

Congress of the United States
Washington, DC 20515

February 4, 2021

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue
Washington, D.C.

Dear President Biden,

Last month, I penned a letter to you affirming my commitment to bridging the partisan divide and working together on a variety of bipartisan issues, including enforcing our antitrust laws. In recent decades, Big Tech companies have amassed massive market power and engaged in far-reaching acquisitions and mergers. Perhaps more troubling, Big Tech's market dominance has emboldened them to trample over free speech in an effort to censor voices with which they disagree.

In recent weeks, we have seen this market power expanded by companies like Apple and Twitter to take increasingly troubling actions in contravention of the spirit of the First Amendment. Apple's decision to remove the social media site Parler from its App Store, citing alleged "incitement of violence," is laughably hypocritical in the face of Apple's decisions to simultaneously maintain YouTube's and Twitter's apps for download, sites where users have engaged in hate speech and speech inciting lawlessness for years. Further, Twitter's decision to ban the former President of the United States while he was still serving in the Oval Office not only runs counter to the spirit of freedom and democracy our nation has long boasted, but also sets a terrifying precedent that Big Tech companies may control what news the American public consumes – including moderating content from the leader of the free world.

I would hope that both sides of the aisle would be troubled by how this severe expansion in market dominance has emboldened Big Tech companies to behave and I remain optimistic that Republicans and Democrats can work together to address these concerns. It is because of the bipartisan promise in potentially addressing Big Tech's power that I was disappointed to read reports that you may appoint Renata Hesse, a former lawyer for Google and Amazon, to oversee the Department of Justice's (DOJ) antitrust division. While I do not doubt Ms. Hesse's acumen as a lawyer, I am deeply concerned her experience fighting for Big Tech's ability to exercise market dominance to engage in massive acquisitions and anti-competitive practices will undermine her ability to neutrally oversee DOJ's enforcement of antitrust laws.

It is important, now more than ever, that the individual at the helm of the DOJ's antitrust division be diligent in pursuit of protecting free speech, enforcing antitrust laws to address the ballooning influence of Big Tech, and neutrally addressing the anti-competitive practices that have led Big Tech companies, like Google, Apple, Amazon, Twitter, and Facebook, to amass the influence they now hold over society. Unfortunately, I do not believe that person to be Ms. Hesse.

We can see clearly now that acquisitions and mergers signed off on during previous administrations have only served to swell the influence of Big Tech companies. From Apple's blacklisting of Twitter competitor, Parler, to Facebook's purchase of competitive startups, like Instagram, to quell attempts at sharing the company's vast market power, it is clear that Congress and this administration must work together now to halt Big Tech's growing market power.

I urge you to ensure that the individual appointed to lead the DOJ's antitrust division will not only continue pursuing the legal case against Google, Facebook, and other Big Tech companies, but will also fight against anti-competitive practices and infringements on the free speech rights of Americans. I look forward to working with your administration to address Big Tech's market power and I hope that the individuals you select to lead your efforts to enforce antitrust laws demonstrate the bipartisan sentiment that Big Tech's market dominance must be addressed.

Sincerely,

A handwritten signature in blue ink that reads "Beth Van Duyne". The signature is written in a cursive, flowing style.

Beth Van Duyne
Member of Congress