



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

January 10, 2023

Speaker Kevin McCarthy
2468 Rayburn House Office Building
Washington, DC 20515

To Speaker McCarthy,

As the 118th Congress convenes, allegations of fraud and misrepresentation have been made against one of Congress' newest members, Rep. George Santos - allegations which Rep. Santos largely does not dispute. My organization, Citizens for Responsibility and Ethics in Washington (CREW), is writing to you today to urge you not to seat Rep. Santos on any congressional committees related to national security issues or which would require him to receive intelligence information. Given Rep. Santos' staggering misrepresentations about his background, we believe he should resign from Congress. But even if he chooses not to do so, it is clear that he has not demonstrated the trustworthiness necessary to guard our country's most closely guarded secrets.

On December 19th, the New York Times published an article alleging that Rep. Santos misrepresented large swaths of his background.¹ Included among the New York Times' reporting were allegations that he misrepresented his employment history, his educational history, and his residency history. The article also alleged that Rep. Santos may be wanted in Brazil for criminal check fraud. Since then, allegations of fraud have mounted, including an allegation published in The Forward on December 21st that Rep. Santos lied about his genealogy, misleading voters about whether he has Jewish ancestry and whether his grandparents were Holocaust survivors.²

On December 26th Rep. Santos admitted, in two separate interviews, that he lied about his resume and misrepresented other aspects of his heritage and background.³ Despite Rep. Santos' claims that he is "not a criminal," his staggering falsehoods amount to a violation of the voters' trust and may in fact put him in potential legal or even criminal jeopardy, including raising questions about whether he lied on any of his Federal Election Commission filings or on the congressional financial disclosure form he was required to file once he qualified as a candidate.⁴ Prosecutors and watchdog organizations are reportedly

¹ Grace Ashford and Michael Gold, *Who Is Rep-elect George Santos? His Resume May Be Largely Fiction*, NYTimes (Dec. 19, 2022), available at <https://www.nytimes.com/2022/12/19/nyregion/george-santos-ny-republicans.html>.

² Andrew Silverstein, *Congressman-elect George Santos lied about grandparents fleeing anti-Jewish persecution during WWII*, The Forward (Dec. 21, 2022), available at <https://forward.com/news/529130/george-santos-jewish-lie-genealogy-records/>.

³ Klye Blaine, *Rep-elect George Santos admits to lying about bio, but says he still intends to serve in Congress* (accessed on Jan. 3, 2023), available at <https://www.cnn.com/2022/12/26/politics/george-santos-admits-embellishing-resume/index.html>.

⁴ Committee on House Ethics, *General Information About Financial Disclosure*, (accessed on Dec. 22, 2022), available at

currently looking into those allegations. Those investigations should continue. But while those probes move forward, we have a more pressing concern: protecting our democratic institutions and guarding our nation's secrets.

Generally speaking, before an individual is permitted to access national security information they must first be granted a security clearance. When an individual applies for a security clearance, the background investigation includes record checks to verify citizenship, employment, residency, and education among other information.⁵ If that information is not verifiable, or if concerns are raised as to an individual's trustworthiness, reliability, or good character, they are denied a clearance and denied access to our government's secrets.

Unlike officials in the executive branch, Members of Congress are not required to get security clearances.⁶ Rather, they are traditionally deemed inherently worthy of security clearances by virtue of the office they hold, and are given access to national security information if their jobs and committee assignments require it without any assessment as to their trustworthiness.⁷ The only limitation placed on them is that they are subject to punishment under the House ethics rule if they reveal classified information, in addition to potential criminal prosecution.⁸

Under the standards governing security clearances, it is highly unlikely that Rep. Santos would be granted a security clearance if he were applying for one, given his serial dishonesty about basic facts about his background. If in the regular course of events Rep. Santos would not be given a security clearance, it defies logic to think that our security infrastructure might nonetheless give him access to our nation's most guarded secrets simply because he was elected to Congress. As such, we urge you not to seat Rep. Santos on any congressional committee where he might have access to national security or intelligence information, and take other steps to safeguard our national security information from Rep. Santos.

At the start of each Congress, the House of Representatives assigns Members to serve on the various committees through the adoption of House resolutions.⁹ These resolutions are the culmination of a process internal to each party to assign members to the various committees. As Speaker of the House, you have ultimate authority to determine which members of your caucus serve on which committees. The decision therefore rests with you

<https://ethics.house.gov/financial-disclosure/general-information-about-financial-disclosure#:~:text=Congressional%20Candidates,to%20the%20House%20of%20Representatives>; Federal Election Commission, *Registering as a candidate*, (accessed on Dec. 22, 2022), available at

<https://www.fec.gov/help-candidates-and-committees/registering-candidate/>.

⁵ Office of Personnel Management, Questionnaire for Non-Sensitive Positions SF-85 (accessed on Dec. 22, 2022), available at https://www.opm.gov/Forms/pdf_fill/SF85.pdf.

⁶ John Donnelly, *When it comes to security clearances, rules for others don't apply to Congress*, Roll Call (Jan. 12, 2021), available at

<https://rollcall.com/2021/01/12/when-it-comes-to-security-clearances-rules-for-others-dont-apply-to-congress/>.

⁷ *A Primer on Congressional Staff Clearances*, Project on Government Oversight (accessed on Dec. 22, 2022), available at <https://www.pogo.org/report/2020/02/a-primer-on-congressional-staff-clearances>.

⁸ See 18 U.S.C. § 798; Committee on Ethics, *Code of Official Conduct* (accessed on Dec. 22, 2022), available at <https://ethics.house.gov/publications/code-official-conduct>.

⁹ Congressional Research Service, *Rules Governing House Committee and Subcommittee Assignment* (2022), available at <https://crsreports.congress.gov/product/pdf/R/R46786>.

as to whether or not Rep. Santos will sit on a committee that will give him access to classified information.

Several standing committees of the House of Representatives receive national security and intelligence information on a regular basis. Included amongst these are the Intelligence Committee, the Homeland Security Committee, the Armed Services Committee, the Oversight Committee, the Financial Services Committee, and the Foreign Affairs Committee. Rep. Santos should not be permitted to serve on any of these committees - or any others which receive classified information.

The misrepresentations Rep. Santos made are serious and raise questions about his reliability, trustworthiness, and good character. His violation of the voter's trust means that he should resign his seat. But in the absence of his resignation, Congress needs to take immediate steps to protect our democratic institutions and guard our national interests by ensuring that Rep. Santos is not given access to classified information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Noah Bookbinder". The signature is stylized and fluid, with a prominent initial "N" and a long, sweeping underline.

Noah Bookbinder
President and Chief Executive Officer