

Antitrust, Big Tech, and the Fight for Democracy

Inside the House Judiciary Antitrust Investigation

A Study Group Led by former Congressman David N. Cicilline

Brown University

Five sessions · 90 minutes each

Office hours by appointment after Study Sessions

Course Description

This five-session study group goes inside the U.S. House Judiciary Committee's landmark investigation into competition in digital markets — the most significant congressional antitrust inquiry in half a century. Led from the inside by David N. Cicilline, who chaired the House Judiciary Subcommittee on Antitrust, Commercial, and Administrative Law, the group combines a firsthand account of how the investigation and the legislative fight that followed unfolded with the underlying law, economics, and politics. We will examine why antitrust enforcement atrophied over four decades, what the investigation found about Amazon, Apple, Facebook, and Google, why the legislative push to act on those findings stalled in 2022, and how concentrated economic power in digital markets connects to concentrated political power — through lobbying and campaign spending, through Section 230's shield for platform speech, and through the algorithmic amplification of misinformation. We close by asking where enforcement stands today and what a renewed effort could look like.

Session Format

Each 90-minute session follows the same rhythm: roughly 15 minutes of framing and firsthand narrative, 30–40 minutes of core content, 15–20 minutes examining a primary-source excerpt (report text, hearing transcript, or bill language), and 15–20 minutes of open discussion. Session 4 is built to run longer on discussion, given how live the debate over platforms, speech, and misinformation remains.

Sessions at a Glance

#	Session	Focus
1	Why Investigate Monopolies, and How	Origins of the investigation
2	The Findings: Four Companies, Four Playbooks	Inside the October 2020 report
3	From Report to Law: The Legislative Fight	The six-bill package, AICOA, and why it stalled
4	Money, Power, and Democracy	Section 230 and the misinformation economy
5	What's Next	Enforcement today and the path forward

Session 1: Why Investigate Monopolies, and How

Origins of the investigation

Overview

We start with the long history behind the investigation: how the "consumer welfare standard" narrowed American antitrust enforcement from the 1970s onward, and why, in June 2019, the House Judiciary Committee launched a bipartisan investigation into competition in digital markets. We then go inside the investigation itself — more than 1.3 million documents reviewed, dozens of interviews with competitors, former employees, and whistleblowers, and the July 29, 2020 hearing where Jeff Bezos, Tim Cook, Sundar Pichai, and Mark Zuckerberg testified together for the first time. Personal reflections on resistance from the companies — and from inside Congress.

Learning Objectives

- Trace how the consumer welfare standard narrowed antitrust enforcement after the 1970s
- Explain why the Judiciary Committee opened a bipartisan digital markets investigation in 2019
- Describe how the investigation gathered evidence and what the July 2020 hearing revealed
- Identify the political and institutional obstacles an investigation like this one faces

Required Readings

Course handout "Antitrust Law and Enforcement in the United States."

<https://democrats-judiciary.house.gov/media-center/press-releases/house-judiciary-committee-launches-bipartisan-investigation-into-competition-in-digital-markets>

<https://themarkup.org/2020/07/30/congressional-antitrust-tech-hearing-recap-facebook-amazon-alphabet-google-apple>

<https://www.thebignewsletter.com/p/the-day-big-tech-stopped-being-untouchable>

Additional Reference Materials

[Lina Khan, "Amazon's Antitrust Paradox," Yale Law Journal \(2017\) — the scholarly article that reframed the modern antitrust debate](#)

Primary Source for In-Session Discussion

Selected exchanges from the July 29, 2020 hearing transcript

Discussion Questions

1. What changed in antitrust thinking between the 1970s consumer welfare turn and the 2019 decision to investigate digital markets — and what took so long?
2. What does it say about congressional oversight that it took a 16-month, 1.3-million-document investigation to get basic facts about these companies' practices?
3. The investigation was bipartisan. What made that possible in 2019–20, and is that coalition still intact today?

Session 2: The Findings: Four Companies, Four Playbooks

Inside the October 2020 report

Overview

On October 6, 2020, the Subcommittee released its 449-page majority staff report, "Investigation of Competition in Digital Markets." This session works through its core findings company by company: Amazon's self-preferencing of its own products and its use of third-party seller data; Apple's control of the App Store and the tolls it imposes on developers; Facebook's "buy-or-bury" strategy in acquiring Instagram and WhatsApp; and Google's dominance of search and the ad-tech stack that sits behind it. Together the four case studies show distinct routes to the same result: durable monopoly power insulated from competition.

Learning Objectives

- Summarize the report's central findings on each of the four companies
- Distinguish exclusionary conduct (self-preferencing, tying) from anticompetitive acquisition (buy-or-bury)
- Evaluate the report's core recommendation: structural separation and nondiscrimination rules

Required Readings

[House Judiciary Committee, Investigation of Competition in Digital Markets: Majority Staff Report and Recommendations \(Oct. 2020\) — executive summary and company chapters](#)

<https://www.npr.org/2020/10/06/920882893/how-are-apple-amazon-facebook-google-monopolies-house-report-counts-the-ways>

<https://www.consumerreports.org/competition-mergers-antitrust/house-antitrust-report-calls-big-tech-monopolies-seeks-stronger-regulation/>

https://www.nytimes.com/2020/10/06/technology/congress-big-tech-monopoly-power.html?unlocked_article_code=1.-FA.F9bQ.2K-1PhTbKb5v&smid=em-share

<https://www.brookings.edu/articles/the-house-antitrust-report-is-a-major-step-toward-reining-in-big-tech/>

Additional Reference Materials

[Competition Policy International, Antitrust Chronicle Special Edition: U.S. House Report on Digital Markets \(Winter 2021\)](#)

[Concurrences, "The US House of Representatives Judiciary Committee issues the majority report of its investigation of competition in digital markets" \(Oct. 2020\)](#)

[Big Tech Antitrust Hearing, full transcript, July 29, 2020 \(excerpts\)](#)

Primary Source for In-Session Discussion

Executive summary of the Majority Staff Report (Oct. 2020)

Discussion Questions

1. Which of the four companies' conduct do you find most clearly anticompetitive, and which is the closest call? Why?
2. The report recommended structural separations (e.g., breaking apart platform and marketplace functions). What would that actually look like in practice, and what would it cost?

Session 3: From Report to Law: The Legislative Fight

The six-bill package, AICOA, and why it stalled

Overview

Findings are not law. This session covers the legislative package introduced in 2021 to act on the report's recommendations — six bills addressing self-preferencing, interoperability, merger filing fees, and forced arbitration — and the two bills that came closest to passage: the American Innovation and Choice Online Act (AICOA) and the Open App Markets Act. We examine the lobbying and public-relations campaign the platforms mounted against them, the coalition politics inside Congress, and why, despite committee votes and bipartisan Senate support, the effort stalled at the end of the 117th Congress in December 2022 without a floor vote.

Learning Objectives

- Identify the major bills in the 2021 legislative package and what each targeted
- Explain AICOA's core nondiscrimination and self-preferencing provisions
- Analyze why bipartisan, committee-passed legislation failed to reach a floor vote
- Assess what the fight reveals about the relationship between lobbying and legislative outcomes

Required Readings

[Bipartisan Policy Center, “The American Innovation and Choice Online Act: What It Does and What It Means”](#)

<https://news.bloomberglaw.com/mergers-and-acquisitions/house-panel-calls-for-sweeping-antitrust-reforms-for-big-tech>

<https://www.axios.com/2020/10/06/gop-lawmakers-push-counter-proposals-to-tech-antitrust-report>

<https://rollcall.com/2021/06/11/house-committee-unveils-bipartisan-big-tech-antitrust-agenda/>

Additional Reference Materials

[H.R.3816, American Innovation and Choice Online Act, 117th Congress — bill text](#)

[Congressional Research Service, R47228, The American Innovation and Choice Online Act \(Aug. 30, 2022\)](#)

[Center for American Progress, “Evaluating 2 Tech Antitrust Bills to Restore Competition Online”](#)

Primary Source for In-Session Discussion

Key provisions of AICOA (S.2992/H.R.3816) alongside industry opposition statements

Discussion Questions

1. AICOA passed the Senate Judiciary Committee with bipartisan support but never got a floor vote. Where, specifically, did it stall, and why?
2. What tactics did the platforms and their allies use to slow or block the bills? Which were most effective?
3. What would you have done differently, with the benefit of hindsight, to get this legislation across the finish line?

Session 4: Money, Power, and Democracy

Section 230 and the misinformation economy

Overview

This session widens the lens from markets to democracy itself. We start with Section 230 of the Communications Decency Act — its 1996 origins, the immunity it grants platforms for user content, and the ongoing debate over reforming it. From there we examine how platform business models and recommendation algorithms create commercial incentives to amplify engaging, often false, content, drawing on the 2021 "Facebook Files" disclosures by whistleblower Frances Haugen, the Cambridge Analytica scandal, and the role of platform amplification around the 2020 election and January 6. We close by connecting the dots: how the lobbying and campaign-spending power that flows from concentrated market power turns economic dominance into durable political influence. Expect this session to run long on discussion.

Learning Objectives

- Explain Section 230's origins, scope, and the main reform proposals debated today
- Describe how platform business models and algorithmic ranking incentivize engagement over accuracy
- Analyze the Facebook Files/Haugen disclosures and the Cambridge Analytica case as evidence
- Connect concentrated platform power to political influence through lobbying and campaign spending

Required Readings

[OpenSecrets, "Record-Breaking Federal Lobbying Tops \\$2.2 Billion in First Half of 2024"](#)

[Tech Policy Press, "The Tech Money Machine: How Silicon Valley Buys Power — and Shapes Reality"](#)

<https://www.openmarketsinstitute.org/publications/house-subcommittees-big-tech-report-lays-a-foundation-for-rebuilding-democracy>

<https://thehill.com/policy/technology/3785894-how-big-tech-fought-antitrust-reform-and-won/>

<https://www.competitionpolicyinternational.com/how-big-tech-defeated-the-biggest-antitrust-push-in-decades-on-capitol-hill/>

Additional Reference Materials

[Congressional Research Service, R46751, Section 230: An Overview](#)

[Electronic Frontier Foundation, "Section 230: Legislative History"](#)

[CBS News/60 Minutes, "Facebook whistleblower Frances Haugen details company's misleading efforts" \(Oct. 3, 2021\)](#)

[Issue One, "Big Tech Cozies Up to New Administration After Spending Record Sums on Lobbying Last Year"](#)

Primary Source for In-Session Discussion

Excerpts from Frances Haugen's October 2021 Senate testimony alongside Section 230's original text

Discussion Questions

1. Is Section 230 the reason platforms under-moderate harmful content, or does the deeper problem lie in the business model regardless of the legal shield?
2. Haugen's disclosures showed Facebook's own research anticipated the harms its algorithms caused. What responsibility follows from a company knowing and not acting?

3. How directly does market concentration translate into political influence in this industry — through lobbying, campaign spending, control of the public square, or all three?
4. What would meaningful reform of the money-in-politics side of this problem look like, separate from antitrust or content-moderation fixes?

Session 5: What's Next

Enforcement today and the path forward

Overview

We end by taking stock of where things stand now. The Department of Justice has had one major win — a federal court found in April 2025 that Google illegally monopolized open-web ad-tech markets — while the FTC's long-running case seeking to unwind Meta's acquisitions of Instagram and WhatsApp was rejected in November 2025, when a federal judge found Meta does not hold monopoly power in a market that now includes TikTok and YouTube. We also look abroad, to the European Union's Digital Markets Act, which regulates designated "gatekeeper" platforms directly rather than relying solely on case-by-case litigation. The session closes with an open discussion: what would it take to revive a legislative push in Congress, and what can citizens — including the students in this room — actually do about it?

Learning Objectives

- Summarize the outcomes of the DOJ's ad-tech case against Google and the FTC's case against Meta
- Explain how the EU's Digital Markets Act differs from the U.S. litigation-first approach
- Evaluate the prospects for renewed legislative action in Congress
- Identify concrete avenues for civic engagement on these issues

Required Readings

[U.S. Department of Justice, "Department of Justice Prevails in Landmark Antitrust Case Against Google" \(April 2025 ad-tech ruling\)](#)

[Meta reaches \\$17 billion settlement with states in landmark trial over teen social media addiction | PBS News](#)

[Meta, states agree to \\$17 billion settlement in child safety trial : NPR](#)

[Looking Ahead on US Antitrust Enforcement and Tech: Will 2026 Deliver More of the Same? | TechPolicy.Press](#)

Additional Reference Materials

[Coverage of Federal Trade Commission v. Meta ruling, U.S. District Court for the District of Columbia \(Nov. 2025\)](#)

[European Parliament Think Tank, "Digital Markets Act Enforcement: State of Play" \(April 2025\)](#)

[European Commission, "About the Digital Markets Act"](#)

Primary Source for In-Session Discussion

Side-by-side excerpts: the DOJ's April 2025 win, the FTC's November 2025 loss, and the EU DMA's gatekeeper obligations

Discussion Questions

1. Why did the DOJ succeed against Google's ad-tech business while the FTC failed against Meta — was it the law, the facts, the market definition, or the moment?
2. Is regulation (the EU model) or litigation (the U.S. model) the more effective tool for disciplining platform power? What are the trade-offs?
3. What would it take — politically and legislatively — to revive something like AICOA today?