



VIA CERTIFIED MAIL

March 1, 2010

Mr. Jonathan Scruggs, Litigation Staff Counsel
Alliance Defense Fund
699 Oakleaf Office Lane, Suite 107
Memphis, TN 38117

Re: Violation of Free Speech Outside of Farmington Hills Post Office

Dear Mr. Scruggs:

Your request on behalf of Michael Shanton, dated February 19, 2010, has been forwarded to the United States Postal Service[®] Law Department for review. You have asked for assurances that Mr. Shanton will not be impeded in the distribution of literature outside the Post Office[™] location of Farmington Hills, Michigan. Informational leafleting is generally permissible on the exterior of postal facilities, and, to the extent that Mr. Shanton's desired activities comport with all applicable provisions governing conduct on postal property (some of which are discussed below), they would not be prohibited by Postal Service regulations. However, it should be noted that, for reasons discussed below, the Postal Service is unable to provide any absolute assurances regarding Mr. Shanton's past or future activities, as has been requested.

The Postal Service must maintain its facilities for the purpose of providing "postal patrons throughout the Nation . . . [with] ready access to essential postal services." 39 U.S.C. § 403(b)(3). Accordingly, federal regulations governing conduct on real property under the charge and control of the Postal Service generally prohibit, *inter alia*, any activity which "tends to impede or disturb the public employees in the performance of their duties, or which otherwise impedes or disturbs the general public in transacting business or obtaining services provided on property," including conduct which "imped[es] ingress to or egress from post offices, or otherwise obstructs the usual use of entrances." 39 C.F.R. § 232.1(e). Furthermore, all persons on postal premises must comply with the directions of "security force personnel or other authorized individuals." § 232.1(d). Violations of these regulations carry penalties of fines and/or imprisonment. § 232.1(p)(2).

As for the alleged events of September 24, 2009, assuming that Mr. Shanton's leafleting materials were purely informational and that his activities did not disturb the usual transaction of Postal Service business or obstruct the usual use of entrances, as your request alleges, they would have been permissible. However, to

the extent that any of the activities which Mr. Shanton conducted on September 24, 2009, tended to impede or disturb Postal Service employees or customers, impeded ingress/egress, or obstructed the usual use of the Post Office entrance, such activities would have been prohibited. § 232.1(e). Furthermore, any of Mr. Shanton's conduct which was not in compliance with the direction of authorized Postal Service personnel would have been prohibited. § 232.1(d).

Accordingly, any future activities Mr. Shanton wishes to conduct at the same location are subject to all applicable provisions of Postal Service regulations governing conduct on property under its charge and control. Note that these regulations do not abrogate other federal law or state/local regulation to which Mr. Shanton's activities may be subject, § 232.1(p)(2), and the Postal Service makes no representations regarding the conformity of Mr. Shanton's past or contemplated activities with other applicable federal law or with any applicable state or local regulation.

We hope this information has been useful. Please let us know if we can be of further assistance in this matter.

Regards,

A handwritten signature in black ink, appearing to read "C Noel". The signature is fluid and cursive, with the first letter "C" being large and prominent.

Christy Noel, Esq.
Corporate Law
United States Postal Service

cc: Travis Alexander, Postmaster, Farmington Hills, MI
Debra Redmond, Manager, Customer Services, Farmington Hills, MI
Christopher Zadina, Managing Counsel, Great Lakes Law Office, Chicago, IL