

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

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WASHINGTON, DC 20515-6216

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judiciary.house.gov

July 27, 2023

Mr. David Roque
Partner
Ernst & Young
560 Mission Street #1600
San Francisco, CA 94105

Dear Mr. Roque:

The Committee on the Judiciary is conducting oversight of the Federal Trade Commission's (FTC) abuse of its statutory authorities in investigating Twitter. In March 2023, the Committee issued a report detailing how the FTC has misused its authority to target Twitter in the wake of Elon Musk's acquisition of the company, even prying into Twitter's private communications with journalists.¹ Based on newly available evidence, we believe that you possess information that is necessary for our oversight to inform potential legislative reforms to the FTC. Accordingly, we ask that you provide relevant information to the Committee.

According to a recent federal court filing, you served as the "engagement partner" for Ernst & Young's (EY) independent assessment designated pursuant to a consent decree between Twitter and the FTC to evaluate Twitter's compliance with the decree.² You sat for a deposition with the FTC on June 21, 2023.³ During this deposition, you testified that the FTC had sought to improperly "influence the outcome of the engagement before it had started."⁴ In particular, you testified that you perceived the FTC to desire an "outcome" that "would conclude that there were deficiencies in Twitter's privacy and information security program."⁵ You elaborated that the FTC communicated

that Ernst & Young, under all circumstances, will be conducting and issuing a report on behalf of the FTC order. So it was sort of like it

¹ H. COMM. ON JUDICIARY AND SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FEDERAL GOV'T, 118TH CONG., INTERIM STAFF REP. ON THE WEAPONIZATION OF THE FEDERAL TRADE COMMISSION: AN AGENCY'S OVERREACH TO HARASS ELON MUSK'S TWITTER (Mar. 7, 2023).

² See X Corp.'s Motion for Protective Order & Relief from Consent Decree, *United States v. Twitter, Inc.*, No 22-3070 (N.D. Cal. July 13, 2023).

³ *Id.* at 9.

⁴ *Id.*

⁵ *Id.* at 10.

was very adamant about this is absolutely what you will do and this is going to occur, and you'll produce a report at the end of the day.⁶

Other documents suggest that if EY “did not include negative findings [against Twitter], the FTC raised the specter that it would ‘create[] other challenges for EY over time’”⁷

Based on this information, it is clear that you possess information that can advance the Committee’s oversight and inform potential legislative reforms. Accordingly, we respectfully request that you produce the following documents:

1. All documents and communications for the period April 1, 2022, to the present between or among you and employees or representatives of the Federal Trade Commission referring or relating to Twitter.

Please produce this material as soon as possible but no later than 5:00 p.m. on August 10, 2023.

If you have any questions about these requests, please contact Committee staff at (202) 225-6906. Thank you for your attention to this matter.

Sincerely,



Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

⁶ *Id.*

⁷ *Id.* at 16.