

May 9, 2022

The Honorable Charles Schumer  
Majority Leader  
United States Senate  
Washington, D.C. 20510

The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives  
Washington, D.C. 20515

SENT VIA E-MAIL

**Re: Big Tech Doesn't Choose Congress' Priorities**

Dear Majority Leader Schumer and Speaker Pelosi,

Recent remarks by Big Tech corporate leadership and its advocates have presented Congress with a false choice: fix corporate concentration or fix privacy.<sup>1</sup> There is no reason that Congress should be so limited. Big Tech cannot, and should not, choose how it will be held accountable in a time when its damaging effects are becoming clearer by the day. Only elected officials, empowered by their constituents, should decide the policy solutions to the persistent problems in American's digital lives – not the corporations responsible for those problems.

Big Tech is attempting to deflect from the momentum behind legislation that will cut into their profit-making foundation of surveillance and anticompetitive gatekeeping.<sup>2</sup> The central component of their strategy is to present polling that shows favorable public attitudes towards laws protecting user privacy online as proof that Americans do not want antitrust reform. The truth is that people want true accountability, which requires action across the digital economy.

A recent poll from a Big Tech-funded group, the Taxpayers Protection Alliance (TPA), illustrates that even slanted polls can't hide the national mood for wide-ranging action on privacy *and* corporate concentration. TPA intended to show that voters preferred action on online privacy to action limiting the power of Big Tech via anti-monopoly and antitrust remedies.<sup>3</sup> Predictably, survey respondents indicated that their online data privacy was very important but despite TPA's spin, also showed that there was widespread support for antitrust legislation. When voters learned the details of the proposed bills to regulate tech companies, almost 70% were in

---

<sup>1</sup> "By huge margins, Americans want Congress to focus on more pressing issues right now, not tech regulation," said Carl Szabo, Vice President and General Counsel for NetChoice. "If Congress does want to regulate technology, voters clearly prioritize data privacy and security issues over competition and antitrust." <https://netchoice.org/media-press/new-national-poll-americans-oppose-antitrust-regulations-that-harm-american-tech/>

<sup>2</sup> The *American Innovation and Choice Online Act* (S. 2992 / H.R.3816) and The *Open App Markets Act* (S. 2710 / H.R 7030).

<sup>3</sup> <https://www.protectingtaxpayers.org/press/new-poll-shows-voters-want-congress-to-focus-on-pocketbook-issues/>

favor. In fact, support “did not dip below 65% in any state.”<sup>4</sup> TPA later updated its release to exclude the survey findings that clearly demonstrated strong public support for antitrust legislation.

Public opinion polling consistently shows that the public knows Big Tech is bad for small business<sup>5</sup> and has outsized influence on the government. Voters from both parties support breaking up monopolies and imposing stronger regulations on the largest tech companies.<sup>6</sup> The need to hold Big Tech accountable for its harms goes beyond privacy and antitrust, for example a recent letter from 60 health, safety, privacy, and education groups stated that Big Tech’s business model is “fundamentally at odds with children’s wellbeing.”<sup>7</sup>

The undersigned groups urge you to reject the notion that Congress must choose between antitrust and privacy reforms, when the public is demanding broader action. We support your offices’ continued work to advance legislation that improves the digital environment in the public interest, free from corporate interference.

Thank you,

Public Citizen

Accountable Tech

American Economic Liberties Project

Artist Rights Alliance

Athena

Center for Digital Democracy

Consumer Action

Demand Progress

Economic Security Project

Electronic Privacy Information Center (EPIC)

Fairplay

Fight for the Future

Indivisible Ulster

---

<sup>4</sup> “After being provided a brief explanation of the legislation, initial support across the 9 states averages 68% support, 19% oppose and 13% no opinion.”

<sup>5</sup> <https://ilsr.org/2022-survey-businesses/>

<sup>6</sup> <https://www.americanprogressaction.org/press/release-new-polling-internet-companies-voters-support-stronger-regulations-breaking-tech-protect-consumers/>

<sup>7</sup> <https://fairplayforkids.org/march-22-2022-diverse-coalition-of-advocates-urges-congress-to-pass-legislation-to-protect-kids-and-teens-online/>

Institute for Local Self-Reliance

Main Street Alliance

Media Alliance

Open Markets Institute

Public Knowledge

Ranking Digital Rights

Revolving Door Project

RootsAction.org

Surveillance Technology Oversight Project

UltraViolet Action