

United States Senate

WASHINGTON, DC 20510-3203

October 20, 2020

Corey R. Amundson
Chief, Public Integrity Section
Criminal Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Amundson:

We request an immediate explanation of the Department's recent decision to weaken its longstanding policy of non-interference with elections, which ensures that election fraud investigations do not affect an upcoming election.

The Department has long recognized that public investigations of alleged election fraud can "interject[] the investigation itself as an issue" in an ongoing election, creating "the obvious risk of chilling legitimate voting and campaign activities." Department policy thus prohibits overt investigative steps in such cases "until the election in question has been concluded, its results certified, and all recounts and election contests concluded." [Federal Prosecution of Election Offenses, p. 84]

The Department has reportedly announced an exception to this policy that would allow election fraud allegations to be publicly announced before the 2020 election if "the integrity of any component of the federal government is implicated by election offenses."¹ The exception appears to encompass allegations of mail voting fraud, which the Department could now publicly announce while voting is underway.

This policy change coincides with repeated false claims by the President and Attorney General Barr that voting by mail will lead to rampant fraud.² The Department of Homeland Security has warned that Russia is amplifying these claims in an effort to undermine public trust in the electoral process.³

It is deeply troubling that the Department has chosen to weaken its non-interference policy weeks before Election Day and while millions of Americans have already voted, many of them by mail. We therefore ask that you provide the following information no later than October 23:

¹ *Pro Publica*, (10/7/20).

² *Washington Post*, (9/4/20).

³ *ABC News*, 9/3/20.

1. What is the complete text of the new exception to the Department’s non-interference with elections policy?
2. Why did the Department create this exception at this time?
3. Who participated in the creation of the exception, including the decision to create it and the drafting process?
4. How will the Department ensure that actions taken pursuant to the exception do not “chill[] legitimate voting and campaign activities” or jeopardize “the Department’s reputation for fairness, neutrality, and non-partisanship”?⁴
5. How will the Department ensure that actions taken pursuant to the exception will not interfere with or disturb the delivery and counting of mail-in ballots?

Thank you for your prompt attention to this request.

Sincerely,

/s/
Amy Klobuchar
United States Senator

/s/
Dianne Feinstein
United States Senator

/s/
Patrick Leahy
United States Senator

/s/
Richard J. Durbin
United States Senator

/s/
Sheldon Whitehouse
United States Senator

/s/
Christopher A. Coons
United States Senator

/s/
Richard Blumenthal
United States Senator

/s/
Mazie Hirono
United States Senator

⁴ *Federal Prosecution of Election Offenses*, p. 84; *Barr Memorandum* (5/15/20).

/s/
Cory A. Booker
United States Senator

/s/
Tom Udall
United States Senator

/s/
Mark R. Warner
United States Senator

/s/
Angus S. King, Jr
United States Senator

/s/
Catherine Cortez Masto
United States Senator