



FACT

FOUNDATION FOR
ACCOUNTABILITY
AND CIVIC TRUST

March 7, 2019

Honorable David Skagg and Board Members
Office of Congressional Ethics
U.S. House of Representatives
P.O. Box 895
Washington, DC 20515-0895

Email: oce@mail.house.gov

Re: Representative Alexandria Ocasio-Cortez's Ethics Violations

Dear Chairman Skagg and Board Members:

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 Office of Congressional Ethics investigate Representative Alexandria Ocasio-Cortez for improperly using taxpayer-funded resources and official action for political purposes in violation of House ethics rules. In the first two weeks of February 2019, Ocasio-Cortez posted numerous videos of official house floor and committee proceedings on her political Twitter and Instagram accounts.¹ Her posts prominently displayed both official House photographs and video footage, on which she commented and instructed viewers to watch the videos. Ironically, in one of the posts she discussed the ethics standards to which she should be held. Additionally, on Ocasio-Cortez's political Instagram page, she directly links to her official House Instagram account and includes a link for political contributions, alongside the posts of official video footage and her comments on official action. There are numerous ethics rules violated in this case, all of which require separation between official action and resources and political action and fundraising.

First, the House ethics rules strictly prohibit Members from using official resources for any campaign or political purposes. House Ethics Manual, at 123.² The House Ethics Manual

¹ Exhibit A.

² This ethics rule enforces federal law. 31 U.S.C. sec. 1301(a) ("appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law"). Additionally, several other ethical considerations also are embodied in the rule, for instance: "The laws and rules referenced in this section reflect 'the basic principle that government funds should not be spent to help incumbents gain reelection.'" House Ethics

specifically identifies photographs and video of House floor and committee proceedings as official resources that may not be used for any political purpose. House Ethics Manual, at 128.³ Further, a Member cannot repost House floor or committee footage initially posted by a third-party. Derivative use of House floor photographs and video is also prohibited. Report of the Comm. on Ethics, *In re Lujan*, Aug. 1, 2017, at 12 (“Members may not re-use an image of floor proceedings published by a third-party, if the Member could not use that image in the first instance.”) (citing Memorandum from the Committee to all Members, “Campaign Activity Guidance,” Aug. 15, 2014, at 16); House Ethics Manual, at 122 (“Members and staff may not do indirectly what they are barred from doing directly.”).

Additionally, a Member must maintain separation between political action and official action. This separation applies to political social media pages and official social media pages: “Member campaign websites . . . may **not** include a link to the Member’s House website; and The Member’s House website may **not** be advertised on his or her campaign website or in materials issued by the campaign.” House Ethics Manual, at 131 (emphasis added).⁴ A Member’s social media accounts are “subject to the same requirements as content on Member websites.” Member’s Congressional Handbook, at 30. This separation also applies to political fundraising: “no solicitation of a campaign or political contribution may be linked to an action taken or to be taken by a Member or employee in his or her official capacity.” House Ethics Manual, at 147.⁵

In this case, Representative Ocasio-Cortez posted official photographs and video on her political social media accounts. This is a straightforward violation: House Ethics Rules prohibit Members from using official taxpayer-funded resources like House video for any political purpose. Second, Ocasio-Cortez also used a campaign social media page to link directly to her official social media page. This is also a straightforward violation: House ethics rules prohibit a Member from posting a link to her official social media site on a campaign social media site. Finally, Ocasio-Cortez solicited campaign donations on a social media page that used official House video footage and linked to an official Member page. The unethical intertwining of

Manual, at 123 (citing *Common Cause v. Bolger*, 574 F. Supp. 672, 683 (D.D.C. 1982), aff’d, 461 U.S. 911 (1983)).

³ House Ethics Manual, at 128 (prohibiting the use of “[b]roadcast coverage and recordings of the House floor proceedings” and “radio and television tapes and film of House committee proceedings); House Rule 5(2)(c)(1) (A Member is specifically prohibited from using House floor “recordings” for “any partisan political campaign purpose.”); House Rule 11(4)(b) (prohibiting the use of House committee proceedings).

⁴ Also, campaign funds may not be used for official expenses, including “communications” such as official website and official audio and video recordings and materials. House Ethics Manual, at 177-78. The reverse of this rule also applies: A Member’s official website and social media accounts are prohibited from including any personal, political, or campaign information, links to campaign-related websites, and “grassroots lobbying or solicit[ing] support for a Member’s position.” Comm. on House Admin., U.S. House of Reps., Member’s Congressional Handbook, at 31.

⁵ This broad rule is “applicable to all official actions.” House Ethics Manual, at 151 (emphasis in original).

official and political action along with the use of official taxpayer funded resources is a violation of the prohibition against campaign solicitations linked to any type of action taken in her official capacity.

In addition to the underlying purpose to prevent Members from using taxpayer funded resources for their personal political campaigns, these rules serve to disincentive Members from making statements and behaving in a manner simply for political purposes when they are expected to act in good faith and on merit when conducting official business. The Office of Congressional Ethics is responsible for ensuring each Representative fulfills the public trust inherent to the office and complies with the House's ethical standards. Therefore, we urge the Board to immediately investigate and stop Representative Ocasio-Cortez's ongoing ethics violations.

To the best of my knowledge and ability, all evidence submitted was not obtained in violation of any law, rule, or regulation. Further, I am aware that the False Statements Act, 18 U.S.C. § 1001, applied to information submitted to the Office of Congressional Ethics.

Respectfully submitted,

Kendra Arnold
Executive Director, Foundation for Accountability & Civic Trust

Twitter interface showing the profile of Alexandria Ocasio-Cortez (@AOC). The profile picture shows her shaking hands with supporters at an outdoor event. The bio reads: "Congresswoman for NY-14 (Bronx + Queens). In a modern, moral, + wealthy society, no American should be too poor to live. 100% People-Funded, no corporate PAC \$." The pinned tweet is a note to her followers: "Let us never, ever, ever give up." The tweet includes a photo of her with other women and a link to an article from The Associated Press. The interface also shows navigation options (Home, Moments), search, and a "New to Twitter?" sign-up prompt.

Home Moments Search Twitter Have an account? Log In



Tweets 7,095 Following 1,423 Followers 3.2M Likes 11.2K Follow

Alexandria Ocasio-Cortez
@AOC
Congresswoman for NY-14 (Bronx + Queens). In a modern, moral, + wealthy society, no American should be too poor to live. 100% People-Funded, no corporate PAC \$.
Bronx + Queens, NYC
Ocasio2018.com
Joined April 2010
610 Photos and videos

Tweets Tweets & replies Media

Pinned Tweet
Alexandria Ocasio-Cortez @AOC · Jan 5
A quick note to you all.
Let us never, ever, ever give up.



The Associated Press
18K 25K 160K

New to Twitter?
Sign up now to get your own personalized timeline!
Sign up

You may also like Refresh

- Bernie Sanders @BernieSanders
- Kamala Harris @KamalaHarris
- Bernie Sanders @BernieSanders
- Elizabeth Warren @SenWarren
- Nancy Pelosi @SpeakerPelosi

Worldwide trends

Alexandria Ocasio-Cortez Retweeted



NowThis @nowthisnews · 21h

'73% of cannabis executives in Colorado and Washington are male, 81% are white.' — The legal cannabis industry is not righting the wrongs of the war on drugs and @AOC is on it



Alexandria Ocasio-Cortez On Racial Inequality In Cannabis Licenses
'73% of cannabis executives in Colorado and Washington are male, 81% are white.' — The legal cannabis industry is not righting the wrongs of the war on drugs and @AOC is on it

1.5K 7.3K 24K

Alexandria Ocasio-Cortez Retweeted



Drug Policy Alliance @DrugPolicyOrg · Feb 15

Much appreciation to @AOC for speaking truth to power. We must legalize marijuana in a way that recognizes & repairs the disastrous, disproportionate harms of the drug war & mass criminalization on people of color.

#MarijuanaJustice
#NoMoreDrugWar



1.6K 8.1K 29K

Show this thread



Alexandria Ocasio-Cortez ✓
@AOC

Following



You can't separate marijuana legalization from the injustices of the War on Drugs.

If you do, those who profit from private prisons can get another payday w/ marijuana.

\$ is a justice issue. Communities decimated by mass incarceration need to see investments w/ legalization.



Drug Policy Alliance ✓ @DrugPolicyOrg
Much appreciation to @AOC for speaking truth to power. We must legalize marijuana in a way that recognizes & repairs the disastrous, disproportionate harms of the drug war & mass criminalization on people of color.

Show this thread

3:52 PM - 15 Feb 2019

11,376 Retweets 45,106 Likes



1.9K 11K 45K

Alexandria Ocasio-Cortez Retweeted



James Corden @JKCorden · Feb 7

Oh my god. This is just sensational. Please watch and retweet.

NowThis



Rep. Alexandria Ocasio-Cortez Calls Out Dark Money

'We have a system that is fundamentally broken.' — Rep. @AOC is explaining just how f*cked campaign finance laws really are

26K 559K 1.1M

Alexandria Ocasio-Cortez Retweeted



Frank Dale @fwdale · Feb 6

.@waltshaub: "There's almost no laws at all that apply to the president."

Alexandria Ocasio-Cortez: "So I'm being held -- and every person in this body is being held -- to a higher ethical standard than the president of the United States?"

@waltshaub: "That's right."



972 8.7K 32K

[Show this thread](#)



Alexandria Ocasio-Cortez ✓

@AOC

Following



This full thread has my five minute
"Corruption Game" questioning from today's
hearing: 



Frank Dale @fwdale

.@AOC: "Let's play a lightning round game. I'm gonna be the bad
guy, which I'm sure half the room would agree with, anyway."

"If I want to run a campaign that is entirely funded by corporat..."

Show this thread

11:13 PM - 6 Feb 2019

10,064 Retweets 36,695 Likes



 1.9K

 10K

 37K





Alexandria Ocasio-Cortez ✓

@AOC

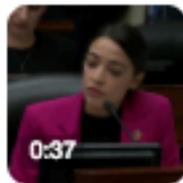
Following



Earlier today we had our second Oversight hearing of the 116th Congress. It was about voting rights and the role of money in politics.

I asked the expert witnesses to indulge me in a small game.

Here's what happened 



Common Cause ✓ @CommonCause

.@AOC exposes just how much "bad guys" can get away with under the shameful state of our campaign finance laws....

Show this thread

3:32 PM - 6 Feb 2019

17,081 Retweets 68,572 Likes



 3.3K  17K  69K  



Tweet your reply



Alexandria Ocasio-Cortez ✓ @AOC · Feb 6

You can watch the full 5 minutes of questioning here: c-span.org/video/?c477822...



 921  2.6K  12K  



Alexandria Ocasio-Cortez

@AOC

Following



Big Pharma companies often say that drugs “need” to be expensive to fund research. What they don’t tell you is that they use *publicly-funded research* for expensive, privatized drugs.

This week on Oversight, @RoKhanna and I exposed how this scheme works:

NowThis



Reps. Alexandria Ocasio-Cortez and Ro Khanna to Big Pharma

Your tax dollars are helping big pharma companies get rich — and Reps. @aoc and @rokhanna are having none of it

3:52 PM - 1 Feb 2019

35,131 Retweets 96,970 Likes





Alexandria Ocasio-Cortez

@AOC

Follow



This week I conducted my first-ever line of questioning at an Oversight committee hearing, which focused on the skyrocketing costs of pharmaceuticals.

Here's what happened



SocialSecurityWorks @SSWorks

The public is acting as early investor, putting tons of money in the development of drugs that then become privatized.

They receive no return on the investment that they have made....

4:09 PM - 31 Jan 2019

17,763 Retweets 68,583 Likes



3.4K 18K 69K



ocasio2018

Follow

380 posts 2.5m followers 942 following

Alexandria Ocasio-Cortez

Congresswoman for NY-14: Bronx and Queens

Personal/campaign account. For Congressional updates, visit @reprocasiocortez.

100% grassroots, no Corp

ocasio2018.com/donate



Congress ...



Congress ...



Pep Talk



YOU CAN ...



ocasio2018 • Follow

ocasio2018 The communities impacted by the War on Drugs should receive investments from the economic benefits of legalization - not those who enrich themselves off for-profit incarceration.

video via: @drugpolicyalliance

Load more comments

taino_nomad @ive_had_enough_already those countries also have a fraction of the Billionaires and Millionaires that America has, hence why AOC wants to tax them \$700,000 on every million they make after their first 10 million annually. It's also why she wants to legalize marijuana, considering Canada makes 1.7 million dollars a day from its marijuana tax. As far as people waiting around in line for months waiting to be treated, that is not true at all. Marijuana is over-disciplined and



1,750,307 views

4 DAYS AGO

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United States House of Representatives

ocasio2018 Got 'em.
Clip from our recent Oversight Committee hearing via @ajplus

Load more comments

pallavroy @sheona_mo ❤️

jadasimOne talk to them sis 🍌🍌 ❤️

ub0611
❤️❤️❤️❤️❤️❤️❤️❤️❤️❤️
👏👏👏👏👏👏👏👏👏👏

sophiedorrian @claudieosner
@jessiecramond 🔥

sophiedorrian @abbieclough

judge_4mighty Lol you are the truth for this one... 🍌🍌🍌... Ocasio-Cortez for Prez...

❤️ 💬 📤 📌

1,460,550 views

FEBRUARY 9

Add a comment... ⋮



ocasio2018 • Follow

It was an honor to bring forward one of my constituent's stories in my first-ever speech on the House Floor. In the moment, it often seems lonely and scary to speak out on these issues - especially in DC, which so deeply prizes conformity, "etiquette" in the form of learned silence, and falling in line. I feel a lot of pressure to conform, or not shine as brightly - and I also admit that a lot of that pressure is self-imposed. In DC it "feels" as though I shouldn't say or do these things more so than other contexts, because those feelings are reinforced by a culture that is very exact in who should be where on a totem pole.

The thing is, in two days this became the most-viewed CSPAN video of all time from a House member. It was a reminder



1,797,416 views

JANUARY 19

Add a comment...

