There’s a partisan schism over the timing of a Google antitrust lawsuit

Enlarge / Attorney General William Barr .

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Attorney General William Barr is pressuring the career lawyers at the Department of Justice to complete work on a potential antitrust case against Google by the end of September, The New York Times reports. It’s the latest sign of a long-simmering dispute within the government about the timing and scope of the government’s attack on the Silicon Valley behemoth.

Antitrust enforcement against Google has become a rare issue of broad bipartisan agreement. Fifty states and territories have joined a coalition preparing to bring its own antitrust lawsuit against Google. That means that most Republican-controlled states are participating in the effort, as are most Democratic-controlled states.

Liberals have traditionally favored vigorous enforcement of antitrust law across the economy. Conservatives have traditionally favored more restraint, but they seem particularly keen to enforce antitrust law against technology platforms they view as biased against conservatives.

As the 2020 election has neared, fault lines have emerged over the timing of a possible lawsuit. Barr has pushed for Justice

Department lawyers to wrap up their work quickly so that he can make a final decision on whether to file a lawsuit by the end of September. Some career Justice staffers have objected to that timeline, arguing that it gives them too little time to digest millions of pages of documents they have obtained from Mountain View. Some staffers worry Barr is pushing for quick action to give Donald Trump an accomplishment he can tout in the November election.

There has been a similar schism at the state level, with Republican officials seeking quick action and Democrats preferring to take the time necessary to build a bulletproof case.

Media reports indicate that a case against Google is likely to focus on its search engine and its advertising platform. Separate teams have been working to build a case that Google violated antitrust law in each of these areas. It's possible that states—and the federal government—could file a lawsuit on one of these issues first, perhaps adding the second issue down the road.

According to the Times, the Republican attorney general of Texas, Ken Paxton, believes he is nearly ready to bring a case focusing on Google's advertising practices, so that could be the focus of a lawsuit if one is filed in the coming weeks.

But if a coalition of Republican states and the Trump administration file a lawsuit against Google without buy-in from Democrats, that could create an opening for Google to portray the case as a politically motivated witch hunt. Some of Google's critics view it as important for Democrats and Republics to stay united in order to give the issue bipartisan appeal.

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