

*The attacks on Big Tech undermine both liberal and conservative principles*

## Conservatives Take Aim at Free Markets and Free Speech

For libertarians, American politics has often been a difficult choice between conservatives seen as better on free markets and limited government and progressives keener on civil liberties and personal freedoms. The resurgence of illiberal populism has scrambled those long-held assumptions, as conservatives have joined anti-business liberals in attacks on technology companies. Cato's experts have, in turn, risen to the challenge, defending fundamental principles regardless of scrambled political expectations.

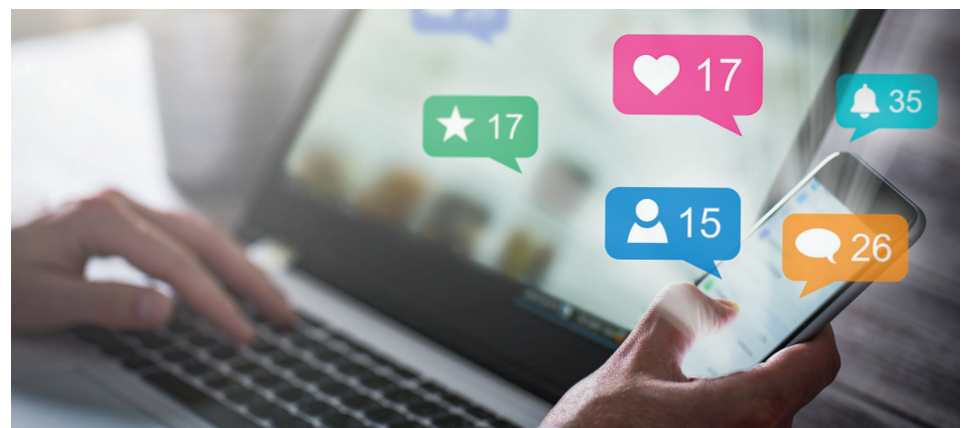
In February, Kara Frederick, research fellow at the conservative Heritage Foundation, released a study, "Combating Big Tech's Totalitarianism: A Road Map," outlining an aggressive program of government intervention against technology firms and social media companies. Unfortunately, as Cato's Matthew Feeney and Ryan Bourne explained in their analysis on the *Cato at Liberty* blog, "Frederick's paper is marked by imprecision, factual errors, and vague political rhetoric. The most substantive recommendations ultimately represent a retreat from long-established conservative policy principles consistent with a free economy and free society."

Feeney, director of Cato's Project on Emerging Technologies, and Bourne, Cato's R. Evan Scharf Chair for the Public Understanding of Economics, begin by noting that much of Frederick's report is taken up with anecdotal complaints about tech companies, many of them lacking factual basis. For example, the report cites a list of 22 Twitter users who were suspended, of which 21 had expressed a preference for Donald Trump in the 2016 election. However, this is hardly a list that makes the case for bias against conservatives.

"The list includes the white supremacist Richard Spencer, the former KKK Grand Wizard David Duke, the anti-Semite Tila Tequila, and the American Nazi Party," Feeney and Bourne note. "To see a Heritage Foundation paper citing research that includes such

people and institutions as belonging in the 'conservative' category because they back Donald Trump is, to put it mildly, jarring."

Heritage's report also takes on a new enthusiasm for antitrust laws of the sort previously associated with anti-market progressives. By undoing decades of law to rationalize and restrain antitrust law, the new populist opponents of Big Tech would unleash arbitrary enforcement actions with little more rationale than beating up on a politically disfavored industry.



In addition to undermining free-market principles, the anti-tech conservative agenda also includes troubling implications for the First Amendment. By muddying the waters between government action and private action, crucial bulwarks of free speech doctrines would be weakened in the name of fighting claims of private censorship.

Much of the debate centers on Section 230, a widely misunderstood law that was crucial to allowing the modern internet as we know it to exist. Simply put, "you can sue a tweeter if their tweet defames you, but you cannot sue Twitter over the same tweet."

Frederick's proposal would use revoking the protections of Section 230 as a cudgel to punish companies for removing at least some legal speech, but that is untenable given the extreme range of speech protected by the First Amendment, which the government cannot selectively

disfavor. "[Tech companies] would have to choose between enjoying Section 230 protections while putting up with pornography, beheading videos, spam, and other legal content, or screening such content at the risk of being held liable for any illegal content that slips through the screening net. Such a system would significantly limit the amount of speech online."

The new conservative disdain for free markets and free speech earns plaudits with some on the right who have taken up Donald Trump's hostility to social media companies,

especially since he was banned. It's also a disavowal of the traditional conservative embrace of limited government, free enterprise, and rule of law under the Constitution.

"Although not persuasive as policy analysis, Frederick's paper is of use to those interested in the history and anthropology of American conservatism," Feeney and Bourne conclude, given that "America's leading conservative think tank has released a paper outlining a roadmap for interfering in First Amendment-protected content moderation, empowering federal bureaucrats in alphabet soup agencies, and hampering innovation and growth among America's most famous and successful companies." ■

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