US Justice Department and eleven states file antitrust lawsuit against Google

By Kevin Reed
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The US Department of Justice (DoJ)—supported by eleven state Attorneys General—filed its long-anticipated lawsuit against Google on Tuesday and charged the online search monopoly with violations of antitrust laws.

The 64-page DoJ lawsuit was filed in the US District Court for the District of Columbia and says that Google is guilty of, "unlawfully maintaining monopolies in the markets for general search services, search advertising, and general search text advertising in the United States through anticompetitive and exclusionary practices."

The essential argument of the lawsuit is that Google has used illegal business practices—such as exclusive agreements with tech partners like Apple to preinstall its search products on mobile devices—to effectively block competition and secure the company 90 percent of all internet search queries in the US.

The lawsuit is expected to go on for years. According to the *Washington Post*, the case is "likely to be a lengthy, bruising legal fight between Washington and Silicon Valley." The company rejected the claims of the government as "deeply flawed," saying that the US public has the choice to use competitive search products.

Although the DoJ suit says that it is seeking "to remedy the effects of this conduct" by Google, it does not spell out specifically what measures must be taken to do so. In its concluding section under the title "Request for Relief," the DoJ asks the court for generalities such as "structural relief as needed to cure any competitive harm," "enjoin Google from continuing to engage in the anticompetitive practices," "restore competitive conditions in the markets affected by Google's conduct" and "any additional relief that the Court finds just and proper."

The federal lawsuit was joined by the Attorneys General—all Republicans—from the states of Arkansas, Florida, Georgia, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Montana, South Carolina, and Texas.

In presenting the lawsuit, Deputy Attorney General Jeffrey A. Rosen said, "As with its historic antitrust actions against AT&T in 1974 and Microsoft in 1998, the Department is again enforcing the Sherman Act to restore the role of competition and open the door to the next wave of innovation—this time in vital digital markets."

Attorney General William Barr issued a statement which accompanied the lawsuit and fraudulently claimed the case was filed on behalf of "the American consumer." It is clear that the timing of the action by the DoJ is directly connected to populist posturing by President Trump in advance of the elections in three weeks. Barr claimed he was on the lookout for the "massive concentration of economic power in the digital economy" represented by Google—as well as the other tech giants such as Apple, Facebook and Twitter—as harmful to "users, advertisers, and small businesses."

Barr reviewed how Google "no longer competes only on the merits but instead uses its monopoly power—and billions in monopoly profits—to lock up key pathways to search on mobile phones, browsers, and next generation devices, depriving rivals of distribution and scale." There is something laughable about Attorney General Barr—the lapdog of billionaire President Donald Trump and defender of the capitalist system and US imperialism—spouting off about "billions in monopoly profits" being made by Google.

Barr also said that the antitrust lawsuit is "separate and distinct" from the "content moderation and political censorship issues" that are being taken up by

the DoJ in other initiatives “including by advocating for Section 230 legislative reforms.”

Barr had previously submitted language to Congress that would strip social media companies of their Section 230 protections—a provision in US law that grants online service providers immunity from prosecution arising from content posted on their platforms by users—if their content moderation polices are determined by the DoJ to be violating free speech rights.

Finally, Barr also made reference to the DoJ’s lawsuit against Microsoft in 1998 and claimed that the case was responsible for “increased competition” that “enabled Google to grow from a small start-up to an Internet behemoth.”

However, what Barr and Rosen failed to mention was that the initial ruling against Microsoft was overturned in 2001 in exchange for minor adjustments in its business practices, such as sharing its application programming interfaces (APIs) with third party companies. In the end, Microsoft neither unbundled anything from its domination of personal computing nor was it “broken up” into separate operating system and desktop application companies.