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September 24, 2019

The Honorable Joseph J. Simons
Chairman
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

The Honorable Noah Phillips
Commissioner
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

The Honorable Rohit Chopra
Commissioner
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

The Honorable Rebecca Slaughter
Commissioner
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

The Honorable Christine Wilson
Commissioner
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Chairman Simons, Commissioner Phillips, Commissioner Chopra, Commissioner Slaughter, and Commissioner Wilson:

I write to encourage the FTC to release the remainder of the 2012 FTC report on its investigation into Google's anticompetitive business practices.

As you know, the FTC launched an investigation into anticompetitive practices by Google that culminated in a 160-page staff report in 2012. Half of that report was then inadvertently disclosed during an open-records request,¹ but the FTC never released the other half.

I believe the remaining pages likely contain information critical to the public interest because they may reveal that Google has long been deceiving consumers. Google states that it simply returns "the most relevant, useful results."² But two years ago, the European Union fined Google \$2.7 billion for doing the opposite. While maintaining that its algorithm was designed to give users the best results, Google was in fact rigging specific search results to favor the interests of Google's executives.³

¹ <https://www.wsj.com/articles/inside-the-u-s-antitrust-probe-of-google-1426793274>

² <https://www.google.com/search/howsearchworks/algorithms>

³ <https://www.nytimes.com/2017/06/27/technology/eu-google-fine.html>

The now-public parts of the 2012 FTC report reveal that Google was involved in this kind of conduct years earlier. Page 26 and footnote 136 of that report state that Google rigged its algorithm so that if a search ordinarily would return a competitor's product, the engine would instead return products owned by Google. The report, citing internal Google documents, even says that Google created this code "to bias ourselves."

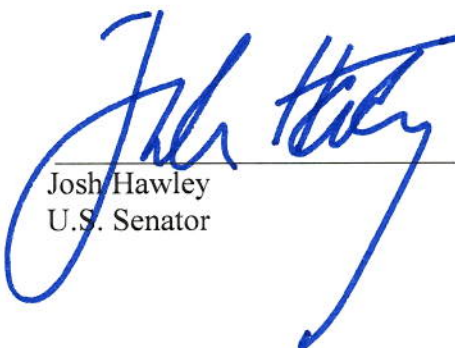
This finding establishes that Google was misleading consumers about how its algorithm worked, and the other public parts of the report suggest that the undisclosed pages include other details about how Google systematically deceived consumers. As the report states on page 116, "Google's conduct has resulted—and will result—in real harm to consumers and to innovation in the online search and advertising markets." For example, the report states on pages 28 and 116 that, even as Google told the public it was delivering the most relevant results, it was in fact blacklisting results that it did not like. Google "enter[ed] into exclusive and highly restrictive agreements with web publishers that prevent publishers from displaying competing search results," and Google "adopted a strategy of demoting, or refusing to display, links to certain vertical websites in highly commercial categories."

The report provides evidence that Google was deceiving consumers before 2012, and the recent fines levied against Google suggest that Google never stopped. The public has a strong interest in knowing the extent of Google's pattern of deception so that they can make informed decisions about whether to continue using Google or instead switch to a different service that does not rely on deception.

The FTC has the power to "make public" information it has obtained from an investigation if that information is "in the public interest." 15 U.S.C. § 46(f). Consistent with your statutory obligations, I ask you to release the remainder of the report because the public has an interest in knowing how one of the largest, most powerful companies in the world has engaged in deception.

Thank you for your attention to this matter. I look forward to your response.

Sincerely,



Josh Hawley
U.S. Senator