

Facebook asks for recusal of FTC head in antitrust probes

July 14 2021, by Marcy Gordon



In this April 21, 2021, file photo, Lina Khan, nominee for Commissioner of the Federal Trade Commission (FTC), speaks during a Senate Committee on Commerce, Science, and Transportation confirmation hearing on Capitol Hill in Washington. Facebook on Wednesday, July 14 2021, is asking that Khan, the new head of the Federal Trade Commission, step away from antitrust investigations into the social network giant, asserting that her past public criticism of the company's market power makes it impossible for her to be impartial. Credit: Graeme Jennings/Pool Washington via AP, Pool, File

Facebook is asking that the new head of the Federal Trade Commission step away from antitrust investigations into the social network giant, asserting that past public criticism of the company's market power makes it impossible for her to be impartial.

Facebook petitioned the agency Wednesday to remove Chair Lina Khan from taking part in current probes of the company's market conduct. Khan has been a persistent critic of Amazon, Google and Apple, as well as Facebook.

FTC officials declined comment on Facebook's motion, which came two weeks after Amazon requested that Khan be excused from taking part in investigations of that company. The agency could be expected to respond formally at some point. Khan has said she would seek the opinion of FTC ethics monitors if issues arose of potential conflict of interest.

The requests from Facebook and Amazon come as the world's biggest tech companies come under extreme scrutiny and legislative pressure from the FTC, the Justice Department and European regulators, lawmakers in Washington, and most recently in an executive order from the White House.

A federal judge recently dismissed antitrust lawsuits brought against Facebook by the FTC and a coalition of states, saying they didn't provide enough evidence to prove that Facebook is a monopoly in the social networking market. The judge, however, allowed the FTC to revise its complaint and try again.



In this Oct. 25, 2019, file photo, Facebook CEO Mark Zuckerberg speaks at the Paley Center in New York. FILE - In this April 23, 2021, file photo, the Facebook app is shown in the app store on a smart phone in Surfside, Fla. Facebook on Wednesday, July 14 2021, is asking that the new head of the Federal Trade Commission step away from antitrust investigations into the social network giant, asserting that her past public criticism of the company's market power makes it impossible for her to be impartial. Credit: (AP Photo/Mark Lennihan, File



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"When a new commissioner has already drawn factual and legal conclusions and deemed the target a lawbreaker, due process requires that individual to recuse herself from related matters when acting in the capacity of an FTC commissioner," Facebook said in its petition. "Chair Khan has consistently made public statements not only accusing Facebook of conduct that merits disapproval, but specifically expressing her belief that the conduct meets the elements of an antitrust offense."

As counsel to a House Judiciary antitrust panel in 2019 and 2020, Khan played a key role in an extensive bipartisan investigation of the market power of tech giants.

President Joe Biden recently installed Khan as one of five commissioners and head of the FTC, signaling a tough stance toward Big Tech and its market dominance. At 32, she is the youngest chair in the history of the agency, which polices competition and consumer protection in industry generally, as well as digital privacy.

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