



April 8, 2022

Senator Amy Klobuchar
Chair
Subcommittee on Competition Policy,
Antitrust, and Consumer Rights
United States Senate

Representative David Cicilline
Chair
Subcommittee on Antitrust, Commercial and
Administrative Law
U.S. House of Representatives

Dear Chair Klobuchar and Chair Cicilline,

I write to ask you to disavow recent remarks made by Rep. Ken Buck (R-CO) and Fox News host Laura Ingraham proposing that antitrust legislation and regulation be used as a weapon to punish big tech companies for standing up against discrimination.

Antitrust legislation and regulation can play an important role in ensuring competitive markets and protecting consumers. But if antitrust is used to punish companies for speaking up on social justice issues, the result could be a chilling effect on corporate leadership against hate and bigotry.

As you know, Republican legislators in Florida recently enacted a “Don’t Say Gay” bill banning classroom instruction about sexual orientation or gender identity. LGBTQ leaders, parents, and pediatric psychologists have spoken up about how the bill stigmatizes being gay or transgender and the negative impacts the new law will have on children’s mental health.¹ Students across the state of Florida have also protested the legislation.²

Leading American companies have spoken out against the legislation and attacks on the LGBTQ community. In addition to statements of opposition from its CEO Tim Cook, Apple has mobilized resources to lobby against bills limiting protections for trans and gay people in more than half a dozen states across the country.³ And many leading tech companies have signed statements opposing anti-LGBTQ state legislation.⁴

In response to opposition from the business community, Rep. Ken Buck (R-CO) tweeted several days ago that Apple’s opposition to anti-LGBTQ laws illustrated that “antitrust is the best way to smash woke capital and protect our kids,” and said that antitrust action was a “simple solution” to tech companies’ “hard-left employee base.”⁵

¹ <https://www.theguardian.com/us-news/2022/apr/04/florida-dont-say-gay-bill-children-mental-health>

² <https://www.nbcnews.com/nbc-out/out-politics-and-policy/florida-students-stage-school-walkouts-dont-say-gay-bill-rcn-a18600>

³ <https://www.politico.com/news/2022/04/01/apple-lobbying-anti-lgbtq-laws-00022127>

⁴ <https://freedomforallamericans.org/business-statement-on-anti-lgbtq-state-legislation/>

⁵ <https://www.techdirt.com/2022/04/05/senator-ken-buck-threatens-to-use-antitrust-to-attack-woke-apple/>

In addition, last Friday Fox News host Lauren Ingraham threatened Apple and Disney with antitrust action for opposing "Don't Say Gay" legislation. Noting the potential for a Republican congressional majority next year, Ingraham threatened, "These businesses should really learn this lesson now before it's too late: Stay in your lane." She said:

"When Republicans get back into power, Apple and Disney need to understand one thing: Everything will be on the table – your copyright and trademark protection, your special status within certain states, and even your corporate structure itself. The antitrust division at [the Department of] Justice needs to begin the process of considering which American companies need to be broken up once and for all for competition's sake, and ultimately for the good of the consumers who pay the bills."⁶

I know that you are both longtime champions of LGBTQ rights and social justice, and thankfully do not share Rep. Buck's and Ms. Ingraham's views on these issues. I also recognize that social justice advocacy and LGBTQ rights organizations and advocates have a range of views about specific antitrust proposals.

That said, American businesses have an important role to play in speaking up against harmful discrimination and in support of social justice. We are concerned that threats like these could have a chilling effect on the social progress that companies are supporting across the country. Furthermore, use of antitrust laws should be reserved for taking action against anti-competitive threats, not as a political punishment against companies who demonstrate moral leadership.

Silence when political figures threaten to use antitrust as a weapon against companies opens the door to more such attacks. I encourage you, as sponsors of leading antitrust legislation in Congress, to disavow the comments made by Rep. Buck and Ms. Ingraham and acknowledge that antitrust action should never be used as a weapon against companies working to protect marginalized communities or to stand up for what's right.

Sincerely,



Adam Kovacevich
CEO & Founder
Chamber of Progress

⁶ <https://www.businessinsider.com/stay-in-your-lane-laura-ingraham-disney-dont-say-gay-2022-4>