



# FACT

FOUNDATION FOR  
ACCOUNTABILITY  
AND CIVIC TRUST

August 23, 2018

Hon. Johnny Isakson, Chairman  
Hon. Christopher A. Coons, Vice Chairman  
Senate Select Committee on Ethics  
220 Hart Building  
United States Senate  
Washington, DC 20510

Re: Investigation of Senator Nelson for Disclosure of Classified Information or Ethics Violations

Dear Senators Isakson and Coons:

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 request the Senate Select Committee on Ethics investigate Senator Bill Nelson for disclosing classified information or improper conduct.

Senator Nelson recently made claims that Russian agents “have already penetrated certain counties in [Florida] and they now have free rein to move about.”<sup>1</sup> According to press reports, “[Nelson] added that voting machines in Florida have already been compromised by Russian meddling.”<sup>2</sup> Moreover, “[Nelson] has said repeatedly and unequivocally since Aug. 7 that Russia has access to election systems in Florida and could eliminate individual voters’ records.”<sup>3</sup> Nelson’s statements were not simply political remarks, but declarative statements about an issue extremely important to citizens and implicating the validity of our elections. Nelson made these declarations with the authority and credibility of the Senate, which has access to classified information not made available to the public. Yet, there is no publicly known evidence supporting the veracity of Nelson’s remarks. Consequently, it appears either Nelson’s claims are based upon, and discloses, classified information he obtained from his position as a Senator, or evidence does not exist and his statements were false. In either instance, it appears that Nelson has violated Senate Rules and Regulations.

“The Senate Select Committee on Ethics is authorized to receive and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate

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<sup>1</sup> Andrew O’Reilly, *DHS, FBI Refute Dem Sen. Nelson’s Claim that Russians Hacked Florida Election System*, Fox News, Aug. 21, 2018 (available at <http://www.foxnews.com/politics/2018/08/21/dhs-fbi-refute-dem-sen-nelsons-claim-that-russians-hacked-florida-election-system.html>)

<sup>2</sup> *Id.*

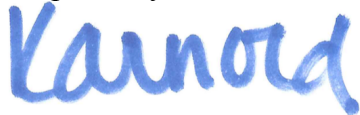
<sup>3</sup> Salvador Rizzo, *Has Russia Hacked Into Florida’s Election System? There is No Evidence*, Washington Post, Aug. 17, 2018 (available at [https://www.washingtonpost.com/politics/2018/08/17/has-russia-hacked-into-floridas-election-system-theres-no-evidence/?noredirect=on&utm\\_term=.9ff37c19a39b](https://www.washingtonpost.com/politics/2018/08/17/has-russia-hacked-into-floridas-election-system-theres-no-evidence/?noredirect=on&utm_term=.9ff37c19a39b)).

Code of Official Conduct and violations of rules and regulations of the Senate . . . .”<sup>4</sup> Senate rules and Federal law prohibit Members from publicly disclosing classified information.<sup>5</sup> If Nelson’s statements were true, then he apparently was discussing and disclosing classified information he received from the Senate Intelligence Committee in violation of Senate rules and federal law.<sup>6</sup> In fact, Nelson acknowledged the classified nature of the information.<sup>7</sup>

Conversely, questions have been made as to the validity of Nelson’s claims, both in the press and by local, state, and federal officials and government agencies.<sup>8</sup> Due to the seriousness of Nelson’s claims, government officials have been forced to respond. The Federal Bureau of Investigation and Department of Homeland Security jointly stated “they saw no signs of any ‘new or ongoing compromises’ of state or local election systems, a statement seemingly at odds with recent assertions by U.S. Sen Bill Nelson of some Russian meddling.”<sup>9</sup> Additionally, The Washington Post found “Nelson’s specific claim that Russia has access to voter rolls in Florida” is not supported by “a single speck of evidence.”<sup>10</sup> If Nelson’s statements are false, he disseminated false information on an issue of serious public concern with the authority of the Senate simply for political purposes. This is especially egregious because Florida citizens are currently voting, and Nelson has repeatedly made serious false claims that may influence voters and undermine the credibility of the election. This type of behavior constitutes a violation of Senate Ethics rules prohibiting “improper conduct which may reflect upon the Senate”<sup>11</sup>

The Senate Select Committee on Ethics should investigate Senator Nelson to determine whether he disclosed classified information or made false statements with the inherent authority of the Senate for political purposes. In either instance, Nelson committed a serious violation and must be held accountable.

Respectfully submitted,



Kendra Arnold, Executive Director  
Foundation for Accountability & Civic Trust

<sup>4</sup> Senate Res. 338, available at <https://www.ethics.senate.gov/public/index.cfm/jurisdiction>.

<sup>5</sup> Senate Res. 400, sec. 8(c)(2); Sen. Intelligence Cmt., rule 9.7; 18 U.S.C. § 798.

<sup>6</sup> Ken Dilanian, *Bill Nelson Wasn’t Making Things Up When He Said Russians Hacked Florida Election Systems*, NBC News, Aug. 17, 2018 (available at <https://www.nbcnews.com/politics/elections/bill-nelson-wasn-t-making-things-when-he-said-russians-n901701>) (“[T]hree people familiar with the intelligence tell NBC News that there is a classified basis for Nelson’s assertion, which he made at a public event after being given information from the leaders of the Senate Intelligence Committee”).

<sup>7</sup> Salvador Rizzo, *Has Russia Hacked Into Florida’s Election System? There is No Evidence*, Washington Post, Aug. 17, 2018 (available at [https://www.washingtonpost.com/politics/2018/08/17/has-russia-hacked-into-floridas-election-system-theres-no-evidence/?noredirect=on&utm\\_term=.9ff37c19a39b](https://www.washingtonpost.com/politics/2018/08/17/has-russia-hacked-into-floridas-election-system-theres-no-evidence/?noredirect=on&utm_term=.9ff37c19a39b)) (responding to the question “Do you know which records the Russians are accessing?”, Nelson stated “That’s classified.”).

<sup>8</sup> See, e.g., Matt Dixon, *Nelson’s Political Backlash Continues as Feds Say No ‘Ongoing’ Russian Election Meddling*, Politico, Aug. 21, 2018.

<sup>9</sup> Gary Fineout, *FBI, Homeland Security Report No Signs of Russian Meddling In Florida Despite Bill Nelson’s Claims*, Washington Times, Aug. 21, 2018.

<sup>10</sup> Salvador Rizzo, *Has Russia Hacked Into Florida’s Election System? There is No Evidence*, Washington Post, Aug. 17, 2018 (available at [https://www.washingtonpost.com/politics/2018/08/17/has-russia-hacked-into-floridas-election-system-theres-no-evidence/?noredirect=on&utm\\_term=.9ff37c19a39b](https://www.washingtonpost.com/politics/2018/08/17/has-russia-hacked-into-floridas-election-system-theres-no-evidence/?noredirect=on&utm_term=.9ff37c19a39b)).

<sup>11</sup> Senate Ethics Manual, Appendix E, at 432.