



FACT

FOUNDATION FOR
ACCOUNTABILITY
AND CIVIC TRUST

January 22, 2024

Omar Ashmawy
Chief Counsel
Office of Congressional Ethics
U.S. House of Representatives
425 3rd Street, S.W., Suite 1110
Washington, DC 20024

Email: oce@mail.house.gov

RE: Blatant Abuse of Government Resources By Reps. Nancy Pelosi, Cori Bush, Jamaal Bowman, Sean Casten, Greg Casar, Maxwell Alejandro Frost, Ted Lieu, Alexandria Ocasio-Cortez, Rep. Ilhan Omar, and Ritchie Torres

Dear Mr. Ashmawy,

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 Office of Congressional Ethics (OCE) immediately act on numerous House Members' blatant abuse of official resources for political purposes.

The OCE was created in 2008 after the House Ethics Committee failed to act on legal and ethical violations committed by Members, which plainly demonstrated the Ethics Committee's consistent reluctance to impose penalties against their fellow Members and the inadequacy of the U.S. House to self-police. The OCE was designed to act on the public's behalf and be an independent evaluator to expose ethics violations—**not** to fall in line with the Ethics Committee and follow its example of inaction. While the ultimate punishment for violations continues to lie with the House Ethics Committee, the OCE's role is to identify ethical transgressions and bring the facts and laws to the attention of the public, as well as to the Ethics Committee. **The OCE should not find the Ethics Committee's past treatment of ethics violations notable or persuasive because, in fact, the Ethics Committee's failure to act or to reasonably interpret the law is what the OCE is intended to remedy.**

Currently, numerous Members are using official House resources for political purposes and are doing so both repeatedly and publicly. The law quite clearly forbids this, yet a handful of Members continue to do so. The most obvious violations are Members using official government

resources to campaign on their political social media accounts or using official government platforms to campaign. Although you have been made aware of numerous blatant instances, the OCE has failed to act swiftly or at all. The failure to address this egregious practice has permitted these Members to continue committing violations to this day with impunity.

Though to some it may seem like a simple thing on the surface, the Members choosing to break this law do it for a reason—it advantages them politically. The various codes governing elected officials' behavior all purposefully—and wisely—prevent Members from blatantly leveraging their currently held office to either get reelected or to use their position to gain a future position. The act of using sanctioned government platforms or resources to spread political messages furthers their cause by both giving the Member a wider and less partisan audience than their campaign platforms have, and also by lending their message an 'official' credibility that it would not otherwise have. Put simply, this practice is the Member abusing their position of incumbency to campaign in its purest form. Moreover, they are actually using taxpayer funds—funds that have not been allocated for political campaigning—to benefit their campaigns.

Making this situation worse is the nature of the transgression and the ease of proving it—there are no reams of documents to fine-comb through here. Many of these violations are literally published by the Member on a public-facing platform, and evidence of the violation can be found and proven merely by going to Twitter.com. In fact, the OCE has identified this exact same behavior as ethics violations in past years, but it has simply failed to enforce these important rules against these Members, thus causing the abuse of government resources to continue and grow.

House Members Cori Bush, Jamaal Bowman, Sean Casten, Greg Casar, Maxwell Alejandro Frost, Ted Lieu, Alexandria Ocasio-Cortez, Ilhan Omar, and Ritchie Torres have all published numerous social media posts on their campaign accounts either using official government resources or re-posting official government content, including official photographs and video, work product, and official social media posts.¹ The many campaign social media posts abusing official resources are too numerous to include in this complaint, but 91 pages of examples from only a single social media platform are attached as Exhibit A, which are merely in addition to those previously provided to the OCE. The volume of pages demonstrates these Members' disdain for the law and in turn the OCE's authority. This is pervasive and ongoing as can be seen in Exhibit B, which is ten examples from a recent one week period, again from only one social media platform. Additionally, the failure to enforce the law is leading to violations from Members who should be well aware of the rules. Recently, on January 6th, 2024, former Speaker Nancy Pelosi used video from the House floor on her campaign account (as shown in Exhibit A).

¹ *Id.*

Law. Federal law states that “appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.”² The House ethics rules enforce this law by also prohibiting Members from using any official resource for campaign or political purposes.³ An “official resource” is anything funded by taxpayers, examples include: all government buildings and House offices,⁴ a Member’s official website and social media accounts,⁵ and photographs and video from the House floor or Committee proceedings.⁶

Government Buildings. Official buildings are those that are paid for with taxpayer funds and include any federal building, Congressional office space, and the Capitol.⁷ Members are prohibited from engaging in any political activity within official buildings, such as doing campaign work, holding political meetings, soliciting campaign funds, and taking photos or video for campaign or political purposes.⁸

House Floor Video. Members are prohibited from using photographs and video of House floor or committee proceedings for campaign or political purposes. This includes any photograph

² 31 U.S.C. sec. 1301(a).

³ U.S. House of Reps Comm. on Ethics, [House Ethics Manual](#), at 133 (Dec. 2022 Print) (official House resources “may not be used for campaign or political purposes”).

⁴ *Id.* at 137.

⁵ *Id.* at 140-141 (prohibiting the use of Member and Committee websites for political purposes); U.S. House of Reps., Comm. on House. Admin., [Members’ Congressional Handbook](#), at 38 (Adopted Jul. 25, 2018; Updated March 31, 2023) (“[C]ontent on Social Media Accounts is subject to the same requirements as content on Member websites”).

⁶ House Rule V, cl. 2(c)(1) (A Member is also specifically prohibited from using a House floor “recording” for “any partisan political campaign purpose.”); House Ethics Manual, at p. 137 (“Broadcast coverage and recordings of House floor proceedings may not be used for any political purpose under House Rule 5, clause 2(c)(1). In addition, under House Rule 11, clause 4(b), radio and television tapes and film of **any coverage of House committee proceedings** may not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for public office.” (Emphasis added)); Report of the Comm. on Ethics, [In re Lujan](#), Aug. 1, 2017, at 13 (stating a Member is prohibited from using a still image or photograph of House floor proceedings for political purposes).

⁷ House Ethics Manual, at p. 137. The Committee on Ethics explains “official buildings . . . include[s] not only any House office building, but also all district office space, any Senate office building, the Capitol, the Library of Congress, and any federal building.” U.S. House of Rep. Comm. on Ethics, Memorandum from the Comm. to All Members, [Campaign Activity Guidance](#), Aug. 15, 2014, at 3.

⁸ “The House buildings, and House rooms and offices – including district offices – are supported with official funds and hence are considered official resources. Accordingly, as a general rule, they may not be used for the conduct of campaign or political activities. Thus, for example, a Member may not film a campaign commercial or have campaign photos taken in a congressional office. . . . In addition, House rooms and offices are not to be used for events that are campaign or political in nature, such as a meeting on campaign strategy, or a reception for campaign contributors.” House Committee on Ethics, [General Prohibition Against Using Official Resources for Campaign or Political Purposes](#) (last accessed Jan. 17, 2024).

or video footage of official proceedings even if it was reposted from a third-party source, i.e. another website or news organization.⁹ As the Ethics Committee has stated, “Members may not re-use an image of a floor proceeding published by a third-party, if the Member could not use that image in the first instance.”¹⁰

Websites and Social Media Accounts. Federal law and House ethics rules require a strict separation between campaign and official websites and social media accounts. A Member’s official website and social media accounts may not be used for political purposes, and cannot include any of the following: personal, political, or campaign information; grassroots lobbying or soliciting support for a Member’s position; or a link to campaign or political related accounts or sites.¹¹ A Member’s campaign social media accounts may not include any official content or resources, and cannot include a link to the Member’s official House website or social media accounts.¹² **A Member’s campaign social media account “may not share, like, retweet, etc., a post from an official social media account.”**¹³

Official Press Releases. A campaign may never use an official press release that contains official indicia (e.g. letterhead or logo) or official contact information.¹⁴ A campaign may not share an official press release from an official website or social media account.¹⁵

House Members’ Abuse of Official Resources. The legal violations in this case are clear and there are no facts that can excuse them. In fact, these Members’ campaign social media

⁹ Derivative use of House floor photographs and video is prohibited. *In re Lujan*, at 13 (citing U.S. House of Rep. Comm. on Ethics, Memorandum from the Comm. to All Members, [Campaign Activity Guidance](#), Aug. 15, 2014, at 16).

¹⁰ *Id.*

¹¹ House Ethics Manual, at 140-141; see also Member’s Congressional Handbook, at 38-39 (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.”).

¹² See, e.g., House Ethics Manual, at 187 (“A Member’s campaign website may not include a link to the congressional office site”; and “A congressional office site may not be advertised on the Member campaign website or on materials issued by the Member’s campaign.”).

¹³ Committee on Ethics, [Memorandum for All Members, Officers, and Employees on Campaign Activity Guidance](#) (June 7, 2018), at 15-16.

¹⁴ *Id.* Generally, an official item has exhausted its official use when it has been released to the public and the congressional office is no longer using it, including not approving on any official site or being used for an official purpose. *Id.* However, an exception applied to an official press release. “[A]n official press release has exhausted its official use 72 hours after its release. If the press release announces an event, the press release exhausts its official use after the event occurs, or 72 hours after the press release is issued, whichever is later.” *Id.* Once an official press release has exhausted its official use, a campaign may use the language of the press release, i.e. word-for-word republication of its content, “but must remove any official indicia (e.g., logo/letterhead) or contact information from the press release.” *Id.*

¹⁵ *Id.*

accounts demonstrate that they consistently use official resources for political purposes and have used numerous different types of taxpayer-funded resources for their political campaigns. For instance, the examples previously provided to the OCE and the attached examples include every type of official resource identified above: use of official House photographs, official House floor and committee proceeding videos, official House work product and press releases, government buildings, and re-posts of official House social media accounts for political purposes.

As evident from both the past and ongoing examples, this is not an isolated incident and the violations are numerous and obvious—clearly the OCE’s failure to act has permitted the continued violations. In addition to the importance of the law discussed above, these Members continued disdain for the law does not reflect credibly on the House.¹⁶ The OCE has a responsibility to ensure each ethics violation is dealt with—not acting upon obvious violations not only permits them to continue but it erodes the public’s trust in the OCE itself. The purpose of the OCE is not to emulate the Ethics Committee’s past failure to enforce the law, but to investigate and identify ethics violations for both the public and Ethics Committee, especially when the violations are clear and obvious.

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, applies to information submitted to the Office of Congressional Ethics.

Sincerely,

/s/Kendra Arnold

Kendra Arnold
Executive Director, Foundation for Accountability & Civic Trust

¹⁶ Members are required to “conduct themselves at all times in a manner that reflects creditably on the House.” *Id.* at 1, 12 (citing House Rule 23, clause 1).