

October 8, 2020

The Honorable Ron Johnson
Chairman
Senate Homeland Security and Governmental Affairs Committee
340 Dirksen Senate Office Building
Washington, DC 20510

Re: Request for Hearings on the Trump Administration's Attacks on our Democracy

Dear Chairman Johnson:

As the United States Senate comes back in session to consider President Trump's nominee for the Supreme Court despite the fact that Americans are already voting to potentially replace him, we request that you use your authority as Chairman of the Senate Homeland Security and Governmental Affairs Committee (HSGAC) to hold oversight hearings on the Trump administration's reckless and anti-democratic conduct related to issues directly under your committee's jurisdiction.¹ While we appreciate your decision to hold a hearing with Postmaster General DeJoy following CREW's July 30 letter highlighting the United States Postal Service's (USPS) policy changes that undermine Americans' ability to vote by mail, there are significant questions about Mr. DeJoy's problematic conduct before and during his tenure at USPS that remain unanswered.²

The Committee should also examine whether President Trump's recent decision to leave Walter Reed hospital while receiving treatment for COVID-19 and have United States Secret Service agents drive him around to a group of supporters put the health of these agents and their families at risk for a political photo opportunity. Finally, the Committee should hold hearings to review the Trump administration's decision to abruptly end the Census count.³ Each of these issues is an attack on our democracy, falls squarely within your Committee's jurisdiction and demands congressional oversight. While it is a reckless abuse of power for the Senate to confirm

¹ We appreciate that holding in-person hearings at this time may prove difficult given that you and two other Senate colleagues recently tested positive for COVID-19. We wish for your speedy recovery and hope that you will take any steps necessary to conduct Committee business remotely or consistent with other safety guidelines. However, given your recent comments that you are taking precautions to ensure that you are "ready to vote on Judge Amy Coney Barrett's nomination to the U.S. Supreme Court," we hope and expect that if you are available to attend any such in-person vote, that you will also preside over hearings relevant to preserving our democracy. See Bill Glauber and Patrick Marley, U.S. Sen. Ron Johnson of Wisconsin Tests Positive for COVID-19, the 3rd GOP Senator in 24 Hours, *Milwaukee Journal Sentinel*, Oct. 2, 2020, available at <https://www.jsonline.com/story/news/politics/elections/2020/10/03/u-s-sen-ron-johnson-wisconsin-tests-positive-covid-19/3607521001/>.

² Letter from Noah Bookbinder, Executive Director, Citizens for Responsibility and Ethics in Washington, *et. al.*, to The Honorable Ron Johnson, Chairman, Senate Homeland Security and Governmental Affairs Committee, July 30, 2020, available at <https://s3.amazonaws.com/storage.citizensforethics.org/wp-content/uploads/2020/07/29210756/CCWI-CREW-Letter-to-Sen-Johnson-7-30-20-FINAL1.pdf>.

³ Citizens for Responsibility and Ethics in Washington, Trump's War on Watchdogs, and What Congress Can Do about It, available at <https://www.citizensforethics.org/trump-ig-attacks-war-on-watchdogs/>.

a Supreme Court nominee amidst our general election, you now have the mandate to use your Committee to hold hearings on other issues undermining our democracy in this moment.

As we have previously noted, the United States Postal Service is one of the most trusted institutions of American government and will play a critical role in how Americans are able to vote amidst the global coronavirus pandemic.⁴ While we believe that the hearing HSGAC held on August 21, 2020 with Postmaster General DeJoy, “Examining the Finances and Operations of the United States Postal Service During COVID-19 and Upcoming Elections,” was an important first step to getting answers and accountability from USPS, recent events demand additional scrutiny of the Postmaster General’s leadership, especially as Americans in numerous states are now voting.⁵ For example, public reports indicated that the USPS saw a “severe decline in the rate of on-time delivery of first-class mail” after Postmaster General DeJoy took over at the agency.⁶ In late August, a federal judge found that the changes implemented by Mr. DeJoy “were clearly aimed at ‘voter disenfranchisement’ given the increased role USPS will play in this year’s presidential election.”⁷ Although in September a second federal judge ordered USPS “to walk back its controversial reforms,” the agency did not immediately say it would comply with the court orders.⁸ In addition, as state election officials were preparing to send out mail-in ballots to voters, USPS stopped fully updating a national change of address database for three weeks, impacting 1.8 million addresses.⁹

While many Americans are appropriately preoccupied with how Postmaster General DeJoy will address or reverse his policy changes that have undermined voting by mail, he also has significant ethical issues to address. For example, Mr. DeJoy still has not resolved questions about his potential conflict of interest related to USPS contractor XPO Logistics (XPO).¹⁰ On September 2, 2020, the *New York Times* reported that USPS has paid approximately \$286 million

⁴ U.S. Postal Service, Office of the Inspector General, Management Alert, Timeliness of Ballot Mail in the Milwaukee Processing & Distribution Center Service Area, July 7, 2020.

⁵ Senate Homeland Security and Governmental Affairs Committee, Examining the Finances and Operations of the United States Postal Service During COVID-19 and Upcoming Elections, Aug. 21, 2020, available at <https://www.hsgac.senate.gov/examining-the-finances-and-operations-of-the-united-states-postal-service-during-covid-19-and-upcoming-elections>; see also, Adam Levy, Ethan Cohen and Liz Stark, More than 1 Million Ballots Have Already Been Cast in the 2020 Presidential Election, *CNN*, Sep. 29, 2020, available at <https://www.cnn.com/2020/09/29/politics/ballot-returns-early-voting-2020-election/index.html>.

⁶ Sam Levine and Alvin Chang, Revealed: Evidence Shows Huge Mail Slowdowns after Trump Ally Took Over, *The Guardian*, Sep. 21, 2020, available at <https://www.theguardian.com/us-news/2020/sep/21/usps-post-office-mail-slowdowns-louis-dejoy>.

⁷ *Id.*

⁸ Eric Katz, Court Losses Mount for USPS as Agency Management, DeJoy Weigh Options, *GovExec*, Sep. 21, 2020, available at <https://www.govexec.com/management/2020/09/court-losses-mount-usps-agency-dejoy-weigh-options/168656/>.

⁹ Eric Lichtblau, Exclusive: As States Prepared Mail-in Ballots, Postal Service Failed to Update at Least 1.8 Million Addresses, *Time*, Sep. 28, 2020, available at <https://time.com/5893881/exclusive-as-states-prepared-mail-in-ballots-postal-service-failed-to-update-at-least-1-8-million-addresses/>.

¹⁰ Jacob Bogage, Trump Ally Takes Over Crisis-Ridden Postal Service as Top Senate Democrat Demands Inquiry on Hiring, *Washington Post*, June 15, 2020, available at <https://www.washingtonpost.com/business/2020/06/15/trump-postal-service-dejoy/>.

since 2013 to XPO.¹¹ Despite CREW and others raising concerns about this potential conflict, Mr. DeJoy still holds at least a \$30 million stake in XPO, which has increased its business with USPS since he became Postmaster General based on a contract amended during his predecessor's tenure.¹² Since HSGAC's August hearing, public reporting has exposed that while serving as CEO of XPO's predecessor, New Breed Logistics, from 1983 to 2014, Mr. DeJoy and the company used employees to make contributions to various recipients, including the Thom Tillis Committee, and that Mr. DeJoy then reimbursed those employees with bonuses paid by his company.¹³ Based on these reports, Common Cause North Carolina filed a criminal complaint against Mr. DeJoy with the North Carolina Office of Attorney General for violating state campaign finance laws, and CREW filed a complaint against Mr. DeJoy with the Federal Election Commission for making excessive contributions to recipients and other violations of the Federal Election Campaign Act.¹⁴

While the USPS plays a vital role in facilitating Americans' participation in the democratic process, the United States Secret Service has a "zero fail" mission to protect the President and our democracy.¹⁵ Unfortunately, the Trump administration's reckless actions have made that task far more difficult amidst the coronavirus pandemic. On Sunday, while the President was receiving treatment for the coronavirus at Walter Reed hospital, he abruptly left the facility in a hermetically sealed vehicle with at least two Secret Service agents, so that he could be photographed waving to political supporters outside.¹⁶ As the *New York Times* reported, "medical experts said the move recklessly put agents at risk," and Secret Service personnel have privately questioned how they can mitigate the health risks "to protect the detail" for Trump, who is still contagious but back at the White House.¹⁷

¹¹Luke Broadwater and Catie Edmondson, Postal Service Has Paid DeJoy's Former Company \$286 Million Since 2013, *New York Times*, Sep. 2, 2020, available at <https://www.nytimes.com/2020/09/02/us/politics/louis-dejoy-usps-paid.html>.

¹² *Id.*

¹³ Aaron C. Davis, Amy Gardner and Jon Swaine, Louis DeJoy's Rise as GOP Fundraiser was Powered by Contributions from Company Workers Who Were Later Reimbursed, Former Employees Say, *Washington Post*, Sep. 6, 2020, available at https://www.washingtonpost.com/investigations/louis-dejoy-campaign-contributions/2020/09/06/1187bc2c-e3fe-11ea-8181-606e603bb1c4_story.html.

¹⁴ See Common Cause North Carolina, Common Cause NC Files Complaint Calling for Investigation of U.S. Postmaster DeJoy for Alleged 'Straw Donor' Scheme in North Carolina, Sep. 9, 2020, available at https://www.commoncause.org/press-release/common-cause-nc-files-complaint-calling-for-investigation-of-u-s-postmaster-dejoy-for-alleged-straw-donor-scheme-in-north-carolina/?doing_wp_cron=1601607640.4533569812774658203125; see also, Citizens for Responsibility and Ethics in Washington, CREW Files FEC Complaint against Louis DeJoy, Sep. 11, 2020, available at <https://www.citizensforethics.org/press-release/crew-files-fec-complaint-against-louis-dejoy/>.

¹⁵ See e.g., House Committee on Homeland Security, Subcommittee on Transportation and Protective Security, Hearing on How Can the United States Secret Service Evolve to Meet Challenges Ahead?, 115th Congress, June 8, 2017, available at <https://www.govinfo.gov/content/pkg/CHRG-115hrg27612/html/CHRG-115hrg27612.htm>.

¹⁶ Zolan Kanno-Youngs and Michael S. Schmidt, For the Secret Service, a New Question: Who Will Protect Them From Trump?, *New York Times*, Oct. 5, 2020, available at <https://www.nytimes.com/2020/10/05/us/politics/secret-service-trump-virus.html>.

¹⁷ *Id.*

This week was not the first time that administration officials' personal indulgences have taken precedence over coronavirus safety precautions. In April, as President Trump was downplaying the coronavirus to the American public, his daughter and senior advisor, Ivanka Trump, ignored federal guidelines advising against discretionary travel, leaving Washington for the Trump Bedminster club in New Jersey.¹⁸ In the summer, the Secret Service was forced to close its training facility in Maryland, and 11 employees at the site tested positive for the virus.¹⁹ In September, the President held a ceremony at the White House to announce his nominee for the Supreme Court without masks or social distancing that has led to several government officials contracting the virus.²⁰ Since then, safety concerns have been raised about how Trump's actions will impact White House staff, the Secret Service and the larger District of Columbia community, since the White House has ignored outreach from DC government officials about contact tracing.²¹ No one disputes that protecting the safety of the President and his family is critical to preserving our democracy and national security, but congressional oversight is needed to ensure that the Secret Service has sufficient support and guidance in place when the President ignores the safety risks he poses to agents and their families for his political stunts.

The USPS and Secret Service are not the only bedrock government institutions that have come under attack by the Trump administration. As noted on the Census Bureau's website, the founders "had a bold and ambitious plan to empower the people" by "count[ing] every person living in the newly created United States of America, and to use that count to determine representation in the Congress."²² After publicly supporting extensions to the census deadlines, due to the coronavirus pandemic, the Trump administration reversed course when the Census Bureau "announced that it was speeding up its efforts in order to deliver the first batch of numbers to the president by year's end."²³ Civil rights advocates raised concerns that ending the census count abruptly would "omit people of color, immigrants and other vulnerable populations from the 2020 Census."²⁴ The Department of Commerce Office of Inspector General (OIG) found that administration officials outside the Census Bureau, potentially at the White House,

¹⁸ Annie Karni, [Ivanka Trump, Disregarding Federal Guidelines, Travels to N.J. for Passover](https://www.nytimes.com/2020/04/15/us/politics/coronavirus-ivanka-trump.html), *New York Times*, Apr. 15, 2020, available at <https://www.nytimes.com/2020/04/15/us/politics/coronavirus-ivanka-trump.html>.

¹⁹ Zolan Kanno-Youngs and Michael S. Schmidt, [Trump's Secret Service Has Struggled with Outbreak at Training Center](https://www.nytimes.com/2020/10/02/us/politics/secret-service-coronavirus-trump.html), *New York Times*, Oct. 2, 2020, available at <https://www.nytimes.com/2020/10/02/us/politics/secret-service-coronavirus-trump.html>.

²⁰ Apoorva Mandavilli and Tracey Tully, [White House Is Not Tracing Contacts for 'Super-Spreader' Rose Garden Event](https://www.nytimes.com/2020/10/05/health/contact-tracing-white-house.html), *New York Times*, Oct. 5, 2020, available at <https://www.nytimes.com/2020/10/05/health/contact-tracing-white-house.html>.

²¹ Alayna Treene, Alexi McCammond, and Mike Allen, [With Trump's Return, Risks Rise in the West Wing](https://www.axios.com/trump-coronavirus-west-wing-staff-risks-c56a04cc-44ff-4521-82d0-695840b5395b.html), *Axios*, Oct. 6, 2020, available at <https://www.axios.com/trump-coronavirus-west-wing-staff-risks-c56a04cc-44ff-4521-82d0-695840b5395b.html>.

²² U.S. Census Bureau, [Census in the Constitution](https://www.census.gov/programs-surveys/decennial-census/about/census-constitution.html), available at <https://www.census.gov/programs-surveys/decennial-census/about/census-constitution.html> accessed Oct. 2, 2020.

²³ Hansi Lo Wang, [Census Work Has Been Winding Down, But A Judge Says It Needs To Press On For Now](https://www.npr.org/2020/09/05/909745230/census-work-was-winding-down-but-a-judge-says-it-needs-to-press-on-for-now), *NPR*, Sep. 5, 2020 available at <https://www.npr.org/2020/09/05/909745230/census-work-was-winding-down-but-a-judge-says-it-needs-to-press-on-for-now>.

²⁴ *Id.*

made the decision to speed up the census process.²⁵ OIG also warned about the dangers of this rushed effort.²⁶ Census Bureau officials reportedly told OIG that “they believed the Trump administration’s effort to exclude undocumented immigrants from census data played a role in the decision to accelerate the survey.”²⁷ Though a federal judge ordered the deadline for completing the census count to be October 31, Commerce Secretary Wilbur Ross, rejected the order and decided the deadline should be October 5 instead.²⁸

As you are well aware, HSGAC is “the Senate’s primary oversight committee with broad jurisdiction over government operations generally and the Department of Homeland Security in particular.”²⁹ In addition to DHS and the Secret Service, the Committee’s “governmental affairs responsibilities” include direct oversight of USPS, the Census, and “the municipal affairs of the District of Columbia.”³⁰ With millions of Americans currently voting by mail in our national election, oversight of USPS support for voting by mail should demand your Committee’s full attention, and with the COVID-19 crisis showing no sign of abating, potential endangerment of the Secret Service and other government employees is similarly urgent. In addition, examination of the Trump administration’s attempt to halt the census is long overdue. Instead, the Committee has conducted a months-long partisan investigation into the President’s political rival that found no wrongdoing by former Vice President Joe Biden.³¹

As the Senate comes back into session to rush President Trump’s nominee to the Supreme Court through the confirmation process, we urge you to use this time to hold another public hearing with Postmaster General DeJoy regarding USPS and voting by mail, as well as to examine the Trump administration’s potential endangerment of Secret Service agents and others and its efforts to undermine the census. Your constituents and the American public deserve to learn more about the deeply troubling actions being made by the Trump administration across the executive branch and their potential impact on our democracy in November and beyond. Thank you for your prompt attention to this request.

²⁵ Sam Levine, Officials Outside Bureau Made Decision to Speed US Census, Report Finds, *The Guardian*, Sep. 22, 2020 available at <https://www.theguardian.com/us-news/2020/sep/22/us-census-inspector-general-report>.

²⁶ *Id.*

²⁷ *Id.*

²⁸ Sara Morrison, The Trump Administration is Still Trying to End the Census Early, Despite a Court Order, *The Guardian*, Sep. 29, 2020 available at <https://www.vox.com/recode/2020/9/25/21453207/what-is-2020-census-online-coronavirus-covid-deadline-ruling>.

²⁹ U.S. Senate Committee on Homeland Security & Governmental Affairs, Jurisdiction, available at <https://www.hsgac.senate.gov/about/jurisdiction>, accessed on July 22, 2020.

³⁰ *Id.*; Congressional Research Service, Presidential Appointee Positions Requiring Senate Confirmation and Committees Handling Nominations, May 3, 2017, available at <https://fas.org/sgp/crs/misc/RL30959.pdf>. “Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG’s agency and then the Committee on Homeland Security and Governmental Affairs.”

³¹ Nicholas Fandos, Republican Inquiry Finds No Evidence of Wrongdoing by Biden, *New York Times*, Sep. 23, 2020 available at <https://www.nytimes.com/2020/09/23/us/politics/biden-inquiry-republicans-johnson.html>.

Hon. Ron Johnson

October 8, 2020

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Sincerely,



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Executive Director

Citizens for Responsibility and Ethics in Washington

cc: The Honorable Gary Peters
Ranking Member
Senate Homeland Security and Governmental Affairs Committee