

December 20, 2021

To Nancy Pelosi, Speaker of the House of Representatives, and Jerry Nadler, Chairman of the House Committee on the Judiciary

We write to you as advocates of reining in Big Tech giants' (Amazon, Apple, Facebook, and Google) anti-competitive behavior of Big Tech giants , which has harmed both consumers and innovation in the tech sector.<sup>1</sup> This month, multiple outlets reported that the daughter of Representative Zoe Lofgren, a Democrat who has been vocally opposed to bipartisan antitrust legislation to hold Big Tech accountable, is an attorney for Google.<sup>23</sup> To avoid the appearance of a conflict of interest that harms the credibility and reputation of Congress as a whole, we are writing to encourage you to work directly with Rep. Lofgren to mitigate these problems by recusing herself from oversight of relevant agencies, namely the Department of Justice (DOJ) Antitrust Division and the Federal Trade Commission (FTC).

In addition to her familial ties to Google through employment, disclosure documents show that Lofgren's spouse has had a direct financial interest in the company. Lofgren's financial disclosure document filed in 2020 shows that her husband owned up to \$15,000 in stock each in Google parent company Alphabet, Apple, and Facebook.<sup>4</sup> Google is currently facing a DOJ antitrust lawsuit,<sup>5</sup> and it was reported in October that the DOJ is likely to sue Apple on antitrust grounds after a two-year probe.<sup>6</sup> In the case of Facebook, the company is currently the subject of an antitrust lawsuit from the FTC.<sup>7</sup> Lofgren's participation in the oversight of either agency is a threat to public confidence in Congress' ability to impartially scrutinize the executive branch.

Over the past decade, most Democratic lawmakers have become increasingly critical of Big Tech. Lofgren, however, has defied this trend and maintained a track record of opposing federal scrutiny of Big Tech, further calling into question her ability to be impartial in overseeing the DOJ or FTC. In 2012, Lofgren was one of just two Democrats to sign onto a letter in opposition to the FTC's then-ongoing probe of Google's anti-competitive behavior.<sup>8</sup> After the FTC chose not to sue Google against the urging of staffers,<sup>9</sup> Lofgren released a

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<sup>1</sup><https://www.cnbc.com/2020/10/06/house-democrats-say-facebook-amazon-alphabet-apple-enjoy-monopoly-power.html>

<sup>2</sup> <https://nypost.com/2021/12/07/major-antitrust-adversary-in-congress-has-daughter-on-googles-legal-team/>

<sup>3</sup> <https://dailycaller.com/2021/12/08/zoe-lofgren-google-big-tech-antitrust-democrat/>

<sup>4</sup> [http://therevolvingdoorproject.org/wp-content/uploads/2021/12/ls\\_disclosure-member-2020-annual-report-342\\_1603800200.pdf](http://therevolvingdoorproject.org/wp-content/uploads/2021/12/ls_disclosure-member-2020-annual-report-342_1603800200.pdf)

<sup>5</sup> <https://www.justice.gov/atr/case/us-and-plaintiff-states-v-google-llc>

<sup>6</sup> <https://www.reuters.com/technology/apple-likely-face-doj-antitrust-suit-information-2021-10-25/>

<sup>7</sup> <https://www.ftc.gov/enforcement/cases-proceedings/191-0134/facebook-inc-ftc-v>

<sup>8</sup> <https://theintercept.com/2017/11/28/john-conyers-google-zoe-lofgren-house-judiciary-committee/>

<sup>9</sup> <https://www.politico.com/news/2021/03/16/google-files-ftc-antitrust-investigation-475573>

statement in support of the agency's lenience.<sup>10</sup> When the European Commission fined Google \$2.7 billion for self-preferencing in 2017,<sup>11</sup> Lofgren expressed outrage on the Big Tech giant's behalf, decrying the accountability measure as "overzealous" and "unfair to the U.S. companies participating in European markets."<sup>12</sup> Most recently, she has been a thorn in the side of those looking for additional accountability for Big Tech on the Hill and through Executive Branch enforcement. Over the years, she has been rewarded handsomely with large campaign contributions. While campaign contributions alone are not widely considered enough to warrant recusal, alongside the other factors that threaten her impartiality, they help to form a troubling pattern that demands further attention.

Opinion polling shows that Americans' confidence in Congress is waning.<sup>13</sup> Further erosion of public trust in government poses a danger for the future of democracy. To arrest rather than accelerate this slide, Lofgren should recuse herself from overseeing agencies aiming to hold Big Tech accountable.

Sincerely,

The Revolving Door Project

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<sup>10</sup> <https://lofgren.house.gov/media/press-releases/reps-zoe-lofgren-and-anna-eshoo-statements-ftc-google-settlement>

<sup>11</sup> <https://www.nytimes.com/2017/06/27/technology/eu-google-fine.html>

<sup>12</sup> <https://www.politico.com/tipsheets/morning-tech/2017/06/28/obama-digital-expats-reunite-at-new-america-221089>

<sup>13</sup> <https://news.gallup.com/poll/352316/americans-confidence-major-institutions-dips.aspx>