxes and said the amount of mail addressed to “occupant” should be limited. In addition, an executive at one mailer association that took no position on the mailbox restriction also supported the proposed mailbox access test.

Table 2: Views on Mailbox Access Among Those Who Said That the Mailbox Restriction Should Be Modified or Repealed

	"If your company/organization supports modifying or repealing 18 U.S.C. 1725, should the following be allowed to place mailable matter without postage into private mailboxes?"				
	Private express mail companies	Gas, electric, water companies	Catalog, coupon, ad distributors	Newspaper, magazine distributors	Private individuals
National expedited mail and parcel delivery firms	4 yes 0 no	4 yes 0 no	4 yes 0 no	4 yes 0 no	4 yes 0 no
Alternate delivery firms and alliances	9 yes 0 no	7 yes 2 no	8 yes 1 no	9 yes 0 no	3 yes 6 no
Mailer groups and mailers	3 yes 0 no	3 yes 0 no	2 yes 1 no	3 yes 0 no	0 yes 3 no
Total who favored modification/ repeal	16 yes 0 no	14 yes 2 no	14 yes 2 no	16 yes 0 no	7 yes 9 no

Source: Responses to GAO questionnaire.

Theft of Mail From Mailboxes in the United States and in Eight Foreign Countries

Although the Postal Inspection Service—which is responsible for enforcing postal laws—had no data on the number of mail thefts from mailboxes, Inspection Service officials said that theft of mail from mailboxes is a very serious problem in the United States. Six of the eight foreign postal administrations we surveyed reported that theft of mail from mailboxes is a minor or no problem within their countries. Like the Postal Service, the eight foreign postal administrations also did not have data on the number of mail thefts from mailboxes. However, two factors appear to contribute to the better mailbox security reported by most of the eight foreign postal administrations we surveyed. First, the mix of residential mail receptacles was different in three foreign countries from the mix in the United States. Postal administrations of two of these countries reported that the majority of their residential customers use mail slots in doors or walls rather than using mailboxes, and another foreign postal administration reported that its residential customers use a higher proportion of locked mailboxes than the United States. Second, seven foreign postal administrations reported that they generally do not collect outgoing mail from residential customers' mailboxes.

U.S. Postal Inspection Service officials said the mailbox restriction helps deter mail theft. They said that the mailbox restriction limits access to the Postal Service and the postal customer, which makes it easier to detect, investigate, and resolve cases involving theft of mail from mailboxes. The eight foreign postal administrations we surveyed said that they did not

have mailbox restriction laws, have never had exclusive access, and did not believe that they needed it. Five foreign postal administrations said that exclusive mailbox access would be inconsistent with the concept of fair competition in their countries.

The Inspection Service Considers Theft of Mail From Mailboxes to Be a Serious Problem

Theft of mail from mailboxes is a very serious problem in the United States, according to Postal Inspection Service officials. Although the Inspection Service data on mail theft do not identify whether the theft occurs from a mailbox or other location, the data show that the Inspection Service received over 2.4 million mail theft complaints during fiscal year 1996. Over 1.2 million complaints were listed in the Mail Theft Reporting System (MTRS), which is the repository for complaints reported to the Inspection Service from external sources, such as credit card issuers, state and federal check issuing agencies, and money order issuers. Of the 1.2 million MTRS complaints, about 877,000 concerned nonreceipt of credit cards sent through the mail, which resulted in an additional 175,000 complaints involving fraudulent transactions with credit cards.

Postal customers used the Mail Loss/Rifling Report (Form 1510)²⁸ to file nearly 1.2 million general customer complaints regarding theft, delay, and mistreatment of mail in fiscal year 1996. Although the proportion of the total 2.4 million complaints for mail theft that involved theft of mail from mailboxes was not specifically identified, the Inspection Service noted in its response to our questions that “Although not all [of the 2.4 million complaints] are directly attributable to thefts from mailboxes, it is safe to characterize a large and significant portion of this number as theft from mailboxes.”

The Inspection Service reported 4,777 arrests for mail theft in fiscal year 1996, including 499 postal employees and 4,278 other persons. In the same year, there were 4,224 convictions for mail theft, including 548 postal employees and 3,676 other persons.²⁹ The Inspection Service said it spent more than 1 million hours annually investigating and working on mail theft cases in fiscal years 1992 through 1996. There were no available data on the number of arrests, convictions, or workhours that were related specifically to theft of mail from mailboxes.

²⁸According to Inspection Service officials, there is little overlap between Form 1510 complaints and complaints recorded by MTRS.

²⁹Some convictions resulted from arrests made in the previous year(s).

According to Inspection Service Officials, most theft of mail from mailboxes involves incoming mail, such as credit cards,³⁰ but theft of outgoing mail is also a problem in numerous communities across the nation. Some local Inspection Service officials have advised postal patrons in their jurisdictions to avoid leaving outgoing mail in their mailboxes and, if they do, not to raise the mailbox flags because this can be a signal to thieves that there is mail in the mailboxes.

The Service did not have complete data available on the total number of mailboxes from which it collects outgoing mail, but Service officials told us that outgoing mail is collected from most mailboxes. Postal Service regulations state that mailable matter is generally to be collected from rural mailboxes if postage is fully prepaid or money equal to the required postage is furnished.³¹ Service policy calls for both city and rural carriers to collect outgoing mail from curbside mailboxes when the flags are raised, even if there is no mail for delivery that day to the mailboxes. Service data show there are about 42 million of these residential curbside mailboxes. City carriers are also directed to collect outgoing mail with prepaid postage if it is placed next to, in, or on mailboxes when they deliver mail to customers. Service data show that there are about 34 million residential delivery points, which include mail delivered by letter carriers on foot to mailboxes attached to houses, mailboxes behind the sidewalk, and door slots.

Most Foreign Postal Administrations Said Theft of Mail From Mailboxes Was Not a Serious Problem

Although the eight foreign postal administrations we surveyed did not have data on the number of mail thefts from mailboxes, six said that theft of mail from mailboxes was not a problem or was a minor problem within their countries. The three postal administrations of Australia, France, and The Netherlands said that theft of mail from mailboxes was not a problem. The postal administration of The Netherlands noted that a majority of its residential customers use mail slots in doors or walls rather than mailboxes and estimated that only about 12 percent of all households in that country use mailboxes. Similarly, the postal administration of the United Kingdom said that theft from mailboxes did not apply because the vast majority of its residential customers use mail slots in doors or walls instead of mailboxes. Two of the foreign postal administrations, New

³⁰Postal Inspection Service officials told us that aside from credit cards, other items are stolen from mailboxes, such as credit card solicitations and certain types of checks, such as Treasury checks and tax refund checks.

³¹DMM D042.10.5.

Zealand Post and Sweden Post, said that theft of mail from mailboxes was only a minor problem.

The German postal administration, Deutsche Post AG, said theft of mail from mailboxes was a very serious problem, while Canada Post described it as a somewhat serious problem. Deutsche Post AG had no current data available on the theft of mail from mailboxes but said “. . . such thefts lead to considerable interference with the postal service.” Canada Post said that although theft of mail was not a serious problem in frequency, it treated the problem seriously because mail theft ultimately affects its customers negatively. Canada Post had no statistical data on instances of mail thefts from mailboxes, and none were available from the Royal Canadian Mounted Police or Statistics Canada.

In response to six questions, five or more foreign postal administrations said that their lack of exclusive access to mailboxes within their countries had not caused or contributed to conditions cited by the U.S. Postal Service as justifications for its mailbox restriction—that is, to protect against significant loss of postal revenue, inefficient mail delivery and collection, decreased mail privacy, increased mail theft, difficulty in investigating mail theft, and increased mail fraud (see table 3).

Table 3: Views of Eight Foreign Postal Administrations Regarding Possible Problems Related to Lack of Exclusive Access to Mailboxes

In your opinion, does the postal administration's lack of exclusive access to mailboxes cause or contribute to any of the following?			
	Yes	No	Don't know
1. Significant loss of postal revenue?	0	6	2
2. Inefficient mail delivery/collection?	0	8	0
3. Decreased mail privacy?	1	7	0
4. Increased mail theft?	2	6	0
5. Difficulty investigating mail theft?	2	5	1
6. Increased mail fraud?	1	5	2

Source: Postal administrations in Australia, Canada, France, Germany, The Netherlands, New Zealand, Sweden, and the United Kingdom.

Although the eight foreign postal administrations generally did not report specific problems (see table 3), three foreign postal administrations did report that their lack of exclusive access to mailboxes had caused or contributed to at least one problem in their country. Canada Post said its lack of exclusive access to mailboxes had caused or contributed to increased mail theft but added that was true only for “some [mail theft

from] rural mailboxes that are not locked.” New Zealand Post said its lack of exclusive access to mailboxes had caused or contributed to difficulty in investigating mail theft, explaining that with anyone having access to the mailbox, it could be claimed that an item was stolen after delivery.

La Poste of France was the only foreign postal administration that said that its lack of exclusive access to mailboxes had caused or contributed to multiple problems, including increased mail theft, difficulty in investigating mail theft, increased mail fraud, and decreased mail privacy for postal customers. La Poste also said that the U.S. Postal Service’s exclusive access to mailboxes is a model for other countries, as it offers a good first level of security against mail fraud, such as advance fee schemes, look-alike billings, and solicitations disguised as invoices.

Two Factors Appear to Contribute to Foreign Mailbox Security

Two factors appear to contribute to the better mailbox security reported by most of the eight foreign postal administrations we surveyed. First, the mix of residential mail receptacles was different in three foreign countries from the mix in the United States. Postal administrations of two of these countries reported that the majority of their residential customers use mail slots in doors or walls instead of mailboxes and another foreign postal administration reported that its residential customers use a higher proportion of locked mailboxes than the United States. Second, seven foreign postal administrations reported that they generally do not collect outgoing mail from residential customers’ mailboxes. The overwhelming majority of their customers take their outgoing mail to central collection points, rather than leaving it in the mailboxes to be picked up.

Three foreign postal administrations reported that they have a different mix of residential mail receptacles than the United States. Twenty-one percent of the U.S. adults in our national survey said their households get most of their mail in locked mailboxes and 66 percent said they receive most of their mail in mailboxes without locks.³² In contrast, the German postal administration reported that 55 percent of its residential customers get their mail in locked mailboxes, while only 17.5 percent use unlocked mailboxes.³³ The postal administration of the United Kingdom reported

³²The other 13 percent of all adults in our national survey said that their households get most of their mail either at U.S. post offices (8 percent), through door slots (4 percent), or some other way (1 percent).

³³According to Deutsche Post AG, mail for other German residential customers is (1) delivered through a slot in a door or wall (16 percent); (2) handed directly to them (8 percent); (3) received in a mail room, by a building manager, or by a concierge (3 percent); or (4) delivered to a post office box (0.5 percent).

that the vast majority of its residential customers use mail slots in doors or walls instead of mailboxes. Similarly, the postal administration of The Netherlands said that a majority of its residential customers also use mail slots in doors or walls, and estimated that only about 12 percent of households in that country use mailboxes, adding that “These mailboxes are generally locked.” The other five postal administrations of Australia, Canada, France, New Zealand, and Sweden said they could not estimate the proportion of locked and unlocked residential mailboxes.

Seven foreign postal administrations reported that they generally do not collect outgoing mail from residential customers’ mailboxes, whereas the U.S. Postal Service collects outgoing mail from most mailboxes. The postal administrations of France and The Netherlands said they do not routinely collect outgoing mail from any mailboxes. In Germany, Deutsche Post AG said it routinely collects mail from only 25,000 mailboxes in rural areas, or less than 0.1 percent of its residential delivery points. Canada Post estimated that it routinely collects mail from some mailboxes in rural areas representing about 6 percent of all mailboxes. New Zealand Post reported that it routinely collects outgoing mail from about 110,000 rural customers’ mailboxes, which would represent about 9 percent of its residential delivery points. Customers who receive “Rural Delivery Service” in New Zealand use mailboxes without locks that have flags that can be used to indicate that outgoing mail is awaiting collection. Australia Post said it does not routinely collect outgoing mail from any mailboxes, but it added that residents may hand fully prepaid letters to the letter carrier. In Sweden, letter carriers will accept outgoing mail from mailboxes, but Sweden Post reported that this is not a common practice.

The Inspection Service Said the Mailbox Restriction Helps Deter Mail Theft

Inspection Service officials told us that the mailbox restriction helps deter theft of mail from mailboxes by limiting mailbox access. They said that limited access also helps enforce laws against mail theft, obstruction of mail, and mail fraud. They said this limited access makes it easier to identify mail theft suspects, simplifies surveillance to identify perpetrators, and makes it easier to resolve cases involving mail stolen from mailboxes. The officials strongly opposed any relaxation of the mailbox restriction, saying it would potentially cause a dramatic increase in theft of mail from mailboxes and impair law enforcement efforts.

Inspection Service officials acknowledged that other postal laws exist against mail theft, obstruction of mail, and mail fraud, but they said these laws are most effective because the mailbox restriction limits legal access

to mailboxes to the Postal Service and the postal customer. First, they said that limited access helps deter mail theft by making it easier for postal customers and the Service to detect suspicious activity around mailboxes. Without the restriction, mail thieves would not need to be as surreptitious, the officials said. Second, the officials said that the mailbox restriction makes it easier for the Inspection Service to investigate and resolve cases involving mail theft or obstruction of mail because it is often necessary to establish who had physical access to the mailbox to prove that mail was stolen or obstructed. Inspection Service officials said limited access makes it easier for law enforcement agencies or postal customers to identify mail theft suspects because only the Postal Service and the postal customer have legal access to the mailbox. The Inspection Service generally uses mailbox surveillance in its investigations when it suspects mail is being stolen from mailboxes, according to Inspection Service officials. They said that the Inspection Service uses mailbox surveillance to determine whether mail theft is occurring at the mailbox, as well as to obtain proof that a particular suspect is stealing mail. Inspection Service officials also said that some mail fraud investigations are dependent upon establishing that only the addressee and the Postal Service letter carrier have legal access to the mailbox.

Inspection Service officials strongly opposed relaxing or repealing the mailbox restriction. They said that without the restriction, mail theft cases would be more difficult to resolve. In their view, any company or person given legal access to mailboxes could become a potential mail theft suspect that might need to be investigated when problems such as mail theft occur.

In addition, the officials said that if the mailbox restriction was relaxed or repealed, federal laws against mail theft would not apply to items left in mailboxes by private delivery companies or anyone else because the items would not be U.S. mail. They said that theft of items other than U.S. mail from mailboxes would be considered theft of personal property and would not be investigated by the Inspection Service. Instead, these thefts could be investigated by the local police, and the Inspection Service would not be involved in attempting to resolve these cases. Moreover, consistent with the views of the Justice Department, Inspection Service officials said that the mailbox restriction helps deter the placement of sexually explicit materials into mailboxes because, as previously discussed, certain laws and regulations governing the distribution of sexually explicit materials apply only to mail delivered by the Postal Service.³⁴

³⁴39 U.S.C. 3008 and 3010 and DMM C032 and C033.

Foreign Postal Administrations Said They Do Not Need a Mailbox Restriction

None of the eight foreign postal administrations we surveyed said they needed a law restricting mailbox access and none have ever had such a restriction. Although La Poste of France recognized drawbacks to its lack of exclusive mailbox access, it and four of the other seven foreign postal administrations said that giving the postal administration exclusive access to mailboxes would be counter to the concept of fair competition for mail delivery. As we reported in September 1996,³⁵ private competitors in some of these countries are allowed to deliver a larger proportion of letter mail than is the case in the United States, where the Postal Service has a monopoly over most letter mail.

Australia Post said that restrictions on mailbox access would be counter to national competition policy principles that aim to minimize regulation. The Australian government has encouraged all its business enterprises to be able to compete on equal terms in the market, Australia Post said, adding that Australia Post can compete without gaining undue advantages from exclusive mailbox access. La Poste of France said if it had exclusive mailbox access, this would be against fair competition rules because La Poste would be able to take advantage in competing to deliver mail not covered by its postal monopoly, such as unaddressed printed matter and parcels. Deutsche Post AG of Germany said that exclusive mailbox access would give rise to problems under the fair trade rules. PTT Post, the postal administration of The Netherlands, also said exclusive mailbox access would be an artificial obstruction of competition.

New Zealand Post said the main reason there is open access to mailboxes is to provide open competition for delivery of all items except standard letters, adding that it would be placed in a dominant position if it had a monopoly on mailbox access. Canada Post said its monopoly over letter mail is sufficient protection for its core business; and since mailboxes are the private property of customers, they had not seen any need to interfere with their right of ownership.³⁶ Sweden Post said it cannot dictate how mailboxes should be used because they belong to the addressees, adding that most households with mailboxes subscribe to a morning newspaper that is left in the mailboxes. The postal administration of the United Kingdom said it did not need exclusive access to mailboxes because the vast majority of its residential customers receive mail through slots in doors or walls rather than in mailboxes.

³⁵GAO/GGD-96-129A/B.

³⁶Canada Post also said it has exclusive access to apartment house mailboxes and to community mailboxes similar to U.S. cluster boxes because these mail receptacles are locked.

Agency Comments and Our Evaluation

In the Postal Service's comments (see app. V), the Deputy Postmaster General said that he was in general agreement with the information contained in the report and said that it is a balanced presentation. We have summarized the Postal Service's views on the importance of the mailbox restriction, and have incorporated their specific comments opposing selective access to mailboxes into the report. The Deputy Postmaster General stressed the Service's concern that the Private Express Statutes provide the financial underpinning necessary for the Postal Service to provide universal service at a uniform postage rate. He said that the mailbox restriction is an essential companion to the Statutes. He also said that if as a result of legislation, the Statutes were relaxed or eliminated and, concurrently, others were given access to mailboxes, a major portion of the Service's letter mail volume would potentially be open for diversion. He recognized that it is impossible to precisely predict the consequences of such legislation, but he believed that there would be an immediate and substantial decline in mail volume, which would inevitably unravel the revenue base that supports universal service.

We agree that the Statutes have provided the financial underpinning for universal service. As we noted in our report on the Private Express Statutes,³⁷ universal mail service at uniform rates is one of several key issues Congress needs to consider in assessing the desirability of changing the Statutes. In addition, many other factors could affect universal service. Some of these include how Congress might change the Statutes, how competitors might respond, what mail volume might be diverted, and whether the Service can improve service quality and control operating costs.

Service officials also provided written and oral technical comments to clarify and correct some of the information in the draft report. We have incorporated these comments into the report where appropriate. Similarly, we arranged for the eight foreign postal administrations to review relevant sections of the draft report. We incorporated their technical comments to improve the accuracy of the report where appropriate.

As arranged with the Subcommittee, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days after the date of this letter. At that time, we will distribute copies of the report to the Ranking Minority Member of your Subcommittee; the Chairman and Ranking Minority Member of the Subcommittee on

³⁷GAO/GGD-96-129A/B.

International Security, Proliferation and Federal Services, Senate Committee on Governmental Affairs; the Postmaster General; and other interested parties. Copies will also be made available to others upon request.

Major contributors to this report are listed in appendix VI. If you have any questions about the report, please call me on (202) 512-8387.

Sincerely yours,

A handwritten signature in black ink that reads "Michael E. Motley". The signature is written in a cursive, flowing style with a large initial 'M' and a stylized 'E'.

Michael E. Motley
Associate Director, Government
Business Operations Issues

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Abbreviations

DMM	Domestic Mail Manual
MTRS	Mail Theft Reporting System
SEO	Sexually explicit and obscene
UPS	United Parcel Service

Objectives, Scope, and Methodology

The Chairman, Subcommittee on the Postal Service, House Committee on Government Reform and Oversight, requested that we provide information relevant to considering possible changes to 18 U.S.C. 1725, which is known as the mailbox restriction. He requested the review shortly before he introduced legislation (H.R. 3717, 104th Cong. (1996)) in the 104th Congress to reform the Postal Service that included, among other things, a demonstration project to test relaxing the mailbox restriction, in certain areas for 3 years. This bill was not reported out of the Subcommittee in the 104th Congress. In January 1997, the Chairman introduced a similar bill (H.R. 22, 105th Cong. (1997)) that proposed the same demonstration project.

Our objectives were to obtain and provide information on (1) the purpose and history of the mailbox restriction; (2) current U.S. public attitudes toward the mailbox restriction; (3) views of the U.S. Postal Service, competitors, major mailers, postal labor organizations, the U.S. Department of Justice, and the Postal Rate Commission on the mailbox restriction; and (4) the experience of the United States and certain other countries regarding mail theft and the need for a mailbox restriction.

To determine the purpose and history of the mailbox restriction, we (1) reviewed the mailbox restriction law, 18 U.S.C. 1725; (2) examined the legislative history of the mailbox restriction and current Postal Service regulations that restrict access to mailboxes; and (3) reviewed court cases involving challenges to the mailbox restriction, particularly the 1981 U.S. Supreme Court decision that upheld its constitutionality.³⁸ We also reviewed relevant federal laws, including laws against mail theft, obstruction of mail, and mail fraud; laws governing the distribution of sexually explicit materials; and current postal regulations that restrict access to mailboxes.³⁹

To determine current U.S. public attitudes about the mailbox restriction, we developed survey questions and contracted with the University of Maryland's Survey Research Center to conduct a national telephone survey. A total of 1,013 randomly selected adults (18 and older) in the continental United States were interviewed between August 12 and October 14, 1996. Survey results are representative of all adults in the continental United States.

³⁸U.S. Postal Service v. Council of Greenburgh Civic Associations, 453 U.S. 114 (1981).

³⁹18 U.S.C. 1341, 1701, 1702, 1708, 1709, and 39 U.S.C. 3008 and 3010, and DMM C032 and C033.

To obtain a random sample of adults within households, telephone numbers were randomly generated from a sampling frame of working area code and three-digit prefix combinations in the continental United States. This methodology generated both listed and unlisted telephone numbers. A single adult was selected at random from among all adults residing in each household that was contacted.

Our questions were asked as part of an “omnibus” survey, which means that multiple sponsors paid to include their questions in the survey. We were the only sponsor that asked questions about postal issues.

The response rate to the survey was 65 percent. Table I.1 summarizes the outcomes of telephone interviewing and the response rate to the survey.

Table I.1: Outcomes of Telephone Interviewing and Response Rate for Survey of U.S. Adults

Description	Number	Percent
Telephone numbers in original sample	2,570	
Nonhouseholds (e.g., businesses, nonworking telephone numbers)	886	
Household status unknown (e.g., no answer or busy signal, and the number was dialed at least 20 times)	131	
Households	1,553	100
Interview completed with randomly selected adult	1,013	65
Refusal	298	19
Telephone answering machine was reached and at least 25 attempts were made to complete the interview, or the designated respondent could not be contacted and at least 25 attempts were made to contact the selected adult	155	10
Physical limitations prevented the interview, such as illness, lack of hearing, or inability to speak English	87	6

Source: University of Maryland Survey Research Center.

Results from the survey were adjusted according to (1) the number of nonbusiness telephone numbers in the household because every telephone number had an equal probability of selection, so households with more than one telephone number had a higher chance of inclusion; and (2) household size because only one adult was selected from among all adults in the household. Results from the survey were also adjusted to match the characteristics of all adults in the general public according to demographic characteristics that included sex, age, education, race, and region. In reporting percentages for each survey question, we excluded the

small number of adults (4 to 15 adults out of 1,013 in the survey) who did not give an answer to that particular question.

Because the survey used random sampling, the results are subject to some uncertainty, or sampling error. The overall results were surrounded by 95 percent confidence intervals of plus or minus 4 percent or less. Results for subgroups had larger sampling errors. For results given in this report, sampling errors were less than plus or minus 7 percent for subgroups with different levels of education, less than plus or minus 8 percent for those with locked mailboxes, and less than plus or minus 4 percent for those with mailboxes without locks.

The practical difficulties of conducting any survey may introduce nonsampling errors. As in any survey, differences in the wording of questions, in the sources of information that are available to respondents, or in the types of people who do not respond can lead to somewhat different results. Therefore, we obtained comments on the questionnaire from Postal Service officials and made minor changes to address their comments. We also took steps to minimize the nonsampling errors. For example, we pretested our survey questions, and the University of Maryland Survey Research Center also conducted pretesting.

Several actions by the University of Maryland Survey Research Center also helped to maximize the response rate, including (1) making at least 20 attempts to contact each sampled household; (2) training interviewers how to conduct the interview, avoid refusals, and persuade potential respondents to participate; and (3) recontacting households that initially refused to participate. The latter resulted in completed interviews with 45 percent of those recontacted. A supervisor monitored interviewing in the centralized location where interviewing was conducted. In addition, we used a second analyst to double-check our computer analyses.

To obtain the views of key stakeholders toward the mailbox restriction, we used a one-page questionnaire that asked structured questions about the mailbox restriction and mailbox access. We selected 59 domestic organizations to receive the questionnaire, including the Postal Service, the U.S. Department of Justice, 7 major postal labor unions and management associations, an association representing contractors who transport and deliver U.S. mail, 5 national expedited mail and parcel delivery firms, an association representing expedited mail and parcel delivery firms, 14 alternate delivery firms and alliances, 28 mailer groups

and mailers, and the Postal Rate Commission. Our basis for selecting these organizations is described below.

We selected (1) the Postal Service because it is the current beneficiary of the mailbox restriction; (2) the U.S. Department of Justice because it has enforcement responsibilities for federal laws, including postal laws covering mail theft, obstruction of mail, and mail fraud; and federal laws related to the distribution of pornography and mailings of sexually explicit materials, including such mail sent to mailboxes; (3) the Postal Rate Commission because it is the independent body with responsibilities in the postal ratesetting process; (4) the seven major postal labor unions and management associations and an association that represents contractors who transport and deliver U.S. mail, because they represent postal employees and contractors who could be affected by changes to the mailbox restriction; and (5) the five national expedited mail and parcel delivery firms that the Service had previously identified as its principal competitors and an association that represents expedited parcel delivery firms.

In addition, we selected 14 alternate delivery firms and alliances that are members of an industry that competes with the Service for delivery of some materials, such as unaddressed advertising. We judgmentally selected these organizations to ensure a broad range of company sizes, geographic locations, companies in areas with different population levels, and both newspaper-owned firms and other firms. We also judgmentally selected 28 mailer groups and mailers to obtain the views of (1) mailing industry trade associations and mailers that represent those who send significant volumes of mail; and (2) mailer groups and mailers in the credit card, financial, and insurance industries.

We faxed the vast majority of the questionnaires on various dates in October and November 1996, with follow-ups primarily in January 1997. We received a total of 41 written responses to the questionnaires, which form the basis for discussion in this report. Respondents included the Postal Service, the 7 major postal labor unions and management associations, an association representing contractors who deliver and transport U.S. mail, 17 mailer groups and mailers, 4 national expedited mail and parcel delivery firms, 9 alternate delivery firms and alliances, the Justice Department, and the Postal Rate Commission. Results based on responses from national expedited mail and parcel delivery firms, alternate delivery firms and alliances, and mailer groups and mailers are not generalizable to all such organizations because we did not send

questionnaires to random samples of these groups. Fifteen organizations did not respond to the initial questionnaire or follow-up, 2 organizations declined to participate at the time of our initial telephone contact, and 1 organization had apparently gone out of business and could not be reached. We also interviewed the Acting Deputy Chief, Child Exploitation and Obscenity Section, Justice Department Criminal Division, to clarify the Department's response.

To provide information on the experience of the United States and certain other countries regarding mail theft and the need for a mailbox restriction, we obtained information from the U.S. Postal Service and the eight foreign postal administrations of Australia, Canada, France, Germany, The Netherlands, New Zealand, Sweden, and the United Kingdom. We contacted the U.S. Postal Inspection Service, which is part of the U.S. Postal Service, because it is responsible for enforcing U.S. postal laws, including laws against mail theft. The eight foreign postal administrations were described in a recent Price Waterhouse report⁴⁰ as among the most "progressive postal administrations." Most of the eight have been reformed in the past 15 years to change their structures and operations and give them greater freedom from governmental control. We previously testified⁴¹ that the postal reform experiences of these countries are relevant to postal reform in the United States and reported that none of these countries have laws that give their postal administrations exclusive access to mailboxes.⁴²

At the Postal Service headquarters in Washington, D.C., we interviewed Postal Inspection Service officials who oversee enforcement of postal laws, and we reviewed the relevant documents they submitted. Those officials provided written responses to our questions and detailed responses in interviews. We did not verify Inspection Service data on complaints, arrests, convictions, and workhours related to mail theft.

We surveyed the eight foreign postal administrations using an 11-page questionnaire to obtain various information on mailbox access, mail theft, enforcement of postal laws, and the types of mailboxes used within these countries. In September 1996, we hand-delivered the questionnaire to an Australian government official who visited us regarding a related postal

⁴⁰A Strategic Review of Progressive Postal Administrations: Competition, Commercialization, and Deregulation (Price Waterhouse LLP, February 1995).

⁴¹GAO/T-GGD-96-60.

⁴²GAO/GGD-96-129A/B.

reform issue at our headquarters in Washington, D.C. In October 1996, we faxed the questionnaire to the remaining seven foreign postal administrations.

We received written responses from all eight foreign postal administrations between October 1996 and January 1997. Seven responses were supplemented by clarifications provided in telephone interviews or in written answers to follow-up questions.

Our discussion in this report on mailbox security is primarily based on information provided by the Postal Inspection Service and the eight foreign postal administrations. We did not independently verify this information, evaluate the effectiveness of open access to foreign mailboxes, or reach an independent judgment on whether or not theft of mail from mailboxes is a problem in the United States or the eight foreign countries.

We requested comments on a draft of this report from the Postmaster General. The Postal Service's comments are summarized in this report and reprinted in appendix V. Service officials also provided written and oral technical comments to clarify and correct some of the information in the draft report. We incorporated these comments into the report where appropriate.

We also arranged for the eight foreign postal administrations to review relevant sections of the draft report. We incorporated their technical comments to improve the accuracy of the report where appropriate.

We did our audit work in Washington, D.C., and Dallas, Texas, from June 1996 through February 1997 in accordance with generally accepted government auditing standards.

Questionnaire for GAO National Survey on the Mailbox Restriction and Overall Responses

M1. I'd like to ask you some questions about your mail delivery service.

In general, thinking about the mail delivery service your household gets from the U.S. Postal Service: Would you say you are very satisfied, generally satisfied, generally dissatisfied, or very dissatisfied?

- 39 % Very satisfied
- 52 % Generally satisfied
- 5 % Generally dissatisfied
- 3 % Very dissatisfied
- 0 % It varies/it depends (volunteered)
- 1 % Not sure/don't know

M2. Which of these ways best describes how your household gets **most** of its mail: a mailbox attached to your house, a mailbox at the curb, a cluster of mailboxes near your home, an apartment house mailbox, a slot in the door, at a U.S. post office, or some other way?

- | | | | |
|------|--------|---------------------------------------|--------------|
| | / 25 % | A mailbox attached to your house | \ ASK |
| 87 % | / 42 % | A mailbox at the curb | \ M2a- |
| | \ 11 % | A cluster of mailboxes near your home | / M2c |
| | \ 10 % | An apartment house mailbox | / |
| | / 4 % | A slot in the door | \ |
| 13 % | / 8 % | At a U.S. post office | \ SKIP TO M3 |
| | \ 1 % | Other (specify) | / |
| | \ 0 % | Not sure/don't know | / |

Note: The survey was based on interviews in the continental United States with 1,013 adults and was weighted to represent the adult population. In reporting percentages for each survey question, we excluded the small number of adults (4 to 15 adults out of 1,013 in the survey) who did not give an answer to that particular question. Percentages may not add to 100 percent because of rounding. Percentages of less than 0.5 percent are shown as 0 percent. See appendix I for more details.

Appendix II
Questionnaire for GAO National Survey on
the Mailbox Restriction and Overall
Responses

Note: Questions M2a, M2b, and M2c were asked of the 87 percent of adults who said in question M2 that their households receive most of their mail in mailboxes.

M2a. Is there a lock on your mailbox, or not?

<u>Total</u>	<u>Those with mailboxes</u>	
21 %	24 %	Yes
66 %	76 %	No
0 %	0 %	Yes, but it is not working (volunteered)
		- - - - -
13 %	-	Not asked (did not use a mailbox)

M2b. At present, how concerned are you that mail could be stolen out of your own mailbox: very concerned, somewhat concerned, not very concerned, or not at all concerned?

<u>Total</u>	<u>Those with mailboxes</u>	
10 %	11 %	Very concerned
15 %	17 %	Somewhat concerned
30 %	34 %	Not very concerned
31 %	36 %	Not at all concerned
0 %	0 %	It depends (volunteered)
1 %	1 %	Not sure/don't know
		- - - - -
13 %	-	Not asked (did not use a mailbox)

Appendix II
Questionnaire for GAO National Survey on
the Mailbox Restriction and Overall
Responses

M2c. When your household mails letters or bills, how often are they left in your own mailbox to be picked up: all of the time, most of the time, some of the time, hardly ever, or never?

<u>Total</u>	<u>Those with mailboxes</u>	
16 %	19 %	All of the time
11 %	13 %	Most of the time
13 %	15 %	Some of the time
18 %	21 %	Hardly ever
28 %	32 %	Never
0 %	0 %	It varies (volunteered)
0 %	1 %	Not sure/don't know
		- - - - -
13 %	-	Not asked (did not use a mailbox)

M3. Only the U.S. Postal Service leaves mail in your mailbox.⁴¹ Were you aware of this or not?

83 %	Yes, aware
15 %	Not aware
1 %	Not sure/don't know

⁴¹For respondents without mailboxes, the words "in your mailbox" were replaced by "mail in mailboxes."

Appendix II
Questionnaire for GAO National Survey on
the Mailbox Restriction and Overall
Responses

M4. I'm now going to mention a few types of companies. Suppose these companies could put mail directly into your mailbox.⁴²

M4a. Suppose **express mail companies like Federal Express or UPS could put packages inside your mailbox, if they are small enough to fit.** Would you favor or oppose this?⁴³

58 % / 19 %	Strongly favor
\ 40 %	Generally favor
35 % / 20 %	Generally oppose
\ 15 %	Strongly oppose
1 %	It varies/It depends (volunteered)
6 %	No opinion
0 %	Does not apply (e.g., never receives packages)

M4b. Suppose **the electric, gas, or water company could put bills inside your mailbox, instead of sending them through the U.S. mail.** Would you favor or oppose this?

48 % / 10 %	Strongly favor
\ 37 %	Generally favor
44 % / 22 %	Generally oppose
\ 21 %	Strongly oppose
0 %	It varies/It depends (volunteered)
7 %	No opinion
1 %	Does not apply (e.g., never pay/receive utility bills)

⁴²This introduction and questions M4a-M4e read "through your door slot" for those who said in question M2 that their households use door slots to get most of their mail. The introduction read "directly into your post office box" and questions M4a-M4e read "inside your post office box" for those who said their households get most of their mail at U.S. post offices.

⁴³For questions M4a-M4e, respondents in favor were asked if they were "strongly" or "generally" in favor; those opposed were asked if they were "strongly" or "generally" opposed.

Appendix II
Questionnaire for GAO National Survey on
the Mailbox Restriction and Overall
Responses

M4c. Suppose **companies could put magazines or newspapers you subscribe to inside your mailbox, instead of sending them through the U.S. mail.** Would you favor or oppose this?

38 % / 7 %	Strongly favor
\ 31 %	Generally favor
54 % / 25 %	Generally oppose
\ 29 %	Strongly oppose
1 %	It varies/It depends (volunteered)
6 %	No opinion
1 %	Does not apply (e.g., does not subscribe to magazines/newspapers)

M4d. Suppose **companies could put catalogs, coupons, or ads inside your mailbox, instead of sending them through the U.S. mail.** Would you favor or oppose this?

29 % / 7 %	Strongly favor
\ 22 %	Generally favor
66 % / 26 %	Generally oppose
\ 40 %	Strongly oppose
1 %	It varies/It depends (volunteered)
4 %	No opinion
0 %	Does not apply

M4e. Let me ask a related question. Suppose **any individual person** could put mail inside your mailbox. Would you favor or oppose this?

14 % / 2 %	Strongly favor
\ 12 %	Generally favor
82 % / 23 %	Generally oppose
\ 59 %	Strongly oppose
1 %	It varies/It depends (volunteered)
2 %	No opinion

Appendix II
Questionnaire for GAO National Survey on
the Mailbox Restriction and Overall
Responses

M5. We would like to ask one more question to sum up your views on this subject. Some people say that only the U.S. Postal Service should put mail inside mailboxes. Other people say that some companies should also be allowed to put mail inside mailboxes. Which of these two statements comes closer to your own views?

61 %	U.S. Postal Service only	\
32 %	Some companies should also be allowed	\ ASK
0 %	Neither (volunteered)	/ M5a
4 %	Both equally (volunteered)	/
2 %	It depends (volunteered)	/
2 %	Not sure/don't know -->	SKIP TO QUESTION M6

M5a. Can you tell me in a few words why you feel that way?

(Record narrative answer. Probe for more than one answer.)

(Note: This question was asked of adults who expressed an opinion in question M5.)

M6. Would you describe where you live as a city, a suburb of a city, a small town, or a rural area?

28 %	City
24 %	Suburb of a city
26 %	Small town
22 %	Rural area
1 %	Not sure/don't know

Appendix II
Questionnaire for GAO National Survey on
the Mailbox Restriction and Overall
Responses

M7. Would you say you live in a single family house detached from other houses, a townhouse, a rowhouse, a duplex, an apartment building, or some other type of house?

71 %	A single family house detached from other houses
3 %	A townhouse
2 %	A rowhouse
4 %	A duplex
13 %	An apartment building
7 %	Some other type of house (specify)

Note: The survey also asked questions to determine characteristics of adults who were interviewed, such as education, age, race, and household income.

Questionnaire Sent to Selected Domestic Organizations on the Mailbox Restriction

UNITED STATES GENERAL ACCOUNTING OFFICE SURVEY CONCERNING MAILBOX ACCESS

Introduction: The U.S. General Accounting Office (GAO), an independent agency of Congress, is conducting a survey of private carriers, mailers, mailer organizations and other interested parties regarding access to mailboxes in the United States. Current law at 18 U.S.C. 1725 prohibits anyone from placing mailable matter without postage into any mailbox and effectively gives the U.S. Postal Service exclusive access to mailboxes. Please complete this survey and fax it to Mr. Gary Tutt, GAO, Dallas, TX, at 214-777-5758. Feel free to use a separate sheet for your responses. If you have any questions, please telephone Mr. Tutt at 214-777-5724.

Questions:

1. To whom should we direct follow-up questions regarding the response to this survey?

Organization/
Company: _____

Name: _____

Title: _____

Address: _____

Phone: (_____) _____-

Fax: (_____) _____-

2. Does your company/organization support keeping, modifying, or repealing 18 U.S.C. 1725?
(Check one answer and explain..)

- a. ☐ Keep current law.
b. ☐ Modify current law.
c. ☐ Repeal current law.

Explanation:

3. If your company/organization supports modifying or repealing 18 U.S.C. 1725, should the following be allowed to place mailable matter without postage into private mailboxes?

(Check yes or no for each line.)

- a. ☐ Yes ☐ No Private express mail companies
b. ☐ Yes ☐ No Gas, electric, water companies
c. ☐ Yes ☐ No Distributors of catalogs, coupons, and advertisements
d. ☐ Yes ☐ No Distributors of newspapers and magazines
e. ☐ Yes ☐ No Private individuals
4. If your company/organization supports modifying or repealing 18 U.S.C. 1725, please describe any limitations or requirements you believe should be placed on those who deposit matter into mailboxes.

5. Please give us any other comments you have on the matter of mailbox access.

Domestic Organizations Selected to Receive GAO Questionnaires on Mailbox Access

U.S. Postal Service, Washington, D.C. (*)

Postal Labor Unions, Management Associations, and Contractors' Association

American Postal Workers Union, Washington, D.C. (*)
National Association of Letter Carriers, Washington, D.C. (*)
National Association of Postal Supervisors, Alexandria, VA (*)
National Association of Postmasters of the United States,
Alexandria, VA (*)
National League of Postmasters, Alexandria, VA (*)
National Postal Mail Handlers Union, Washington, D.C. (*)
National Rural Letter Carriers' Association, Alexandria, VA (*)
National Star Route Mail and Contractors' Association,
Washington, D.C. (*)

U.S. Department of Justice, Washington, D.C. (*)

Postal Rate Commission, Washington, D.C. (*)

Postal Service Competitors

National Expedited Mail and Parcel Delivery Firms

Airborne Express, Seattle, WA (*)
Caliber System, Inc., holding company for RPS, Arlington, VA (*)
DHL Worldwide Express, Redwood City, CA (*)
Federal Express Corporation, Memphis, TN (*)
United Parcel Service, Atlanta, GA

Association Representing Expedited Mail and Parcel Delivery Firms

Air Courier Conference of America, Washington, D.C.

Alternate Delivery Firms

A&A Distribution, Inc., San Jose, CA
AdPost Northwest, Inc., Seattle, WA (*)
Advertisers Postal Service, Gaylord, MI
Alternate Postal Delivery, Inc., Grand Rapids, MI (*)
Atlanta Journal and Constitution, Atlanta, GA
Distribution Systems of America/Newsday, Hicksville, NY (*)

Dow Jones and Company, Inc., Princeton, NJ (*)
H&H Advertising, Fort Worth, TX
The Houston Chronicle, Houston, TX (*)
Maxx Mail, Ltd., New York, NY (*)
Nationwide Alternate Delivery Alliance, Washington, D.C. (*)
The Philadelphia Inquirer, Philadelphia, PA
R-J ADservices, Las Vegas, NV (*)
Times Distribution, Inc., Seatac, WA (*)

Mailer Groups and Mailers

Advertising Mail Marketing Association, Washington, D.C. (*)
ADVO, Windsor, CT
Alliance of Nonprofit Mailers, Washington, D.C. (*)
American Bankers Association, Washington, D.C. (*)
American Council of Life Insurance, Washington, D.C.
American Express Company, Washington, D.C. (*)
American Insurance Association, Washington, D.C. (*)
Association of American Publishers, Washington, D.C.
Association of Priority Mail Users, McLean, VA
Direct Marketing Association, Washington, D.C. (*)
Envelope Manufacturers Association, Alexandria, VA (*)
Health Insurance Association of America, Washington, D.C.
Magazine Publishers of America, Washington, D.C. (*)
Mail Advertising Service Association, Alexandria, VA (*)
Mail Order Association of America, Washington, D.C.
Major Mailers Association, El Dorado Hills, CA
MasterCard International, Purchase, NY
Merrill Lynch, Piscataway, NJ (*)
National Association of Advertising Distributors, Centreville, VA (*)
National Association of Insurance Commissioners, Washington, D.C.
National Association of Presort Mailers, Brandon, FL (*)
National Federation of Nonprofits, Washington, D.C. (*)
National Newspaper Association, Arlington, VA (*)
National Postal Policy Council, Arlington, VA
Newspaper Association of America, Washington, D.C. (*)
Parcel Shippers Association, Washington, D.C. (*)
Sears, Roebuck and Company, Hoffman Estates, IL (*)
VISA USA, Inc., Foster City, CA

Note: Respondents are indicated with an asterisk (*).

Comments From the U.S. Postal Service

MICHAEL S. COUGHLIN
Deputy Postmaster General



May 23, 1997

Mr. Michael E. Motley
Associate Director, Government Business
Operations Issues
United States General Accounting Office
Washington, DC 20548-0001

Dear Mr. Motley:

Thank you for providing us an opportunity to comment on the draft report entitled, U.S. Postal Service: Information About Restrictions on Mailbox Access.

We are in general agreement with the information contained in the report. It is a balanced and well-documented presentation of the history and purpose of the laws commonly known as the mailbox restriction – their judicial interpretation, the legal and business issues involved, and the views of the parties on both sides of the mailbox access issue. The report, with its companion report released last September on the effects of changing the Private Express Statutes, should be helpful references for Congress as it deliberates the issues concerning the Statutes and the mailbox restriction in the context of the current postal reform initiative.

As this report points out, Congress adopted the mailbox restriction to help assure the revenue base needed for a universal mail delivery system and the Supreme Court agreed that restricting access exclusively to the Postal Service is an essential feature of that system. The restriction promotes efficiency of delivery, improves mail security, and provides a convenience for the customer, who can use the box to send mail as well as receive it. Furthermore, since mail delivery and collection are two of our functions that are least amenable to cost savings from automation, they require the most efficient use of our employees' time. All interested parties agree that the delivery function exhibits economies of scale. As the number of our delivery points continues to grow, we need all the help we can get to restrain cost growth and hold off postage rate increases.

As we stated in our comments on your earlier report, we must stress once again that the Private Express Statutes provide the financial underpinning necessary for universal service at a uniform postage rate. The mailbox restriction is an essential companion to those Statutes. If, as a result of legislation, other parties were given access to customers' boxes and at the same time, the Statutes were relaxed or eliminated, there is no question that a major portion of our letter mail volume would be potentially open to diversion. While we recognize that it is impossible to predict with precision what might happen without the Statutes and mailbox restriction in place, we believe that the immediate result would be a substantial decline in mail volume. That would begin the inevitable unraveling of the revenue base that now protects universal service.

Many of the comments obtained by your survey demonstrate that the American public values the privacy they get from the limitation on access to their mailboxes. Although some customers expressed a willingness to accept some forms of private delivery, the great majority objected to opening their boxes to all comers. It seems highly unlikely they would willingly trade the sanctity of their mailboxes for mailers' convenience.

475 I. ENFANT PLAZA SW
WASHINGTON DC 20260-0050
202 268-2525
FAX: 202-268-4860

We have serious concerns with the idea of resolving the mailbox restriction issue by allowing selective access to customers' boxes, based either on the kind of matter to be delivered or based on each customer's individual preference. Such a solution would be no solution at all. The resulting judicial, administrative and enforcement burdens would far outweigh any supposed benefits to mailers or customers. It may be difficult, if not impossible, for Congress to craft a law that would sustain a court challenge from parties who have been denied access to mailboxes when other parties have been granted access. Finally, the report reiterates our position that the Postal Inspection Service's investigative and enforcement ability would be handicapped if mailboxes were made legally accessible to any number of other parties.

We regard our direct connection to our customers – provided by that dedicated mailbox – as one of the bulwarks of our service. We believe that the mailbox restriction in its present form best serves the interests of the American people. Any change to the law would have serious consequences for our country's long tradition of a mail delivery service that is universal, affordable, efficient and secure.

If you wish to discuss any of these comments, my staff is available at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Griffin", with a long horizontal flourish extending to the right.

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