

Emergency Pod: The Google Ruling Sucks

David: [00:00:00] So we wanted to do an emergency podcast because, uh, we're taping this on Wednesday. Just yesterday, judge Amit Metta of the DC District Court put out a ruling that imposes remedies on Google. Based on an earlier verdict that he did saying that Google was monopolizing the search market. In this, in this verdict, he imposes remedies that allow Google to monopolize the search market.

So, [00:00:30] uh, we thought it was really important to come on and talk about this, what happened, and also what it means. We're gonna do that right now. Here we go. Emergency pod time, organized money.

I'm David Dad. I

Matt: run the American Prospect Magazine. And I'm Matt Stoller. I write about monopolies in a newsletter called Big. And I'm the research director for a think tank called the American Economic Liberties Project

David: on organized [00:01:00] Money. We're gonna go beyond supply and demand curves and OES to visionary entrepreneurs and tell you how the business world really works.

Matt: We'll talk to business leaders, journalists, policy makers, people on the front lines who are dealing with monopoly power, competing with it. Winning, losing, but ultimately fighting back. It's a

David: podcast about all the money and power in the world,

Theme: and we know now that government, by [00:01:30] organized money is just as dangerous as government.

My organized mom, mom, mom.

Matt: Let's just quickly go over what happened, right? So last, uh, so there's a, there's a case, an antitrust case starts in roughly 2019, filed in 2020, and it says, Google [00:02:00] Controls is a monopolist in search and mobile search because they. Effectively have bought up all the shelf space, right? Right. In, in, in search is distributed like every product, but it's distributed.

When you buy an iPhone and you type in the browser for something, it will automatically go to Google search. That's called, the Google search is a default, right? That is true for Mozilla. It's true for every, uh, phone maker. It's true for every browser, and the reason that they all have Google as the default [00:02:30] is because Google.

Pays them money. It's also because Google owns Android, which is a mobile phone operating system, and every mobile phone that is not Apple uses Android. So there are all sorts of ways, and they own

David: Chrome, which is the biggest browser, and also Chrome is, uh, you know, uses Google's to default because it's, it's owned by Google.

Matt: It is, it is known as, uh, these are all known as search access points. And so effectively, uh, Google has bought up all of the, the, the shelf space.

David: And yes, [00:03:00] in theory you can change the defaults on your phone. I changed my default on my browser to duck, duck go. And that's also true on my phone, even though it's an Android phone.

But the reality is that most people don't do that, and Google knows that. And evidence in the trial showed that Google knows that.

Matt: Right, and Google made it harder to switch your defaults. And so the net effect is, uh, search is a scale business. So if Google gets, uh, you know, you type something into Google search and then it knows what you click on, it can then improve its [00:03:30] search quality based on that data.

So what it was really doing is it was denying. Access to that data, to potential rivals. And so they, those rivals could never create a search engine that was as good as Google's. And so that's the basic claim. It's a, it's called monopoly maintenance and, uh, it's a violation according to Judge Meta.

David: Yeah.

Yeah. I mean, you don't have to, you don't have to take. You don't have to take our word for it. Like, like the judge said, yes, Google is using its market power to [00:04:00] maintain its monopoly, has done so for over a decade, is charging monopoly rents and is making monopoly profits. And he ruled that. Last year. Now, the way that Monopoly trials go is that there's a verdict on whether or not the entity is a monopoly, and then there's a remedies phase.

And both sides get to say, okay, uh, in this case, Google is guilty. Here's what you should do, here's what the penalty should be. And they have a trial about it, both sides, Google, and in this case the [00:04:30] justice department. And then the judge rules, okay, this is the the remedy I'm going to accept

Matt: right now. So, so when you have an illegal monopoly.

And a company is found liable for either gaining it unlawfully or maintaining it unlawfully. There are several things that a court must do according to the Supreme Court, a Supreme Court precedent in order to address the illegal monopoly. So they have to make sure impose a remedy to make sure that [00:05:00] the monopoly will not recur.

They have to confiscate the illegal fruit, the fruits of the illegal monopoly. They have to. Terminate the monopoly itself, and then they have to impose deterrence so that there isn't a, so that the company internally stops trying to engage in coercive behavior. So those are the four elements

David: you are forgetting.

Of course, the, the meta postulate. I will call it, uh, the judge met a postulate, [00:05:30] um, because he's, he actually quotes what you just said in this verdict, but then he adds, and I'm going to quote it, this court, however, need not decide this issue. And the issue is whether or not to terminate the monopoly because there are independent reasons that remedies designed to eliminate the defendant's monopoly, IE structural remedies.

Are inappropriate in this case. So he literally said, I don't have to do this [00:06:00] because reasons, right? That was, that was his justification, because

Matt: reasons, right? So, okay, so here we have, uh, so what did he do right? He says, I'm not gonna terminate Google's illegal monopoly instead. Uh, so the, the, the Department of Justice asked for a bunch of stuff.

They asked for Google to sell off Chrome. They asked for more regulations and potentially a sell off of Android, and they asked for Google to, to not no longer be allowed to pay companies like Apple or browser makers to make [00:06:30] Google search the default so that Google pays about \$20 billion a year to Apple.

They also asked for syndication of Google search. Data and, uh, for Google to share some other data so that companies could access, you know, could, could gain scale, develop search engines, and gain scale as they do that. And it will be, it will be compelling to consumers because the quality will be good. So that was the gist of, there were some other things on AI that were also important.

They didn't want Google to do the same thing on AI that it's done [00:07:00] with search. A Google has a product called Gemini. They didn't want it to self preference Gemini. There were a bunch of other things that they asked for, but that was the gist of it.

David: And then by contrast, what Google said, here's how you should punish us.

Which is kind of a weird thing, right? That, that, that Google gets to say, here's how you should punish us, uh, is they said, well, why don't you just make it so that our distribution deals aren't exclusive. So that, uh, these devices, these browsers, they can make deals with other companies too. [00:07:30] And, uh, they could put whatever they want in the default bar, but, you know, we, we can still give them money.

To make the deal. Uh, and there's, it's in all likelihood, if you're getting billions of dollars from a company, you're probably gonna wanna make them happy, especially if you want to continue that contract. Uh, but Google said, well just, just make them non-exclusive and everything's fine. So those were the two sides basically of this, this argument.

Matt: So what did Judge Emmet meta do? Judge Emmet [00:08:00] meta is a cautious guy. Um, he's very well, loves being not cautious. He just loves being fancy and, and who appointed him? Barack Obama. Uh, so he's, you know, he's kind of got that, that mindset of, I, I read People Matter. He's been.

David: I said to you before we came on that this verdict reads like what it would be like if Barack Obama was a judge.

Matt: Yeah. He's very, he's very much like, oh, I'm just a judge. I don't know anything about technology. I can't, I want to be humble and all the rest of it. [00:08:30] Although he is perfectly willing to say, I'm gonna

ignore the Supreme Court's mandate to terminate the monopoly. Anyway, what he did, and I'll just explain, he did, he rejected the DOJ, uh, he said, I'm not gonna break up Google.

Uh, I'm not gonna do most of the remedies. Uh, I am gonna require some syndication of search and data. Right. But, uh, I'm not even, I'm basically gonna accept Google's remedy. Google will still be able to pay Apple \$20 billion a year and all these other companies to keep the search default as Google. Um, [00:09:00] and, uh, they can't be exclusive and they can't be exclusive with their AI product.

Um, but that's the gist of it. And he said, I'm going to. Allow them to continue to pay Apple because I'm afraid that if they stop paying Apple, apple will no longer have as much as many funds to develop better phones. There's just, um, which is like, these are just poor apple. It's, it's crazy to say I've found illegal monopolization in the search market.

I think that this totally other product that we haven't looked at at all [00:09:30] phones might counterbalance that

David: might get hurt

Matt: when he made this decision. Um, I think that the general consensus is that it was a major win for Google. Google might have lost a few battles, but they won the war. CNBC all day has been saying, you know, big, big victory for big tech.

I think it's the dream scenario for Google. It's the dream scenario for Apple. Because now they really get unleashed from an m and a perspective as well as ultimately what, what's ai? Uh, Google stock popped, so did Apple Stock [00:10:00] because Apple gets a lot of money. There was just, there were Duck dot go was very unhappy.

Senator Amy Klobuchar, Senator Warren, um, the Monopoly Busters caucus in the house. They were all saying, this is outrageous. There were some right wing groups that said it too. So this is generally understood as. Potentially a major, potentially the end of the fight against Google at worst. Um, but a major, major setback for the anti-monopoly movement at best.

David: I, I, I, I would say everyone has the right to be outrageous [00:10:30] and, uh, or outraged by this. The one place where you can see it most clearly is in his discussion of why he decided. That Google can keep paying other companies to, uh, you know, in these distribution deals. And I wanna, I want to quote this one part because it was the craziest part to me of the entire ruling.

So the judge says that, you know, there, these are non-exclusive deals, but, you know, and, and, and [00:11:00] maybe anybody can get the default. Uh, box. But, uh, Google has to keep paying because, you know, otherwise Apple will be too poor to sell phones. Uh, and here's what he says. Due to Google's massive financial advantage and its superior monetization, distributors will be incentivized to stick with Google.

It can pay more. Thus leaving in place the very forces that effectively have made the [00:11:30] ecosystem exceptionally resistant to change. The whole point of the case was that Google was found guilty. Entrenching its monopoly and right there the judge admits that his remedy for that will allow Google to continue to entrench his its monopoly.

It's one of the most amazing cowardly rulings that I've I've ever seen.

Matt: So I agree. [00:12:00] Can I just nitpick one? Just one, because I know there's lawyers who listen to this show. Everyone understands. Guilty means they did the wrong thing. This is a civil trial, so you have to say the word liable. It's liable.

Liable. Guilty law. What Dave means is guilty when he says guilty is liable. So there we go. Um, thank you. I just wanna make Yes, thank you. Legal.

David: Legal. Thank you. Yeah,

Matt: yeah. Um, since we're talking about the law, I just wanna to make it clear that we nerds too.

David: Fair. Fair. A fair point.

Matt: So. A [00:12:30] couple of thoughts here.

Uh, 'cause the, the, the opinion is all over the place. I mean, the judge met said in 2024. I mean, the big thing here is, is artificial intelligence, generative ai, which is the big thing, uh, Google says, where we face all this competition from open AI and et cetera, et cetera. And, um, this was, he buys that the case, right?

Well, so this is what's interesting is he, he's totally incoherent on it. So in 2024, he says. The, you know, there's no evidence that Google, that generative AI has [00:13:00] affected Google's monopoly. It's obviously a big deal. Um, and the reason is because, you know, the, these general AI I models, they hallucinate, they do all sort, they have all sorts of problems.

But if you link them to a search engine, then all of a sudden a generative AI model can use a search engine and it's way better, it doesn't hallucinate as much, right? It can look for things, it, it knows stuff. Who has that from the after search engine? Well, yeah, but also if you train an AI model in 20, you know, December of 2024, it doesn't know anything that happened after December, 2024.

But [00:13:30] if you give it access to a search engine, then all of a sudden it does. Right? So there's all these, it keeps learning. There's all these, right? It's like it's peanut butter and chocolate to have a search engine and a generative AI thing together, which makes Google's search engine really, really important.

And um, so, so in 2024 he says generative AI has not affected or has not. Hindered Google's monopoly in search and it, and it may not. Uh, and there's no indication that it will for a long time. And then in this, in this case, like [00:14:00] in the Remedy case, he says, I think that it, he still says it hasn't affected general search.

In fact, it has sort of strengthened their position in general search. But the fact that there are all of these companies that are getting so much venture capital money and so much money from Wall Street means that maybe. They can, they can actually outbid Google for these search queries. So I think that the world has changed, and even though Google still has a monopoly, even though [00:14:30] generative AI is, is clearly affecting things, but it's not affecting general search.

It, it is. It is a completely incoherent approach. He sometimes generative AI is really important and changes the world. Sometimes it doesn't change anything at all. Um, it, this is it. I, I can't, I can't describe how, how lawless and reckless and crazy it is and it honestly made me, you know, it kind of joke turned me into the joker.

I really no longer believe, not that it. The rule of law was [00:15:00] particularly strong, but it's really hard to argue that there is the rule of law when it comes to the powerful anymore. Right. And that, that is like, that the fact that it came from a Democrat, uh, a democratic judge is just sort of like cherry, you know, it's just like chef's kiss.

Right?

David: Right. Yeah. I mean, I think we knew. That there are two types of justice in this country, and, uh, there's one for the well connected and there's one for everybody else. And, uh, and, [00:15:30] and here's a case of not an intervention from Donald Trump. Not an intervention. He didn't even need to do an intervention on this, it, this came directly out of the law itself.

Directly out of the, you know, the, the judicial academy, if you will. So I have a few questions about this for you because I'm thinking through these things. Do you think Google would even bother to appeal this? I mean, I know they don't want the monopolization verdict, [00:16:00] like the, the, the, the liability, but do they even bother?

They won on almost every point.

Matt: I think they, they, they do appeal. Because they don't, you know, one of the things about a monopolization liability verdict is that they're getting a lot of private lawsuits now, right? And so every private lawsuit. You know, I, I, it says Google is

David: found liable of monopolizing search.

Matt: Yeah. Yeah. And so, so the judge just accepts that Google is an illegal monopolist, so they want that overturned, otherwise they're gonna be facing litigation [00:16:30] forever. Right. Um, and uh, this is also the third case where they've been found liable for monopolization. So it's not,

David: you know, right. It's not over.

Like that's an important. That's an important thing we should say. There's a, there's a case just in a few weeks, a remedy phase of a case in the Google Ad Tech case, uh, that we're going to hear, uh, a remedy and whether or not that can be imposed. And that judge has shown a bit more of a backbone than meta.

Matt: So, so what do you think of the prospects for appeal, and then what do you think of the prospects for appeal from the state attorneys general who are [00:17:00] largely Democrats that were also the, the quieter plaintiffs in the case? That

David: was what I was going to ask you. Um, yeah. You've turned the tables. Good, sir.

Um, so, you know, I think it's somewhat unlikely that the Justice Department is going to appeal. Uh, I read Gail Slater, she's the head of the antitrust division. I read her statement as very wishy-washy and didn't look like it was one way or the other. And meanwhile, Donald Trump is out, uh, you know, getting fines [00:17:30] for Google delayed at the eu.

Literally lobbying the EU not to find Google and threatening tariffs on companies that raise taxes or increase regulations on big tech. So you know, Donald Trump being Google's errand boy and big tech's Errand Boy means to me that I don't think they're going to appeal will the states, I think. I think there's a very strong likelihood that they will.

You know, uh, it's a good question. Uh, Phil Wiser, who's the, the [00:18:00] Ag of Colorado is running for governor. It, it might be in his interest to be crusading and take on a powerful interest in this way and appeal the case and use that. To try to try to, you know, uh, become elected. Uh, so that's a possibility. I think, uh, it would be interesting to have both sides appeal the ruling, um, and, uh, you know, what the prospects of that are.

You know, I guess this goes to the DC circuit then, which [00:18:30] also has a lot of, you know, it's heavily democratic. There are a few Trump appointees on it, but mostly democratic, I think, and, uh, also has a lot of people that come outta kind of the whole, you know, milieu that produce judge meta. I think so, uh, you know, the, the, the question is would they come to a different determination or would they be afraid to, to govern with?

And I mean, the, the, the, the key point to me of this ruling is fear. Ju the [00:19:00] judge was afraid. To follow the law, follow what is actually necessary to terminate monopoly and, and, and actually do, uh, you know, change the market and disrupt the market in whatever way. He didn't want to be held accountable for, uh, businessmen yelling at him or people in country clubs yelling at him that he ruined everything.

Uh, and, and so it was really driven by. Fear. And I think a lot of judges are driven by fear, actually. Uh, [00:19:30] they want to make the, the least disruptive ruling possible, and it's a real pathology to me. And, uh, uh, I I think that, uh, you know, it's, it's gonna be hard, you know, maybe it's possible. That other judges look at this and say, you didn't, you didn't follow the precedent.

Like, like what are you doing here? This is all completely internally incoherent. Uh, but uh, you know, I think I. I don't know. Here's my other question for you. [00:20:00] Do you think, because you've talked about how the laws, the law and judges are judges and they have their own way of doing things, but that public pressure can make a difference that, that the public can, uh, sort of make itself known and really change the way the law is interpreted.

Do you think that's. Do you think this is a trigger for something like that? Or is it too obscure and too in, you know, our nerd world to, to to matter? [00:20:30]

Matt: Well, I don't know. I mean, first of all, I let. I'm in meta. We've always, I've always been skeptical of him. He's a tool and a dork, uh, Merrick Garland guy. I never liked him.

Um, he let Google off the hook for shredding documents. He just sort of seems like one of those, you know, from the, from the get go. Uh, he was very uncomfortable. Trying to make the, even trying to make the public,

the trial public. Um, or, or, yeah. You know, they had to get the New York Times and fancy publications to say, no, you need to [00:21:00] release more documents.

Um, and he, but, but other judges have been good. I mean, let's, let's, there's, there's been a lot of motions to dismiss that judges have law almost entirely ruled the right way on. So it is possible here that Judge Meta is actually one of the worst judges that we are seeing. Right? Right. He's not representative that he is actually.

On average. He's like a bad judge, right? I, I buy that. I buy that. I mean, judge Dono has been better. Judge Brinker has been better. Um, you know, [00:21:30] he meta is, is very, very cautious in a bad way. And he's also reckless and doesn't care about the law. Will he be, um, you know, I I, I don't know if he's going to be Chase, you know, uh, embarrassed by what he did.

He should be, I, I think he definitely. Put a, um, he wants to be promoted as, as a lot of people do. I, I mean, I will certainly make it clear that he does not particularly care about the law. He is fairly reckless. Uh, I don't know if that matters. Um, but I [00:22:00] wanna highlight one other thing, which is the role of Gail Slater.

Right. So the, the litigation I think took a really bad turn when, uh, the, the, there was a turnover from. Biden to Trump. Mm-hmm. And I'm not saying this because I'm partisan. Uh, there was a lot of bad management under Biden, but the Justice Department's antitrust division was run pretty well. And the, the teams there were, you know, [00:22:30] you had really competent antitrust lawyers at a political level forcing the, the gun shy, uh, line lawyers to do a good job.

And I think when. Uh, when you brought, when Gail Slater came in, you know, she's, she's kind of a loser. Her chief of staff is totally inexperienced, doesn't, you know, doesn't know anything. Her people, you know, two of her deputies got, actually all of her deputies except Omi got recently got fired. Um, she doesn't doing any management.

The, the, the division is bleeding [00:23:00] staff. And so my guess is that the team, which needed a lot of management to do a good job, did a crappy job Litigating and I, I was there. I saw that they didn't even ask. When, when Meta was asking them about terminating a monopoly, they were like, oh, we're not asking for that.

Even though it was Supreme Court precedent, so, right. So, you know, the d OJ lawyers were really, you have, you have to

David: give DOJ some of the claim. Yeah. They,

Matt: they were bad. I mean, they were bad in the remedy phase. Um, and that's, that's, that's because you still have this kind of long echo of, [00:23:30] of Robert Bork and it still lives in the institution.

Right. So let's not. Let Gail Slater off the hook here. Okay. I don't think she tried to do the wrong thing, but she just isn't, there's just no real management going on there. There's no real leadership going on there. And so I think we're gonna just see all the, the wheels are gonna come off the bus of all of these cases.

Like I, so even if they do appeal, I don't think they're gonna do a particularly good job briefing. It's gonna have to be the states and, and other people with Amicus is that are gonna have to come in and do things. So, so, so in per, this is not a good situation. In

David: your perfect world, they wouldn't appeal at [00:24:00] all because then No, I think they, they need then the states could take the lead.

Matt: No, they need to appeal. I mean this was, there were so many legal errors here. There's so much bad precedent that that emit beta. Um, you know, it's not Biden precedent 'cause the district court No. It needs to get across appealed. And I do think

David: what you're setting up though is very interesting in that. So at the tail end of the Biden years, and even on into this, this first year of, uh, the Trump second term, we have [00:24:30] seen judges get more comfortable.

With a, uh, a, an a theory of antitrust enforcement that is, is separate from the boian theory that has ruled right, the roost. And you're saying that meta is, judge meta is kind of a throwback to that older way of thinking, that older style of interpreting the law in some ways. And so,

Matt: well, it's weird because his, his.

His liability decision was good. Right. His remedy decision [00:25:00] is terrible. And there haven't been, actually, no, that's not true. Donato did a good remedy decision. There have been other remedy decisions. Yeah. He's a throwback. Yeah, that would be right. He's a throwback.

David: But, but, but these, this kind of dichotomy is happening on both sides.

It's happening among judges. So judges are wrestling with these changes. Right. And then this turnover of the prosecutors. They're also, you know, in different, uh, you know, there, there, there are different ways in which they're looking at the law. So meta could just be a weather vein. [00:25:30] When Jonathan Canter's Justice Department, uh, argued before him, he's like, oh, they sound very, very intellectual and important.

And so I will write the liability, uh, decision, you know, in their favor. And then when he got. Other people up there who were maybe as afraid as he was then, then he's like, oh, okay, well I have free reign to then not rock the boat too much. So I, I, I don't know. Is that, is that something similar? What? Think, lemme throw,

Matt: let me throw a, a [00:26:00] legal, a legal concept in here that I think is important and so I'm gonna talk for a second, right?

So. What Meta is really looking at and what the Google lawyers and the DOJ lawyers were looking at was the Microsoft decision in 2001. This was an appeals court decision, right, that overturned some, but not all of the liability determination from Microsoft and, and overturned all of the remedy. Now in that Remedy decision, in particular, the uh, DC Circuit Court.[00:26:30]

Just decided to ignore Supreme Court precedent and, and adopt wholesale the arguments from a law professor named Herb Hamp that he just invented a co He's all over

David: the decision. He is all over the decision everywhere in

Matt: this decision. Yeah. So, so, so he was cited 23 times and Herb Hamp is kind of like the reincarnate version of Robert Bork.

He writes the Treatatus, which is. Which is terrible that a lot of judges and lawyers cite. And the DOJ loves him and he's just super establishment and he is, uh, used to consult, I think for [00:27:00] Google, like 15, 20 years. He's a, he's a bad guy. Um. But what he said in the, in that, in his, um, in the treatise at the time that the Microsoft system was happening, was there has to be a very clear connection between the remedy and the initial behavior that was monopolized.

And this is not the precedent, the precedent was once you become an illegal monopolist, you can really dominate an industry and do all sorts of crazy things. And so it's the job of the judge to figure out the roots of your monopoly power and just take it [00:27:30] apart. It doesn't matter if they foreclose.

The specific road you use to become a monopolist, they need to get rid of the monopoly. And Herb Hamp wrote in his treatise and said, no, actually the only thing the judge has the authority to do is address the specific road that that monopolist used to become a monopoly or to maintain its monopoly illegally, completely made up.

Not situated any precedent, but the DC Circuit Court, first they made fun of it, then they adopted it. As a standard. Right? Right. And so [00:28:00] that is where now, now that's just in one DC Circuit Court opinion. The ninth Circuit just ruled in another Google decision that they kind of ignored it and said that doesn't matter.

The judge has wide discretion in most of the, the remedy decisions that the, the Circuit courts are saying. Judges have wide discretion. But Amit Meta was obsessed with, with, uh, pandering to Herb Hamp. And so that's where it came from. But so unfortunately were the litigators at DOJ. Right. And I think this is where you have.

The lack of someone like do Mki or Jonathan [00:28:30] Cantor, both of whom have come on the show before. Mm-hmm. The lack of that leadership to actually just say, no, we're gonna follow Supreme Court precedent, not the precedent of some professor and what he thinks, not just like a guy. Um, that's really what we're missing.

David: Right. So I think you're talking about like sort of a, uh, a moment of transition. So you have these, these judges, you know, who aren't, aren't all very aligned and are looking to please or looking to, [00:29:00] to not disrupt. And then you have this period of transition at the justice Department and, and ultimately strong leadership, as you say, is what is, uh.

Necessary to push things in in a different direction. Um, and, uh, so yeah, I think, uh, that the last question I would ask you is, do you think this case has resonance beyond Google? [00:29:30] Like in terms of what. Corporate America writ large takes away from it.

Matt: This is a really good question. Is this a green light for monopolization across corporate America?

And I think the answer to that is sort of, okay. Now, one of the weird things about this moment in antitrust is that anti, is that the, the, the doctrine of most regulatory policy. The government does it. And if the government doesn't do it, it doesn't happen. But antitrust, you have a lot of private cases, right?

So, um. [00:30:00] If I'm a company and I wanna sue another company for monopolization, I can, right? So Google has lost three monopolization cases. One of them was brought by Epic Games, a private plaintiff. So. The, a lot of the stuff that the Biden administration started is going to be continued by private companies.

Just today, I believe, like Newsmax sued Fox News over monopolization, over the market for right-wing news. And it's kind of, it's, it's a, I mean, I haven't looked at it in depth, but it doesn't seem like a [00:30:30] crazy case and, you know, so, so clearly corporate America is. Got, you know, there's a bunch of lawyers out there pitching corporate America on going on offense with antitrust.

So in that sense it's the genie's outta the bottle. It's too late for them to, to roll us back to the Obama era or the Bush era or sort of the board era. Right. But in another sense. It is pretty devastating to the anti-monopoly movement to put so many resources and so much effort and [00:31:00] say, Google is gonna be our poster child.

We're gonna have a post Google internet. And then because of this judge and bad leadership from, from Gail Slater, not the worst leadership, I don't wanna overstate it. She, she didn't pull back on the case, you know, but she just didn't manage it well. Um, it that. It, it's, it, it's, it's pretty devastating. I think corporate America is no longer afraid that the government is gonna come after them for antitrust violations, but they are concerned that states might, and that private litigants might, and [00:31:30] that's not something that they were concerned about 10 years ago.

So that, that would be my answer. It's not a total green light, but it is a, so we've got a yellow light.

David: We've got a few years of transition until there is possibly a new. Regime in place that might have some different thoughts about how they manage antitrust enforcement. All right. Yeah, maybe. So our next episode we got something actually really special, uh, which is an interview with, uh, Senator Elizabeth Warren.

And we actually asked her about the Google case and, [00:32:00] uh, here's what she said.

Matt: I'm gonna go to the Google decision. There was a big decision yesterday that it came out. Judge Meit decided to not do very much to punish them. You can turn on CNBC today, and it's just, you know, big victory for big tech, et cetera, et cetera.

Would you agree that that's a form of lawlessness a. And how can I tell anybody that we do have the rule of law in America with that? And then how can I genuinely convincingly talk to them about the fact that costs are going [00:32:30] up, but because of big corporations and Democrats are really gonna take them on when this kind of thing's going on.

Warren: Okay, so I think you and I are fighting the same fight, and that is who exactly do you think government's best to work for? Right, right. And, and let's, let's be clear here. Republicans know who they think government is supposed to work for. Uh, I think of this as kind of the Mitt Romney example, right?

[00:33:00] Corporations are people too. And it's our job to get out there and defend them, right? And we know that from decades and decades and decades of history, Democrats have. A push and pull in here. Is government here to help the wealthy and well connected? Or is government here to help the 99%, the the tens of millions, hundreds of millions of working people in this country [00:33:30] who work hard, play by the rules and don't have a bazillion dollars to donate to a political campaign?

Can we make government work for them? And I think. There is a range of difference in our party over that. And one of the things I do is I fight, Hmm, I was gonna say relentlessly, maybe I should say persistently, um, with my own colleagues to make, to [00:34:00] pull us in that direction. And I think there has been real movement, but has there been as much movement as we need?

No. Do I wanna see more? Yes. Uh, and this, this is the fight man. Who do you make government work for?

David: You can tune in next week for that and the rest of our interview with Senator Elizabeth Warren on Organized money.

Organized Money is a production of Rock [00:34:30] Creek Sound Executive producers Ellen Weiss and Ari Saperstein. Our senior producer is Benjamin Frisch, who also does our sound design, all the mixing and our artwork. Todd Mensch does our video. If you love

Matt: this topic as much as we do and wanna learn more, you can follow my Substack newsletter big@thebignewsletter.com and follow me on Twitter at Matthew Stoller,

David: and you could definitely check out my magazine, the American Prospect.

That's at prospect.org. And I'm on Twitter at [00:35:00] D Dayan. D-D-A-Y-E-N.

Matt: We're new podcasts. And the best way to help us get discovered is to leave a five star review wherever you get our show and tell your friends. I'm David Dan. I'm Matt Stoller. See you next week.