

January 21, 2021

The Honorable Mitch McConnell
U.S. Capitol Building, S-230
Washington, D.C. 20510

The Honorable Kevin McCarthy
U.S. Capitol Building, H-204
Washington, D.C. 20515

Dear Leader McConnell, Leader McCarthy, and Republican Members of Congress:

On behalf of the undersigned organizations, representing taxpayers, consumers, and free market advocates across the nation, we write in strong opposition to proposals from across the ideological spectrum to change substantive antitrust standards that encourage courts to break up and destroy American technology companies. While we sometimes are concerned with the actions of these companies, as long-time supporters of free markets and free expression, we are troubled to see that some fellow conservatives would try to use the sledgehammer of big government to attack companies they may disagree with on a political or ideological basis.

This is a divisive period in our nation's history, and with the democratization of news and information many policymakers are asking tough questions about the role technology plays in modern society. Congress may decide to legislate in the near future on matters like online consumer protection, data privacy, content moderation, and more. Regardless of what bills lawmakers introduce in the coming months -- or what regulations or lawsuits are introduced by a new administration -- our organizations firmly believe that the courts, not Congress, should determine whether America's most successful companies have violated the antitrust laws. Congress should not change substantive laws to address political or ideological concerns about the companies in question. This is also the wrong message to send to entrepreneurs who are actively working to provide Americans with competitive alternatives to today's household names.

In the past, conservatives and free market advocates agreed that the powers of the federal government are too great, and the societal and economic benefits of emerging technologies too strong, for true advocates of limited government to support politically-motivated efforts to tear apart successful firms simply because they're big or for any number of other arbitrary reasons. These companies provide valuable services to hundreds of millions of American and global consumers. That assumption has now been challenged by recent "conservative" calls to "demand the breakup" of major technology companies. As policymakers face a White House and Congress controlled by one party for the next two years, it is imperative to avoid setting a precedent that companies who do not abide by the norms and rules of the governing party find themselves in the crosshairs of vindictive punishment down the road.

Therefore, it is worth reiterating to our allies in Congress and our colleagues throughout civil society: antitrust enforcement should never be used as a political or ideological tool. Instead, antitrust regulators and lawmakers should adhere to the prudent, decades-old consumer welfare standard, which has long been a 'north star' for antitrust enforcement and that -- when properly applied -- allows free-market economies to innovate and thrive.

Thank you for your consideration, and should you like to discuss these matters further we are at your disposal.

Sincerely,



National Taxpayers Union



Taxpayers Protection Alliance



ALEC Action



American Consumer Institute



Americans for Prosperity



Center for Freedom and Prosperity



Competitive Enterprise Institute



Consumer Choice Center



FreedomWorks



Libertas Institute



Lone Star Policy Institute



The Market Institute



NetChoice



R Street Institute



Small Business & Entrepreneurship Council (SBE Council)



TechFreedom