

The Honorable Maria Cantwell  
Chair  
Committee on Commerce, Science, and Transportation  
United States Senate  
511 Hart Senate Office Building  
Washington, DC 20510

The Honorable Ted Cruz  
Ranking Member  
Committee on Commerce, Science, and Transportation  
United States Senate  
167 Russell Office Building  
Washington, DC 20510

Dear Senators Cantwell and Cruz:

We write to you in your capacities as Chair and Ranking Member, respectively, of the Senate Committee on Commerce, Science, and Transportation (“Senate Commerce Committee”) as the committee considers nominations to the Federal Trade Commission (FTC). Given the FTC’s unparalleled role in promoting competition and protecting consumers, it is critical that the committee thoroughly examines the character and professional histories of commission nominees. Following recent disturbing allegations against former FTC member Joshua D. Wright, we urge the committee to look into any past professional relationships between Wright and Melissa A. Holyoak and Andrew D. Ferguson. Specifically, we urge the committee to inquire about what role, if any, Wright played in helping advance their respective nominations.

As you may be aware, Wright recently left his position at George Mason University's (GMU) Antonin Scalia Law School following eight accusations of sexual misconduct.<sup>1</sup> A *Bloomberg* investigation found that multiple women accusing Wright of misconduct feared professional repercussions had they refused his advances.<sup>2</sup> Though Wright’s tenure on the commission expired in 2015, his unusually strong influence in the antitrust law community has been well-established.<sup>3</sup> As noted by *Bloomberg*, “Wright held outsized influence in the antitrust circles,” with the “allegations also portray[ing] a cozy network between prominent law firms, well-connected insiders and the FTC.”

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<sup>1</sup> Washington Post, "George Mason law professor resigned amid accusations of sexual misconduct," Nick Anderson and Cristiano Lima, September 1, 2023, <https://www.washingtonpost.com/education/2023/09/01/george-mason-university-joshua-wright-sexual-misconduct-allegations/>

<sup>2</sup> Bloomberg, "Ex-FTC Commissioner Faces Storm of Sexual Harassment Claims," Leah Nylen, August 28, 2023, <https://www.bloomberg.com/news/articles/2023-08-28/ex-ftc-commissioner-faces-storm-of-sexual-harassment-accusations>

<sup>3</sup> The New York Times, "Big Tech Funds a Think Tank Pushing for Fewer Rules. For Big Tech." Daisuke Wakabayashi, July 24, 2020, <https://www.nytimes.com/2020/07/24/technology/global-antitrust-institute-google-amazon-qualcomm.html>

In recognition of Wright’s broad influence, the committee should inquire about potential associations between the nominees and Wright, including whether he possibly played a role in their nomination process. Specifically, the committee should ask nominees Holyoak and Ferguson about the following:

- Were you in contact with Wright about your interest in an FTC nomination prior to your selection? If so, did Wright play a role in providing advice, helping with connections or introductions, or in any other way in securing your nomination?
- Following your nomination, were you in contact with Wright regarding strategic matters, including how to prepare for meetings with Senators and for confirmation hearings?
- Per *Bloomberg*, Wright’s conduct was an “open secret” at GMU for several years, with multiple sources indicating there existed “a whisper network warning women to steer clear of him.” Were you aware of allegations of sexual misconduct against Wright prior to public reporting in August 2023?
- Additionally, *Bloomberg* reported that the dean of Antonin Scalia Law School stated that the institution had investigated Wright’s behavior since 2021 and that he chose to resign rather than face a “termination proceeding.” Were you aware that GMU had been investigating Wright over allegations of impropriety?
- In recognition of GMU’s outsized influence in the antitrust legal world,<sup>4</sup> what (if any) professional connections do you have to GMU? Do you believe that the institution acted appropriately in: A) failing for years to take action to hold Wright accountable; and B) trying to quietly sever its relationship with Wright in August 2023 and to sweep under the rug the multiple, serious allegations against him and the results of its investigation?

After the allegations against Wright went public, FTC Chair Lina Khan quickly made clear in a memo to staff that the agency has a zero tolerance policy for sexual harassment.<sup>5</sup> Ahead of the confirmation process, it is crucial that both nominees be transparent with the Senate—and the public—about any relevant professional relationship to Wright. Given that the committee is responsible for considering nominations to the FTC, we once again urge you to inquire about any potential professional links between the nominees, Wright and GMU.

Sincerely,

UltraViolet

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<sup>4</sup> Bloomberg, "One Tech-Funded University Helped Shape FTC’s Hands-Off Approach," David McLaughlin, March 12, 2021, <https://www.bloomberg.com/news/articles/2021-03-12/how-george-mason-university-shaped-ftc-s-hands-off-approach-to-tech>

<sup>5</sup> The Capitol Forum, “Khan Outlines FTC Support for Employees to Report Harassment Following Allegations Against Wright,” August 16, 2023, <https://thecapitolforum.com/khan-outlines-ftc-support-for-employees-to-report-harassment>