



# FACT

FOUNDATION FOR  
ACCOUNTABILITY  
AND CIVIC TRUST

August 3, 2021

Chairman Christopher A. Coons  
Vice Chairman James Lankford  
Senate Select Committee on Ethics  
220 Hart Senate Office Building  
United States Senate  
Washington, DC 20510

Re: Senator Warnock Ethics Matter

Dear Chairman Coons and Vice Chairman Lankford,

The Foundation for Accountability and Civic Trust (FACT) is a nonprofit organization dedicated to promoting accountability, ethics, and transparency in government and civic arenas. We achieve this mission by hanging a lantern over public officials who put their own interests over the interests of the public good.

We write today to request the Senate Select Committee on Ethics immediately investigate Senator Raphael Warnock for violating the Senate Ethics prohibition of soliciting campaign contributions linked to official Senate action. The ethics rules implicated are those that ensure our Senators act based upon merit and not to fund their political campaigns. Violations of this rule threaten the underpinnings of public trust and must be investigated.

**Facts.** On July 24, 2021, Senator Warnock sent an email with the subject: “I just testified at a special Senate hearing in Georgia on voting rights.”<sup>1</sup> The email implied an urgency and importance to an upcoming request (i.e. stating the “*great house that democracy built . . . that house is on fire*”)<sup>2</sup> and discussed additional legislative action (“We’re getting closer to a breakthrough on federal voting rights reform that can stop voter suppression in its tracks.”).<sup>3</sup>

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<sup>1</sup> See Exhibit A for the entire email, which was sent from Warnock’s principal campaign committee for the U.S. Senate, Warnock for Georgia.

<sup>2</sup> *Id.* (emphasis in original).

<sup>3</sup> *Id.*

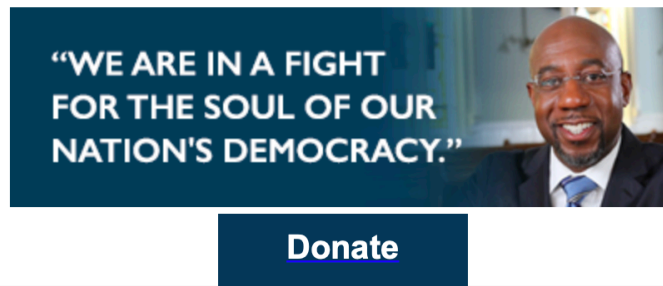
Warnock then “personally” requested the reader click a link and add their name to a “petition.”<sup>4</sup> Finally, Warnock included a direct solicitation for campaign donations:<sup>5</sup>

**Please read on for a personal message from Sen. Rev. Raphael Warnock:** Friend, thank you – I’m so grateful to this grassroots team for fighting with me for our shared Democratic values. But I need your help now more than ever.

Democrats have a razor-thin 50-50 majority in the Senate, and the GOP is making my seat their TOP target for defeat in next year’s election. They’ll be throwing everything they’ve got at us to take back the Senate for Mitch McConnell – and if we’re going to make any progress on health care, relief for families and so much more, I’ll need your grassroots support to help me win reelection and keep the Senate blue.

**If you’re with me in this fight, please click here to donate now. Thank you!**

– Senator Reverend Raphael Warnock



**Law.** Senators must conduct themselves according to the Senate Ethics rules. Under the Senate Ethics Manual’s Scope of Authority, the Senate “may discipline a Member for any misconduct, including conduct or activity which does not directly relate to official duties, when such conduct unfavorably reflects on the institution as a whole.”<sup>6</sup> A Senator who solicits campaign contributions related to official action certainly reflects unfavorably on the Senate. In addition, the use of official action for political fundraising is directly related to official duties. Thus, the Senate Select Committee on Ethics is within the bounds of its Scope of Authority in investigating and ultimately penalizing this type of unethical behavior.

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<sup>4</sup> *Id.* A “Petition” is used to collect email addresses with the goal of eventually gathering further donations. See, e.g., Christy Rakoczy, *The Sneaky Reason You Should Never sign Petitions or Answer Surveys Online*, Mic, May 2, 2017, available at <https://www.mic.com/articles/175333/want-to-save-money-heres-the-surprising-reason-why-you-should-never-sign-an-online-petition>.

<sup>5</sup> Exhibit A (highlight emphasis added).

<sup>6</sup> U.S. Senate Select Comm. on Ethics, Senate Ethics Manual, at 13 (2003 ed).

Senate Ethics Rules specifically prohibit Senators from soliciting campaign contributions based upon any action taken in their official capacity.<sup>7</sup> By linking a promise of official action with campaign contributions, a Senator violates a “basic principle” of Senate Ethics that guards against conflicts of interest.<sup>8</sup> The Senate Ethics Manual is clear that a Senator “should never use the prestige or influence of a position in the Senate for personal gain . . . . This provision was intended ‘as a broad prohibition against members, officers or employees deriving financial benefit, directly or indirectly, from the use of their official position.’”<sup>9</sup> Even the “appearance” or “possibility” that a Member is “cashing in” or has a “personal financial stake in the outcome of their official duties” is to be avoided.<sup>10</sup> Moreover, Senators are required to act based upon merit, not on partisan affiliation or for campaign contributions.<sup>11</sup>

**Analysis.** Senator Warnock’s campaign fundraising email inextricably links his official acts, both past and future, with a campaign donation. Warnock used his official participation in a Senate Committee hearing and implied continued legislative action to request campaign contributions and valuable donor information. This is clearly seen in Warnock’s statement that he was “getting closer to a breakthrough” on specific legislation, but “with time running out” he needed both supporters’ information and donations. The solicitation for campaign contributions was clear: “If you are with me in this fight, please click here to donate now.”

This Senate Ethics prohibition is central to the legislative process: Senators should not take action or use official resources in exchange for personal political gain. The public rightly expects its Senators to exercise impartial judgment in performing their duties, completely independent of the prospect of personal political gain. By employing this fundraising tactic, Senator Warnock indicates to potential contributors that his official actions can be influenced by campaign contributions. This is exactly what the Senate Ethics Manual sets out to prohibit. Moreover, this fundraising tactic dangerously incentivizes Senators to take action and positions based on their estimation of what will raise the most campaign contributions—not on the merits of an issue.

For the reasons set forth above, the Senate Select Committee on Ethics should investigate and, if a violation is found, enforce the prohibition against fundraising based off of official action.

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<sup>7</sup> Official business and campaign fundraising are explicitly distinguished in the Ethics Manual. *See* Senate Ethics Manual, at 141 (The Senate Ethics Manual explains that “[w]hile some legitimate representative duties, such as services and communications to constituents, might yield some political benefits, they are generally distinguishable from those activities typically understood by congressional rule, statute, and practice to be political ‘campaign’ activities, such as the **solicitation of political contributions.**”)

<sup>8</sup> Senate Ethics Manual, at 66.

<sup>9</sup> *Id.* at 65-66 (citing S. Rep. No. 95—49, The “Nelson Report”).

<sup>10</sup> *Id.* at 66.

<sup>11</sup> *Cf.* House Ethics Manual, at 147.

Sincerely,

A handwritten signature in blue ink that reads "Karnold". The signature is written in a cursive, flowing style.

Kendra Arnold  
Executive Director  
Foundation for Accountability & Civic Trust

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**From:** Sen. Raphael Warnock <info@warnockforgeorgia.com>

**Sent:** Saturday, July 24, 2021 12:06

**To:** [REDACTED]

**Subject:** I just testified at a special Senate hearing in Georgia on voting rights

Friend: I just testified in front of the Senate Rules Committee during a rare field hearing – its first in 20 years. Sen. Amy Klobuchar – the committee's chair – convened a special hearing on voter suppression in Atlanta because Georgia is ground zero for the GOP's assault on our democracy.

It was an honor and a solemn responsibility to speak at this important hearing. If you missed it, here's what I need you to know – and one thing you can do right now to protect our democracy:

**Your vote is sacred, and I will fight with everything I have to protect it. We Americans live in a great house that democracy built, and right now *that house is on fire*.**

Ever since a record number of voters powered our historic Democratic victories, GOP lawmakers have introduced more than 400 pieces of legislation to make it harder to vote in 49 states. They've doubled down on their lies, their deceptions and their conspiracy theories in states across the country from Georgia to Arizona to Texas.

**Make no mistake, we are witnessing a massive and unabashed assault on voting rights and voter access unlike anything we have seen since the Jim Crow era – and I need your urgent help to fight back.**

We're getting closer to a breakthrough on federal voting rights reform that can stop voter suppression in its tracks. That's why I'm looking for 25,000 grassroots supporters to sign my new petition before midnight to overcome the GOP-led assault on our democracy – **but with time running out to make these reforms, I'm still missing your name. This couldn't be more**

important, so I'm personally asking: [Will you add your name now to defend voting rights and protect our democracy?](#)

I testified at the Senate hearing in Atlanta because we cannot back down until every eligible American – no matter where they live – can exercise their democratic rights at the ballot box. We must continue to speak out and take action – *relentlessly* – so that *everyone* can participate fully in our democracy.

**Just know this, friend: Your vote is your voice, and your voice is powerful.** If it wasn't, politicians wouldn't be trying to take it away. Your voice is what made history, flipped the Senate blue and sent Georgia's first-ever Black senator to Washington. And your voice is what I need today to protect our right to vote at this critical crossroads.

[Please, if you haven't already, sign your name now to condemn this GOP-led voter suppression and protect the right to vote for all eligible Americans.](#)

A vote is a kind of prayer about the world we want for our children, and our prayers are stronger when we pray together. Thanks for speaking up with me.

– Raphael Warnock

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**Please read on for a personal message from Sen. Rev. Raphael Warnock:** Friend, thank you – I'm so grateful to this grassroots team for fighting with me for our shared Democratic values. But I need your help now more than ever.

Democrats have a razor-thin 50-50 majority in the Senate, and the GOP is making my seat their TOP target for defeat in next year's election. They'll be throwing everything they've got at us to take back the Senate for Mitch McConnell – and if we're going to make any progress on health care, relief for families and so much more, I'll need your grassroots support to help me win reelection and keep the Senate blue.

If you're with me in this fight, please [click here](#) to donate now. Thank you!

– Senator Reverend Raphael Warnock



Donate

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This email was sent to [REDACTED]  
[To unsubscribe from this email list,](#) [REDACTED]

For your reference, any donor history or identification in this message reflects what we have on file for the email address [REDACTED] to which this message was sent. If you have donated from another address or via another method, many thanks for supporting our historic campaign for Senate!

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