

C A M P A I G N F O R ACCOUNTABILITY

October 4, 2016

W. Neil Eggleston
White House Counsel
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. Eggleston:

Campaign for Accountability (“CfA”), an organization dedicated to holding public officials and public institutions accountable, is concerned that close ties and communications between White House officials and their former colleagues at Google have allowed the company to have an undue influence on administration policies. At a minimum, the frequency and timing of meetings between Google and administration officials present an appearance of impropriety that runs counter to the president’s ethics regime for top administration officials.

Upon taking office, President Obama pledged he would lead “the most open, efficient, and accountable government in history.”¹ Toward that end he issued Executive Order 13490 setting forth the ethics requirements and restrictions for his administration. President Obama required every appointee in his administration to pledge to comply with a lobbyist gift ban, a revolving door ban imposed on all appointees entering government, and a revolving door ban imposed on all lobbyists entering government.² Under the executive order, appointees entering government may not “participate in any particular matter involving specific parties that is directly and substantially related to [their] former employer or former clients[.]”³

Recently uncovered information suggests at least four current and former White House officials may have violated the president’s ethics restrictions: Chief Technology Officer Megan Smith, Deputy Chief Technology Officer Alex Macgillivray, U.S. Digital Service Administrator Mikey Dickerson, and former Deputy Chief Technology Officer Nicole Wong. All of these individuals worked at Google immediately before joining the Obama administration and, according to White House visitor logs, each met with former Google colleagues shortly after coming to the White House. In addition, these documents raise questions about the White House’s internet advisor R. David Edelman.

Specifically, Megan Smith held 10 meetings with Google employees less than a month into her term as chief technology officer, while Mikey Dickerson held five meetings with Google employees in that same time period.⁴ The visitor logs show that both Alex McGillivray and Nicole Wong had one meeting each with their former Google colleagues within one year of

¹ See, e.g., <https://www.whitehouse.gov/21stcenturygov/tools>.

² E.O. 13490.

³ *Id.*

⁴ Johnny Kampis, [Did Google Employees-Turned White house Appointees Violate Obama’s Ethics Pledge?](http://watchdog.org/266198/google-obama-ethics/), *Watchdog.org*, August 15, 2016, available at <http://watchdog.org/266198/google-obama-ethics/>. See also <http://www.googletransparencyproject.org/articles/did-white-house-meetings-violate-ethics-rules>.

joining the White House,⁵ but neither meeting appears to have been a social call. Mr. McGillivray, who came to the White House in September 2014, met with Vint Cerf -- who has been described as Google's "Chief Internet Evangelist"⁶ -- a few months later on February 6, 2015.⁷ Visitor logs show Mr. Cerf had more than 30 meetings with senior White House staff between 2010 and 2016.⁸

Ms. Wong joined the White House in 2013 after serving as Google's vice president and deputy general counsel where she was known as "The Decider."⁹ Six months later she met with David Drummond, Google's chief legal officer, and Google lobbyists Susan Molinari and Johanna Shelton.¹⁰ Beyond these specific meetings, Google officials went to the White House on average more than once a week.¹¹

The White House visitor logs also reveal a flurry of visits and communications just before the FTC announced it was closing its antitrust investigation of Google without bringing charges.¹² David Edelman, who leads digital and internet policy for the White House,¹³ met with Google officials on 28 different occasions, a number surpassed only by President Obama and former Chief Technology Officer Todd Park.¹⁴ Most significantly, Mr. Edelman appears to have acted as a conduit between Google and the White House, as reflected in numerous email exchanges he had with Google lobbyist Johanna Shelton.¹⁵ Indeed, he contacted Ms. Shelton by email just minutes before the FTC announced in January 2013 it was closing its antitrust investigation of Google.¹⁶ His email requested Google's talking points and stated: "I hear big news coming momentarily . . . Obviously, lots of interest here at the WH." Just a few weeks earlier Mr. Edelman had met twice with Matthew Bye, Google's antitrust lawyer.¹⁷ Citing White

⁵ *Id.*

⁶ <http://research.google.com/pubs/author32412.html>.

⁷ White House Visitor Logs, available at <https://www.whitehouse.gov/briefing-room/disclosures/visitor-records> (UIN # U54239).

⁸ Google's White House Visits, available at <http://googletransparencyproject.org/data>.

⁹ Haylet Tsukayama, U.S. Deputy CTO Nicole Wang is Leaving the White House, *Washington Post*, August 15, 2014, available at <https://www.washingtonpost.com/news/the-switch/wp/2014/08/15/u-s-deputy-cto-nicole-wong-is-leaving-the-white-house/>.

¹⁰ *Id.* at UIN # U32276.

¹¹ Kampis, *Watchdog.org*, Aug. 15, 2016.

¹² David Dayen, White House Official Cozied Up to Google Before Antitrust Lawsuit was Shelved, *The Intercept*, August 18, 2016, available at <https://theintercept.com/2016/08/18/white-house-official-cozied-up-to-google-before-antitrust-lawsuit-was-shelved/>.

¹³ See <https://www.whitehouse.gov/blog/author/r-david-edelman>.

¹⁴ Google's White House Visits, available at <http://googletransparencyproject.org/data>.

¹⁵ These emails along with others between Mr. Edelman and other Google officials are available at <http://googletransparencyproject.org/articles/white-house-kept-close-tabs-ftc-google-probe>. Further, White House visitor logs reveal that Ms. Shelton had over 60 meetings at the White House.

<http://googletransparencyproject.org/data>. See also Brody Mullins, Google Makes Most of Close Ties to White House, *Wall Street Journal*, March 24, 2014, available at <http://www.wsj.com/articles/google-makes-most-of-close-ties-to-white-house-1427242076>.

¹⁶ <http://googletransparencyproject.org/articles/white-house-kept-close-tabs-ftc-google-probe>.

¹⁷ White House Visitor Logs, available at <https://www.whitehouse.gov/briefing-room/disclosures/visitor-records> (UIN # U49951, U52588).

Houses officials familiar with the matter, the *Wall Street Journal* reported that one of these meetings as related to Motorola patents. Notably, the FTC's final settlement directly addressed the Motorola patent issue, including a voluntary agreement by Google not to use Motorola's "standard-essential" patents to block rivals from bringing competing products to market.¹⁸

These multiple meetings between former Google executives who became White House officials and their former colleagues and other senior Google executives and lobbyists raise a serious question of whether they violated the president's revolving door ban, which was designed to prevent corporations from exercising undue influence on administration policies. Notwithstanding their former Google employment, these White House officials work on issues directly relevant to Google's business interests and appear to have taken few, if any, steps to avoid conflicts and suggestions of undue influence.

Despite the stringent ethics requirements the executive order imposes, implementation and enforcement apparently have fallen short. CfA therefore asks that your office develop a more robust ethics process aimed at avoiding not only actual conflicts, but also those situations that present the appearance of a conflict or impropriety. At a time when companies like Google wield enormous influence over government decisions that directly and dramatically impact the public, it is imperative that all Americans have confidence in the impartiality of White House policies and decisions.

Thank you for your attention to this matter.

Sincerely,



Anne L. Weismann
Executive Director

¹⁸ Mullins, *Wall Street Journal*, Mar. 24, 2014.