

May 28, 2024

The Honorable Lisa O. Monaco, Deputy Attorney General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Deputy Attorney General Monaco:

We are alarmed by [a recent report](#) that, during your trip to California in May, concurrent to your keynote presentation and participation alongside tech executives at the [2024 RSA Cybersecurity Conference](#), you held an off-the-record dinner with senior tech executives — a dinner whose participants have not been disclosed, that was not open to the press, and that did not result in a readout or release after the fact. If this is accurate, it raises ethical questions and may even undermine ongoing DOJ antitrust lawsuits.

We find it troubling that you may have met in secret with the very individuals whose companies are under investigation — or the subjects of civil lawsuits — by the Department involving serious violations of antitrust law. We urge you to make the details of your May meeting public, including who you met with, what was discussed, and why this information was not disclosed sooner.

As Deputy Attorney General, you are the [second-ranking leader](#) in the Department, overseeing all its divisions and activities. This puts you at the forefront of Biden administration regulatory policy in every sector. It gives you wide latitude to influence Justice policy on technology antitrust, mergers and acquisitions, cryptocurrency, digital security, and a range of other areas in which the administration has set a course for aggressive action.

But your own deep entanglement with highly regulated industries, especially during your partnership at O'Melveny & Myers LLP and your service at WestExec Advisors, gives us pause as we contemplate the leverage you hold over executive branch policy. [Per your own disclosures](#), you have personally provided services not only to tech firms like Apple and Lyft but to a range of other firms subject to intense regulatory scrutiny such as ExxonMobil, Humana, Lockheed Martin, and Boeing. Then, in your current role, you have participated in activities in which those firms had direct interest. You took part in the [COVID-19 fraud investigation task force](#), despite Congress's dedicating [\\$17 billion](#) in bailout funds to Boeing. You have been [part of](#) Department discussions about increasing police funding and establishing cryptocurrency

regulations, even though you and O'Melveny represented defense contractors — which have [been benefactors](#) of federal funding for local police — and cryptocurrency trade groups.

In particular, your Big Tech ties lead to the possibility that your impartiality is at risk. Even as the Department under Assistant Attorney General Jonathan Kanter has established the most aggressive antitrust enforcement regime in a generation, you remain close to the very same technology firms that are under investigation and, in some cases, the subjects of federal lawsuits.

The Aspen Institute Cybersecurity Group, of which you were a [founding co-chair](#), was and is a who's who of potential conflicts of interest; [current members include](#) Apple's general counsel Katherine Adams; Facebook's counterterrorism head Monika Bickert (who also served while you were co-chair); Jeannette Manfra, Google's global director for security and compliance; and Tom Burt, Microsoft's corporate VP for customer security and trust. (Boeing corporate secretary John Demers is also a member.)

You've spoken out on the national security and personal privacy implications of TikTok's Chinese ownership. You [said in London in February](#), "I don't use TikTok, and I would not advise anyone to do so," in announcing the Disruptive Technology Strike Force to combat the threat, citing the danger of TikTok "surveillance and repression at home [in China] and abroad." But we note that per your own 2021 disclosures, you directly advised Apple, which is not only the respondent in a federal lawsuit by the Department, but directly acquiesced to Chinese government demands to store its Chinese customers' data in China. Storing data in China without industry standard encryption — using a legal maneuver to circumvent U.S. law — potentially fuels the very same surveillance and repression you decry.

Regarding Google, concurrent to the [filing of](#) the Justice Department's landmark online advertising antitrust lawsuit in January 2023, [you said](#), "in pursuit of outsized profits, Google has caused great harm to online publishers and advertisers and American consumers." Yet your friends at O'Melveny have had no qualms about [representing Google](#) in case after case, including multiple public and private actions involving antitrust concerns.

In executing your Department of Justice Ethics Agreement, you agreed, in part, that you would "[n]ot participate personally and substantially in any particular matter involving specific parties in which [you know] the Firm [i.e., any of your former employers] is a party or represents a party, unless [you are] first authorized to participate."

The American people are entitled to unambiguously evenhanded representation by the Department of Justice at every level. And given the ongoing investigation and enforcement activities underway at the Department of Justice involving Big Tech companies, it is a matter of credibility for the Department that its interactions with leaders of those companies be conducted in daylight. Secret meetings with parties who are or may become subjects of investigation do not inspire confidence in the Department's ability to represent the public interest free of undue influence.

With that in mind, we urge you to make it a matter of public record who you met with and for what purpose — and to permanently discontinue holding private meetings that may create an appearance of impropriety.

Sincerely,

Jeff Hauser
Executive Director
Revolving Door Project