Trump's Selection of Gail Slater to Lead Antitrust Division Provides Initial Insight Into Enforcement Priorities

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In a _Truth Social_ post published on December 4, President-elect Donald Trump announced his nomination of current transition team advisor on antitrust policy Gail Slater to act as the next leader of the U.S. Department of Justice (DOJ) Antitrust Division. Slater, an experienced antitrust enforcer, will join the DOJ at a critical moment in which the Department's Antitrust Division has pursued significant antitrust lawsuits against the likes of Google and Meta, many of which are still pending. In her role, Slater would oversee and manage these cases, making key decisions that could soon affect the regulatory landscape. While Slater has not yet publicly addressed how she would operate the Antitrust Division, President-elect Trump's announcement suggests that she will continue to focus antitrust enforcement on "Big Tech."

In his Truth Social post announcing Slater's nomination, Trump vigorously attacked Big Tech, one of his favorite targets during the campaign trail, writing that Big Tech has "run wild for years, stifling" technology competition, and used market power to, among other things, "crack down" on smaller tech companies. Trump vowed that under Gail's leadership, the DOJ Antitrust Division would challenge these alleged practices. Slater's likely focus on antitrust enforcement on Big Tech is bolstered by her recent position as an economic advisor to Vice President–elect JD Vance, who has similarly expressed strong views against Big Tech. Vance has called to break up Google, criticized perceived censorship by large social media companies, and even praised the Biden administration's Federal Trade Commission (FTC) Chair Lina Khan for her aggressive approach to antitrust enforcement against Big Tech.

Outside the focus on Big Tech, when it comes to broader antitrust issues and other industries, Slater's extensive background in and out of government suggests a more balanced approach is likely. While the Biden administration has sought to reinvigorate antitrust enforcement and restore antitrust precedents put to the side by recent administrations, Slater is likely to take a step back toward an approach more reminiscent of the first Trump or even Obama administrations. For a decade, Slater served as a regulator with the FTC in the George W. Bush and Obama administrations. Slater worked her way up from the role of staff attorney, during which she worked on a variety of major merger cases, to the significant role of attorney advisor, where, despite being a Republican, she advised one of the FTC's Democratic commissioners, Julie Brill, when "[t]here seemed to be more bipartisan consensus on antitrust policy than there is now."[1] After leaving the FTC, Slater worked as general counsel at the Internet Association, a D.C. lobbying firm and trade group representing tech companies, arguing _against_ government interference with the business activities of companies represented by the association. In a similar vein, Slater has also made public comments in the past against overregulation, in which she argued excessive regulations could

prove to be handcuffs on innovation. Slater left the Internet Association to serve in the Trump White House as an aide on the National Economic Council. She then joined the private sector, first at Fox Corp. and then Roku Inc. Slater's balanced background indicates that for broader antitrust issues, and for antitrust enforcement in industries outside Big Tech, she may be poised to take a less aggressive approach. Indeed, Trump's announcement trumpeted that Slater will vigorously enforce antitrust laws using "clear rules that facilitate, rather than stifle," companies.

TAKEAWAYS

Undoubtedly, Slater is a highly knowledgeable and seasoned antitrust expert. President-elect Trump hopes, and it seems likely, that Slater will channel her expertise in the DOJ's antitrust fight against key players in the Big Tech industry. Yet for broader antitrust issues and for antitrust enforcement in other industries, Slater's well-rounded background suggests she will favor a more balanced and neutral approach.

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[1] Claude Marx and Kirk Victor, People, FTCWatch (May 21, 2019) *available at* https://www.mlexwatch.com/ftcwatch/articles/1801567/people?referrer=content_seehereview.

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