

C A M P A I G N F O R

ACCOUNTABILITY

August 14, 2018

Chairman Roy Blunt
Ranking Member Amy Klobuchar
Senate Committee on Rules and Administration
Russell Senate Office Building 301
Washington D.C. 20002

Chairman Gregg Harper
Ranking Member Robert Brady
Committee on House Administration
1309 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Blunt, Ranking Member Klobuchar, Chairman Harper, Ranking Member Brady:

Campaign for Accountability respectfully requests that you investigate and, if appropriate, take action to address the troubling practice of technology companies “embedding” their employees inside federal political campaigns. As documented in the attached research report, this controversial practice has surged in recent campaign cycles and raises fundamental legal, ethical, and practical concerns.¹

The practice deserves careful scrutiny for several reasons. First, these “embeds” could constitute an undisclosed lobbying channel for companies to influence current and future officeholders on public policy issues. Second, such uncompensated consulting and campaign management services may constitute an undisclosed in-kind contribution of services from the companies to the campaigns – corporate contributions that would, of course, be prohibited under current law.

Third, to the extent companies have employees embedded in both candidate campaigns and in outside spending groups, these relationships could provide an avenue to circumvent anti-coordination rules and requirements. All of these complex new issues deserve rigorous scrutiny and enforcement – and if current law fails to provide appropriate guardrails for such activities, legal reform.

¹ Partisan Programming, Campaign for Accountability, August 14, 2018, *available at* <https://campaignforaccountability.org/wp-content/uploads/2018/08/CfA-GTP-Election-Embeds-Report-Final-8-14-18.pdf>.

Background

Google, Facebook and Twitter have come to play an unprecedented role in modern elections—their reach is such that it can mean the difference between winning and losing.² To facilitate campaigns' online operations, in the 2016 presidential election, company employees were placed inside political campaigns, where they functioned as fellow team members and were sometimes indistinguishable from campaign hands themselves.

As one such Google “embed” explained: “We are so close with [the campaigns] that we are typically sitting in their offices or having daily calls.”³

The services they provided to campaigns, free-of-charge, went well beyond traditional ad sales. Google helped campaigns craft their messages to voters, design advertisements and targeting/deployment strategy, and respond to opponents in real time including during political debates.⁴ The company even held “ideation” sessions with at least one presidential campaign at its Mountain View headquarters.

Facebook also embedded employees inside political campaigns, where they acted as consultants on branding, communications, and overall strategy for the candidates.⁵

Enforcement/Legal Questions

We believe that the provision of such core campaign consulting services constitutes a privileged, undisclosed, and largely unregulated lobbying channel for these companies. The embeds have proved highly valuable for technology companies, giving them unique insider access to candidates, their evolving policy decisions and political strategy.

They also buy the companies hard-to-match goodwill with the politicians they help elect, the same public officials who are then responsible setting policies affecting their businesses.

That is why these burgeoning operations enjoy a special status inside technology companies, separate and apart from other revenue-generating ad segments that do not generate political returns. Academics reported that at least one unnamed technology company did not have any revenue expectations for its political ad sales team “in recognition of this government affairs

² Hanna Kozłowska, Facebook and Cambridge Analytica Worked Side by Side at a Trump Campaign Office in San Antonio, *Quartz*, March 20, 2018, available at <https://qz.com/1233579/facebook-and-cambridge-analytica-worked-side-by-side-at-a-trump-campaign-office-in-san-antonio/>.

³ Daniel Kreiss and Shannon C. Mcgregor, Technology Firms Shape Political Communication: The Work of Microsoft, Facebook, Twitter, and Google With Campaigns During the 2016 U.S. Presidential Cycle, *Political Communication*, October 26, 2017, available at <https://danielkreiss.files.wordpress.com/2018/01/kreissmcgregortechnology-firms-shape-political-communication-the-work-of-microsoft-facebook-twitter-and-google-with-campaigns-during-the-2016-u-s-presidential-cycle.pdf>.

⁴ *Id.*

⁵ *Id.*

role.”⁶ Facebook describes its government and elections groups as an “external arm” of the company.⁷

There are currently no rules preventing technology companies from misusing information and contacts gleaned from their work on campaigns to aid their lobbying operations. Some Google employees, for example, worked in both areas simultaneously.⁸ Others have moved between the two functions, carrying inside-knowledge with them, in ways that raise troubling questions about the extent of coordination between them.

The centrality of Google, Facebook and Twitter to modern campaigns could not be foreseen when the current rules were established. We therefore request you consider holding hearings and evaluate regulatory or statutory reform proposals to address this important issue. Such hearings would be aimed at developing guidance and reform proposals on the following questions:

1. Are these companies providing valuable consulting services that constitute illegal in-kind contributions? Does this constitute an unintended loophole that allows tech companies to bestow valuable favors on elected officials who will later be responsible for policies affecting them?
2. Google and Facebook work on political campaigns as well as with outside spending groups, such as super PACs. Do these companies maintain adequate internal safeguards to ensure that insider information is not exchanged between employees in such a way to circumvent prohibitions on campaign coordination with outside groups?
3. Should the companies list which of their employees are detailed to which campaigns as part of their regular lobbying disclosures? How often do company “embeds” go through the “reverse revolving door” and join the official government offices of candidates they once served? Should there be any cooling off period or recusal scheme for embeds who lobby or go to work for the candidates their company has helped elect?
4. Are there any firewalls between the company employees working inside campaigns and the company’s government relations or lobbying offices? Should there be barriers to prevent information gleaned from working on campaigns from being used by company lobbyists to secure policies that help its business?
5. Should the companies be required to report the prevailing market price for such consulting services, separate and apart from the value of any ads bought? Do campaigns with embeds pay different prices for ads than campaigns without embed support?

⁶ *Id.*

⁷ <https://web.archive.org/web/20171219211510/http://profacebook.applytojob.com/apply/B8nLkxxuQ0/Associate-Manager-US-Politics-Government-Outreach>.

⁸ <https://www.linkedin.com/in/rob-saliterman-89b08317>.

6. Do additional platforms beyond Google, Facebook, and Twitter engage in this practice of embedding employees in campaigns? Do these or other platforms engage in similar practices in non-federal campaigns?

Conclusion

Our report, attached, collects the publicly-available information on technology companies' donation of services to campaigns. However, further inquiries by Congress are urgently needed to establish the full extent of the practice. We urge you to give this practice the scrutiny it demands.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan E Stevens", with a long horizontal flourish extending to the right.

Daniel E. Stevens
Executive Director