

United States Senate

WASHINGTON, DC 20510

March 5, 2025

The Honorable Pam Bondi
Attorney General
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Attorney General Bondi:

We write to express alarm about reports that Elon Musk’s social media company “X” (formerly Twitter) is leveraging his influential position in the Trump Administration to extract revenue from advertisers.¹ If Musk acts on threats that X is reportedly making to advertisers, and uses his government position to protect those who engage in business with him — or harm those who do not — then he risks running afoul of criminal ethics laws. The Department of Justice (DOJ) would have the responsibility to investigate such misconduct by a public official.

In 2023, a wave of advertisers withdrew ads from X’s website after Musk “endorsed an antisemitic post” and loosened content moderation rules in ways that increased inflammatory content on the platform.² The company reportedly lost as much as \$75 million in ad revenue that year.³ Since then, X has reportedly pressured advertisers to return to the platform, including by filing suit against some advertisers who withdrew.⁴

In 2024, as Musk prepared to begin his new role in the federal government,⁵ X reportedly added a new strategy to its arsenal: threatening policy repercussions if advertisers do not cooperate. According to a recent *Wall Street Journal* report, an attorney at X allegedly demanded that the

¹ The Wall Street Journal, “X Hinted at Possible Deal Trouble in Talks With Ad Giant to Increase Spending,” Suzanne Vranica, February 19, 2025, https://www.wsj.com/business/media/x-hinted-at-possible-deal-trouble-in-talks-with-ad-giant-to-increase-spending-feb122a6?mod=business_trendingnow_article_pos1.

² Axios, “What makes the X advertiser revolt different from other boycotts,” Sara Fischer, November 18, 2023, <https://www.axios.com/2023/11/18/twitter-x-boycott-apple-ibm-advertisers>; The Verge, “Elon Musk tells advertisers: ‘Go fuck yourself,’” Jacob Kastrenakes and Mia Sato, <https://www.theverge.com/2023/11/29/23981928/elon-musk-ad-boycott-go-fuck-yourself-destroy-x>; New York Times, “Advertisers Say They Do Not Plan to Return to X After Musk’s Comments,” Kate Conger and Tiffany Hsu, November 30, 2023, <https://www.nytimes.com/2023/11/30/technology/elon-musk-dealbook-advertisers.html>; Washington Post, “IBM pulls ads from X as Musk amplifies antisemitism,” Will Oremus and Naomi Nix, November 16, 2023, <https://www.washingtonpost.com/technology/2023/11/16/elon-musk-antisemitic-advertisers/>.

³ The New York Times, “X May Lose Up to \$75 Million in Revenue as More Advertisers Pull Out,” Ryan Mac and Kate Conger, November 24, 2023, <https://www.nytimes.com/2023/11/24/business/x-elon-musk-advertisers.html>.

⁴ The Wall Street Journal, “Amazon Raises Its Ad Spending on Elon Musk’s X, in Major Reversal,” Dana Mattioli, Suzanne Vranica, Jessica Toonkel, January 30, 2025, https://www.wsj.com/business/media/amazon-raises-its-ad-spending-on-elon-musks-x-in-major-reversal-8a27228b?mod=article_inline&mod=article_inline.

⁵ New York Times, “How Musk Built DOGE: Timeline and Key Takeaways,” New York Times, February 28, 2025, <https://www.nytimes.com/2025/02/28/us/politics/musk-doge-timeline-takeaways.html?smid=nytcore-ios-share&referringSource=articleShare&sgpr=p&pvid=6D82B814-2651-4AA9-90C5-1B0D04F61F60>.

advertising conglomerate Interpublic Group “[g]et [its] clients to spend more on Elon Musk’s social-media platform, *or else*.”⁶ The CEO of X, Linda Yaccarino, reportedly reiterated these warnings with Interpublic’s executives.⁷ Interpublic understood the implication of this threat: if its advertisers do not generate more revenue for X, it would face the risk that Musk could use his power in the Trump Administration to delay, or even block, Interpublic’s pending \$13 billion dollar merger with its rival — a merger that requires review by antitrust enforcers such as the DOJ.⁸

Although the Supreme Court dangerously gave the President presumptive immunity from criminal prosecution for his official acts,⁹ neither Musk nor any other government official enjoys such protections. As a Special Government Employee, Musk is subject to federal ethics laws.¹⁰ Those laws include the prohibition against using one’s government position to coerce or induce another person to provide any benefit to the employee.¹¹ Relatedly, Musk is subject to the federal bribery statute, which (among other things) prohibits seeking or accepting anything of value in exchange for “being influenced in the performance of any official act.”¹² He is also subject to the criminal prohibition in 18 U.S.C. § 208 against participating in a particular matter in which he has a financial interest.¹³ In this case, DOJ’s decision on whether to thwart the Interpublic merger is now potentially linked to X’s advertising revenue — which would give Musk a direct stake in the outcome. By intervening in the merger — even through informally rendering his advice to antitrust enforcers¹⁴ — Musk could run afoul of the criminal prohibition in § 208.¹⁵ This is one of a growing set of instances in which Musk may be intervening in matters in which he has a financial interest.¹⁶ Willful conflict-of-interest offenses are punishable by up to 5 years in prison,¹⁷ federal bribery offenses up to 15 years,¹⁸ and federal gratuities offenses up to 2 years.¹⁹ Of course, depending on the specific facts, non-ethics laws may also be implicated, including the federal extortion statute.²⁰

⁶ The Wall Street Journal, “X Hinted at Possible Deal Trouble in Talks With Ad Giant to Increase Spending,” Suzanne Vranica, February 19, 2025, https://www.wsj.com/business/media/x-hinted-at-possible-deal-trouble-in-talks-with-ad-giant-to-increase-spending-feb122a6?mod=business_trendingnow_article_pos1 (emphasis added).

⁷ *Id.*

⁸ The Wall Street Journal, “Advertising Firms Omnicom and Interpublic Nearing Merger That Would Reshape Industry,” Suzanne Vranica, December 8, 2025, https://www.wsj.com/business/media/advertising-firms-omnicom-and-interpublic-nearing-merger-that-would-reshape-industry-a2dd2286?mod=article_inline&mod=article_inline.

⁹ *Trump v. United States*, 603 U.S. 593 (2024).

¹⁰ 18 U.S.C. § 208.

¹¹ 5 CFR § 2635.702.

¹² 18 U.S.C. § 201.

¹³ 18 U.S.C. § 208; Office of Government Ethics, “Letter to a Designated Agency Ethics Official,” August 23, 2006, [https://www.oge.gov/web/oge.nsf/News+Releases/1A19064302E29310852585BA005BED0A/\\$FILE/06x8_.pdf](https://www.oge.gov/web/oge.nsf/News+Releases/1A19064302E29310852585BA005BED0A/$FILE/06x8_.pdf).

¹⁴ Office of Government Ethics, “Letter to a Designated Agency Ethics Official,” August 23, 2006, [https://www.oge.gov/web/oge.nsf/News+Releases/1A19064302E29310852585BA005BED0A/\\$FILE/06x8_.pdf](https://www.oge.gov/web/oge.nsf/News+Releases/1A19064302E29310852585BA005BED0A/$FILE/06x8_.pdf).

¹⁵ 18 U.S.C. § 208.

¹⁶ *See, e.g.*, The New York Times, “With Attack on Consumer Bureau, Musk Removes Obstacle to His ‘X Money’ Vision,” Stacy Cowley, Jessica Silver-Greenberg and Kate Conger, February 12, 2025, <https://www.nytimes.com/2025/02/12/business/elon-musk-cfpb-x-money.html>; CNN Business, “Musk’s Starlink gets FAA contract, raising new conflict of interest concerns,” Chris Isidore, February 25, 2025, <https://www.cnn.com/2025/02/25/business/musk-faa-starlink-contract/index.html>.

¹⁷ 18 U.S.C. § 216.

¹⁸ 18 U.S.C. § 201 (b).

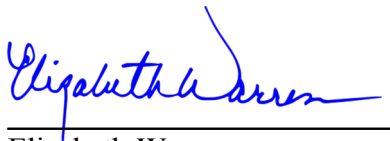
¹⁹ 18 U.S.C. § 201 (c).

²⁰ 18 U.S.C. § 1951.

Musk is not above the law by virtue of being the world's richest man. If evidence emerges that Musk is, in fact, using his official role to coerce advertisers or is participating in particular matters in which he has a financial interest, we ask that DOJ investigate the potential violation of federal ethics laws, as the Department should for any other federal employee who appears to be breaking the law.

Thank you for your attention to this important matter.

Sincerely,



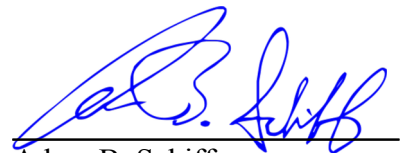
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United States Senator



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