

September 11, 2020

National Association of Attorneys General
1850 M Street NW, 12th floor
Washington, DC 20036

To Whom it May Concern:

We write to you as a broad coalition of organizations representing millions of Americans who want to ensure that the Internet isn't dominated by a handful of corporations and remains free and open.

As you know, recent reports indicate that the Department of Justice and state attorneys general are preparing a historic antitrust case against Google. According to recent reporting by Politico, "Broad consensus exists between the Justice Department and dozens of state attorneys general of both parties on bringing a suit against Google, whose command of both the online search and digital ad markets have brought complaints from a raft of competitors in industries such as advertising, tech and media."

If these reports are accurate, such an action would be the most significant act of antitrust enforcement since *U.S. vs Microsoft* was filed over twenty years ago. Most antitrust historians agree that such enforcement helps oxygenate markets and spurs healthy competition and that, in turn, this provides consumers with better products and choices in the marketplace while ensuring no single company's power overwhelms markets or democracy. In the specific case of Google, antitrust enforcement can put a stop both to activity that unfairly advantages its own products over its competitors' products through its stranglehold on internet search and its monopoly control over online content and ad distribution.

In recent days, representatives of Google-funded organizations in Washington have disingenuously argued that this case is being rushed. But the reality is far different. Google's practices have been in the crosshairs of regulators for nearly a decade, and enormous resources have gone into government investigations over that same time period. For example, all the way back in 2011-2012, the Federal Trade Commission put significant time, energy, and investigative resources into concerns that Google's business practices were stifling competition in mobile and online search markets.

Supporters of strong antitrust enforcement, in fact, have been criticizing the federal government for moving *too slowly* for years. For example, more than four years ago, Senator Elizabeth Warren expressed concern about the slow pace of U.S. regulatory response to Google's anti-competitive activities and how that response lagged in comparison to efforts in Europe:

“In 2012, FTC staff concluded that Google was using its dominant search engine to harm rivals of its Google Plus user review feature. Among other things, the staff produced evidence showing that Google promoted its own Google-branded content over its rivals even though those rivals would have otherwise had top billing through its organic search algorithm. The FTC commissioners ultimately sided against the conclusion of their staff, but the European Commission has moved forward with formal charges on similar allegations, and Europeans may soon enjoy better protections than U.S. consumers.

Beneficiaries of Google’s funding have likewise expressed a view that the case is politically motivated and tried to tar it as a vendetta against the company by Donald Trump. This also couldn’t be further from the truth. Long before Donald Trump came to power, there were bipartisan calls -- often led by state attorneys general -- to put an end to Google’s business practices that stifled competition. And this bipartisanship continues today. For example, earlier this summer, the *Democratic* Chairman of the House Antitrust Subcommittee David Cicilline opened his hearing by focusing on Google CEO Sundar Pichai, despite the fact that Jeff Bezos was testifying before Congress for the first time ever and that public attention on Facebook had rapidly accelerated in the days prior to the hearing. Cicilline said: “As Google became the gateway to the internet it began to abuse its power. It used its surveillance over web traffic to identify competitive threats and crush them. It has dampened innovation and new business growth and it’s dramatically increased the price of accessing users on the internet virtually ensuring that any business that wants to be found on the web must pay Google a tax.”

We are writing to express to NAAG that we applaud the consensus that has developed between the Department of Justice and state Attorneys General and that action must be taken against Google to put an end to its anti-competitive behavior. We are also writing to express our position that the time for this enforcement action to proceed is now. In fact, it was long before now. As days, weeks, months, and years, continue to pass, more and more companies go out of business as Google’s dominance becomes more and more deeply entrenched. This dynamic is exacerbated because of the COVID-19 pandemic, as Big Tech’s stranglehold on the market has only intensified over the past six months. And it has particularly strong impact on small businesses owned by people of color, by making it harder for them to be found on the Internet. The idea that justice has proceeded too rapidly on this matter is absurd on its face, as the facts have been apparent and investigations have been ongoing for years.

By moving forward unified enforcement in a robust and quick fashion, the U.S. Department of Justice and state Attorneys General will be able to put together the strongest case possible with the most leverage possible. This, in turn, will help ensure that the Internet remains free and open and protects small business and consumers from unfair business practices moving forward.

Sincerely,

Action Center for Race and Economy
American Economic Liberties Project
American Family Voices
Campaign for Accountability
Center for Digital Democracy
Demand Progress Education Fund
Fight for the Future
Institute for Local Self Reliance
Open Markets Institute
Our Revolution
Progressive Change Campaign Committee
Revolving Door Project
Working Families Party

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