

AG Kaul: Files lawsuit over Trump administration's attempts to undermine the U.S. Postal Service

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MADISON, Wis. – Attorney General Josh Kaul announced today that Wisconsin and other attorneys general will file a federal lawsuit challenging drastic operational changes at the U.S. Postal Service that threaten critical mail delivery and could undermine the national election in November.

“Many of us learned growing up that, rain or shine, the post office would deliver. ‘Neither snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds,’ reads the inscription on the James A. Farley Building in New York,” said Attorney General Kaul.

“Americans rely on the U.S. Postal Service for the delivery of everything from prescriptions, to birthday cards, to ballots. The Trump administration’s attack on the USPS shortly before an election in which record-breaking use of mail-in voting will take place must be stopped. I’m working with other AGs to fight back against this attempt to sabotage fair elections.”

Attorney General Kaul continued, “While we’re seeking to protect the postal service through the court system, Congress must also act. Our system of checks and balances is a defense against this kind of abuse of power, and it’s vital for Congress to serve as a check, rather than shrink from responsibility.”

The Postal Service cuts, including reducing or eliminating staff overtime, altering operations at state distribution centers and removing critical mail sorting equipment, threaten the timely delivery of mail to individuals who rely on the Postal Service for everything from medical prescriptions to ballots.

The states' lawsuit will assert that the Postal Service implemented these drastic changes to mail service nationwide unlawfully and seeks to stop the agency's service reductions.

The changes at the Postal Service come as President Donald Trump has continued to baselessly claim that widespread vote-by-mail will lead to a fraudulent election.

Postal Service changes

Recent changes at the Postal Service instituted by Trump-appointed Postmaster General Louis DeJoy have already resulted in mail delays, Congressional leaders argue.

Those changes include reducing or eliminating staff overtime, changing the way mail is sorted and requiring late-arriving mail to be left for delivery the following day.

Vote-by-mail elections

Many states, including Wisconsin, require that ballots be received on or before Election Day to be counted. Slow mail service threatens the ability of Wisconsinites to receive and return their absentee ballots by mail in time for them to be counted. For example, state law allows Wisconsin voters to request absentee ballots by mail up to five days before an election. Delays caused by the Postal Service's recent operational changes will likely mean that some voters who exercise that right to request an absentee ballot by mail may not even receive it before election day, thereby disenfranchising those voters through no fault of their own.

President Trump stated last week that the service cuts at the Postal Service has a partisan motive.

"They need that money in order to make the Post Office work so it can take all of these millions and millions of ballots. They don't have the money to do the universal mail-in voting. So therefore, they can't do it, I guess," President Trump said last week.

Impacts on seniors and veterans

Postal Service cuts threaten timely mail deliveries for a range of important services, from prescriptions to utility bills. The COVID-19 pandemic has forced many Americans, especially seniors and other high-risk individuals, to rely increasingly on mail delivery services while they stay at home for their health. In general, seniors

rely heavily on the mail to receive essentials like medications, Social Security benefits and even groceries.

The policy changes have already impacted our country's veterans, who are reporting much longer wait times to receive mail-order prescription drugs. The U.S. Department of Veteran Affairs (VA), which provides broad health care services to veterans nationwide, fills about 80 percent of veteran prescriptions by mail. The VA processes about 120 million mail-order prescriptions per year — 470,000 a day. The Postal Service makes daily prescription deliveries to 330,000 veterans across the country.

Legal claims

Attorney General Kaul, along with other states, asserts that the Postal Service has acted outside of its authority to implement changes to the postal system and did not follow the proper procedures under federal law.

The law requires that changes at the U.S. Postal Service that cause a nationwide impact in mail service must be submitted to the Postal Regulatory Commission. The commission then evaluates the proposal through a procedure that includes public notice and comment. The federal government's failure to perform this mandatory duty deprived the states of their statutory right to notice and comment on USPS' nationwide service changes.

Attorney General Kaul and the other states also assert that the Postal Service's recent changes unconstitutionally burden our citizens' fundamental right to vote by impairing mail-in voting in the midst of the worst pandemic seen in over a century.

The states' lawsuit seeks to block the unlawful service reductions and operational changes at the Postal Service.

Joining Wisconsin in the lawsuit are Colorado, Connecticut, Illinois, Maryland, Michigan, Minnesota, Nevada, New Mexico, Oregon, Rhode Island, Vermont, Virginia and Washington.

Pennsylvania Attorney General Josh Shapiro today announced a complimentary multistate lawsuit to be filed in Pennsylvania.