



FACT

FOUNDATION FOR
ACCOUNTABILITY
AND CIVIC TRUST

April 8, 2025

The Honorable James Lankford, Chair
The Honorable Christopher Coons, Vice Chair
U.S. Senate Select Committee on Ethics
220 Hart Building
United States Senate
Washington, D.C. 20510

RE: Senator Cory Booker (New Jersey)

Dear Senator Lankford and Senator 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 request the Senate Select Committee on Ethics investigate Senator Cory Booker to determine whether he violated the Senate Ethics prohibition of directly linking official action to a solicitation for campaign contributions.

Facts. On March 31, 2025, Senator Booker began a 25-hour speech on the Senate floor. Just before he began his speech, he posted on his campaign X account that he was “headed to the Senate floor” and urged his followers and others to watch on a list of video platforms.¹ Both during and after his speech he sent a series of email and text messages that campaigned and fundraised off his speech. These messages specifically discussed his speech on the Senate floor and requested the reader sign up for Booker’s campaign list,² included links to his campaign shop, and requested campaign contributions, which are described below:

- April 1, 2025 at 12:59 AM: “Cory is speaking right now on the Senate floor and delivered a powerful message. We think you should read it for yourself. . . . Thank you for adding your

¹ Cory Booker, @CoryBooker, Mar. 31, 2025 at 6:00 PM (“I’m heading to the Senate floor because Donald Trump and Elon Musk have shown a complete disregard for the rule of law, the Constitution, and the needs of the American people. You can tune in on CSPAN, YouTube, X, and Facebook.”), available at: <https://x.com/CoryBooker/status/1906844166467764732> (archived).

² The request for the reader to sign up for Booker’s campaign list led to a webpage that stated, “Cory took to the Senate floor to speak up on behalf of all Americans . . . Add your name to stand with Cory.” In addition to obtaining the personal information for Booker’s campaign list, the signer’s information would default to be stored with “FastAction”—“a way for you to save your contact and payment information.” The webpage is available at: <https://secure.ngpvan.com/W9wRz3w0cEuwNqkYh4PLwA2#> (archived).

name and standing with Cory.” Immediately following the text was a link to sign up for Booker’s campaign list and a link to his campaign store.³

- April 1, 2025 at 1:02 PM: “We’re emailing because Cory can’t right now. If you haven’t been following, he’s been on the floor of the United States Senate speaking all night, **and he’s still going.** . . . Will you add your name right now to show that you stand with Cory? We want to tell him as soon as he gets off the Senate floor that thousands of Americans are standing with him and speaking out.” The email included a request to sign up for Booker’s campaign list and a link to his campaign store.⁴
- April 1, 2025 at 2:52 PM: “[H]e’s been on the floor of the United States Senate speaking all night, **and he’s still going.**” The email included a request to sign up for Booker’s campaign list and a link to his campaign store.⁵
- April 1, 2025 at 11:19 PM and April 2, 2025 at 3:11 AM:⁶ “I may be tired and am still a little hoarse, but as I’ve said again and again, this is a moment where we cannot afford to be silent. **We must speak up. . . . If you were inspired by what you saw today, split a contribution between Cory Booker and the DNC.**” A “contribute” link immediately followed the email. This email was also sent as a text message.
- April 2, 2025 at 12:25 AM: “My team just told me that tens of thousands of you have voiced your support for my remarks on the Senate floor.” The email included a request to sign up for Booker’s campaign list and a link to his campaign store.⁷
- April 2, 2025 at 2:13 AM: “Earlier tonight, Cory stepped off the Senate floor after speaking for *over 25 hours*” The email included a request to sign up for Booker’s campaign list and a link to his campaign store.⁸

³ <https://politicalemails.org/messages/1775760>

⁴ <https://politicalemails.org/messages/1775993>

⁵ <https://politicalemails.org/messages/1776146>

⁶ <https://politicalemails.org/messages/1777012> (emphasis added).

⁷ <https://politicalemails.org/messages/1776954>

⁸ <https://politicalemails.org/messages/1776997>

Law.⁹ “The difference between official representational and legislative duties on the one hand and political activities on the other has long been recognized in Congress.”¹⁰ Senate ethics rules specifically prohibit senators from soliciting campaign contributions based upon any action taken in their official capacity.¹¹ 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.’”¹² 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.¹³ Moreover, senators are required to act based upon merit, and not on partisan affiliation or for campaign contributions.¹⁴

Campaign Fundraising Tied To Official Action. It is clear that Senator Booker’s Senate floor speech had a campaign purpose. Before he even began speaking, he announced his upcoming speech on his campaign social media. During his speech, he sent a series of emails that campaigned and sought valuable supporter information and campaign contributions based on his Senate floor speech. Immediately after his speech, Booker sent an email that requested donations for his campaign and the DNC if the recipient liked what they saw him do on the Senate floor. There is no more direct tie between an official action and campaign solicitation. By using an official action to campaign, Senator Booker violated the basic requirement of the Senate ethics rules that **“every Senator always must endeavor to avoid the appearance that the Senator, the Senate, or the governmental process may be influenced by campaign contributions[.]”**¹⁵ While the Senate Ethics Committee “does not endorse or require any specific procedures” for eliminating the appearance of impropriety when fundraising, it has favorably noted that “a number of Senators have instituted practices to strictly separate fundraising from substantive

⁹ Senators must conduct themselves according to the Senate Ethics Rules and 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.” U.S. Senate Select Comm. on Ethics, *Senate Ethics Manual*, at 13 (2003 ed.), available at: <https://www.ethics.senate.gov/public/index.cfm/publications>. A Senator who directly links official action to solicitations for campaign contributions, or uses campaign funds to generate grassroots support for their own legislation, are acts that both (1) reflect unfavorably on the Senate and create an appearance of impropriety and (2) are related to their official duties. As such, the Senate Select Committee on Ethics is well within the bounds of its Scope of Authority to investigate and penalize Senator Booker.

¹⁰ *Id.* at 140.

¹¹ Official business and campaign fundraising are explicitly distinguished in the Ethics Manual. *See id.* at 141 (“While 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. . .”).

¹² *Id.* at 65-66 (citing S. Rep. No. 95—49, The “Nelson Report”).

¹³ *Id.* at 66.

¹⁴ *Cf.* U.S. House of Reps. Comm. on Ethics, *House Ethics Manual*, at 147 (Dec. 2022 Print Ed.), available at: <https://ethics.house.gov/wp-content/uploads/2023/12/Dec-2022-House-Ethics-Manual-website-version.pdf>.

¹⁵ *Senate Ethics Manual*, at 184 (emphasis added).

legislative activities.”¹⁶ Senator Booker’s solicitations, on the other hand, specifically campaigned based upon his pre-planned Senate floor speech, which is certainly an official activity.

The Senate ethics prohibition against taking actions that create an appearance of impropriety is central to the legislative process. The public rightly expects its representatives to exercise impartial judgment in performing their duties, completely independent of the prospect of personal or political gain. In essence, by employing this tactic, Sen. Booker indicates to potential contributors that his official actions can be influenced by campaign contributions. This is exactly the kind of appearance of impropriety that the Senate ethics rules aim to prohibit. Moreover, this tactic dangerously incentivizes other senators to follow-suit and engage in similar performances on the Senate floor with the aim of raising campaign funds and building email lists/supporter lists for future elections. Rather than focusing on official business, the Senate floor will increasingly be seen as a campaign venue and treated as such—this must not be allowed to occur. Senators, who are nearly always raising campaign funds, will be rightly seen as making important official decisions based on what will bring in the most money, not on the merits of an issue.

In summary, the long-held and aspirational notion that the U.S. Senate is the “greatest deliberating body in the world” is worth holding on to. The application of the ethics rules by your committee is one of the few tools available to both ensure this and to protect this institution’s credibility, image, and dignity. It is our hope that you do so.

Sincerely,

/s/Kendra Arnold

Kendra Arnold
Executive Director
Foundation for Accountability & Civic Trust
1717 K Street NW, Suite 900,
Washington, D.C., 20006

¹⁶ *Id.* at 184-185.

I may be tired and a little hoarse, but as I've said again and again, this is a moment where we cannot afford to be silent. **We must speak up.**

I am filled with hope. My team told me that tens of thousands of you have voiced your support for my remarks on the Senate floor.

It will be a while before I can fully get through all your messages and powerful stories, but what's clear to me tonight is this is just the beginning. Americans across this country, no matter their title or party, are ready to be heard.

I believe that history will show we rose to meet this moment.

It will show we did not let the chaos and division go unanswered.

It will show that when our president chose to spread lies and sow fear, we chose to come together, to work together, and to rise together.

With love and gratitude,

Cory

Cory Booker

U.S. Senator, New Jersey



Democrats like Cory Booker are standing up and speaking out.

We can — and will — elect more Democrats who will check Trump's power. But it's only possible with your help.

[If you were inspired by what you saw yesterday, split a contribution between Cory Booker and the DNC:](#)

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