



January 13, 2010

The Honorable Carolyn B. Maloney  
House of Representatives  
Washington, DC 20515-3214

Dear Congresswoman Maloney:

This responds to your December 14, 2009, letter to Postmaster General John E. Potter, cosigned by Congressman William L. Clay, requesting an investigation of a mailing which appears to be designed to resemble official census documents.

I recognize your interest in ensuring that intentionally misleading mailings do not affect the accuracy of the 2010 Census. In view of your keen interest in this matter, we requested that the U.S. Postal Inspection Service review the mailing for any violations of the *Deceptive Mail Prevention and Enforcement Act*. As you are aware, the Act prohibits, among other activities, the solicitation of fees or contributions by using words, trademarks or symbols which would imply that the mailing in question were in some way connected with or endorsed by an agency of the United States.

While the mailing presented for review does use the word "census", it is clear that the document is not from, or endorsed by, any agency of the United States government. Specifically, the letterhead clearly states that the mailing was commissioned by the Republican Party and is signed by Michael Steele, Chairman of the Republican National Committee. Moreover, the last page includes a disclaimer noting that the mailing was paid for by the Republican National Committee.

As there is no direct reference to the United States Census, the Census Bureau, or any other agency of the United States, and there is clear language that indicates the mailing was prepared for a private organization, there is no basis for action on the part of the Postal Inspection Service. As information, the Postal Inspection Service has not received any additional complaints concerning this mailing.

Thank you for writing. Please let me know if I can be of assistance in other postal matters.

Sincerely,

A handwritten signature in black ink that reads "Ken Currier".

Ken Currier  
Manager, Government Relations

Enclosure



UNITED STATES POSTAL INSPECTION SERVICE

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COMMUNICATIONS

January 12, 2010

Ms. Jo A. Waterman  
Government Relations  
United States Postal Service  
475 L'Enfant Plaza, SW, Room 10801  
Washington, DC 20260-3500

Dear Ms. Waterman:

You requested that the Postal Inspection Service review a mailing from the Republican National Committee for any violations of the Deceptive Mail Prevention and Enforcement Act.

This letter was referred to the Postal Inspection Service Office of Counsel for review. During the course of this review the mailing was examined and inquiries were made to determine if any additional complaints have been received regarding this mailing.

The Postal Inspection Service has not received any additional complaints concerning this mailing.

The Deceptive Mail Prevention and Enforcement Act prohibits, among other activities, the solicitation of funds by a non-governmental entity where the solicitation could be interpreted as being approved endorsed or connected with the Federal Government.

Specifically the act prohibits the use of any seal, insignia or name of a Federal agency department, commission or program, a reference to the Postmaster General, a citation to a Federal statute or a reference which misrepresents the identity of the mailer or the protection or status of the mailing.

The mailing presented for review does not use any seal, insignia or name of a Federal agency department commission or program, a reference to the Postmaster general, a citation to a Federal statute. While the mailing does contain the following markings on the face of the envelope; "Official Document", "Do Not Destroy" and "Census Document Registered to:", these markings do not in and of themselves imply an endorsement or connection to the Federal Government.

As noted in your correspondence two letters were referred for review in 2000. One letter, a Republican National Committee census letter, was found not to be in violation of the Act. The second letter, a solicitation by the Southeastern Legal Foundation, was found to be in violation of the Act.

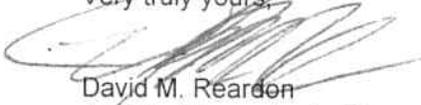
The review of the Southeastern Legal Foundation (SLF) solicitation specifically referred to the 2000 Census, United States Savings Bonds and made reference to a Postal Service regulation. These three elements are clearly prohibited. 39 U.S.C. 3001(i) Where this mailing was found to be in violation of the law it was deemed to be nonmailable.

475 L'ENFANT PLAZA SW ROOM 3416  
WASHINGTON DC 20260-2175  
TELEPHONE: 202-268-5400  
FAX: 202-268-3990

The mailings by the Republican National Committee (RNC) do use the word *census* but do not refer to the United States Census, the Census Bureau or any other agency of the Federal Government. The RNC mailings are also devoid of any reference to Federal statues or regulations. While there is no return address there is nothing on the envelope which misrepresents the identity of the mailer.

Additionally the pages which accompanied the envelope are clearly from the Republican National Committee and not an agency of the Federal government. The letter is under the letterhead of the RNC and over the signature of Michael Steele, the Chairman of the RNC. Further the solicitation also contains a disclaimer that the mailing was prepared by the RNC.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. M. Reardon', written over a horizontal line.

David M. Reardon  
Assistant Inspector in Charge (A)