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DEMOCRATIC STEERING AND POLICY COMMITTEE

Congress of the United States
House of Representatives

August 14, 2020

The Honorable Gurbir S. Grewal
New Jersey Attorney General
Richard J. Hughes Justice Complex
25 Market Street, Box 080
Trenton, NJ 08625-0080

Dear Attorney General Grewal:

Your office has done much to ensure that elections in our state are carried out during this pandemic. However, these efforts are being undermined by Donald Trump's attempts to interfere in our state and across the nation. Therefore, I call upon you to open a wide-ranging investigation of Trump's actions to interfere in our elections and to empanel a grand jury for the purpose of considering criminal indictments for Donald Trump, U.S. Postmaster General Louis DeJoy, members of the United States Postal Service (USPS) Board of Governors, and any other officials in the Trump government that are participating in or have participated in the subversion of New Jersey state elections.

In a live televised interview on August 13, 2020, Donald Trump bragged that he is withholding support to the U.S. Postal Service to interfere with voting-by-mail across the country to rig the November 2020 election in his favor.ⁱ Trump's open admission confirms recent reporting of widespread delays to Americans' mail and package delivery and the deliberate sabotage of USPS functions and operations at the behest of administration orders. This includes the removal of hundreds of mail sorting machines from postal facilities across the country (with some being thrown into dumpsters)ⁱⁱ and orders from Postmaster DeJoy to deliberately slow mail service.ⁱⁱⁱ In addition, he has suggested that states must pay first class postage for mail-in ballots, in contrast to the long-established practice of charging the marketing rate (20 cents). After soliciting responses from my own constituents in the Ninth District, I can attest that our neighbors are facing habitually slower mail delivery across North Jersey communities.^{iv} Even though it is unclear if the turmoil at USPS is impacting New Jersey less or more than other states, the Washington Post suggests delays in New Jersey are acute and our citizens are being hurt.^v

Because movement of our mail crosses channels of interstate commerce, obstruction of the mails generally is subject to federal jurisdiction.^{vi} Nevertheless, interference in voting-by-mail and state elections is amply covered by New Jersey state law. This includes Title 19:34-20, Soliciting or procuring or assisting unlawful registration of other violations of election law;^{vii} Title 19:34-29,

Obstructing or interfering with voter;^{viii} Title 19:34-35, Interference with conduct of election;^{ix} Title 19:53A-15, Tampering with or willfully injuring record or equipment or interference with conduct of election; penalty;^x application of laws; and Title 19:63-28, Violations, third degree crime; penalties.^{xi} The deliberate interference with state elections by the Trump administration and its adjutants may run afoul of these and perhaps other state criminal statutes designed to protect the integrity of the electoral process.

As you know, Governor Murphy has announced that New Jersey will conduct its November 2020 general election voting almost entirely by mail, following our all-mail primary elections of July 7. Only 81 days remain before the general election this fall and voting will commence much sooner in a matter of weeks. We do not have much time to prepare and our state, like others, will rely absolutely on the USPS's efficiency. Amid this ongoing pandemic, the USPS will be the electoral heart and engine of New Jersey's and America's electoral machinery.

Consequently, all of us must do whatever we can right now to protect the integrity of our elections. I implore you to open an immediate investigation into whether the Trump administration's attacks on the U.S. Postal Service violate New Jersey state laws against electoral subversion, and if so, pursue criminal and civil charges against Donald Trump, Louis DeJoy, and any other high-ranking officials involved.

American democracy is today in question. What we do today can make a difference in our future. Please act decisively.

Sincerely,



Bill Pascrell, Jr.
Member of Congress

ⁱ <https://twitter.com/atrupar/status/1293905691602751488>

ⁱⁱ https://www.vice.com/en_us/article/pkyv4k/internal-usps-documents-outline-plans-to-hobble-mail-sorting

ⁱⁱⁱ <https://www.politico.com/news/magazine/2020/08/13/trump-usps-postal-service-post-office-history-395024>

^{iv} <https://pascrell.house.gov/news/documentsingle.aspx?DocumentID=4424>

^v https://twitter.com/_cingraham/status/1294344659385249792

^{vi} See 18 U.S.C. §1701 (“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.”)

^{vii} <https://njlaw.rutgers.edu/cgi-bin/njstats/showsect.cgi?title=19&chapter=34§ion=20&actn=getsect> (“Whoever shall... or at any election shall in any way willfully hinder or prevent a voter from casting his legal vote, knowing such person to have a right to vote; or shall willfully tamper with, injure, mutilate, destroy or render unfit for use, any ballot box; shall be guilty of a crime of the third degree.”)

^{viii} <https://njlaw.rutgers.edu/collections/njstats/showsect.php?title=19&chapter=34§ion=29&actn=getsect> (“No person shall by abduction, duress or any forcible or fraudulent device or contrivance whatever, impede, prevent or otherwise interfere with the free exercise of the elective franchise by any voter; or compel, induce or prevail upon any

voter either to vote or refrain from voting at any election, or to vote or refrain from voting for any particular person or persons at any election.”)

^{ix} <https://njlaw.rutgers.edu/collections/njstats/showsect.php?title=19&chapter=34§ion=5&actn=getsect> (“No person shall, during an election, with intent to hinder or delay same, or to hinder or delay any voter in the preparation of his ballot, remove or destroy any of the ballots or pencils placed in the booths or compartments for the purpose of enabling the voter to prepare his ballot. Any person willfully violating any of the provisions of this section shall be guilty of a disorderly persons offense.”)

^x <https://njlaw.rutgers.edu/cgi-bin/njstats/showsect.cgi?title=19&chapter=53A§ion=15&actn=getsect> (“15. a. Any person who before, during or after an election tampers with or willfully injures any voting device, ballot cards, or other records or equipment used in the election, or interferes or attempts to interfere with the correct operation of such device or equipment or the secrecy of voting, is guilty of a crime of the third degree. b. The penal laws and election laws relating to misconduct at elections apply to elections conducted with voting devices and automatic tabulating equipment.”)

^{xi} <https://njlaw.rutgers.edu/cgi-bin/njstats/showsect.cgi?title=19&chapter=63§ion=28&actn=getsect> (“a. Any person who knowingly violates any of the provisions of P.L. 2009, c.79 (C.19:63-1 et al.), or who... prevents or attempts to prevent by fraud the voting of any person legally entitled to vote under this act... b. Any person who knowingly aids and abets another in violating any of the provisions of this section is guilty of a crime of the third degree and upon conviction thereof shall be subject, in addition to such other penalties as are authorized by law, to disenfranchisement while serving a sentence of incarceration, unless and until pardoned or restored by law to the right of suffrage.”)