



'Bananas' DOJ Press Release on Discarded Ballots Viewed as Effort to Fuel Trump's Lies About Mail-In Fraud

"Suggests DOJ is now an active participant in Trump's effort to undermine the integrity of the presidential election."

Jake Johnson

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The U.S. Department of Justice on Thursday published, abruptly removed, then re-posted a revised version of what was described as a highly unusual press release announcing an inquiry into nine "discarded" military ballots in Pennsylvania, seven of which were purportedly cast for President Donald Trump.

Observers were immediately suspicious of the Justice Department's statement given President Donald Trump's ongoing assault on the legitimacy of mail-in ballots, which he has described as a "scam" and falsely claimed are uniquely susceptible to fraud. Attorney General William Barr has also baselessly attacked voting by mail in recent weeks.

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—Walter Shaub

On Thursday afternoon, the DOJ issued a press release attributed to David Freed, U.S. Attorney for the Middle District of Pennsylvania, claiming that "FBI personnel working together with the Pennsylvania State Police" recovered nine military ballots and said all of the "discarded" ballots were cast for Trump.

Shortly after the initial statement went viral on Twitter and White House Press Secretary Kayleigh McEnany touted the announcement, the Justice Department deleted the original release and posted an edited version that claims seven of the nine discarded ballots were cast for Trump and "two of the discarded ballots had been resealed inside their appropriate envelopes," leaving their contents unknown.

"This statement by a U.S. Attorney is bananas," tweeted Walter Shaub, former head of the Office of Government Ethics. "It talks about an ongoing investigation, and it reveals the candidates named on ballots. I'm still processing all of the levels on which this is wildly inappropriate."

In addition to the statement on the probe, the Justice Department also publicized a letter Freed sent to the director of elections in Luzerne County, Pennsylvania offering further specific details of the investigation, which Freed said was launched at the request of Luzerne County District

Attorney Stefanie Salavantis, a Republican. Trump won the Pennsylvania county by nearly 20 points in 2016.

David Levine, elections integrity fellow at the watchdog group Alliance for Security Democracy, said the DOJ's decision to make public statements—one of which contained false information—about an incomplete investigation so close to the election "is risky at best and dangerous at worst."

As *NBC News* reported late Thursday, "Both statements were highly unusual as U.S. Attorneys typically do not publicly announce they've opened an inquiry. The U.S. Attorney's office declined to give further comment about the probe, except to say the general election ballots were improperly opened by county staff."

Julian Sanchez, a senior fellow at the libertarian Cato Institute, said the Justice Department's decision to release the statement "sure looks like an effort to feed a bogus narrative about ballot fraud." The press release came on the same day FBI Director Christopher Wray testified to the Senate that he has seen no evidence of widespread voter fraud.

"This seems like a hugely important story," said Sanchez. "Not because nine ballots got thrown out, almost certainly by accident, but because it suggests DOJ is now an active participant in Trump's effort to undermine the integrity of the presidential election."

Speaking to reporters Thursday before departing to Charlotte, North Carolina, Trump said that "they found, I understand, eight ballots in a waste paper basket in some location"—an apparent reference to the Pennsylvania story.

"And they found—it was reported in one of the newspapers that they found a lot of ballots in a river," Trump said, without offering any specifics on the story. "They throw them out if they have the name 'Trump' on it, I guess."

When a reporter responded that the ballots supposedly found in a river "had no names on them," Trump said, "Okay, well, they still found them in a river, whether they had a name on it or not."

The president went on to suggest once again that he may not accept the results of the November election, claiming he is "not sure" the contest can be "honest"—remarks that came just 24 hours after Trump refused to commit to a peaceful transition of power if he loses to Democratic nominee Joe Biden.

"Take him literally and seriously," *New York Times* contributor Wajahat Ali tweeted in response to the president's comments. "He has literally told you how he will cheat and contest the election if he loses."