August 21, 2020

RE: Vote YES on H.R. 8015, the Delivering for America Act

Dear Representative,

The American Civil Liberties Union (ACLU) urges you to vote YES on H.R. 8015, the Delivering for America Act, and to vote NO on any motion to recommit that may be offered to undermine it. The bill would prohibit and reverse any changes to U.S. Postal Service operations that would reduce or impede the level of service during the COVID-19 pandemic and provide $25 billion in funding. The ACLU will score the vote on final passage of H.R. 8015 and on ANY motion to recommit that would otherwise harm civil liberties.

Outlining Congressional authority, the Postal Clause in Article 1, Section 8 of the U.S. Constitution gives Congress the ability to “To establish Post Offices and post Roads” and the power “To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”1 We urge Congress to act swiftly to protect the integrity and operations of the U.S. Postal Service and pass this bill.

In advance of the November election, state and local election administrators will be relying more than ever on the Postal Service to conduct voting by mail, which is critical to guaranteeing the right to vote and protecting people’s health during the ongoing COVID crisis. The President’s attacks2 on the Postal Service threaten to undermine the basic infrastructure that Americans rely on to vote, whether it be casting a mail-in ballot, registering to vote, or receiving elections-related information. The Postal Service has already sent letters to 46 states and the District of Columbia warning that it may not be able to deliver mail-in ballots in time for voters to meet state ballot return deadlines and have their votes be counted in the November election.3

2 Deb Riechmann and Anthony Izaguirre, Trump admits he’s blocking postal cash to stop mail-in votes, AP NEWS (Aug. 13, 2020), https://apnews.com/14a2ceda724623604cc8d8e5ab9890ed.
Beyond the election, people rely on the U.S. Postal Service every day for a myriad of life-critical functions, including people with disabilities and seniors for the delivery of prescription drugs, rural and Native American communities where private companies may not deliver, and countless other Americans to receive their paychecks and government benefits, pay bills, and conduct their business. During the pandemic, the Postal Service has played an even more critical role in helping us complete essential business transactions and remain in touch with friends and loved ones. Government health agencies depend on the U.S. Postal Service to provide critical COVID-related health information and supplies. Elected officials use the Postal Service for cost efficient and sometimes free communications with their constituents, including about available support programs during the ongoing economic crisis. In an early response to novel coronavirus, Congress authorized a $10 billion loan to help shore up the Postal Service’s finances, but the Treasury Department held up those funds without explanation for several months.

The U.S. Postal Service was never a business. Historically, the Postal Service’s sole mandate was to enable everyone in America to communicate affordably. In that respect, the Postal Service’s public benefit mission is more akin to the Armed Forces’ than FedEx’s. The U.S. Postal Service is an essential government service guaranteed to the American people by the U.S. Constitution, and is the only mail service where the complete privacy of communications sent via USPS are constitutionally guaranteed. It should be preserved accordingly.

Instead, Postmaster General Louis DeJoy is preparing to make dramatic service cuts, treating the USPS like a private business facing bankruptcy. Backlash against the recent news that the Postal Service’s financial condition is being used as a pretext for degrading its service – including reducing overtime, allowing mail to go undelivered for days, scaling back the hours of or closing post offices, and removing drop boxes – led to Postmaster DeJoy’s announcement on Wednesday that he will temporarily suspend these changes until after the conclusion of the November election. More clarity is necessary about what changes will be suspended and when. The Postmaster has indicated that he will not reverse changes already implemented and replace previously removed drop boxes and dismantled sorting machines. Without a reversal of these ill-timed operational changes, the undermining of the Postal Service’s ability to meet the challenges raised by the COVID-19 pandemic will continue to affect the efficiency, reliability and availability of postal service.

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5 Jacob Bogage, Postal Service memos detail ‘difficult’ changes, including slower mail delivery, WASH. POST (Jul. 14, 2020), https://www.washingtonpost.com/business/2020/07/14/postal-service-trump-dejoy-delay-mail/.
At this critical time, Congress must do everything in its power to ensure the USPS remains vibrant and strong. We urge Members to vote YES and pass H.R. 8015 and vote NO on any motion to recommit. If you have any questions, please contact Kristen Lee at klee@aclu.org.

Sincerely,

Ronald Newman  
National Political Director

Chad Marlow  
Senior Advocacy and Policy Counsel

Sonia Gill  
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