A Pop Culture Guide to Antitrust

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ANTITRUST IS HAVING QUITE A moment. New competition cases and investigations abound in the United States and around the world, challenging the dominance of tech platforms and other powerful firms. There are numerous legislative changes under consideration. The new Presidential Order on competition and other proposals for change all indicate additional changes are coming.

But is antitrust also being depicted in popular culture in a way that fairly reflects the law and its current relevance? More importantly, where can you go for a good movie, TV show, book, or Broadway show about the area of law that has been called the Magna Carta of free enterprise?

Pop culture and the depiction of the industrialists of the Gilded Age were an important part of the forces that created state and federal antitrust law in the first place. Pop culture promoted, and personified, the changes in antitrust law and enforcement since the late 19th century. The current movements for change in antitrust will both be a part of pop culture going forward and the product of how antitrust is depicted to the general public.

Because we live in the golden age of streaming entertainment, I can only provide a snapshot of new and “classic” works that deal with competition, collusion, monopolies, and mergers. If you have corrections and omissions, please send them along and I will incorporate them in our ever-growing web version of this pop culture guide.

Antitrust Goes to the Movies

The movie industry has been a fertile source of antitrust litigation since its creation in the earliest days of the 20th century. Hollywood has also used antitrust law and those who seek to subvert the free market as the basis for a wide variety of films.

Any discussion of antitrust in the movies must begin with the 2001 cinematic masterpiece Antitrust starring Ryan Phillippe, Claire Forlani, and Tim Robbins. This box office dud actually has next to nothing to do with antitrust other than its name. However, this film teaches us that it is wrong to steal people’s intellectual property and then kill them. In addition, Tim Robbins does channel the look and feel of Bill Gates at the very time that the U.S. courts were issuing the landmark decision in the government decision against Microsoft.

The Informant! is a 2009 film starring Matt Damon as Mark Whitacre, the real-life whistleblower in the criminal cartel case involving lysine and other food additives. The real-life Whitacre worked at Archers Daniels Midland for many years before being pressured into working as an informant against the illegal price-fixing activities of his company and the industry. In the film, Whitacre gradually adopts the idea that he is a true secret agent, but his incessant lies keep piling up and his world begins crashing down around him. The film is based on the real-life events of the case and Kurt Eichenwald’s gripping true crime book on the conspiracy, also called The Informant (but without the exclamation point). The movie version is more than watchable but marred by a focus on the lead character’s delusions in an odd joking manner which can be a bit off-putting.

The most recent use of antitrust as a background for a film is the 2021 movie Sweet Girl starring Jason Momoa of Game of Thrones and Aquaman fame. Sweet Girl begins with a shady pay-for-delay deal by a pharma company that results in the death of the wife of Momoa’s character from an otherwise curable disease. This takes Momoa on a quest for revenge as he uncovers a far more nefarious conspiracy. This angry dad film, of the kind usually starring Liam Neeson, is currently available on Netflix.

The earliest days of Hollywood brought us at least two films adapted from books directly dealing with antitrust and the popular concerns of the day. Frank Norris’s novels inspired two silent films of wildly different length—A Corner in Wheat (1909) and Greed (1924). The 1924 film version of Greed, based on the Norris novel McTeague, was nearly 10 hours long when director Erich von Stroheim filmed it in the series, but the first one chronologically, begins:...
Turmoil has engulfed the Galactic Republic. The taxation of trade routes to outlying star systems is in dispute.

Hoping to resolve the matter with a blockade of deadly battleships, the greedy Trade Federation has stopped all shipping to the small planet of Naboo.

The entirety of the Star Wars saga (and its many spin-offs) is thus rooted in a cartel seeking to enforce a classic group boycott to bolster its monopoly rents. Clearly, the Force and Jedis represent the use of competition policy to promote both free markets and democracy.14

For more classic Hollywood antitrust fare, I recommend Gilda, starring Rita Hayworth.15 Romantic relationships are tested in Argentina against a backdrop of global cartels and other illicit business operations. Johnny Farrell, Ballin Mundson, and Gilda, played by Rita Hayworth, are involved in a love triangle. Mundson is also mixed up in unlawful business operations, including a tungsten cartel carried out by two Germans. The Germans operate the cartel without getting caught by putting everything in Mundson’s name. While a U.S. government agent knows nothing of the cartel, the Argentine secret police are most interested in the Germans.

I use two other films in teaching antitrust because of key clips that illustrate both Section 1 and Section 2 of the Sherman Act. Grosse Pointe Blank features John Cusack playing Martin Blank, a high-end hit man who has returned to his hometown for his 10th high school reunion.16 This small scene with rival hitman Dan Ackroyd, who wants him to join an “Assassin’s Union”, would make a wonderful part of any firm’s compliance program.

Mr. Grocer: Kid, I’m putting together a little concern, which would enable those of us in our, uh, rarified profession to avoid embarrassing overlaps.

Martin Q. Blank: What, like a union?

Mr. Grocer: More like a club. You know, work less, make more.

Martin Q. Blank: Wow, sounds like a great idea, but . . . thank you, no.

Martin may be a career assassin, but he wisely declined to participate in an antitrust felony.

Grosse Pointe Blank pairs nicely with Demolition Man, released in 1993.17 Demolition Man depicts a world where violence has long since been abolished, but is now plagued by an evil supervillain from the past. Frozen in 1996, Simon Phoenix (played by Wesley Snipes), a convicted killer, is “thawed” out for parole well into the 21st century. Released into a crime-free society, Simon Phoenix resumes his murderous rampage, and no one can stop him. John Spartan (played by Sylvester Stallone), the cop who originally captured Phoenix in 1996, has also been cryogenically frozen, this time for a crime he didn’t commit. In desperation, the authorities turn to Spartan to help recapture Phoenix. The movie features an exchange between Sylvester Stallone and Sandra Bullock (who plays the role of Lenina Huxley, a government official of the future), in which Stallone asks why they are going to Taco Bell for dinner:

Lenina Huxley: [T]aco Bell was the only restaurant to survive the Franchise Wars.

John Spartan: So?

Lenina Huxley: So, now all restaurants are Taco Bell.

In the interest of sharing equally compelling representations of antitrust in other forms of pop culture, we will leave the movies for the Broadway stage.

Antitrust and the Stage

There is at least one Tony award-winning musical that includes a show stopping number directly about antitrust. Tovarich is a 1963 Broadway musical about post-revolutionary Russian nobility in Paris, primarily known for the Tony winning performance of Vivien Leigh in her only Broadway musical appearance.18 Most notably, on track eight of the soundtrack the cast gathers at a party to discuss dividing up world oil markets and treats us to a rendition of “A Small Cartel” with its rousing chorus “We all live in a small cartel, a small cartel, a small cartel...”.

Other People’s Money isn’t just the name of Justice Brandeis’s groundbreaking book from 1914.19 It is also an unrelated 1987 play,20 and later movie,21 featuring the smarmy Larry the Liquidator who “finds companies worth more dead than alive, kills them and pockets the proceeds.” Advocates and opponents of the market for corporate control will find much to discuss in this rare mainstream treatment of corporate takeovers.

My personal favorite is Urinetown, a 2001 musical that takes a comic look at a world where all public bathrooms have been privatized and monopolized.22 If you don’t (or can’t) pay the corporation that controls this truly essential facility, you can be sent to Urinetown, which may or may not be a metaphor. Urinetown is uncommonly entertaining silliness, and almost certainly the only musical raising questions of monopolization, state action, and the Noerr-Pennington doctrine, as well as satirizing many famous Broadway musicals in the process.
Music and Pop Music

Did you know there is an alternative metal band from Montreal called Antitrust Division? This Antitrust Division describes its mission as:

We persevere without pretense. The digital revolution is building the foundation of an ever-growing return to the DIY ethic. The music “business” is slowly crumbling and rotting from within. The underground scenes will rise again.

Presumably the Antitrust Division’s archival would be Cartel, the pop rock band from the 2000s from Georgia. Cartel’s discography includes four albums between 2005 and 2013 and are available on most streaming services.

While there does not appear to be a band called Federal Trade Commission, there are the three different recordings by the Three Tenors that were the subject of the FTC’s important quick look decision in Polygram Holding v. FTC.

While these recordings were mostly available on CDs at the time of the litigation, they now are readily available to opera and antitrust fans on most streaming services.

Finally, no review of antitrust in the music industry would be complete without including the alt rock stadium favorite Pearl Jam. Pearl Jam became concerned about the service charges imposed by TicketMaster at the same time the U.S. Department of Justice Antitrust Division (not the band) was investigating Ticketmaster’s practices. Counsel for Pearl Jam provided the Justice Department with a white paper outlining its concerns. Band members Stone Gossard and Jeff Ament also testified before a Congressional subcommittee. In protest of Ticketmaster’s service charge, Pearl Jam canceled its 1994 summer tour. Pearl Jam continued boycotting Ticketmaster, even after Justice closed its investigation against the company.

Antitrust Fiction

Best-selling author John Grisham appears to have a strong personal interest in antitrust. For example, the main character in The Street Lawyer is an antitrust defense lawyer who switches to public interest work and becomes an advocate for the poor. In The Summons, antitrust law professor Ray Atlee is summoned home to Mississippi by his ailing father, a prominent judge, to discuss his will. By the time Ray arrives, his father is dead, and Ray discovers $3 million he can’t account for. Ray investigates this suspicious find but hides his activity from his unreliable brother.

Several works by Chicago native Frank Norris illustrate the theme of conflict between the rapid creation of wealth and the preservation of societal wellbeing during the gilded age. Norris explored these themes in four works of fiction all published around the turn of the 20th century. McTeague, The Octopus, The Pit, and A Deal in Wheat and other Stories of the Old and New West were all popular best sellers, several of which were made into movies. McTeague was later adapted into an opera, a version which was also filmed for television. Norris wrote about booming businesses that manipulated the minds of his characters (and often destroyed their lives, literally or figuratively). Norris emphasizes personal struggles. However, his works also reflect the era when the goals of antitrust were deeply intermingled with populist sentiment and a desire to protect the working class by better achieving equitable distribution of wealth.

Most recently, voting rights advocate Stacey Abrams has published the legal thriller While Justice Sleeps which is at least antitrust adjacent. WJS begins with the Supreme Court split 4-4 on the legality of the President prohibiting an international pharmaceutical merger on national security grounds under the Exon-Florio Amendment. The Justice representing the tie-breaking ninth vote slips into an irreversible coma while sinister forces interfere with his law clerk’s investigation into conspiracies that reach deep into the White House.

Antitrust Non-Fiction and True Crime

This lighthearted look at antitrust in pop culture is not the place to review the hundreds of serious law books dealing with the substance and procedure of the law of antitrust. Nor is it the place to review the slew of popular new works seeking to explain antitrust to the general-public. However, there are several fascinating non-fiction books that use antitrust law as the background to tell a story of interest to the general public.

There is a long tradition of muckraking journalism that focuses on the misdeeds of an industry or a company that violates the antitrust laws. The originator of this genre dates back to the earliest days of the antitrust laws and the rise of Standard Oil. In 1904, Ida Tarbell published The History of the Standard Oil Company, compiling the nineteen ground-breaking articles she had published in McClure’s magazine. Ms. Tarbell helped publicize and expose the Standard Oil Company monopoly that had destroyed her father’s career in the oil industry in Pennsylvania. Standard Oil founder John D. Rockefeller, irked by her stinging exposé, dubbed her “Miss Tarbarrel.”

Matthew Josephson in The Robber Baron illuminates the story of industrial concentration in the United States, studying the major financial events and personalities between 1861 and 1901. This book focuses on how our natural resources were gobbled up, the arteries of trade turned into bottlenecks, our political institutions conquered, and social philosophy turned into economic Darwinism, all by the new barons. This is a classic study of the culture of U.S. capitalism.

Neil Flynn examines the human cost of baseball’s reserve system and antitrust exemption in Baseball’s Reserve System: The Case and Trial of Curt Flood v. Major League Baseball (2006). While scholars have produced countless legal analyses of the Supreme Court’s 1972 decision in Flood v. Kuhn, this book is uniquely valuable due to its factual depth and its emphasis on the actual trial. It outlines the details underlying Curt Flood’s famous lawsuit against MLB, in which the St. Louis Cardinals’ star center fielder alleged that the league’s reserve system (under which the rights to players were retained by teams upon the expiration of the players’ contracts, and teams could agree to trade a player without his permission)
constituted an illegal restraint of trade violating Section 1 of the Sherman Act. The author captures the historical, racial, and social significance of the Curt Flood case in the process.

The most prominent non-fiction about the criminal side of antitrust is by Kurt Eichenwald, *The Informant* from 2001. This is the book that gave rise to the movie already out. Interestingly, in 2001, *The Informant* was a fun side. Other areas of the law get more screen and page time, but the pop culture impact of antitrust in the United States has been a force to be reckoned with for over a hundred years. Given the prominence of antitrust in the current political and social climate, I anticipate even more popular culture coverage of our field.

**Conclusion**

Antitrust is serious business but does not have to be without a fun side. Other areas of the law get more screen and page time, but the pop culture impact of antitrust in the United States has been a force to be reckoned with for over a hundred years. Given the prominence of antitrust in the current political and social climate, I anticipate even more popular culture coverage of our field. I welcome your suggestions for this ongoing collection and look forward to someday presenting A Pop Culture Guide to Antitrust: The Sequel.


6 The Informant! (Warner Brothers, Participant, Groundswell Productions 2009).

7 See infra note 43 and accompanying text.


9 A Corner in Wheat (Biography Company 1909).

10 Reed (Metro-Goldwyn Pictures Corporation 1925).

11 See infra note 29 and accompanying text.


13 Star Wars: Episode 1—The Phantom Menace (Lucasfilm 1999). See also the 2021 movie version of Dune based on the 1965 novel dealing with the consequences of a galactic monarchy over spice melange which has become an essential facility.

14 Interestingly enough, Star Wars has also become an obsession of the libertarian community with the empire representing a bureaucracy that represses the individual. Like antitrust itself, Star Wars can be read from either perspective. See Biography of Ilya Somin, https://www.learnliberty.org/expert/ilya-somin/ (citing to his work on the politics of Star Wars).

15 Gilda (Columbia Pictures Corporation 1946).


17 Demolition Man (Warner Brothers, Silver Pictures 1993).

18 David Shaw, Tovarich, 1963.


23 See https://myspace.com/antitrustdivision.

24 Id.

25 A web search did reveal a Facebook page for a band with the initials FTC that described themselves as a Christian band in Cebu City in the Philippines.


29 Frank Norris, McTeague (1899).

30 Frank Norris, The Octopus (1901).

31 Frank Norris, The Pit (1902).

32 Frank Norris, A Deal in Wheat and Other Stories of the Old and New West (1903).

33 Supra notes 9-12 and accompanying text.


37 50 U.S.C. app § 2170.

38 See Spencer Weber Waller, Book Review, Barry C. Lynn, Liberty from All Masters, 44 World Comp. L. & Econ. Rev. 121 (2021) (listing multiple recent mass market competition policy books).


43 Kurt Eichenwald, The Informant: A True Story... Based on a Tattle Tale (2001).


46 I do not mean random references to antitrust on shows like LA Law, Ally McBeal, Boston Legal, Billions, or Damages. I mean a good solid 30 minutes or an hour where antitrust drives the plot. But if you have additional suggestions please let me know and we can add them with attribution to the web-based version of this article, supra note 2.

47 King of the Hill: Hank Fixes Everything (Fox television broadcast Apr. 2, 2006).


49 Supra note 19.


53 The many excellent podcasts that explore the substance or procedure of antitrust for antitrust professionals are beyond the scope of this article. See, e.g. ABA Section of Antitrust Law, Our Curious Amalgam, https://www.americanbar.org/groups/antitrust_law/podcast/.


