The Tech Giants, Monopoly Power, and Public Discourse

November 14–15, 2019



KNIGHT
FIRST AMENDMENT
INSTITUTE

at Columbia University

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INTRODUCTION

The Knight Institute announced this symposium in the spring of 2019, in response to the growing interest in using anti-monopoly tools—including antitrust law and competition policy—to address the concerns arising from the dominance of a small number of technology companies over a wide range of economic and expressive activity. In the months since we announced the symposium, the debate over antitrust and the technology giants has exploded, with the Federal Trade Commission, the Department of Justice, committees in the House and Senate, and a broad coalition of state attorneys general launching investigations into possible anti-competitive conduct by the major technology companies.

At the Knight Institute, we're especially interested in the relationship between the technology giants' power and public discourse. One way to understand the First Amendment is as a safeguard against a certain kind of monopoly power. It's a safeguard against the government exercising monopoly power over the speech environment. While the risk of the government exercising this kind of power seems to have waned, a small number of technology companies now control the digital public square, or large parts of it. These companies are not bound by the First Amendment, but they have an enormous influence over who can speak, what can be said, and who gets heard.

Against this background, this symposium focuses on two major sets of questions. The first has to do with the extent and nature of the technology giants' power to shape public discourse. The second has to do with whether anti-monopoly tools might usefully be deployed to expose or counter this power.

One thing that has become clear to us as we've begun to explore these issues is that proponents of using anti-monopoly tools in this context have very different problems in mind. Some are focused on

reviving competition and innovation in the technology sector. Others are focused on addressing a business model that amplifies harmful content and relies on the collection, aggregation, and exploitation of massive amounts of user data. Still others are committed to addressing the spread of misinformation. Those who champion the use of anti-monopoly tools in this context also have different solutions in mind—for example, "breaking up" the companies, restricting their collection of data, banning microtargeted ads, imposing transparency mandates, requiring interoperability, or establishing public alternatives to private platforms. The debate about the technology companies, monopoly power, and public discourse is actually many debates—overlapping, but perhaps worth trying to pull apart.

The twelve papers that we'll discuss over the course of this event draw on insights from law, computer science, economics, information studies, journalism, political science, and other disciplines. Some of the papers offer ambitious ideas that could, if adopted, reshape public discourse in the digital sphere. Others sound a more cautionary note and raise concerns about the way that new regulatory powers might be used to threaten free speech and undermine democratic values. The papers take very different views on what, if anything, should be done to rein in the technology giants' power over public discourse, but all attempt to answer some of the most urgent questions facing our democracy.

Over the next day and a half, we'll explore these proposals and arguments in the company of some of the most knowledgeable and creative scholars thinking about these problems, with the hope that our discussions will inform the Knight Institute's own research and litigation activities and also bring clarity to the larger public debate.

PROGRAM AT A GLANCE

Thursday, November 14

Columbia Journalism School
Joseph D. Jamail Lecture Hall

6:30 pm – 8:00 pm — **Private platforms, public discourse**

Welcome
Steve Coll
Dean, Columbia Journalism School

Opening remarks
Jameel Jaffer

Panelists
Jack Balkin
Emily Bell
Cindy Cohn
Lina Khan

Moderator
Katy Glenn Bass

Friday, November 15

Columbia Law School
Jerome Greene Hall, Room 104

9:30 am — **Welcome**

Lee C. Bollinger
President, Columbia University

9:45 am – 11:15 am — **Information plurality and integrity in an era of concentrated power**

Panelists
Lina Khan
Susan McGregor
Andrea Prat
Ethan Zuckerman

Moderator
Vivian Schiller

11:15 am – 11:30 am — **Coffee break**

11:30 am – 1:00 pm — **New (and old) approaches to shaping the online information environment**

Panelists
Neil Chilson
Evelyn Douek
Ellen Goodman
Surya Mattu

Moderator
Alex Abdo

1:00 pm – 2:15 pm — **Lunch**

Drapkin Lounge, Jerome Greene Hall (second floor)

2:15 pm – 3:45 pm — **Public options, public utilities, public spheres**

Panelists
Richard John
John Samples
Ganesh Sitaraman
Zephyr Teachout

Moderator
Ramya Krishnan

3:50 pm – 5:15 pm — **The First Amendment as object and obstacle**

Panelists
Daniel Crane
Genevieve Lakier
Tim Wu

Moderator
Olivier Sylvain

OPENING DISCUSSION

Thursday, November 14

Columbia Journalism School
Joseph D. Jamail Lecture Hall

Private platforms, public discourse

6:30 pm – 8:00 pm

In this stage-setting conversation, we'll discuss digital platform business models and their impact on public discourse, relative advantages and disadvantages of content-based regulation versus structural reform, and the relevance of First Amendment principles to these issues. This panel will sharpen the questions we'll tackle over the course of the symposium.

Welcome
Steve Coll, *Columbia Journalism School*

Opening remarks
Jameel Jaffer, *Knight First Amendment Institute*

Panelists
Jack Balkin, *Yale Law School*
Emily Bell, *Columbia Journalism School*
Cindy Cohn, *Electronic Frontier Foundation*
Lina Khan, *Columbia Law School*

Moderator
Katy Glenn Bass, *Knight First Amendment Institute*

PANEL 1

Friday, November 15

Columbia Law School
Jerome Greene Hall, Room 104

Information plurality and integrity in an era of concentrated power

9:45 am – 11:15 am

For a number of related reasons—media consolidation, the collapse of local news, the mechanics of surveillance capitalism—a small number of technology companies occupy central positions in our speech environment. These companies' human and algorithmic decisions have outsized influence on the quality and integrity of the information we see, as well as on who sees which information, and in which context they see it. In this conversation, we'll consider legal or institutional reforms that could protect the public's access to a diversity of news sources and improve the quality and integrity of the information that underlies public discourse.

Panelists
Lina Khan, *Columbia Law School*
Susan McGregor, *Columbia Journalism School*
Andrea Prat, *Columbia University*
Ethan Zuckerman, *MIT Media Lab*

Moderator
Vivian Schiller, *Civil Foundation*

PAPER ABSTRACTS

Anti-Monopoly Tools to Structure a Free & Diverse Press

Lina Khan

Khan begins with a diagnosis of the precise sources of platform power over discourse. In addition to much-discussed platform policies around content moderation, she examines: (1) the current structure of the digital ad market, dominated by Google and Facebook, (2) the current structure of Google and Facebook, which are integrated in ways that render publishers both dependent on the platforms' networks and in competition with them, and (3) their behavioral advertising-based business models, which incentivize pervasive and persistent data collection. These factors directly shape the ability of editors to invest in reporting, the diversity of available news sources, what kind of content platforms are incentivized to promote, and the freedom with which individuals search for, read, and share news. Khan proceeds to identify anti-monopoly tools that can help structure digital markets that enable a free and diverse press and promote individual liberty. These reforms include select vertical break-ups to engender competition in the digital ad market and bright-line prohibitions on certain business models for entities designated essential to speech facilities.

Measuring and Protecting Plurality in the Digital Age: A Political Economy Approach

Andrea Prat

Prat looks at an independent media industry at the heart of the democratic process. However, he notes that media can be captured by political and economic forces and that this well-documented risk is higher when the media industry is concentrated. He argues that the current regulatory system is toothless because it is based on outdated platform-specific ownership restrictions. Standard antitrust policy, while useful to protect consumer welfare, is inadequate too because it targets market outcomes rather than voter information. Prat advocates the introduction of a plurality review for mergers involving news providers to be based on a platform-neutral assessment of the attention share of the merged entity. Such an approach is illustrated with a possible quantification of the attention share index and a recent merger decision in the UK that was based on that principle.

The Case for Digital Public Service Media

Ethan Zuckerman

Zuckerman points to the successful history of multiple forms of public broadcasting (PBS, NPR, and the BBC among them) and public-minded digital platforms and tools like Wikipedia and Mozilla Firefox to argue for the introduction of ambitious public service digital media tools that would fill gaps in the current digital media landscape, with an emphasis on creating tools that strengthen open and democratic societies. These could include auditable and transparent search and discovery tools, non-surveillant advertising networks, and alternative social media platforms. Zuckerman also identifies possible funding models to support these tools, including donations from users, taxes on surveillant advertising, and donations from the tech giants.

PANEL 2

Friday, November 15

Columbia Law School
Jerome Greene Hall, Room 104

New (and old) approaches to shaping the online information environment

11:30 am – 1:00 pm

Legislators, advocates, and scholars—some of our contributors among them—have proposed a wide variety of legislative and regulatory reforms to address information disorders on digital platforms, including those that stem from the technology companies' increasing power over the speech environment. In response to the threat of legislation, the largest technology companies have begun to develop their own measures to address some of these disorders. In this conversation, we'll evaluate the promise of these proposed and already-implemented measures and consider whether opening new avenues for government intervention would give rise to new risks for free speech online.

Panelists
Neil Chilson, *Charles Koch Institute*
Evelyn Douek, *Harvard Law School*
Ellen Goodman, *Rutgers Law School*
Surya Mattu, *The Markup*

Moderator
Alex Abdo, *Knight First Amendment Institute*

PAPER ABSTRACTS

[The] Breakup Speech: Can Antitrust Fix the Relationship between Platforms and Free Speech Values?

Neil Chilson and Casey Mattox

Chilson and Mattox argue that if private platform power over the speech environment is a problem, antitrust is the wrong solution. Competition can promote the free speech preferences of consumers. But current free speech concerns are not caused by a lack of competition—so increasing the number of competitors will not help. In fact, unleashing antitrust regulators to pursue non-competition related goals would threaten free speech values. Removing important constraints on the powerful tools of antitrust—tools with a history of abusive and arbitrary use—would weaken antitrust's ability to protect the competitive process while amplifying the tools governments and others could use to interfere with private speech.

The Rise of Content Cartels

Evelyn Douek

Douek begins from the position that increased competition in the tech sector will not resolve many of our speech-related concerns, and that in some cases, collaboration between platforms will be both necessary and beneficial. She then traces the emergence of what she calls "content cartels." In these cartels, a few powerful players—mainly large digital platforms working with representatives of various governments—work together to set parameters for acceptable content across the industry in a growing number of areas. While cartel action to detect and remove (or preempt) illegal content like child pornography can be successful, Douek shows how platforms are increasingly under pressure to collaborate in ad hoc, secretive ways in response to particular crises, and why we must work urgently to create structures and safeguards for such collaborations that allow for transparency and accountability to the public.

Information Fidelity and Digital Flows

Ellen Goodman

Goodman looks at the loss of "information fidelity" on digital information platforms—defined as a signal to noise ratio of information that supports democratic discourse and cabins cognitive manipulation. She examines efforts to use transparency regulations imported from the analog world as a way to restore information fidelity and finds them useful, but insufficient. Platforms produce "algorithmic noise" by collecting personal data, microtargeting messages, and amplifying information in ways that bypass and undermine cognitive autonomy, overwhelming traditional transparency measures. The adaptation of TV and radio advertising disclosure laws to the online sphere will be insufficient to protect informational fidelity in the face of algorithmic ordering and behavioral nudges that produce salience throughout the system. She argues for more systemic transparency requirements that expose how meaning is made and how noise is produced, as well as innovations to increase "signal" and to strategically introduce friction into the production and sharing of speech online, including the creation of "speed bumps" to interrupt the flow of disinformation.

PANEL 3

Friday, November 15

Columbia Law School
Jerome Greene Hall, Room 104

Public options, public utilities, public spheres

2:15 pm – 3:45 pm

Questions about information policy and communications infrastructure are tied up with notions of the common and the public good. As the power of privately owned social media platforms has expanded, concerns about the platforms' dominance and opacity have prompted proposals to regulate the platforms as public utilities, or to intervene more directly in their operations in the name of the public interest. Simultaneously, as other nations advance a vision of an internet that is heavily surveilled, censored, and manipulated, questions about what values we want the internet to reflect have returned again to the fore. In this conversation, we'll discuss some of the most ambitious proposals for restructuring the internet, and we'll consider some of the most powerful arguments for and against those proposals.

Panelists
Richard John, *Columbia Journalism School*
John Samples, *Cato Institute*
Ganesh Sitaraman, *Vanderbilt Law School*
Zephyr Teachout, *Fordham Law School*

Moderator
Ramya Krishnan, *Knight First Amendment Institute*

PAPER ABSTRACTS

Social Media Regulation in the Public Interest: Some Lessons from History

Paul Matzko and John Samples

Samples and Matzko take a skeptical view of new proposals to regulate social media, arguing that previous attempts to regulate media in the public interest actually led to regulatory capture, censorship, and the suppression of political dissent. They examine three episodes of media regulation prior to 1980: The regulation of radio in the 1930s and 1940s, the history of the Fairness Doctrine and independent radio in the 1960s, and President Nixon's intimidation campaign against the television networks in the 1970s. They conclude that government officials see media regulation as a way to control new communications technologies that may either threaten or advance their political standing. They argue that the outcomes of these episodes should inform current concerns, including questions about the role of courts in protecting free speech and how to properly apply the First Amendment to new media forms.

The National Security Case for Breaking Up Big Tech

Ganesh Sitaraman

Sitaraman takes on the claim that breaking up Big Tech would threaten U.S. national security and argues that, in fact, doing so would strengthen national security. He shows that tech companies are not competing with China so much as integrating with China. This integration supports the rise and export of digital authoritarianism around the world; deepens economic dependence that can be used as leverage against the U.S. in future geopolitical moments; forces companies to self-censor and contort their preferences to serve Chinese officials; and means that profit-seeking corporations and their lobbyists cannot be trusted to advocate for the interests of the U.S. in Washington. Sitaraman also argues that concentration in the tech sector weakens the defense industrial base by making the government dependent on a small number of contractors and redirecting taxpayer dollars from research to monopoly profits. He concludes that the best route to broad and transformative innovation is competition coupled with public spending on R&D, not concentration into monopolies.

From Private Bads to Public Goods: Adapting Public Utility Regulation for Informational Infrastructure

K. Sabeel Rahman and Zephyr Teachout

Rahman and Teachout argue that for concerns about speech and discourse online, antitrust measures—the breaking up of large platforms and the imposition of structural limits on their business models—will help significantly, but cannot by themselves address concerns about how the speech platforms operate. They explore how public utility concepts like common carriage, nondiscrimination, and democratic participation in governance can be adapted to a modern regulatory context around digital platforms, focusing in particular on the need to shift the ad-based business model of information platforms. This focus on the underlying business model and corporate structure is appealing because it avoids some of the more fraught questions of content moderation and free speech within the platforms. Furthermore, this public utility approach, they argue, is also critical to restore democratic governance and control over our increasingly privatized public and informational infrastructure.

PANEL 4

Friday, November 15

Columbia Law School
Jerome Greene Hall, Room 104

The First Amendment as object and obstacle

3:50 pm – 5:15 pm

Animating many landmarks of First Amendment jurisprudence is a concern about centralized control over the speech environment. But as the courts have construed the First Amendment to protect an ever-wider range of activity, it may be the First Amendment itself that is the most significant obstacle to some of the anti-monopoly reforms that legislators and others are proposing. In our closing conversation, we'll reflect on the intertwined histories of the First Amendment and antitrust law, and we'll consider whether, and to what extent, the First Amendment could prove an obstacle to legislative and regulatory proposals meant to protect our system of free expression. We'll also consider whether reform proposals could be restructured in ways that would make them less likely to fall foul of the Roberts Court's First Amendment.

Panelists
Daniel Crane, *University of Michigan Law School*
Genevieve Lakier, *University of Chicago Law School*
Tim Wu, *Columbia Law School*

Moderator
Olivier Sylvain, *Fordham Law School*

PAPER ABSTRACTS

Collaboration and Competition in Information and News During Antitrust's Formative Era

Daniel Crane

Crane looks at early 20th century jurisprudence on antitrust and on the First Amendment, showing that in cases concerning antitrust or unfair competition, Justices Holmes and Brandeis expressed the same values and concerns that animated their First Amendment jurisprudence. Working through dissenting opinions, they opposed both restraints on free competition necessary to the propagation of information and ideas and government restrictions of collaborative information-sharing. Seeking to work out the relationship between exclusivity, collaboration, and competition, Holmes and Brandeis argued that the government should neither promote informational exclusivity through the imposition of tort liability for unfair competition, nor stand in the way of voluntary and non-coercive efforts to facilitate the free flow of market information and democratic market access. Holmes's and Brandeis's dissents planted the seed of an idea about the mutually constructive roles that antitrust, unfair competition, and free speech could play in nurturing marketplace democracy.

The Limits of Anti-Monopoly Law as a Solution to the Problems of the Platform Public Sphere

Genevieve Lakier

Lakier focuses on scholars' concerns that the First Amendment could be used to thwart many attempts to rein in the power of the tech giants. She finds no First Amendment obstacles to breaking up the largest internet companies, but believes that doing so would not solve many speech- or surveillance-related problems because these are not primarily caused by economic concentration. Lakier then argues that although the First Amendment clearly prevents some kinds of internet regulation—like treating the platforms as public utilities—there are many options that it would not necessarily foreclose. Among these she identifies subsidies granted by Congress to local newspapers to counterbalance the democratic harms posed by the largest internet platforms, regulations that limit the uses that internet companies can make of consumer data, and even targeted speech regulations aimed at violent or harassing speech.

Antitrust & Political Corruption: Overruling Noerr

Tim Wu

Wu reconsiders the First Amendment and antitrust's best-known area of doctrinal intersection, the Noerr-Pennington doctrine. The doctrine provides an immunity to antitrust liability for conduct that can be described as political or legal advocacy. Dating from 1961, Noerr was strained when decided, and has not aged well. As an interpretation of the antitrust laws, it ignored Congressional concern about political mischief undertaken by conspiracies or monopolies; its legitimacy has always rested on avoidance of First Amendment concerns that surfaced after the statutes were passed. Noerr itself may have legitimately reflected such avoidance, but subsequent development of the Noerr doctrine has blown past any First Amendment-driven rationale for its existence. Others have suggested a reformulation of Noerr—but the better answer is that, lacking constitutional or statutory foundation, Noerr should now be overruled.

PARTICIPANTS

Alex Abdo is Litigation Director of the Knight First Amendment Institute at Columbia University. Prior to joining the Institute, he was a senior staff attorney at the ACLU. He has litigated civil liberties cases in multiple federal appeals courts and the U.S. Supreme Court, and he has been at the forefront of litigation relating to free speech online, encryption, government transparency, and NSA surveillance. In 2015, he argued the closely watched appeal that resulted in the Second Circuit invalidating the NSA's call-records program. He graduated from Yale College and Harvard Law School. After law school, Abdo clerked for the Hon. Barbara M.G. Lynn, United States District Judge for the Northern District of Texas, and for the Hon. Rosemary Barkett, United States Circuit Judge for the Eleventh Circuit Court of Appeals.

Jack Balkin is Knight Professor of Constitutional Law and the First Amendment at Yale Law School. He is the founder and director of Yale's Information Society Project, an interdisciplinary center that studies law and new information technologies. He also directs the Abrams Institute for Freedom of Expression and the Knight Law and Media Program at Yale. He founded and edits the blog Balkinization, and has written widely on legal issues for publications including the *New York Times*, the *American Prospect*, the *Atlantic*, and *Slate*. He is the author or editor of a dozen books; most recently, he published *Democracy and Dysfunction* (University of Chicago Press, 2019) based on a series of letters between him and Sanford Levison.

Emily Bell is Professor of Professional Practice at Columbia Journalism School and the founding director of the Tow Center for Digital Journalism at Columbia's Graduate School of Journalism. She is a 20-year veteran of the Guardian News and Media group, where she was a writer and editor at the *Guardian* and the *Observer*. As editor-in-chief across Guardian websites and director of digital content for Guardian News and Media, Bell led live blogging, novel multimedia formats, and data and social media, establishing the Guardian as a pioneer in digital journalism. She co-edited *Journalism After Snowden: The Future of the Free Press in the Surveillance State* (Columbia University Press, 2017) and co-authored "Post Industrial Journalism: Adapting to the Present" (Tow Center, 2012).

Lee C. Bollinger became Columbia University's nineteenth president in 2002. He is Columbia's first Seth Low Professor of the University, a member of the Columbia Law School faculty, and Chair (*ex officio*) of the Knight Institute's board. From 1996 to 2002, Bollinger was the President of the University of Michigan at Ann Arbor. He led the school's historic litigation in *Grutter v. Bollinger* and *Gratz v. Bollinger*, cases concerning affirmative action in higher education. Bollinger is a

director of Graham Holdings Company (formerly The Washington Post Company) and serves as a member of the Pulitzer Prize Board. From 2007 to 2012, he was a director of the Federal Reserve Bank of New York, where he also served as Chair from 2010 to 2012. Bollinger is widely published and speaks frequently to audiences around the country and across the world. His latest book is *The Free Speech Century*, co-edited with Geoffrey R. Stone (Oxford University Press, 2018).

Neil Chilson is a Senior Research Fellow for Technology and Innovation at the Charles Koch Institute. Previously, Chilson served as acting chief technologist at the Federal Trade Commission (FTC) and as an attorney advisor for FTC Commissioner Maureen Ohlhausen. As chief technologist, he focused on informational injury and established the FTC's Blockchain Working Group. Throughout his four years at the FTC, Chilson was involved in nearly every major technology-related case, report, workshop, or proceeding at the Commission. Previously, Chilson was an attorney at the law firm of Wilkinson Barker Knauer, LLP. Chilson has a J.D. from George Washington University and a M.S. in Computer Science from the University of Illinois at Urbana-Champaign.

Cindy Cohn is Executive Director of the Electronic Frontier Foundation (EFF). From 2000 to 2015 she served as EFF's Legal Director as well as its General Counsel. Cohn first became involved with EFF in 1993, when she served as the outside lead attorney in *Bernstein v. Dept. of Justice*, the successful First Amendment challenge to U.S. export restrictions on cryptography. In 2018, *Forbes* included Cohn as one of America's Top 50 Women in Tech. In 2013, *National Law Journal* named Cohn one of the 100 most influential lawyers in America. Cohn also served as counsel to the plaintiffs in *Bowoto v. Chevron*, two lawsuits in San Francisco arising from Chevron's involvement in human rights abuses against environmental protesters in Nigeria.

Steve Coll is Dean of the Columbia University Graduate School of Journalism, where he is also the Henry R. Luce Professor of Journalism, and he is a board member of the Knight Institute. He is a staff writer at the *New Yorker*, the author of seven books of nonfiction, and a two-time winner of the Pulitzer Prize. Between 1985 and 2005, he was a reporter, foreign correspondent and senior editor at the *Washington Post*, and he served as managing editor between 1998 and 2004. Coll is the author of *Ghost Wars: The Secret History of the CIA, Afghanistan, and Bin Laden, From the Soviet Invasion to September 10, 2001*, for which he received an Overseas Press Club Award and a Pulitzer Prize. His book, *The Bin Ladens: An Arabian Family in the American Century* (Penguin Group, 2008), won the PEN/John Kenneth Galbraith Award for Nonfiction in 2009 and was a finalist for the

Pulitzer Prize for Biography. His book, *Private Empire: ExxonMobil and American Power* (Penguin Books, 2012), won the Financial Times/Goldman Sachs Award as the best business book of 2012.

Daniel Crane is Frederick Paul Furth Sr. Professor of Law at the University of Michigan Law School. From 2013 to 2016, he also served as the Associate Dean for Faculty and Research. His research and pedagogy focus on contracts, antitrust, intellectual property, and regulation. Crane's work has appeared in the *University of Chicago Law Review*, *California Law Review*, *Michigan Law Review*, *Georgetown Law Journal*, and *Cornell Law Review*, among other journals and publications. He is the author of several academic texts on antitrust law, including *Antitrust* (Aspen, 2014) and *The Making of Competition Policy: Legal and Economic Sources* (Oxford University Press, 2013, with Herbert Hovenkamp).

Evelyn Douek is an S.J.D. candidate at Harvard Law School and affiliate at the Berkman Klein Center for Internet & Society. Her scholarship focuses on international and transnational regulation of online speech and content moderation institutional design. Her research has appeared in numerous outlets, including the *Atlantic*, *North Carolina Journal of Law and Technology*, and *Federal Law Review*. She also blogs at *Lawfare*. Before joining Harvard to complete a Master of Laws, Douek clerked for Chief Justice Susan Kiefel of the High Court of Australia and worked as a corporate litigator.

Katy Glenn Bass is the Knight Institute's Research Director. She was previously the Director of PEN America's Free Expression Research and Policy program, where she supervised the production of reports analyzing free expression issues, including the lack of protections for national security whistleblowers, attacks on journalists covering the 2014 protests in Ferguson, MO, the impact of mass surveillance on online speech, and other topics. Glenn Bass has also taught at NYU Law's Center for Constitutional Transitions and at the Walter Leitner International Human Rights Clinic at Fordham Law School. She holds a B.A. from Princeton University and a J.D. from Harvard Law School, where she received the Kaufman Pro Bono Service Award.

Ellen Goodman is Professor of Law at Rutgers University and Co-Director and co-founder of the Rutgers Institute for Information Policy & Law (RIIPL). Her research interests include smart cities, algorithmic governance, freedom of expression, platform policies, communications architectures, media and advertising law, and transparency policy. Goodman is currently a Senior Fellow at the German Marshall Fund's Digital Innovation & Democracy Institute. She has served as a Distinguished Visiting Scholar with the Federal Communications Commission and was a partner with the Washington, DC, law firm of Covington & Burling. She

is currently working on a book on smart city governance. Her work has appeared in numerous news media and academic journals, including the *Guardian*, *Democracy Journal*, *Cornell Law Review*, *Texas Law Review*, *Harvard Journal of Law & Technology*, and *Yale Journal of Law & Technology*.

Jameel Jaffer is the inaugural director of the Knight First Amendment Institute at Columbia University. Under his leadership, the Institute has brought precedent-setting litigation, published influential research, and become a distinctive voice in debates about free speech in the digital age. Jaffer previously served as deputy legal director at the ACLU, where he litigated cases at all levels of the federal court system and oversaw the organization's work on free speech, privacy, technology, national security, and international human rights. He is an executive editor of *Just Security*, a national security blog, and his most recent book, *The Drone Memos*, was one of the *Guardian's* "Best Books of 2016." He currently serves on the board of the Pierre Elliot Trudeau Foundation, on the advisory board of First Look Media's Press Freedom Litigation Fund, and on the advisory board of the Center for Democracy and Technology.

Richard John is a Professor at Columbia Journalism School, where he teaches and advises the Ph.D. program in communications, and he is also a member of the core faculty of Columbia's history department. He has published widely on American political development and the histories of business, technology, and communications; his works include *Making News: The Political Economy of Journalism in Britain and America* (edited with Jonathan Silberstein-Loeb, Oxford University Press, 2015) and *Network Nation: Inventing American Telecommunications* (Belknap Press, 2010). John has been a fellow at the Newberry Library in Chicago and the Smithsonian Institution's Woodrow Wilson Center in Washington, DC. John is a former President of the Business History Conference, an international professional society dedicated to the study of institutional history.

Lina Khan is Counsel to the U.S. House Judiciary Subcommittee on Antitrust, Commercial, and Administrative Law and an Academic Fellow at Columbia Law School. Khan previously served as a Legal Fellow in the office of Commissioner Rohit Chopra at the Federal Trade Commission and as Director of Legal Policy at the Open Markets Institute. Khan's scholarship has been published or is forthcoming in the *Columbia Law Review*, *Chicago Law Review*, *Harvard Law Review*, and *Yale Law Journal*. Her piece "Amazon's Antitrust Paradox" was awarded the 2018 Antitrust Writing Award for "Best Academic Unilateral Conduct Article," Yale Law School's Israel H. Peres Prize, and the *Yale Law Journal's* Michael Egger Prize. Her current academic work focuses on the way new technologies and business models are

challenging current doctrinal assumptions, and how modifying the institutional structure of antitrust enforcement could enable substantive rules to keep pace with evolving market realities.

Ramya Krishnan is a Staff Attorney at the Knight First Amendment Institute, where she works on issues related to government transparency, surveillance, and social media. Krishnan joined the Knight Institute as its inaugural legal fellow. She is a graduate of Columbia Law School and the University of Sydney, where she served as an editor of the *Sydney Law Review*. She previously worked at Australia's Attorney-General's Department, where she litigated several constitutional and administrative law cases, including in the High Court of Australia. From 2013 to 2014, she served as law clerk for the Hon. Robert Beech Jones of the Supreme Court of New South Wales. Her work has been featured in a variety of publications, including the *Washington Post*, *Columbia Journalism Review*, and *Just Security*.

Genevieve Lakier is Assistant Professor of Law and Herbert and Marjorie Fried Teaching Scholar at the University of Chicago Law School. Lakier's scholarship explores the connections between culture and law; her current research includes an exploration of the cultural history of the First Amendment as well as the state's changing role in the regulation of sex. Between 2006 and 2008, she was an Academy Scholar at the Weatherhead Center for International and Area Studies at Harvard University. She is the author of "Imagining an Antisubordinating First Amendment" in the *Columbia Law Review* and has written for the *Harvard Law Review*, *University of Pennsylvania Journal of Constitutional Law*, and *Supreme Court Review*.

Casey Mattox is Vice President for Legal and Judicial Strategy at Americans for Prosperity and Senior Fellow for Free Speech at the Charles Koch Institute. In these roles he advocates for a legal system that respects the rule of law and protects individual liberty. Casey is particularly focused on defending free expression. Prior to joining AFP and CKI, he litigated to defend First Amendment freedoms in state and federal courts. Mattox has a J.D. from Boston College School of Law and a B.A. in Government and History from the University of Virginia.

Surya Mattu is an investigative data journalist with *The Markup*. Previously, Mattu was a data reporter at *Gizmodo*'s Special Projects Desk and a contributing researcher at *ProPublica*. An engineer by training, he has also worked as a researcher at Bell Labs, Data & Society, and the MIT Media Lab. At *ProPublica*, he was part of the team that was named a finalist for the Pulitzer Prize in Explanatory Reporting for the series "Machine Bias." At *Gizmodo*, "The House that Spied on Me," a project Mattu worked on with journalist Kashmir Hill, won the National Press Foundation's 2018 Technology in Journalism Award and was also made into a TED talk.

Paul Matzko is Assistant Editor for Tech and Innovation at Libertarianism.org, a project of the Cato Institute, where he is also a columnist and host of Building Tomorrow, a podcast on emerging technology. He received a Ph.D. in History from Pennsylvania State University in 2016, specializing in the intersection of politics and religion in 20th century America. From 2017 to 2018, he was a postdoctoral fellow at the Baylor University Institute for Studies of Religion. *The Radio Right*, his book about the government campaign to censor conservative radio broadcasters in the 1960s, will be published by Oxford University Press in April 2020.

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2019, with Hollie Russon Gilman), which explores contemporary approaches to organizing, power, and institutional reform. He is the author of *Democracy Against Domination* (Oxford University Press, 2017), which examines how American politics has conceptualized and addressed questions of economic power and inequality from the Progressive Era to the present.

John Samples is a Vice President at the Cato Institute. He founded and directs Cato's Center for Representative Government, which studies the First Amendment, government institutional failure, and public opinion. His current work focuses on social media and speech regulation, which extends and updates his April 2019 policy analysis, "Why Government Should Not Regulate Content Moderation of Social Media." Samples is the author of *The Struggle to Limit Government: A Modern Political History* (Cato, 2010) and *The Fallacy of Campaign Finance Reform* (University of Chicago Press, 2006). He and his work have been featured in a variety of news outlets, including *USA Today*, the *New York Times*, the *Los Angeles Times*, NPR, Fox News Channel, and MSNBC.

Vivian Schiller is CEO of the Civil Foundation, an independent not-for-profit committed to the sustainability of trustworthy journalism around the world. Previously, she served as Head of News at Twitter; Senior Vice President and Chief Digital Officer for NBC News, including oversight of NBCNews.com; and President and CEO of National Public Radio. She held the role of Senior Vice President & General Manager at both NYTimes.com and Discovery Times Channel, a joint venture between the *New York Times* and Discovery Communications. She is a Director of Scott Trust, the parent organization of Guardian News & Media, and a strategic advisor to Craig Newmark Philanthropies.

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A specialist in information, communications, and administrative law, his work has appeared in a variety of news outlets, journals, and law reviews, among other media. Before entering academia, Sylvain was a Karpatkin Fellow at the ACLU and a litigation associate at Jenner & Block in Washington, DC. He is on the board of directors for the ACLU of New York and teaches a class on modern American literature for local incarcerated men.

Zephyr Teachout is Associate Professor of Law at Fordham Law School. She is the author of *Corruption in America: From Benjamin Franklin's Snuff Box to Citizens United* (Harvard University Press, 2014), and the forthcoming *Break 'em Up* (All Points Press, 2020). In 2014, she ran for Governor of New York, garnering 34 percent of the vote in the Democratic Primary against incumbent Andrew Cuomo, and in 2018, she was endorsed by the *New York Times* in her unsuccessful campaign to be New York's Attorney General. Prior to becoming an academic, she was the National Director of the Sunlight Foundation and a death penalty defense lawyer at the Center for Death Penalty Litigation in Durham, NC.

Tim Wu is Julius Silver Professor of Law, Science and Technology at Columbia Law School. Wu is a contributing opinion writer for the *New York Times* and writes widely on media, technology, and competition policy. He is best known for his pioneering work on net neutrality. He has authored four books, including *The Curse of Bigness: Antitrust in the New Gilded Age* (Columbia Global Reports, 2018) and *The Attention Merchants* (Knopf, 2016). Wu has worked at or advised the National Economic Council, the New York Attorney General's Office, and the Federal Trade Commission. He has been listed as one of America's 100 most influential lawyers by *National Law Journal* and recognized in the *Politico 50* twice for his political and scholarly contributions.

Ethan Zuckerman is Director of the Center for Civic Media at MIT and Associate Professor of the Practice at MIT Media Lab. His research focuses on the use of media as a tool for social change, the role of technology in international development, and the use of new media technologies by activists. A forceful advocate in the fight against censorship and for free expression online, Zuckerman co-founded the international blogging community Global Voices, which serves as a platform for citizen media from and in more than 150 nations. He is the author of *Rewire: Digital Cosmopolitans in the Age of Connection* (W.W. Norton, 2013).

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