



OPEN MARKETS

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OMI STATEMENT ON ELON MUSK AND TWITTER

WASHINGTON - *In response to Elon Musk buying Twitter Open Markets Institute Director Barry Lynn issues the following statement:*

Yesterday Twitter's board agreed to sell the corporation to Elon Musk, the owner of Tesla and SpaceX. The Open Markets Institute believes the deal poses a number of immediate and direct threats to American democracy and free speech. Open Markets also believes the deal violates existing law, and that the Federal Communications Commission (FCC), the Department of Justice (DOJ), and the Federal Trade Commission (FTC) have ample authority to block it.

The most obvious problem is that the deal would give to a single man – one who already wields immense political and economic power – direct control over one of world's most important platforms for public communications and debate. As has been true from the Founding, the American people have an absolute right to ensure the full openness and neutrality of all essential public infrastructure. Specific to communications, we see this in Article I, Section 8 of the Constitution, in the Telegraph acts of 1860 and 1866, the Mann-Elkins Act of 1910, the Communications Act of 1934, and many other federal and state laws. Americans have also repeatedly used our antitrust laws to prevent concentrations of power over communications, speech, debate, and news.

Yesterday's deal also violates the law at a more technical level. Mr. Musk already controls one of the most important internet platforms in the world – in the form of the satellite communications system Starlink. Since the late 19th Century, the U.S. government has routinely acted to prevent mergers between existing essential platforms. Most recently, the DOJ in 2017 attempted to block AT&T's takeover of Time-Warner (an effort which failed because the DOJ filed a poor case, as OMI made clear at the time). This means that just as we would now expect the U.S. government to block a takeover of Twitter by Google, Facebook, Comcast, or Verizon, the same rules apply to the owners of Starlink.

Let's be clear. Elon Musk's effort to buy Twitter is not the only threat to free communications and debate in the United States. The size, scope, and business models of Facebook, Google, and Amazon also pose a wide variety of often extreme threats to American democracy and the basic rights of citizens. That's why law enforcers and Congress should view this deal as an opportunity to firmly reestablish clear bans on any manipulation of communications by essential platforms, and to eliminate all business models that rely on such manipulation.

Finally, as Open Markets made clear in [this article](#) in the Washington Monthly, it's past time for the FCC to get serious about regulating Starlink to ensure that this vital and increasingly important Internet platform serves the public interest only.