

## **SIMINGTON COMMENTS ON ACQUISITION OF TWITTER**

**WASHINGTON, D.C., May 2, 2022**—Some have recently called on the FCC to stop Elon Musk from acquiring Twitter. But nothing in the United States Code or our regulations gives us the right to interfere with this transaction. Our competition review authority does not and has never extended to internet platforms like Twitter.

But even if this deal were within our purview, it would be inappropriate and contrary to the public interest to block it. Mr. Musk’s acquisition does not raise any concerns about vertical or horizontal concentration in the social media market, and there is no reason to think it would otherwise limit competition or harm consumer welfare.

In fact, antitrust regulators should welcome this purchase. In recent years, consumer choice and freedom have suffered due to the restrictive, and often politically motivated, content moderation practices adopted across all major social media platforms. If Mr. Musk follows through on his stated intention to ease Twitter’s restrictions on speech, he would almost certainly enhance competition and better serve those Americans, the majority, who value free speech.

Also unpersuasive are selective concerns about concentration of ownership. Nothing about Mr. Musk becoming the sole owner of Twitter would be out of step with the ownership structures of other social media platforms or, for that matter, media companies generally. Google, YouTube, Facebook, the Washington Post, and the New York Times are each owned or controlled by one or two people or a single family. Vertical integration is also widespread, and there are numerous examples of common ownership and control of broadband internet access service and online services like search engines, streaming platforms, and news websites. Concerns about Mr. Musk controlling both Twitter and Starlink—a broadband provider currently serving less than one percent of Americans—cannot be taken seriously.

The FCC cannot, and should not, block this sale. We should instead applaud Mr. Musk for doing something about a serious problem that government has so far failed to address. I encourage my colleagues across the government to investigate the market failures and perverse incentives that caused big tech companies to standardize around censorious and slanted content policies in the first place. If this acquisition leads to corporate success by bucking the trend toward curated and managed speech informed by the sensibilities of a narrow and unrepresentative class of insiders, it will bring greater diversity to the social media experience. And, as this experiment is clearly lawful, I for one look forward to seeing what comes of it.

Finally, I am particularly troubled by arguments that the federal government must act with the purpose of stopping Mr. Musk from enshrining free expression on Twitter. The only merit in such proposals is their candor in proposing something so blatantly illegal. The law in this country does not recognize a government interest in restricting the open exchange of ideas. Labeling content as “fake news” or “disinformation” does not change that. It would be not only unconstitutional, but plainly un-American, for any arm of the government to act against Twitter or Mr. Musk for such a purpose.