

White House Drafts Order to Look Into Google and Facebook's attempted Coup

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(Bloomberg) -- The White House has drafted an executive order for President Donald Trump's signature that would instruct federal antitrust and law enforcement agencies to open probes into the practices of Alphabet Inc.'s Google, Facebook Inc., and other social media companies.

The order is in its preliminary stages and hasn't yet been run past other government agencies, said a White House official. Bloomberg News obtained a draft of the order.

The document instructs U.S. antitrust authorities to “thoroughly investigate whether any online platform has acted in violation of the antitrust laws.” It instructs other government agencies to recommend within a month after it’s signed, actions that could potentially “protect competition among online platforms and address online platform bias.”

Read the Executive Order draft on bias in online platforms

The document doesn’t name any companies. If signed, the order would represent a significant escalation of Trump’s aversion to Google, Facebook, Twitter and other social media companies, whom he’s publicly accused of silencing conservative voices and news sources online.

The press offices of Google, Facebook and Twitter didn’t respond Saturday to emails and telephone calls requesting comment outside of normal office hours.

Trump’s Complaint

“Social Media is totally discriminating against Republican/Conservative voices,” Trump said on Twitter in August. “Speaking loudly and clearly for the Trump Administration, we won’t let that happen. They are closing down the opinions of many people on the RIGHT, while at the same time doing nothing to others.”

Social media companies have acknowledged in congressional hearings that their efforts to enforce prohibitions against online harassment have sometimes led to erroneous punishment of political figures on both the left and the right, and that once discovered, those mistakes have been corrected. They say there’s no systematic effort to silence conservative voices.

Stiglitz Calls for Tougher Antitrust Stand to Fight Market Power

The draft order directs that any actions federal agencies take should be “consistent with other laws” -- an apparent nod to concerns that it could threaten the traditional independence of U.S. law enforcement or conflict with the First Amendment, which protects political views from government regulation.

“Because of their critical role in American society, it is essential that American citizens are protected from anticompetitive acts by dominant online platforms,” the order says. It adds that consumer harm -- a key measure in antitrust investigations-- could come “through the exercise of bias.”

The order’s preliminary status is reflected in the text of the draft, which includes a note in red that the first section could be expanded “if necessary, to provide more detail on role of platforms and the importance of competition.”

The possibility of an executive order emerged as Attorney General Jeff Sessions prepares for a [Sept. 25 briefing](#) by state attorneys general who are already investigating the tech firms' practices.

Federal Case

The meeting, which will include a representative of the Justice Department's antitrust division, is [intended](#) to help Sessions decide if there's a federal case to be made against the companies, two people familiar with the matter have said. At least one of the attorneys general participating in the meeting has indicated he seeks to break up the companies.

Growing [movements](#) on the right and the left argue that companies including Google and Facebook engage in anti-competitive behavior. The companies reject the accusation, arguing they

face robust competition and that many of their products are free. Bias has not typically figured in antitrust examinations.

In July, for instance, Twitter algorithms [limited](#) the visibility of some Republicans in profile searches. Jack Dorsey, the company's chief executive officer, testified before Congress in September that the limits also affected some Democrats as the site tried to enforce policies against threats, hate, harassment or other forms of abusive speech. The moves were reversed.

A Pew Research Center survey earlier this year found that 72 percent of Americans, and 85 percent of Republicans, think it's likely that social media companies intentionally censor political viewpoints that those companies find objectionable.

Even on the right, however, there are misgivings about a Trump administration crackdown on the companies. On Friday, libertarian-leaning groups including FreedomWorks and the American Legislative Exchange Council sent a [letter](#) to Sessions expressing “fear” that his “inquiry will be to accomplish through intimidation what the First Amendment bars: interference with editorial judgment.”

The White House is considering an antitrust investigation into 'online platform bias' at Google and Facebook — read the leaked document here

Jim Edwards 6h



Facebook founder Mark Zuckerberg. Justin Sullivan / Getty

- Business Insider has obtained a copy of a proposed

executive order for President Trump that would ask federal law enforcement to "thoroughly investigate whether any online platform has acted in violation of the antitrust laws," to "protect competition among online platforms and address online platform bias."

- Trump has previously said, "Social Media is totally discriminating against Republican/Conservative voices."
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- He has also stated, wrongly, that Google discriminated against his State of the Union speech.
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- There is no evidence that either Google or Facebook discriminate against conservatives.
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The White House has drafted a text of a proposed executive order for President Donald Trump that would trigger an antitrust investigation into Google and Facebook, according to a copy of the document obtained by Business Insider. The existence of the draft was [first reported by Capital Forum](#).

The proposed text focuses on "bias" at the companies:

"Whether reading news or looking for local businesses, citizens rely on search, social media, and other online platforms to provide objective and reliable information to shape a host of decisions ranging from consumer purchases to votes in elections. Because of their critical role in American society, it is essential that American citizens are protected from anticompetitive acts by dominant online platforms. Vibrant competition in the online ecosystem is essential to ensuring accountability for the platforms that hold so much sway over our economy and democratic process."

"... Executive departments and agencies with authorities that could be used to enhance competition among online platforms (agencies) shall, where consistent with other laws, use those authorities to promote competition and

ensure that no online platform exercises market power in a way that harms consumers, including through the exercise of bias."

"... Not later than 30 days from the date of this order, agencies shall submit to the Director of the National Economic Council an initial list of (1) actions each agency can potentially take to protect competition among online platforms and address online platform bias."

The order also commands federal agencies to "thoroughly investigate whether any online platform has acted in violation of the antitrust laws."

The president and other conservatives have repeatedly complained that they believe Facebook and Google (owned by corporate parent Alphabet) bias the way they show news to users by dampening down conservative voices or outlets. In August, [Trump tweeted](#), "Social Media is totally discriminating against Republican/Conservative voices. Speaking loudly and clearly for the Trump Administration, we won't let that happen. They are closing down the opinions of many people on the RIGHT, while at the same time doing nothing to others....."

[Trump later claimed](#) that Google did not highlight his State of the Union speech on its front page even though it had always done that for President Obama. But [that allegation turned out to be entirely false](#). Google promoted Trump's State of the Union event in the same way it did for Obama.

Facebook has removed some conservative commentators from its platform, [such as the conspiracy theorist Alex Jones](#), after they broke Facebook's rules against "glorifying violence" and

"hate speech" against minorities. Many conservatives believe that shows the platforms do not give them a fair shake.

But there is no evidence that either Facebook or Google systematically discriminates left or right.

The draft order is in its preliminary stages.

While the political bias aspect of the order would likely be the most controversial aspect, it would also be the least threatening to either Google or Facebook. The First Amendment to the US Constitution bans the government from restricting or imposing speech. Federal authorities cannot require any company to publish views it favors.

The more worrying aspect of the draft, from the point of view of the companies, is the antitrust aspect. That could cost the companies real money. The [European Union recently fined Google \\$5 billion](#) for abusing its power over phone manufacturers through its dominance of Android; and [\\$2 billion for its distortion of shopping search results](#) that favored Google's own properties over superior independent results.

Google has a dominance of the search market that approaches 90% or more in many markets. And between them, [Google and Facebook receive 90% of all new advertising dollars](#) spent on the web. Facebook and Google capture 71% of all digital ad spending in Europe, according to analyst Brian Weiser at Pivotal Research.

Here is the full text of the draft order seen by Business Insider: