

United States Senate
WASHINGTON, DC 20510

March 18, 2021

The Honorable Dick Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Durbin,

We write to request that you schedule a full Committee hearing immediately on major new revelations regarding the Federal Trade Commission's (FTC) antitrust investigation into Google. It is critical that the Committee conduct oversight into enforcement—or underenforcement—of our nation's antitrust laws. I ask that you use your authority as Chairman to call Google executives and relevant FTC officials to publicly testify, including the former Commissioners who now represent big tech firms. Today, we are also sending a letter to FTC Acting Chair Rebecca Kelly Slaughter urging her to dispatch relevant officials to Congress as soon as possible.

Recent reporting from *Politico* details previously undisclosed internal memorandums from FTC lawyers and economists, written from 2011 to 2013 during the agency's investigation into Google's business practices.¹ The reporting confirms what has become increasingly apparent in recent years: confronted with the most consequential antitrust case in a generation, and ample evidence of market dominance and misconduct, the nation's antitrust enforcers failed to act. Instead, after a 19-month investigation, the Obama Administration's FTC agreed to a non-binding sweetheart deal proposed by Google itself. This is outrageous.

The FTC's inaction has had broad-sweeping implications for our economy, our culture, and our democracy. In the intervening years, Google has amassed—and exploited—an ever-growing market share in search and digital advertising and smartphones, and has used these dominant positions to make inroads into other product lines and services. As distressing as these consequences may be, the FTC's inaction has had consequences far beyond the actions and market power of a single firm. The FTC's failure to enforce the nation's antitrust laws signaled to similarly dominant market participants, in tech or elsewhere, that compliance is optional. In other words, lax enforcement of our laws encourages lawlessness. Regulators responsible for this era of underenforcement, which has resulted in unprecedented economic concentration, must be held to account, on the record.

Thank you for your consideration of this request. I look forward to working with you this Congress on issues related to antitrust.

¹ <https://www.politico.com/news/2021/03/16/google-files-ftc-antitrust-investigation-475573>

Sincerely,



Josh Hawley
United States Senator



Mike Lee
United States Senator



Marsha Blackburn
United States Senator