

# Senate Accountability Watch

September 15, 2010

The Honorable Barbara Boxer, Chair  
The Honorable Johnny Isakson, Vice Chair  
Select Committee on Ethics  
United States Senate  
Room 220, Senate Hart Office Building  
Washington, DC 20503

BY FAX: 202.224.7416

Dear Chairwoman Boxer and Vice Chair Isakson:

Sen. Al Franken apparently thinks the Senate Ethics Rules do not apply to him. Senate Accountability Watch respectfully requests that the Senate Select Committee on Ethics investigate and appropriately reprimand Sen. Franken for violating Rule 38 by using campaign funds to both pay for grassroots lobbying communications urging FCC action on net neutrality and using official actions (and perhaps official funds) to raise money for his political campaign committee.

Sen. Franken violated Senate Ethics Rule by sending the attached campaign communication which advocates a policy issue Franken took while appearing at an Executive branch hearing in his official capacity as a U.S. Senator and soliciting political contributions for his campaign on the basis of his appearance as a U.S. Senator.

Specifically, the communication states: "Watch Al Stand Up for Net Neutrality at an FCC hearing" in his official capacity as a U.S. Senator while also asking recipients if they "felt like chipping in a few bucks" to his Senate campaign fund.

The reason the Senate Rules prohibit this activity is fundamental – special interest groups and other campaign donors should not be able to fund a Senator's policy positions. Sen. Franken, who has been vocal in criticizing others for "being in the pockets of special interests", (for example: Franken, MPR 4/14/2008) apparently believes the Rules do not apply to him. By sending out this communication he has both violated specific Senate Rules and conducted himself in a way that "unfavorably reflects on the institution as a whole." Senate Ethics Manual at 13 (2003 ed., online version).

By violating Senate Ethics Rules and Select Committee on Ethics guidance, Franken has let his campaign contributors pay for his official position and actions to build support for that position. Franken's blurring of this event between privately-funded political and taxpayer-funded official appears deliberate. But it cannot be both official and political even if Sen. Franken wishes it were.

If Franken declares this a political event consistent with the attached communication being paid for by his campaign with privately raised funds, he must answer to the clear prohibition that “Official funds may not be used to support political events.” Senate Ethics Manual at 121. Specifically, he must answer:

- Did he use official funds to travel to Minnesota for the FCC hearing?
- Did anyone on his Senate payroll staff him at the hearing?
- Did any Senate staff members prepare or provide research for his remarks?
- Did anyone on his Senate payroll contact the FCC about the hearing, or provide background information on it or who would be attending?

If the answer to any of these questions is “yes”, Franken has chosen to ignore the long-standing Rules of the Senate. “The difference between official representational and legislative duties on the one hand and political activities on the other has long been recognized in Congress...” Senate Ethics Manual at 140. “It is thus inappropriate to use any official resources to conduct campaign or political activities.” Id at 153.

If Franken declares this an official event, since he testified in his official capacity as a U.S. Senator, he has violated Senate Rule 38, which prohibits Senators from maintaining “unofficial office accounts” which use private donations to support official senate activities and expenses. Senate Rule 38, cl. 1(a); Select Committee on Ethics, *Senate Ethics Manual*, p. 105 (2003 ed). Sen. Franken should also provide assurances that he has not violated Senate Rule 38 section 1(b), which “prohibits the use of excess principal campaign and other non-Senate funds to pay official expenses for franked mail,” which this communication could be since advocates on an official issue.

Whether Sen. Franken now declares this an official or a campaign event, he has violated Senate Rules for his inappropriate and illegal mixing of official with campaign funds in a manner that reflects on the U.S. Senate as an institution. The Senate Select Committee on Ethics should investigate this impropriety and Senator Franken’s involvement. If, as it appears, Sen. Franken has violated Senate Rules and your Committee’s guidance, he should be sanctioned appropriately.

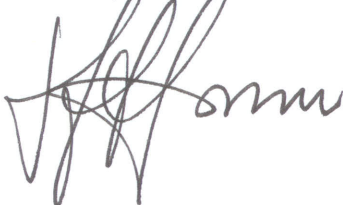
Sincerely



Jeff Larson  
President

Jeff Larson hereby verifies that the statements made in the above complaint are, upon information and belief, true.

Sworn to pursuant to 18 U.S.C. § 1001.



7300 Hudson Boulevard, Suite 270 | St. Paul, MN 55128