



State of West Virginia
Office of the Attorney General

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Attorney General

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February 24, 2021

Mr. John T. Stankey, CEO
AT&T, Inc.
208 South Akard Street
Dallas, Texas 75202

Dear Mr. Stankey,

On Monday, two Democratic members of the House Energy and Commerce Subcommittee on Communications and Technology from California overstepped their authority as members of Congress by sending a letter to your company and 11 other cable, satellite, and streaming companies to pressure the industry to engage in dangerous, anticompetitive, and collusive censorship of conservative daily news programming.

I write to you as a State Attorney General charged with enforcing the antitrust laws of West Virginia and as a public official duty-bound to oppose any collusive and anticompetitive conduct which may arise in my state as a result of that letter.

The unfortunate letter which you received contains highly intrusive information requests, thinly-veiled threats, and a plea that companies consider cutting off access of millions of Americans to three conservative news channels that these members dislike.

I urge you to consider your response to their letter very carefully and not bow down to their approach.

The two Representatives ask nothing less than for you and other companies to reincarnate the Hollywood blacklist, this time wielded by content conveyors and aimed at conservative voices.

Our nation is a large and diverse country, full of well-intentioned people, with varying backgrounds, interests, and perspectives on policy and with differing views about the right direction for the future. The last thing our country needs is more private censorship at the behest of political partisans who are seeking to muzzle political discourse.

The First Amendment safeguards against the government simply punishing speech or outlets that it disagrees with. The thinly-veiled threats from these two Representatives are no doubt empty,

since they lack legal power to enforce their views, but such grandstanding is still inappropriate and carries grave consequences for our republic.

If you cast conservatives and all Americans thirsting for diverse viewpoints off of your company's platforms, rest assured the result will not be a boon to the bottom line.

Your company can likely ill afford the luxury of losing the many millions of customers who will turn elsewhere if they feel your company no longer respects and wishes to serve them. And, indeed, the unavoidable result will be self-defeating of the purpose these members claim to serve, as customers will turn to even more decentralized and undoubtedly less moderate sources of news, political commentary, and opinions.

Acceding to the desires of Representatives Eshoo and McNerney is not just bad for America and awful for your company's business—to the extent that they call for collusive, coordinated, and anticompetitive behavior, they are soliciting potentially illegal activities under federal and state antitrust laws. As a State Attorney General, I can assure you that West Virginia and other States will not hesitate to investigate whether the deplatforming of the type your company is being urged to undertake involves any violations of antitrust laws.

In particular, I cannot conceive of how any one company facing competition from others in this market could afford to unilaterally deplatform conservative programming without immediately suffering a tremendous market disadvantage against its competitors, as a large number of customers would promptly switch providers. Accordingly, the only way for this scheme to succeed would be for there to be coordinated and collusive activity amongst competitors. Such coordination and collusion would likely run afoul of antitrust laws. Indeed, this is precisely an area in which the antitrust laws benefit consumers, and they must accordingly be stridently enforced in this context.

My colleagues and I will not allow collusive anticompetitive activities to run wild, especially when the consequences mean that millions of Americans are deprived of diverse political content they wish to enjoy—content that lies at the heart of political discourse in America. Every station cannot be nor should be CNN or MSNBC.

For these reasons, I respectfully urge you to work closely with your counsel to ensure your company complies fully with all federal and state antitrust laws as you review the contents of this letter.

I am disheartened that I have had to write you on this matter. These Representatives are playing a very dangerous game. I strongly urge you to play no part of it.

Sincerely,



Patrick Morrissey
West Virginia Attorney General