

United States Senate

WASHINGTON, DC 20510

July 15, 2019

The Honorable Joseph J. Simons
Chairman
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

The Honorable Noah Phillips
Commissioner
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

The Honorable Rohit Chopra
Commissioner
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

The Honorable Rebecca Slaughter
Commissioner
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

The Honorable Christine Wilson
Commissioner
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Chairman Simons, Commissioner Phillips, Commissioner Chopra, Commissioner Slaughter, and Commissioner Wilson:

We write to encourage the FTC to exercise its section 6(b) authority to investigate how major tech companies curate content. As you know, this section authorizes the FTC to force companies to provide the information necessary to understand fully their “conduct” and “practices.” 15 U.S.C. § 46(b).

Big tech companies like Google, Facebook, and Twitter exercise enormous influence on speech. The vast majority of internet traffic flows through just a handful of these companies. They control the ads we see, the news we read, and the information we digest. And they actively censor some content and amplify other content based on algorithms and intentional decisions that are completely nontransparent. Never before in this country have so few people controlled so much speech.

The possibilities for abuse in this area are alarming and endless. Apart from more salient examples of censorship like account suspensions, nobody knows who or what these companies censor or amplify. Most content curation occurs in ways impossible for outsiders to detect. Some content is downgraded: the content appears in fewer recommendations, lower on search pages, and less often in news feeds. Other content is amplified through the same means. By controlling the content we

see, these companies are powerful enough to—at the very least—sway elections. And we’re told we have to be satisfied simply with trusting them not to abuse this immense power.

Companies that are this big and that have the potential to threaten democracy this much should not be allowed to curate content entirely without any transparency. These companies can greatly influence democratic outcomes, yet they have no accountability to voters. They are not even accountable to their own customers because nobody knows how these companies curate content.

Congress empowered the FTC to conduct investigations in precisely these circumstances where more information is needed to determine full compliance with the law. We encourage the FTC to open a section 6(b) investigation into how big tech companies curate content. The FTC should then “make public” any information it discovers that is “in the public interest.” 15 U.S.C. § 46(f).

Thank you for your attention to this matter. We look forward to your response.

Sincerely,



Josh Hawley
U.S. Senator



Ted Cruz
U.S. Senator