



# FACT

FOUNDATION FOR  
ACCOUNTABILITY  
AND CIVIC TRUST

August 25, 2020

Omar Ashmawy  
Chief Counsel  
Office of Congressional Ethics  
U.S. House of Representatives  
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Washington, DC 20515-0895

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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 achieve this mission by hanging a lantern over public officials who put their own interest over the interests of the public good. We request the Office of Congressional Ethics immediately investigate California Representative TJ Cox for violating United States House of Representatives ethics rules.

According to media reports, Cox “push[ed] to get two car tickets into Yosemite National Park on July 4 outside of the daily lottery system the park is using to release vehicle passes during the coronavirus outbreak.”<sup>1</sup> Cox’s staff contacted park staff directly to request two vehicle passes to enter Yosemite on Independence Day.<sup>2</sup> On July 1, 2020, park officials denied Cox’s request “due to the personal nature of this visit” and suggested he attempt to obtain passes which were being limited to 340 for the day through the same procedure that the general public had to follow.<sup>3</sup> The National Park’s general policy for when tickets were limited allowed for “tickets to be provided to Members of Congress outside the process available to the public only when the visit is for official purposes.”<sup>4</sup>

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<sup>1</sup> Kate Irby, *Fresno Congressman TJ Cox’s Yosemite Trip Won’t Be Investigated by Interior Inspector General*, The Fresno Bee, Aug. 10, 2020, available at <https://www.fresnobee.com/article244837037.html>.

<sup>2</sup> *Id.*

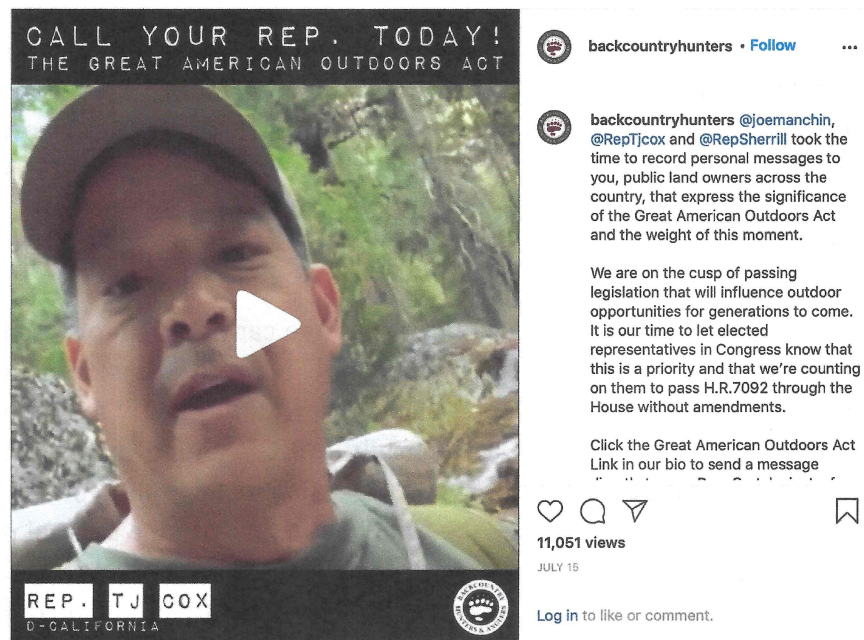
<sup>3</sup> Paul Bedard, *As Democrats Decry National Park Openings, One Pushed to Front of Yosemite’s Line*, Washington Examiner, Aug. 3, 2020, available at <https://www.washingtonexaminer.com/washington-secrets/as-democrats-decried-national-park-openings-one-pushed-to-front-of-yosemites-line>; Emails Between National Park Service And Rep. TJ Cox’s Office, available at [https://gosar.house.gov/uploadedfiles/tj\\_cox\\_email\\_chain\\_1.pdf](https://gosar.house.gov/uploadedfiles/tj_cox_email_chain_1.pdf).

<sup>4</sup> Emails Between National Park Service And Rep. TJ Cox’s Office, available at [https://gosar.house.gov/uploadedfiles/tj\\_cox\\_email\\_chain\\_1.pdf](https://gosar.house.gov/uploadedfiles/tj_cox_email_chain_1.pdf).

In response to the denial, Cox's staff (cc'ing Cox's personal email) stated, "Congressman TJ Cox would like to set up a call with the Superintendent tomorrow, July 2nd. Please let me know what time is available."<sup>5</sup>

Cox then apparently persuaded the National Park officials his visit was not a personal visit, but an official one. "Cox then called Yosemite officials, telling them he needed the tickets in order to shoot a video that promoted the Great American Outdoors Act, and was granted the tickets."<sup>6</sup>

During his visit to the park on July 4, Cox filmed himself for one minute and 44 seconds. In the video, Cox stated, "Just finishing up a little bit of a day hike here on the Fourth of July weekend" and then discussed pending legislation named the Great American Outdoors Act.<sup>7</sup> Cox later sent the video to Backcountry Hunters & Anglers, a non-profit group that supported the legislation.<sup>8</sup> On July 15, the nonprofit organization posted a video on its Instagram page that included clips of Cox's video also with video clips from two other elected officials:<sup>9</sup>



<sup>5</sup> Emails Between National Park Service And Rep. TJ Cox's Office, available at [https://gosar.house.gov/uploadedfiles/tj\\_cox\\_email\\_chain\\_1.pdf](https://gosar.house.gov/uploadedfiles/tj_cox_email_chain_1.pdf)

<sup>6</sup>Kate Irby, *Fresno Congressman TJ Cox's Yosemite Trip Won't Be Investigated by Interior Inspector General*, The Fresno Bee, Aug. 10, 2020.

<sup>7</sup>Kate Irby, *Fresno Congressman TJ Cox's Yosemite Trip Won't Be Investigated by Interior Inspector General*, The Fresno Bee, Aug. 10, 2020.

<sup>8</sup>Kate Irby, *Fresno Congressman TJ Cox's Yosemite Trip Won't Be Investigated by Interior Inspector General*, The Fresno Bee, Aug. 10, 2020.

<sup>9</sup> Backcountry Hunters & Anglers, Instagram, available at <https://www.instagram.com/p/CCqV61ZB1Ku/?igshid=z3u9fluy0co0>.

The video was grassroots lobbying to solicit support for legislation, urging viewers to call their representatives to voice support for the specific bill. The transcript of the video is below:

MANCHIN: “Last month the Senate passed the Great American Outdoors Act to permanently fund the Land and Water Conservation Fund, and to provide new funds to address the \$21 billion in deferred maintenance backlog of our national parks and other public lands.”

COX: “And this is so critical to maintain our parks. Here in Yosemite alone there’s nearly \$600 million of deferred maintenance, and across the nation it’s in the billions.”

MANCHIN: “Every single state, the territories, and almost every county in America have benefited from LWCF funding.”

SHERRILL: “And as the most densely populated state in the nation, we know how important it is to preserve our open spaces. And this is a key piece of bipartisan legislation that right now I think we can all agree on.”

MANCHIN: “We can see the finish line, and with your continued support, we will get this historic bill signed into law.”

COX: “Contact your member of Congress and please ask them to support the Great American Outdoors Act.”

As a Member of the House, Cox is required to abide by the House Ethics Manual.<sup>10</sup> Members must “conduct themselves at all times in a manner that reflects creditably on the House” and adhere to the spirit as well as the letter of the ethics rules.<sup>11</sup> Members “should not in any way use their office for private gain.”<sup>12</sup> The foundational principal that Members cannot use their official position or resources for private or political gain is embodied throughout and in numerous specific rules.<sup>13</sup>

The facts of this case require an investigation to determine whether Cox abused his official position for personal or political purposes, i.e. to obtain tickets not available to the general public under the guise of official business. After Cox’s initial request was denied due to the personal nature of his visit, Cox apparently informed National Park staff that his visit was for official reasons. However, the facts, including the video Cox took of himself, indicate his visit was in fact for personal or political purposes. First, parks officials clearly viewed Cox’s request as a personal one and subsequent emails used Cox’s personal email address, indicating that this was in fact the case. Second, Cox later explained the reason for his official visit was to shoot a

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<sup>10</sup> The conduct of Members of the House is governed by number of different sources, including criminal law, the Code of Official Conduct, and the Code of Ethics for Government Service, which are incorporated into the House Ethics Manual. House Ethics Manual, Comm. on Standards of Official Conduct, U.S. House or Reps., at 2-4 (2008 ed.), available at [https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008\\_House\\_Ethics\\_Manual.pdf](https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008_House_Ethics_Manual.pdf).

<sup>11</sup> House Ethics Manual, at 1, 12 (citing House Rule 23, Clause 1), 16 (citing House Rule 23, Clause 2), 186.

<sup>12</sup> House Ethics Manual, at 1.

<sup>13</sup> See House Ethics Manual, at 1 (Members cannot use their office for private gain), 123-24 (Members cannot use official resources for any campaign for political purpose).



video, yet the video he released to the media was one he shot of himself that was less than two minutes long on a political topic. There would be no need for two vehicle passes for Cox to shoot a “selfie” video. Moreover, the topic covered in the video was one to solicit support for his position and legislation he supported—a political purpose and not an official purpose.<sup>14</sup> Finally, Cox’s campaign attempted to explain that this issue involved the “travel of Congressman Cox and his family,” clearly indicating this was a personal family trip and not an official one.<sup>15</sup> In spite of Cox’s claim he followed proper procedures to obtain the tickets, that is not the issue.<sup>16</sup> The issue is whether Cox abused his position and misled park officials to obtain tickets not available to the general public for a personal or political purpose.

The ethics rules do not allow Members to use their official position for private or political purposes, i.e. to obtain tickets not available to the general public under the guise of official business. Not only does the Office of Congressional Ethics need to immediately investigate whether Cox abused his official position to obtain a benefit not available to the general public, but also the purpose of Cox’s trip, who accompanied him, and whether any official funds or staff were used for the travel also needs to be determined.

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,



Kendra Arnold  
Executive Director, Foundation for Accountability & Civic Trust

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<sup>14</sup> See e.g., Member’s Congressional Handbook, Comm. on House Admin., U.S. House of Reps., at 34 (July 25, 2018) (explaining a Member’s congressional website is an official resource and may not include personal or political content, including that it “May not include grassroots lobbying or solicit support for a Member’s position.”).

<sup>15</sup> Cox’s campaign released a statement that said, “‘TJ Cox went to Yosemite National Park in accordance with proper procedure and protocols. . . . It is troubling that politically-appointed staffers at the Department of Interior, in collaboration with a Republican Congressman, would attempt a politically-driven, covert investigation into the travel of Congressman Cox and his family.’” Kate Irby, *Fresno Congressman TJ Cox’s Yosemite Trip Won’t Be Investigated by Interior Inspector General*, The Fresno Bee, Aug. 10, 2020.

<sup>16</sup> See Kate Irby, *Fresno Congressman TJ Cox’s Yosemite Trip Won’t Be Investigated by Interior Inspector General*, The Fresno Bee, Aug. 10, 2020.