



March 4, 2022
Washington, D.C.

Dear House Speaker Bowers, Senate President Karen Fann, and Members of the Arizona Legislature,

We write you today to express our support for House Bill 2200, legislation that would level the playing field for developers and app users within the app store marketplace. The bill prohibits big tech app stores from requiring developers use their payment processor exclusively, allowing developers to reinvest in their people, companies, and growth. It will have the effect of removing Apple and Google as the middle man and improve data privacy for consumers.

This is a perilous moment for our democracy. For generations, conservatives have warned of the dangers to liberty posed by government overreach. Yet today, the greatest threat to free speech and democratic deliberation comes from the private sector: the consolidated corporate power in control of our most important online speech platforms.

In the early years of social media, conservatives regarded these tools as means of democratizing public deliberation and circumventing the left-wing bias of traditional corporate media. Indeed, to this day, many conservatives have achieved remarkable success thanks in part to the megaphone granted them by these platforms. But increasingly, the platforms have imposed demands on their most successful users: that they color within the lines of “acceptable” debate as set by the left-wing content moderation teams hired by their executives, lest they lose access to the modern public square. We’ve recently seen examples of apps and platforms that are arbitrarily removed from the marketplace with no recourse, and no justification.

The arbitrariness of these content moderation decisions has had a chilling effect already, and the platforms have become more brazen. No longer are they satisfied merely silencing the voices who disagree with them, but they have even embraced a power no private entity should possess: the authority to censor the former president of the United States. If a President is defenseless in the face of such consolidated corporate power, private citizens without fame or fortune have little hope that their rights, or access to the modern public square, when abused, can be properly vindicated.

Conservatives have long been skeptical of government intervention in the free market, and such skepticism remains critical in the fights to come for our movement. But we cannot be blind to the reality that stares us in the face: concentrated corporate power of this nature is as much a threat to the spirit of our Constitution as abuses of its letter by the government itself. Furthermore, this corporate power did not form ex nihilo from the free market. These platforms are the creations of government subsidies in the form of liability shields provided under current law.

You will undoubtedly hear many good-faith appeals from conservative skeptics of antitrust enforcement or reforms to online platforms who will urge caution on your part in confronting the threat posed by the tech giants.

One such letter recently urged you to avoid legislative action in this space, arguing that the

courts, or Congress, should determine whether America's most successful companies have violated the antitrust laws.

We respectfully suggest that this perspective is fundamentally flawed and unconservative, and that it betrays a misunderstanding of the role of how government should function. Ours is not a republic governed by judges; it is governed by laws, and by the institutions that make and enforce them.

Your role is to make such laws on behalf of the people of Arizona and not delegate their authority to unelected judges or Congress. This responsibility includes both the oversight of whether courts are interpreting current law properly and the consideration of reforms to account for new developments in the market and their impact on the health of our communities. As state lawmakers, you have the ability to move swiftly and deliver justice when no other legislative body can act expeditiously.

The threat to liberty we now face is a consequence of Congressional inaction in the face of a historic transformation in the manner by which our nation engages in public deliberation. That change has empowered a small handful of unelected corporate bureaucrats in Silicon Valley unanswerable to the people whom they now oppress.

To treat the current laws on online platform immunity or antitrust enforcement as quasi-Constitutional provisions inerrant in their present form despite their obvious failures is wrongheaded. To appeal to judges to solve this on their own is an abdication of duty.

Accordingly, we welcome the proliferation of legislative activity in the area of big tech reform. America's foundational values of diverse speech, market access, and the free flow of information are imperiled by concentrated corporate power wielded at an unprecedented scale — and in many cases, aided and abetted by federal policies. Inaction in this forum is no longer an acceptable response.

We wholeheartedly support House Bill 2200 and the critical reforms it brings to Arizona businesses and consumers. You are on the right path - continue to advance this critical legislation to right the wrong of corporate consolidation and government inaction.

Sincerely,

Russ Vought

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