



C. Ray Drew, Executive Director • Mark Silverstein, Legal Director

April 22, 2011

Dave Ruechel
Postal Supervisor
Gypsum Post Office
100 Oakridge Ct.
Gypsum, Colorado 81637

Via Fax (970-524-7658) and US Mail

Dear Mr. Ruechel,

I am writing you regarding recent reports the American Civil Liberties Union of Colorado has received that the Gypsum Post Office is improperly denying several Gypsum residents who are Mexican immigrants the right to a post office box when they do not provide a “local” form of photo identification (“ID”). We have received reports that Mexican immigrants who have presented valid Mexican passports, United States B1/B2 visas, and photo IDs issued by the Mexican Federal Election Institute and the Mexican Consulate, have been told by employees of the Gypsum post office that such IDs are not acceptable to verify identity. Instead, employees at the Gypsum post office have demanded that these individuals show “local” ID or ID “from here.”

While it is unclear precisely what a “local” ID is, as you may know, postal regulations contain no requirement that applicants for a post-office box present “local” ID. To the contrary, applicants need only show proof of local *residency* and a picture ID that “contain[s] sufficient information to confirm that the applicant is who he or she claims to be.” *See Mailing Standards of the United States Postal Service Domestic Mail Manual*, Sec. 508.4.3.2., available at <http://pe.usps.com/text/dmm300/508.htm#wp1052479>. Clearly, a Mexican passport, a United States issued visa, and photo IDs issued by the Mexican consulate and the Mexican Federal Election Institute all contain such “sufficient information.”

In rejecting these IDs, it appears the Gypsum Post Office is intentionally targeting local residents who are Mexican immigrants for discriminatory treatment. This illegal discrimination seems particularly clear when one considers the experiences of a Gypsum resident of eight years with whom I recently spoke. She has had a Gypsum post office box for all eight years of her residency and is easily able to show proof of residency. This year, for the first time, the Gypsum post office rejected her valid photo IDs – a Mexican Election Institute card *and* a valid B1/B2 visa issued by the United States government – during the renewal process. Two postal workers refused to accept her IDs, telling her that she needed an ID “from here.” However, when an ACLU intern called

the Gypsum Post Office on April 6, 2011, and asked, with her British accent, whether her B1/B2 visa would suffice as a picture ID to support her application for a post office box, she was told that, indeed, this document was sufficient.

Such apparently discriminatory treatment by the Gypsum Post Office is unconstitutional, because it denies Gypsum residents who are Mexican immigrants equal protection under the laws – a right that these individuals hold regardless of their national origin or their immigration status. As the federal appeals court of the District of Columbia has explained: “[The federal government] is without the power to extend the benefits of the postal service to one class of persons and deny them to another of the same class....” *Pine v. Walker*, 121 F.2d 37, 39 (D.C. Cir. 1941).

This denial of access to post office boxes is particularly concerning in Gypsum, Colorado, a small mountain community that has no home mail delivery. As you are aware, the *only* way to receive mail in Gypsum is through the post office box system. As a result, when the Gypsum Post Office denies Gypsum residents access to a post office box, it denies them access to *all* written correspondence with family, health care providers, schools, jobs and much more. Thus, the apparent policy of the Gypsum post office that Mexican immigrants must present a “local” ID works a severe infringement upon these individuals’ First Amendment right to receive correspondence. *See Lamont v. Postmaster General*, 381 U.S. 301, 305 (1965) “[T]he use of the mails is almost as much a part of free speech as the right to use our tongues.”

Given the reports we have received, we would like to know precisely what criteria your postal service employees are to apply when determining whether a photo ID supporting an application for a post office box is acceptable to “confirm that the applicant is who he or she claims to be.” *See Mailing Standards of the United States Postal Service Domestic Mail Manual*, 4.3.2. Additionally, please identify the specific authority from which these criteria are derived. Finally, please tell us whether or not the Gypsum Post Office will accept the following documents as acceptable forms of photo ID to support an application for a post office box: (1) Mexican passport, (2) United States B1/B2 visa; (3) Mexican Consulate card; and (4) Mexican Federal Election Institute card. If the Gypsum Post Office does *not* accept any one of these forms of ID, please identify the specific authority on which the refusal to accept the ID is based.

If you have questions, or would like to discuss this issue in more detail, please contact me at (303) 777-5482, ext. 104. In any event, we request that you contact our office by **May 2, 2011**, with information responsive to our request.

Sincerely,

A handwritten signature in black ink that reads "Rebecca T. Wallace". The signature is written in a cursive style and is positioned above a horizontal line.

Rebecca T. Wallace
Staff Attorney, ACLU of Colorado

* * * COMMUNICATION RESULT REPORT (APR. 22. 2011 11:49AM) * * *

FAX HEADER 1:
FAX HEADER 2:TRANSMITTED/STORED : APR. 22. 2011 11:47AM
FILE MODE OPTION

ADDRESS

RESULT

PAGE

9774 MEMORY TX

19705247658

OK

3/3

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWERE-2) BUSY
E-4) NO FACSIMILE CONNECTION400 Corona Street
Denver, Colorado 80218Phone: (303) 777-5482
Fax: (303) 777-1773**ACLU OF COLORADO****Fax****To:** Dave Ruechel**From:** Rebecca T. Wallace**Fax:** 970-524-7658**Date:** April 22, 2011**Phone:****Pages:** 3, including cover**Re:****CC:** **Urgent** **For Review** **Please Comment** **Please Reply** **Please Recycle****•Comments:**

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