

December 20, 2023

Hon. Merrick Garland, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Hon. Lisa Monaco, Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Hon. Vanita Gupta, Associate Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Hon. Jonathan Kanter, Assistant Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Attorney General Garland, Deputy Attorney General Monaco, Associate Attorney General Gupta, and Assistant Attorney General Kanter:

We, the undersigned organizations, write in support of the Department of Justice's antitrust enforcement against Big Tech companies, and to urge the Department to file an antitrust lawsuit against Apple with haste.

Apple is once again in the news for abusing its power to stifle competition and protect its famed "walled garden." This time, it is accused of [blocking](#) cross-platform messaging service 'Beeper Mini,' which deployed technology to bridge the "blue bubble/green bubble" messaging gap for non-iPhone users. At issue is the ability of iPhone users to communicate securely with non-iPhone users. Currently, Apple allows two iPhone users to communicate with each other using secure "blue bubble" iMessages; however, one iPhone user communicating with a non-iPhone users (such as an Android user) is relegated to non-secure "green bubble" SMS text messages.

Senator Elizabeth Warren [raised](#) an important point: "Green bubble texts are less secure. So why would Apple block a new app allowing Android users to chat with iPhone users on

iMessage? Big Tech executives are protecting profits by squashing competitors. Chatting between different platforms should be easy and secure.”

One potential answer for Apple’s motivations: it views “blue bubble” exclusivity as a marketing asset for iPhones. As the [Wall Street Journal reported](#), teenage users in particular “dread the green text bubble” and feel peer pressure to “be a part of the blue text group.” Again, this is not merely a matter of aesthetics; blue iMessages are encrypted, and green SMS messages are not.

The legal fight between Apple and Epic Games brought to light thousands of pages of documents, which showed that iMessage exclusivity was discussed at the highest levels of the company and which revealed Apple’s internal thinking on the matter. Apple’s marketing head at the time wrote to CEO Tim Cook: “Moving iMessage to Android will hurt us more than help us.”

The entire episode is also reminiscent of Apple’s treatment of Tile, the maker of electronic tracking devices to find lost items. Tile’s products preceded Apple’s introduction of AirTags by several years. Apple has been [accused](#) of making Tile’s devices more difficult to operate in order to gain marketplace advantage for AirTags.

In August 2022, Politico [reported](#) that Department lawyers were “in the early stages of drafting a potential antitrust complaint against Apple.” In February of this year, the Wall Street Journal reported that the Department had “ramped up” work on the suit.

As you are aware, Apple has a long, ongoing history of anticompetitive behavior, including favoring its own products on its devices, unfair policies for third party apps and control of the App Store marketplace, and using its dominance to crush smaller competitors. The recent *U.S. v. Google* trial also brought to light the multibillion dollar deal between Apple and Google to act as “one company” when it comes to search. Apple’s monopolistic conduct has also notably been scrutinized in the [auto sector](#), which is particularly concerning given the company is [likely](#) to continue expanding its presence in the industry, and in the [payments sector](#), specifically by preventing rival digital wallets from using the company’s NFC technology in order to prop up Apple Pay.

We believe that Apple’s ongoing abuses, including most recently shutting down the ‘Beeper Mini’ service, bring increased urgency to the Department’s work. We respectfully urge you to accelerate efforts and move forward in filing the long-awaited antitrust suit against Apple.

Apple's anticompetitive practices have harmed consumers, put user privacy and security at risk, stifled innovation, unfairly crushed competitors, and undermined the economy. We thank the Department for its work thus far in enforcing antitrust law to the fullest extent.

Sincerely,

The Tech Oversight Project
Accountable Tech
American Economic Liberties Project
Blue Future
Demand Progress
Democracy for America Advocacy Fund
Fight for the Future
Main Street Alliance
NextGen Competition
Other 98%
Our Revolution
Progress America
RootsAction.org
Revolving Door Project
The Freedom BLOC
Ultraviolet