



August 10, 2020

Senator James Lankford, Chairman
Senator Christopher Coons, Vice Chairman
Senate Select Committee on Ethics
220 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Lankford and Vice Chairman Coons:

William R. Evanina, the director of the National Counterintelligence and Security Center, [said last week](#) that Russian agents are actively seeking “to undermine former vice president [Joe] Biden’s candidacy and the Democratic Party.”

[According to Evanina](#), “We assess that Russia is using a range of measures to primarily denigrate former vice president Biden and what it sees as an anti-Russia ‘establishment.’”

According to [published reports](#), the Russian efforts include funneling disinformation to the Senate Homeland Security and Governmental Affairs Committee, chaired by Senator Ron Johnson, which is currently conducting an investigation into matters involving Ukraine and former Vice President Biden and his son. According to [published reports](#), Senator Johnson is working with Senator Chuck Grassley, chairman of the Senate Finance Committee, on this investigation.

Democracy 21 calls on the Ethics Committee to promptly investigate Senators Johnson and Grassley to determine if they and their Committees are being manipulated and used by Russian agents to spread disinformation about Vice President Biden in order to damage his 2020 presidential campaign.

If Senators Johnson and Grassley know or should know that they are facilitating Russia’s use of the Senate to intervene in the presidential election to undermine Vice President Biden’s campaign, that would constitute their participation in a direct attack on the integrity and security of the Senate and the 2020 presidential election.

The Senate Ethics Committee has jurisdiction to investigate this matter and, if appropriate, to sanction conduct by a Senator that “unfavorably reflects on the institution as a whole.” Senate Ethics Manual (2003 ed.) at 13-14, 18. The Ethics Manual makes clear that “improper conduct” cognizable by the Senate includes conduct that is “so notorious or reprehensible that it could discredit the institution as a whole, not just the individual, thereby invoking the Senate’s inherent and constitutional right to protect its own integrity and reputation.” Ethics Manual at 432.

It would unquestionably reflect “unfavorably” on the Senate, and “discredit” the Senate, if a Senator fails to protect the Senate committee process and the Senate itself from being used as a tool to disseminate Russian disinformation to influence the American presidential campaign.

The statements by Mr. Evanina confirming Russian efforts to damage Vice President Biden and influence the 2020 election, as well as separate published reports indicating that the Homeland Security Committee is one avenue for these efforts, raise serious questions that warrant an immediate investigation by the Senate Ethics Committee.

The Senate Intelligence Committee found last year in a [unanimous bipartisan report](#) that Russian agents at the direction of the Kremlin interfered in the 2016 presidential election to harm Democratic nominee Hillary Clinton and help President Trump get elected.

Now Mr. Evanina has confirmed that Russia is at again, actively interfering in the 2020 presidential election to try to damage Vice President Biden and thereby help President Trump to win re-election.

According to a [report](#) in *The New York Times*, Mr. Evanina’s statement “called out Andriy Derkach, a pro-Russia member of Ukraine’s Parliament who has been involved in releasing information about Mr. Biden. Intelligence officials said he had ties to Russian intelligence.” According to [a report](#) in *Politico*, Evanina “specifically accused Andrii Derkach, a Kremlin-linked Ukrainian lawmaker, of ‘spreading claims about corruption—including through leaked phone calls—to undermine’” Vice President Biden.

A [recent report](#) in *The Washington Post* states, “Derkach told The Post this month that he has sent documents to Johnson’s and Grassley’s Senate committees.” The *New York Times* [story](#) on the Evanina statement also reported (emphasis added):

A Senate committee led by Senator Ron Johnson, Republican of Wisconsin, has been leading an investigation of Mr. Biden’s son Hunter Biden and his work for Burisma, a Ukrainian energy firm. Some intelligence officials have said that a witness the committee was seeking to call was a witting or unwitting agent of Russian disinformation.

A previous *Times* [report](#) says that in its ongoing investigation of former Vice President Biden’s involvement with Ukraine, the Homeland Security Committee has “relied extensively on a former Ukrainian official, Andrii Telizhenko.” According to the [report](#) in *The Washington Post*:

Telizhenko told The Post he had forwarded more than 100 old emails to Johnson’s staff, including messages from his time at the Ukrainian Embassy to and from members of the White House National Security Council. He said he also had been answering questions posed by Johnson’s staff.

But, [according](#) to the previous *Times* report, FBI officials “warned lawmakers in a briefing that it had concerns that Mr. Telizhenko was a conduit for Russian disinformation about the Bidens and claims that Ukraine conspired to help Democrats in the 2016 election.”

In a [recent letter](#), Senators Johnson and Grassley acknowledged that they had received information from Telizhenko but denied receiving information from Derkach. This contradicts Derkach's statement that he has provided information to the Johnson and Grassley committees. The Senate Ethics Committee must promptly get to the bottom of this discrepancy.

It is possible that Senators Johnson and Grassley, and their committees, may have received Derkach's disinformation materials through an intermediary, such as Rudy Giuliani, President Trump's attorney, who [reportedly](#) has had dealings with Derkach.

The Ethics Committee has an obligation to determine as soon as possible -- and certainly before the November 3 election -- if Senator Johnson and Senator Grassley and the Committees they lead are being used by agents of the Russian government to launder disinformation as part of Russia's active attempt to influence the 2020 presidential election.

This is without doubt a matter of utmost national importance. The potential misuse of the Senate by a hostile foreign power to influence our presidential election is a direct attack on the Senate and on its integrity and competence. It is also a direct attack on our democracy and our system of representative government.

If Senators Johnson and Grassley are failing to safeguard the committee investigative process, and if Russian agents are therefore to be successful in manipulating a Senate committee to disseminate disinformation to affect U.S. elections, there would be incalculable damage done to the Senate as an institution and more broadly to American democracy.

Democracy 21 calls on the Ethics Committee to undertake an immediate investigation into whether Senators Johnson and Grassley are involved in activities that "reflect unfavorably" on and bring "discredit" to the Senate by failing to protect against Russia or its agents using the Senate Homeland Security Committee to distribute disinformation intended to damage the presidential campaign of Vice President Biden and help re-elect President Trump.

If the Senate Ethics Committee determines that Senators Johnson and Grassley are involved in these activities, the Committee must immediately take all steps necessary to stop Senators Johnson and Grassley from enabling Russian agents to use the Senate committee process to influence the 2020 election and undermine our democracy.

Sincerely,

/s/ Fred Wertheimer

Fred Wertheimer
President

Copy to:
Members of the Senate Ethics Committee