

# United States Senate

WASHINGTON, DC 20510

August 17, 2020

The Honorable Robert M. Duncan, Chairman  
The Honorable Jon M. Barger, Member  
The Honorable Ron A. Bloom, Member  
The Honorable Roman Martinez IV, Member  
The Honorable Donald L. Moak, Member  
The Honorable William D. Zollars, Member  
United States Postal Service Board of Governors  
U.S. Postal Service  
475 L'Enfant Plaza West, S.W.  
Washington, DC 20260

Dear Mr. Chairman and Members of the Postal Service Board of Governors:

We are writing to ask that you act immediately, consistent with your responsibility to “represent the public interest”<sup>1</sup> and your authority under the *Postal Reorganization Act of 1970*,<sup>2</sup> to reverse changes to postal service operations that have been put in place by Postmaster General Louis DeJoy. Mr. DeJoy appears to be engaged in a partisan effort, with the support of President Trump, to delay and degrade mail service and undermine the mission of the United States Postal Service. You have the responsibility to reverse those changes and the authority to do so.

The Board selected Mr. DeJoy to serve as Postmaster General on May 6, 2020, noting his “desire to ... preserv[e] and protect[] this essential institution.”<sup>3</sup> His time in office has belied this statement, however, as he has rapidly taken numerous actions that threaten the service and integrity of the Postal Service. Mr. DeJoy’s short tenure has endangered millions of Americans who rely on the Postal Service to keep in touch with their friends and family, obtain prescription drugs and other daily needs, and access their Social Security, Veterans Affairs, and other benefits.<sup>4</sup> And his efforts threaten the ability of Americans to vote in the 2020 elections.

Within days of his appointment, Mr. DeJoy made several fundamental changes to Postal Service operations, cutting back hours at some Postal Service offices, denying overtime to mail clerks and carriers, and requiring that carriers leave mail “behind or on the workroom floor or docks.”<sup>5</sup> Just within the last several weeks, Mr. DeJoy displaced “the two top executives overseeing day-

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<sup>1</sup> P.L.109-435 § 501(a)(1), <https://www.21cpw.com/wp-content/uploads/2015/05/Postal-Reorganization-Act-1970.pdf>.

<sup>2</sup> P.L. 91-375 § 202(c).

<sup>3</sup> U.S. Postal Service Board of Governors, “Board of Governors Announces Selection of Louis DeJoy to Serve as Nation’s 75<sup>th</sup> Postmaster General,” May 6, 2020, <https://about.usps.com/newsroom/national-releases/2020/0506-bog-announces-selection-of-louis-dejoy-to-serve-as-nations-75th-postmaster-general.htm>.

<sup>4</sup> See, e.g., Wall Street Journal, “Mail-Order Drug Delivery Rises During Coronavirus Lockdown,” May 12, 2020, <https://www.wsj.com/articles/mail-order-drug-delivery-rises-during-coronavirus-lockdowns-11589281203>;

<sup>5</sup> New York Times, “Mail Delays Fuel Concern Trump is Undercutting Postal System Ahead of Voting,” Michael D. Shear, Hailey Fuchs, and Kenneth P. Vogel, July 31, 2020, <https://www.nytimes.com/2020/07/31/us/politics/trump-usps-mail-delays.html>.

to-day operations” at the Postal Service;<sup>6</sup> and reports indicated that the Postal Service is decommissioning 10% of its mail sorting machines<sup>7</sup> and dozens of mailboxes,<sup>8</sup> with no valid explanation. These changes have already delayed mail delivery “by as much as a week,” and simultaneously the Postal Service has warned 46 states and the District of Columbia that it “cannot guarantee all ballots cast by mail for the November election will arrive in time to be counted.”<sup>9</sup>

These actions by Mr. DeJoy directly undermine the mission of the Postal Service, which is to “be operated as a basic and fundamental service provided to the people by the Government of the United States,” with “the obligation to provide postal services to bind the Nation together through the personal, educational, literary, and business correspondence of the people,” and to “provide prompt, reliable, and efficient services to patrons in all areas.”<sup>10</sup>

You have the authority and responsibility to act. The Board – not Mr. DeJoy alone – “directs the exercise of the powers of the Postal Service, directs and controls its expenditures, reviews its practices, conducts long-range planning, approves officer compensation and sets policies on all postal matters.”<sup>11</sup> It also “takes up matters such as service standards and capital investments.”<sup>12</sup> The Board is designed so as not to be a partisan body. Federal law specifically restricts the number of Governors belonging to any one political party and requires that Governors must be “chosen solely on the basis of their experience” in fields relevant to Postal Service administration.<sup>13</sup> While members are appointed by the President, the duty of Governors is to “represent the public interest generally.”<sup>14</sup>

It is critical that you act immediately to address efforts by President Trump and Mr. DeJoy to sabotage the Postal Service. You should immediately, using authorities granted under your bylaws to revoke powers given to the Postmaster General<sup>15</sup> and make decisions on “[a]ll ...

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<sup>6</sup> Washington Post, “Postal Service overhauls leadership as Democrats press for investigation of mail delays,” August 7, 2020, <https://www.washingtonpost.com/business/2020/08/07/postal-service-investigation-dejoy/>.

<sup>7</sup> Motherboard, “The Post Office is Deactivating Mail Sorting Machines Ahead of the Election,” August 13, 2020, [https://www.vice.com/en\\_us/article/n7wk9z/the-post-office-is-deactivating-mail-sorting-machines-ahead-of-the-election](https://www.vice.com/en_us/article/n7wk9z/the-post-office-is-deactivating-mail-sorting-machines-ahead-of-the-election); Washington Post, “Postal Service warns 46 states their voters could be disenfranchised by delayed mail-in ballots,” August 14, 2020, [https://www.washingtonpost.com/local/md-politics/usps-states-delayed-mail-in-ballots/2020/08/14/64bf3c3c-dcc7-11ea-8051-d5f887d73381\\_story.html](https://www.washingtonpost.com/local/md-politics/usps-states-delayed-mail-in-ballots/2020/08/14/64bf3c3c-dcc7-11ea-8051-d5f887d73381_story.html).

<sup>8</sup> Willamette Week, “US Postal Service Confirms It Has Removed Mailboxes in Portland and Eugene,” August 13, 2020, <https://www.wweek.com/news/2020/08/13/united-states-postal-service-confirmed-it-has-removed-mailboxes-in-portland-and-eugene/>.

<sup>9</sup> Washington Post, “Postal Service warns 46 states their voters could be disenfranchised by delayed mail-in ballots,” August 14, 2020, [https://www.washingtonpost.com/local/md-politics/usps-states-delayed-mail-in-ballots/2020/08/14/64bf3c3c-dcc7-11ea-8051-d5f887d73381\\_story.html](https://www.washingtonpost.com/local/md-politics/usps-states-delayed-mail-in-ballots/2020/08/14/64bf3c3c-dcc7-11ea-8051-d5f887d73381_story.html).

<sup>10</sup> P.L. 109-435 § 101(a).

<sup>11</sup> U.S. Postal Service, “About the Board of Governors,” 2020, <https://about.usps.com/who/leadership/board-governors/>; P.L. 91-375 § 202, 205.

<sup>12</sup> U.S. Postal Service, “About the Board of Governors,” 2020, <https://about.usps.com/who/leadership/board-governors/>; P.L. 91-375 § 202, 205.

<sup>13</sup> 39 U.S.C. 202.

<sup>14</sup> 39 U.S.C. 202.

<sup>15</sup> CFR 39 2011, Subchapter A, Bylaws of the Postal Board of Governors, §1.2, <https://www.govinfo.gov/content/pkg/CFR-2011-title39-vol1/pdf/CFR-2011-title39-vol1-chapI.pdf>.

[Postal Service] matters that the Board may consider appropriate,”<sup>16</sup> reverse any and all actions taken during Mr. DeJoy’s tenure that have harmed service. Should he not cooperate with these efforts, you have the authority, under the Postal Reorganization Act, “to remove the Postmaster General,” with “a favorable vote of an absolute majority of the Governors in office.”<sup>17</sup>

It is time to use your full power and authority on behalf of the Postal Service, the American people, and the “public interest”<sup>18</sup> you are required to represent. We ask that you immediately take action to reverse any and all changes put in place by Mr. DeJoy that degrade or delay postal operations and the delivery of the mail.

Sincerely,



Elizabeth Warren  
United States Senator



Charles E. Schumer  
United States Senator



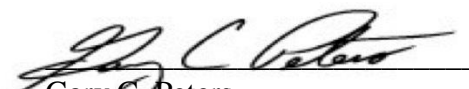
Bernard Sanders  
United States Senator



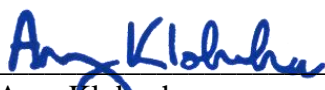
Ron Wyden  
United States Senator



Tina Smith  
United States Senator



Gary C. Peters  
United States Senator



Amy Klobuchar  
United States Senator

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<sup>16</sup> CFR 39 2011, Subchapter A, Bylaws of the Postal Board of Governors, §3.3(r), <https://www.govinfo.gov/content/pkg/CFR-2011-title39-vol1/pdf/CFR-2011-title39-vol1-chapI.pdf>.

<sup>17</sup> P.L. 91-375 § 202, 205.

<sup>18</sup> P.L. 109-435 § 501(a)(1).