



August 31, 2011

Sen. Herb Kohl
Chairman
Antitrust, Competition Policy and Consumer Rights Subcommittee
330 Hart Office Building
2nd & C Streets NW
Washington, DC, 20510

Sen. Mike Lee
Ranking Member
Antitrust, Competition Policy and Consumer Rights Subcommittee
825 Hart Office Building
2nd & C Streets NW
Washington, DC, 20510

Dear Chairman Kohl and Ranking Member Lee,

I am writing on behalf of Consumer Watchdog to urge you to call Google CEO Larry Page to testify at the planned hearing, "The Power of Google: Serving Consumers or Threatening Competition." Recent revelations that Page knew of and condoned Google's criminal violation of laws prohibiting the importation of drugs to U.S. consumers by Canadian pharmacies make his appearance imperative.

The Justice department said its "investigation is about the patently unsafe, unlawful, importation of prescription drugs by Canadian online pharmacies, *with Google's knowledge and assistance*, into the United States, directly to U.S. consumers. It is about taking a significant step forward in limiting the ability of rogue online pharmacies from reaching U.S. consumers, by compelling Google to change its behavior." Google paid a \$500 million forfeiture to avoid a criminal prosecution. The amount represents the gross revenue it made from its drug ads and the Canadian pharmacies' revenue. It was approximately 20 percent of the Internet giant's first quarter profit.

Over the weekend it became clear the Page knew what was happening. Peter Neronha, the Rhode Island U.S. Attorney who led the investigation, told The Wall Street Journal:

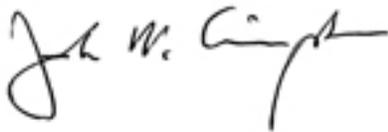
"Larry Page knew what was going on. We know it from the investigation. We simply know it from the documents we reviewed, witnesses that we interviewed, that Larry Page knew what was going on."

Flouting the law for six years and enabling others to use its search engine to break U.S. law shows a remarkable arrogance. It raises real questions about how seriously Google and its executives take other legal responsibilities. Specifically, such an attitude is highly relevant to Google's attitude toward competition and antitrust law. If the company was involved in illegal drug sales to boost ad revenue, it likely wouldn't shrink from illegal anticompetitive behavior to grow revenue either.

When the Antitrust Subcommittee first announced its plan to hold a hearing on Google, the company declined to send a top executive. It was only under the threat of a subpoena that Google agreed that Executive Chairman Eric Schmidt would appear. Consumer Watchdog appreciates the committee's position and has long called for Schmidt to appear to testify under oath.

It is, however, Larry Page, the current CEO, who has been identified as knowing of blatantly illegal activity and allowing it. That brazen arrogance requires that he personally explain his past actions and how Google will comply with antitrust law going forward. As part of the agreement with the DOJ, the emails and documents demonstrating the extent of Google's illegal activity have been sealed. We urge you to subpoena them and make them part of the record so the public knows exactly what happened. Larry Page is in charge at Google now and we urge you to require his testimony along with Schmidt's under a subpoena if necessary.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Simpson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John M. Simpson
Privacy Project Director