Congress of the United States Washington, DC 20515

August 17, 2020

The Honorable Christopher Wray Director Federal Bureau of Investigation 935 Pennsylvania Avenue NW Washington, D.C. 20535

Dear Director Wray,

The House Judiciary Subcommittee on Crime, Terrorism and Homeland Security has oversight over the federal criminal code and the Federal Bureau of Investigation (FBI). As Members of the Committee, we request the FBI to look into whether Postmaster General Louis DeJoy, or Members of the Board of Governors of the U.S. Postal Service, committed any crimes. Multiple media investigations show that Postmaster DeJoy and the Board of Governors have retarded the passage of mail. If their intent in doing so was to affect mail-in balloting or was motivated by personal financial reasons, then they likely committed crimes.

18 U.S.C. § 1701 states: "Whoever knowingly and willfully obstructs or retards the passage of the mail, or any carrier or conveyance carrying the mail, shall be fined under this title or imprisoned not more than six months, or both."

18 U.S.C. § 595 states: "Whoever, being a person employed in any administrative position by the United States, or by any department or agency thereof ... in connection with any activity which is financed in whole or in part by loans or grants made by the United States, or any department or agency thereof, uses his official authority for the purpose of interfering with, or affecting, the nomination or the election of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, shall be fined under this title or imprisoned not more than one year, or both.

There is overwhelming evidence that Postmaster General DeJoy and the Board of Governors have hindered the passage of mail. At least 19 mail sorting machines, which can process 35,000 pieces of mail per hour, have been dismantled and over 671 are slated for reductions later this year. Postmaster DeJoy and the Board of Governors have also instituted "sweeping organizational and policy" changes that "have already delayed mail delivery by as much as a week in some places." As a result, the U.S Postal Service warned 46 states that voters could be disenfranchised by delayed mail-in ballots. If Postmaster General DeJoy and/or the Board of Governors took these actions "for the purpose of interfering with, or affecting, the nomination or the election of any candidate" then they violated both 18 U.S.C. §

^[1] Aaron Gordon, "The Post Office is deactivating mail sorting machines ahead of the election," *Vice*, August 13, 2020; Aaron Holmes, "The USPS is shutting down mail-sorting machines crucial for processing absentee ballots as the 2020 election looms," *Business Insider*, August 13, 2020; Curt Devine, Bob Ortega and Paul P. Murphy, "Postal Service removes some mail-sorting machines, sparking concerns ahead of election," *CNN*, August 13, 2020.

^[2] Erin Cox, Elise Viebeck, Jacob Bogage, and Christopher Ingraham, "Postal Service warns 46 states their voters could be disenfranchised by delayed mail-in ballots," Washington Post, August 14, 2020.

595 and 18 U.S.C. § 1701. Indeed, there is evidence that making mail-in balloting more difficult may be one of the motivations for the changes instituted at the Post Office.

For several years, the President has repeatedly attacked the legitimacy of mail-in voting. Recently, he stated "if we don't make a deal, that means they don't get the money" and "that means they can't have universal mail-in voting; they just can't have it."^[4] The Chairman of the Board of Governors and multiple other members were appointed by Donald Trump. Postmaster General DeJoy donated over \$1.2 million to the Trump Victory Fund; hosted Trump for a fundraiser at his home; has no experience as a letter carrier or postal supervisor; and at the time of his appointment was overseeing fundraising for the Republican National Convention. ^[5] The Postmaster General has also reportedly met with the President and top GOP officials. ^[6] It is not unreasonable to conclude that Postmaster General DeJoy and the Board of Governors may be executing Donald Trump's desire to affect mail-in balloting.

There is also evidence that the Postmaster General has a financial stake in multiple financial entities that are either competitors to or contractors for the Post Office. Postmaster General DeJoy owns \$30 million in XPO Logistics, a contractor to the Postal Service. On June 24, 2020, Postmaster General DeJoy also purchased \$50,000 to \$100,000 in Amazon stock options, which expire in October, that allow him to buy Amazon stock at a price of \$1,960.^[7] The price of Amazon stock as of August 14, 2020, was \$3,148 per share. If the changes instituted at the Post Office by the Postmaster General affect positively the value of Amazon or XPO logistics, then DeJoy would receive a financial benefit. If Postmaster General DeJoy instituted these sweeping changes at the Post Office that "obstructs or retards the passage of the mail" for his own personal financial benefit, then that would be a violation of 18 U.S.C. § 1701.

Postmaster General DeJoy and the Board of Governors have already taken action to delay the passage of mail. Unless these actions are reversed, these changes will affect the elections this November in at least 46 states. Those actions may be violations of 18 U.S.C. § 1701 and § 595, and there is already significant factual predicate established in the multiple media reports to warrant an investigation by the FBI of Postmaster General DeJoy and the Board of Governors. We therefore urgently request that you open such an investigation.

Thank you for your full and fair consideration.

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Sincerely,

Ted W. Lieu

Member of Congress

Hakeem Jeffries

Member of Congress

^[4] Deb Riechmann and Anthony Izaguirre, "Trump admits he's blocking postal cash to stop mail-in votes," *Associated Press*, August 14, 2020.
[5] Donald K. Sherman and Sylvia Albert, "Trump's new postmaster general could corrupt a key institution ahead of election day," *NBC News Think*, July 19, 2020.

Donald K. Sherman and Sylvia Albert, "Trump's new postmaster general could corrupt a key institution ahead of election day," *NBC News Think*, July 19, 2020 [6] Peter Weber, "Trump's new postmaster general met with him in oval office last week, reportedly talks with top GOP officials," *Yahoo News*, August 14, 2020.

^[7] Marshall Cohen, "Financial disclosures reveal postmaster general's business entanglements and likely conflicts of interest, experts say," CNN, August 12, 2020.