DATA FOR PROGRESS

THE GOOGLE ANTITRUST SUIT AND THE FORWARD MARCH OF ANTI-MONOPOLY POLICY

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Antitrust has long been treated as a wonkish field outside the political mainstream, the last few years have seen a revival in widespread interest in antitrust policy. The rise of the consumer internet in the 21st Century and the emergence of “Big Tech” (Amazon, Apple, Google, Facebook, and Microsoft) as a premier industrial force have raised concerns about potential abuses of market power by the five companies.

In 2019, the Federal Trade Commission (FTC) and the Department of Justice (DOJ) launched an inquiry to determine if the five firms were engaging in anti-competitive behavior, with the former reportedly focusing on investigating Facebook and Amazon and the latter focusing on investigating Apple and Google. The FTC had previously investigated Google from 2011 to 2013, and despite the urging of career staff to sanction the company, no charges were brought. In 2020, the Department of Justice filed suit against Google, a historic decision with the potential to be the most important antitrust case in modern history, and dozens of state Attorneys General followed suit by filing their own lawsuits against the tech behemoth.

Google’s anti-competitive practices, which hinder innovation in the search engine market and the technology industry more broadly, are well-established. This report will document the harm to consumers brought upon by Google’s monopolistic business practices. Additionally, the report will detail the shift seen in public opinion polling on antitrust, with particular attention given to the fact that the suit against Google commands broad popular support not seen in some earlier antitrust claims.

The outcome of United States v. Google Inc. has the potential to set a precedent for future antitrust suits against corporate giants abusing their market power, both in the technology industry and beyond.

**Historical Background**

The United States v. Google Inc. case largely relies on a precedent set by legislation created over a century ago and subsequent court decisions arising from that legislation. Starting with the Interstate Commerce Act of 1897, the United States implemented various measures to curb early monopoly power during the Progressive Era. The Sherman Antitrust Act, signed into law in 1890, implemented legal sanctions on anti-competitive agreements and gave explicit authorization to the Department of Justice to enjoin violations of the statute. Since its implementation, the act has served as the basis of many of the most significant antitrust cases in American history.

These include the Northern Securities Co. v. United States (1904) decision, which dissolved a major railroad trust controlled by rail tycoon James Jerome Hill, famously nicknamed “the Empire Builder”; the Standard Oil Co. of New Jersey v. United States (1911) decision, arguably the most impactful antitrust case in American history, which resulted in the breaking-up of Standard Oil, once one of the largest corporate firms in the world; and the United States v. American Tobacco Co. (1911) decision, which split the powerful cigarette company into four smaller firms.

In addition to the Sherman Antitrust Act, two pieces of legislation enacted in 1914 largely remain the basis of federal antitrust law. The Clayton Antitrust Act created new standards for competition law,
strengthening enforcement powers to crack down on anti-competitive corporate mergers and the crisis of price discrimination. The Federal Trade Commission Act created the Federal Trade Commission (FTC), an independent agency that remains the paramount enforcer of antitrust law. Congress gave the FTC the necessary statutory power to issue cease-and-desist orders directed at corporations engaging in anti-competitive behavior.

In the post-World War II era, widespread interest in antitrust policy experienced a steady decline. In the period following World War II to 1999, perhaps the most notable antitrust case was the United States v. AT&T dispute. Alleging that AT&T violated federal competition law by subsidizing its network costs via profits stemming from its Western Electric subsidiary, the Department of Justice filed suit against AT&T in 1974. After an eight-year legal battle, the federal government ordered the break-up of the old AT&T into seven regional Bell operating companies (RBOCs) and a new AT&T with a smaller footprint.

Given the benefits that antitrust law has yielded for consumers, the issue of antitrust falling from the political forefront has hurt policy-making. Antitrust laws have cracked down on price-fixing, a cartel violation where multiple competing sellers agree to sell a product at a fixed price to the detriment of consumers. Additionally, antitrust laws have benefited consumers by curbing bid-rigging, a fraudulent practice in which multiple firms bid for government contracts to benefit a designated firm. Thanks to federal antitrust laws, customer allocation, an anti-competitive practice in which markets for a product service are effectively “divided” by competitors, has been reduced.

Despite Donald Trump's rhetorical support for antitrust measures, antitrust enforcement fell to its slowest rate since the 1970s during his presidency. A market economy can only be prosperous as a mode of distributing goods and services if it remains open and fosters a competitive environment that breeds innovation.

### Antitrust in the 21st Century

#### UNITED STATES V. MICROSOFT CORP. (1999) AND THE “CHILLING EFFECT”

Many describe United States v. Google (2020) as having “strong echoes of Microsoft antitrust case,” the most high-profile antitrust suit in recent memory.

Beginning with an inquiry commissioned by the Federal Trade Commission (FTC), Microsoft became a subject of investigation for potential violations of the Sherman Antitrust Act of 1890 in the 1990s. The investigation centered on Microsoft’s licensing restrictions on original equipment manufacturers (OEMs) using Microsoft technology that forbade the de-installation of Internet Explorer, a browser developed by Microsoft, on personal computers in favor of other web browsers. Microsoft insisted that Internet Explorer constituted a feature instead of a product and argued its practices fully complied with U.S. competition law.

After a deadlocked FTC decision that closed the agency's inquiry, the Department of Justice established its separate investigation of Microsoft’s possible violations of antitrust law, and in 1998 filed a civil
non-merger suit against the company in conjunction with twenty state attorneys general. During the case, Microsoft’s “embrace, extend, and extinguish” (EEE) strategy in internal strategic discussions when discussing its competitors became infamous as a de facto admission of Microsoft’s intention to monopolize the software market.\textsuperscript{17} Organizations such as the Consumer Federation of America determined that Microsoft’s monopoly led to increased prices for consumers and worse quality products.\textsuperscript{18}

The District Court for the District of Columbia determined that Microsoft was in violation of the Sherman Antitrust Act and ordered that it be broken up into a company specializing in operating systems and one devoted to producing other software components. However, the Court of Appeals for the District of Columbia Circuit overturned the ruling, and in 2001 the Department of Justice ended its effort to break up Microsoft.\textsuperscript{19} This has resulted in a chilling effect that has deterred other suits against monopoly actors in various technology fields.

Despite the highly publicized case against Microsoft that highlighted the company’s anti-competitive practices, polling taken in 2001 following the overturning of the initial ruling to break the company up suggested that public opinion was on Microsoft’s side. According to Gallup, a plurality (34\%) of those polled after the Court of Appeals ordered Microsoft to be broken up preferred for the suit to be dropped altogether, versus 22\% indicating their support for a settlement and 22\% support for proceeding with a new judge.\textsuperscript{20} Interestingly, among the “attentive public” that showed they closely followed the litigation, support for Microsoft in the suit was even higher, with 44\% in the category indicating their support for dropping the lawsuit versus 30\% supporting the settlement and 22\% supporting proceeding with a new judge.

When respondents were asked “...would you say the fact that Microsoft dominates its software markets has been positive or negative[?]”, a massive 68\% of those polled indicated they felt it was favorable for the economy at-large. Similarly, 63\% and 62\% agreed it was beneficial for consumers and the software industry, respectively. Polling from Fox News also found that Americans were by-and-large supportive of Microsoft during the lawsuit.\textsuperscript{21}

Acquisition of Time Warner by AT&T (2016)

In 2016, AT&T, itself a product of an antitrust lawsuit that broke up the original AT&T Corporation, announced its decision to acquire Time Warner. The two conglomerates’ decision to merge raised concerns over potential monopolization, and in 2017 the Department of Justice filed suit to block the merger.\textsuperscript{22} Analyzing both the procedural roadblocks faced by AT&T during the process as well as the company’s eventual triumph is useful when approaching the United States v. Google case.

The primary point of concern was that AT&T acquiring control of Time Warner’s popular networks would effectively hinder the ability of rival firms to compete, as they would likely be forced to pay hundreds of millions more per year for the right to distribute these networks. The Department of Justice demonstrated that the merger would lead to higher out-of-pocket costs for consumers and disincentivize innovation in the telecommunications field. Consumer advocacy groups also indicated
their concern that merging one of the predominant internet and cellular providers with a media conglomerate known for its popular programming would lead to higher prices. Following a protracted legal battle, Judge Richard J. Leon of the United States District Court for the District of Columbia rejected the view of the Department of Justice and consumer advocates alike, allowing the merger to proceed. No conditions were placed upon the court’s merger, and the case was formally dropped in 2019. The merger's finalization led to direct increased costs and likely also spurred other proposed mergers and acquisitions.

Unlike in the antitrust suit against Microsoft, in which public opinion sided with the software giant, polling taken during the merger process revealed a wide array of opposition to the proposed merger. Polling conducted by Civis Analytics showed a strong bipartisan majority in opposition to the proposed merger of AT&T and Time Warner, with 65% of Democrats, 64% of Republicans, and 63% of independents indicating their disapproval.

Polling on attitudes towards the proposed merger by Republican voters conducted by Incompas and IMGE found that Republican voters opposed the proposed acquisition of Time Warner by AT&T by a sizable margin.

**Documenting Google’s Anti-Competitive Behavior**

Since emerging as a giant in the technology industry, Google has been scrutinized for anti-competitive business practices that hinder innovation.

Specifically, Google has routinely violated the principle of search neutrality to benefit Google products, the company's practice of entering into anti-competitive exclusivity agreements, and its use of the so-called “universal search” mechanism hinders the ability of users to find desired search results.

**Google’s Violation of Search Neutrality**

The criticism of Google has mostly surrounded the Google search engine’s continued violation of search neutrality. This principle stipulates that search engines be impartial, with results displayed by relevance irrespective of the search engine company’s commercial interests.

In 2013, the Federal Trade Commission concluded that Google operates under a “practice of favoring its own content in the presentation of search results.” Although the FTC staff recommended the Commission move forward with charges, ultimately, the commissioners decided not to.

Google’s manipulation of its search engine algorithm to promote the company's commercial interests is well-documented. For example, Foundem, a vertical search engine that saw its Google ranking and its primary revenue source, tank. According to a report by Wired, “one second Foundem ranked first or third [as a search engine] (a status it maintained on Yahoo! and Microsoft’s Bing). Next, it was down in the 70s and 80s. For huge swathes of online life, Google is the default entry point. In a single stroke, Foundem had effectively disappeared from the internet.”
Google’s abuse of its virtually monopolistic power in the search engine industry to promote Google products is detrimental to the cause of open markets. In conflict with the principle of search neutrality, Google unfairly promotes its price comparison function Google Shopping at other online shopping companies’ expense. Given that online shopping companies rely on search engine traffic for business, Google’s anti-competitive prioritization of its own price comparison functions stands in direct opposition to the principles of both search neutrality and open markets.

In 2017, the European Commission found that Google’s prioritization of Google Shopping at the expense of rival online shopping companies constituted an abuse of market power and fined Google accordingly.\textsuperscript{31} The European Commission drew particular attention to the early performance of Google Shopping, then known as Froogle, and the fact that one internal Google document from 2006 stated that “Froogle simply doesn’t work.” Google knew early on that Google Shopping’s business model could not prove viable in a competitive environment, which explains why, in the years following, Google had to rely on giving the shopping service an unfair advantage in its search engine to render it profitable.

In 2020, the Democratic majority on the House Subcommittee on Antitrust, Commercial, and Administrative Law found that Google “has exploited its search dominance” to “maintain its monopoly in online search and search advertising, while dissuading investment in nascent competitors, undermining innovation, and harming users and businesses alike.” The report determined that Google has abused its dominance in the search engine market by promoting Google’s services at the expense of third party content.\textsuperscript{32}

**Google’s Use of Anti-Competitive Exclusivity Agreements**

Google has also entered into anti-competitive exclusivity agreements that prohibit the pre-instillation of other search engine software. According to the European Commission, “[s]tarting in 2006, Google [has] included exclusivity clauses in its contracts. This meant that publishers were prohibited from placing any search adverts from competitors on their search results pages. The decision concerns publishers whose agreements with Google required such exclusivity for all their websites.”\textsuperscript{33}

Perhaps the most blatant example of Google’s monopoly power in the realm of online advertising is its practice of requiring publishers to explicitly request permission from Google if they wish to change the way rival search adverts display on their website.

Google’s long-term agreements with Apple to have its software serve as the default search engine on Safari, the web browser automatically installed on Apple products, have also come under scrutiny. According to a 2016 report, Google paid Apple $1 billion to serve as the default search engine on Apple products with an additional provision to give Apple a share of Google revenue generated through Apple devices.\textsuperscript{34} These large payouts to Apple are an example of Google using its *de facto* monopoly power to reinforce its hegemonic status in the search engine market by effectively purchasing preferential treatment.
Google has also leveraged its dominant market position to impose anti-competitive restrictions on Android device manufacturers and mobile network operators to entrench Google’s dominance in the general internet search market. Per the European Commission’s findings, Google mandated the pre-installation of Google’s search engine and Google Chrome as a condition for licensing the Play Store, the digital distribution service operated by Google.\(^3\) Given Google’s utilization of its Play Store, the company additionally wields monopoly power in charging users of the store.

The EC also found Google directly compensated certain mobile network operators and manufacturers to get them to pre-install the Google Search application on relevant devices. Additionally, Google leveraged its market power to prevent manufacturers from selling so-called “Android forks,” Android devices operating under configurations not approved by Google.\(^3\)

In 2020, the Democratic majority on the House Subcommittee on Antitrust, Commercial, and Administrative Law found that Google’s requirement “that any smartphone manufacturer seeking to license Android pre-install Google Search and Google Play Store” was done in the interest of maintaining the company’s dominance in the search engine market. The relevant report determined that conditioning access to Android would help retain Google’s position as the dominant search engine while hindering competitors’ ability to succeed at the expense of competition.\(^3\)

**How Google Harms Consumers**

It is clear that Google’s anti-competitive practices, from manipulating the search results on its search software to favor the company’s vertical search services to entering into anti-competitive exclusivity agreements, hurt consumers by stifling competition in the tech industry. By monopolizing the search engine market, Google effectively prevents viable alternative search engines from arising, which naturally inhibits innovation at a cost to consumers. And by leveraging its search engine monopoly to benefit its other products and services, the harm cascades even further.

On a more direct level, the adverse outcomes for consumers resulting from Google’s monopolization of the search engine market can be found in the impact of its “universal search” function. While Google’s search bias is anti-competitive, the groundbreaking 2015 study “Does Google content degrade Google Search? Experimental evidence” found that Google’s “universal search” algorithm directly degrades the experience of users by limiting desired information in favor of Google content.\(^3\)

In order to conduct the study, participants were given the option of using a custom browser plugin called “Focus on the User” that uses an organic search method, not a manipulated “universal search” mechanism, in addition to Google. By a 45 percent higher rate, participants chose to use the former rather than Google’s product, a stunning rebuke to Google’s justification for universal search on the grounds it supposedly helps users find the results they want.\(^3\)

As such, in addition to Google’s manipulation of its search engine harming consumers indirectly by elevating Google products at the expense of competitors, evidence suggests that it also hurts consumers directly by hindering their ability to find what they’re looking for.
United States v. Google Inc. (2020)

PROCEDURE

Following an investigation into Google’s potential violations of federal competition law, the Department of Justice filed suit against the search engine giant in 2020.\(^\text{60}\) As previously noted, Google has long been a target of scrutiny for its business practices, including an FTC inquiry in 2013 and three investigations by the European Commission over potential European Union merger law violations.\(^\text{41}\)

The 2020 suit filed by the Department of Justice in conjunction with eleven state attorneys general alleges violations of Section 2 of the Sherman Antitrust Act. Similar to United States v. Microsoft Corporation, which alleged Microsoft violated competition law by effectively mandating the installation of its software products via rigid licensing restrictions, the Department of Justice’s suit accuses Google of violating antitrust statute through anti-competitive installation agreements that harm competing search engines.\(^\text{42}\)

It’s worth considering the potential ramifications of United States v. Google Inc. In the realm of a potential direct impact on the search engine market, rivals such as Bing and DuckDuckGo could stand to benefit.\(^\text{43}\) Assuming Google is successful, it could reverse the decline in antitrust suits following the conclusion of United States v. Microsoft. Consumer advocacy groups have voiced support for the suit, arguing that Google’s domination of the search engine market has stifled competition in the market.\(^\text{44}\)

State-Level Legal Action Against Google

In addition to the suit against Google pursued by the federal government, two coalitions of state attorneys general have formed to mount their own suits against the company for its anti-competitive practices.\(^\text{45}\)

The Department of Justice’s suit has a relatively narrow scope that focuses primarily on Google’s practice of engaging in anti-competitive exclusivity agreements.\(^\text{46}\) In contrast, the state probes of Google’s anti-competitive business practices have a broader scope than the suit pursued by the federal government. Other areas of Google’s anti-competitive behavior that form the basis of state-level lawsuits include the company’s monopoly power in the online search market as well as the company’s digital advertising policies that allow it to exclude competitors.

As the Huffington Post reports, “[t]he Justice Department has taken a narrower purview, focusing on the way Google distributes its search engine as a product, rather than the way the search engine itself functions. Critics and competitors have long complained that Google steers users to Google-owned properties instead of providing them with better information from across the web.”\(^\text{47}\)

Led by Colorado Attorney General Phil Weiser and accompanied by 37 other state attorneys general, this suit primarily focuses on Google’s exclusionary business practices that have cemented the
company’s status as a monopoly in the search engine market. In a statement made in October 2020, Weiser said that “Google’s anticompetitive actions have protected its general search monopolies and excluded rivals, depriving consumers of the benefits of competitive choices, forestalling innovation, and undermining new entry or expansion…” This suit bases its claim that Google possesses monopoly power in the search engine market owing to the fact that 90% of search engine users use Google, allowing it to build “an impenetrable moat to protect its kingdom”.

Another state-level suit against Google comes from a coalition of eleven Republican attorneys general, led by Texas Attorney General Ken Paxton. This suit alleges that Google’s digital advertising policy, in which the company controls access to its “ad tech” marketplace to the potential exclusion of competitors, constitutes an example of the company’s monopoly power.

The suit alleges that “Google has an appetite for total dominance, and its latest ambition is to transform the free and open architecture of the internet…” to the detriment of competitors and consumers alike.

As such, the Department of Justice’s suit should be seen as being merely a first step in the fight to hold Google accountable for its anti-competitive behavior and ultimately may spur a consolidated lawsuit with broader scope and fuller coordination with the state Attorneys General. Given the harm done to consumers, competing search engines, and online shopping services alike caused by the Google search engine’s favoritism towards Google Shopping and other Google products, the tech giant must be held accountable for its violations of the principle of search neutrality.

In addition, although they were not included in the purview of the Department of Justice lawsuit, Google’s anti-competitive practices related to its administration of the Google Play Store operation may be subject to future state-level legal scrutiny. Android application developers have long accused Google of violating competition law, with a class-action suit alleging that Google has imposed both minimum price-fixing policies and anti-competitive developer transaction fees. Reporting done in December 2020 by Politico indicates that another state-level suit against Google, this time for Google Play Store practices, may launch in early 2021.

**Public Opinion on the Suit Against Google**

In stark contrast to polling taken during the suit against Microsoft, public polling on the subject of the case against Google reveals broad support for the litigation. Polling conducted by Data for Progress found 48% strong or “somewhat” support for the suit compared to a mere 32% in opposition to the lawsuit against Google. Support for the case was found across party lines, with 52% of Republicans and 49% of Democrats polled indicating their support for the suit with a mere 26% and 32%, respectively, indicating their opposition.

It is clear, then, that running in support of strengthening antitrust laws has the potential to be of significant benefit for political candidates. When asked whether or not Joe Biden, then a presidential candidate and now President-elect, should direct the Department of Justice to end the suit against Google, 49% of respondents indicated they believed he should continue the case, with a mere 28% indicating he should end the lawsuit.
Voters Support The Department Of Justice's Antitrust Lawsuit Against Google

On October 20, 2020 the Department of Justice filed a lawsuit alleging that Google engaged in monopoly type behavior to limit competition in its search and advertising services and products. This lawsuit was the culmination of years of investigation by the Justice Department and Congress. Supporters of anti-monopoly enforcement against Google have emphasized that a majority of users never go beyond the first page of search results and that Google’s promotion of its own products and services at the top of results undermines the open internet and takes away business opportunities that properly belong to millions of businesses who depend on search results. Google counters that people use its search engine because they choose to, not because they're forced to or because they can't find alternatives, and as a result the lawsuit will do nothing to help consumers and instead artificially prop up lower-quality search alternatives and make it harder for people to get the search services they want to use. Do you support or oppose this lawsuit?

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Voters Want Biden To Take A Hard Line Against Large Technology Companies

If Joe Biden wins the presidential election this November, do you think his administration should...?

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<th>Go even further in cracking down on large tech companies, including taking steps to protect consumers from hate speech, disinformation, and conspiracy theories and to protect consumer privacy</th>
<th>Continue this lawsuit</th>
<th>End this lawsuit and let the free market work without government interference</th>
<th>Don’t know</th>
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<th>All likely voters</th>
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<td>Democrats</td>
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<td>Republicans</td>
<td>25%</td>
<td>28%</td>
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Additionally, respondents supported the exclusion of alumni of Google and other Big Tech firms from roles in a Biden Administration to close the “revolving door” between the private sector and government. In a further display of voters’ frustration with Big Tech’s influence on government, a majority of respondents across party lines indicated their support for such a measure.

**Potential Ramifications of United States v. Google Inc. for Big Tech**

In addition to filing suit against Google, the federal government has begun investigating potential competition law violations by Amazon, Facebook, and Apple. The outcome of United States v. Google will surely set a precedent for future antitrust cases against Big Tech firms.

When assessing Amazon’s potentially monopolistic behavior, attention is primarily given to the company’s alleged “platform privilege”: As both the operator of the Amazon Marketplace and a merchant in its own right, Amazon has an ingrained advantage over its competitors. Additionally, Amazon’s possible use of predatory pricing to sabotage competitors, illegal under current competition law, is a subject of scrutiny.

However, proving that a corporate firm engages in the practice of predatory pricing is infamously difficult. One example of Amazon engaging in predatory pricing was its decision to slash baby goods’ price to below production cost to sabotage an upstart competitor, who could not possibly incur the same losses as a giant like Amazon and survive in the diaper market in 2009.
Facebook’s status as a potential social media monopoly has become a subject of investigation. The Democratic majority on the House Subcommittee on Antitrust, Commercial, and Administrative Law determined that the social media giant is a monopoly due to its regularly acquiring potential competitors such as Instagram and sabotaging opponents. Scrutiny has also been applied to Facebook’s digital advertising on its own platform, alleged to violate antitrust law. In December 2020, New York Attorney General Letitia James announced the formation of a coalition of 48 state attorneys general seeking to stop Facebook’s anti-competitive conduct.

Inquiries on Apple’s status as a potential violator of competition law generally center on its operation of its own App Store, with Apple’s current policy regarding iOS being alleged to unfairly reduce competition. The Democratic majority on the House Subcommittee on Antitrust, Commercial, and Administrative Law has determined that Apple’s practices constitute a violation of antitrust law.

Public Opinion

Polling taken in recent years reveals that a substantial majority of Americans favor antitrust scrutiny of Big Tech. Per a Harvard CAPS/Harris Poll survey released in 2019, a massive 71% of voters indicated their support for the federal government’s decision to begin investigating Big Tech for potentially anti-competitive practices. The same poll found that a similarly wide 67% of respondents agreed that Big Tech had reduced market competition. When taken into consideration, along with polling data that shows broad support for the current federal suit against Google, it is clear that there is a substantial majority in favor of vigorous antitrust enforcement.

Polling conducted by Demand Progress also found that concerns about the impact of Big Tech on the American economy are widespread. When the subject of whether the dominance of large technological companies poses a threat to America’s economic well-being, 62% agreed that the economic power of Big Tech is a problem for the U.S. economy, compared to a mere 23% indicating their disagreement. These results stand in direct contrast to polling taken during the Microsoft case. Respondents generally indicated their opposition to the proposed break-up of Microsoft and general approval when asked about their opinions on technological companies’ influence.

When asked if the argument convinced them that Big Tech firms’ lack of accountability poses a threat to Americans’ privacy rights, a massive 72% majority indicated their agreement. A similarly large 69% majority indicated they were convinced that Big Tech companies are effectively profiting off of division and fear by allowing hate speech and disinformation to flourish on their platforms.

When asked whether they were convinced by the argument that technology firms that operate digital marketplaces should provide consumers with quality results to the best of their ability and to adhere to fair competition stands to not harm small business ventures, a wide 70% of respondents agreed.
Voters Think That Economic Power Of Large Tech Companies Is A Problem

Recent data shows that nearly half of all e-commerce goes through Amazon, and more than two-thirds of internet traffic goes through sites that Facebook or Google own or operate. Some lawmakers in Congress argue that these companies are monopolies that hurt small businesses and consumers and that anti-monopoly protections are critical and were a founding principal of American democracy and capitalism that should be restored. Others argue that real competition and consumer choice about what websites to use still exist across the Internet and that these companies are providing very valuable services that billions of people rely upon. Do you agree or disagree that the economic power of these big tech companies is a problem facing the U.S. economy?

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<th>Somewhat agree</th>
<th>Don't know</th>
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<td>Partisanship</td>
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<td>Republican</td>
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<tr>
<td>Agree</td>
<td>Disagree</td>
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<td>69</td>
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Voter Are More Convinced By The Arguments Made In Favor Of Breaking Up Large Technology Companies

Below you’ll read some arguments that some people make in favor/against of breaking up large technology companies. For each, say whether you find it convincing or not convincing.

<table>
<thead>
<tr>
<th>Very convincing</th>
<th>Somewhat convincing</th>
<th>Not very convincing</th>
<th>Not at all convincing</th>
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<tbody>
<tr>
<td>Large tech companies are a threat to our privacy because they control enormous amounts of data and use it to limit the choices available to users and at times even manipulate their behavior. They are a threat to our safety because they are not held accountable for the harm they do.</td>
<td>32%</td>
<td>40%</td>
<td>20%</td>
</tr>
<tr>
<td>Large tech companies have too much power. Facebook, Google, and Twitter use algorithms to amplify content that triggers fear and outrage. As a result, they profit from the spread of hate speech, disinformation, and conspiracy theories. This hurts our country by undermining democracy and public health in the pandemic.</td>
<td>32%</td>
<td>37%</td>
<td>21%</td>
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Federal monopoly law remains primarily governed by Section 2 of the Sherman Antitrust Act of 1890 and the provisions of the Clayton Antitrust Act of 1914. Regardless of the outcome of United States vs. Google and potential antitrust suits against other Big Tech corporations, progressives seeking to address the issue of corporate consolidation should push for modern anti-monopoly legislation adapted for the conditions of the age of information.

Senator Elizabeth Warren (D-MA) has been at the forefront of the fight for modern antitrust legislation. The 2019 Anti-Monopoly and Competition Restoration Act proposal serves to fortify the federal government’s power to tackle corporate consolidation. Under this proposal, the federal government would be able to apply antitrust policies to corporate entities that currently pose a threat to competition but do not meet the current standards for a monopoly, which is defined by holding 70% or more share in a particular market.

On the executive level, supporters of antitrust policy must push for the appointments of federal personnel partial to tackling corporate consolidation. This entails pushing for the appointments of critics of corporate consolidation to the Federal Trade Commission and the Antitrust Division of the Department of Justice, with particular attention on the position of Assistant Attorney General for the Antitrust Division. Vetting appointments to the federal judiciary based on how prospective appointees to the District Court’s view, say, horizontal mergers will also play a crucial role.
ENDNOTES


THE GOOGLE ANTITRUST SUIT AND THE FORWARD MARCH OF ANTI-MONOPOLY POLICY


59. The states joining Texas in the suit are Arkansas, Indiana, Kentucky, Missouri, Mississippi, South Dakota, and North Dakota.


58. Rodriguez, Salvador. “Facebook is a social network monopoly that buys, copies or kills competitors, antitrust committee finds”. CNBC. October 6, 2020. cnbc.com/2020/10/06/house-antitrust-committee-facebook-monopoly-buys-kills-competitors.html


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