

Commissioner Wilson Issues Strong Comments to Antitrust Bar

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On November 9, 2021, Federal Trade Commission (FTC) Commissioner Christine Wilson addressed the American Bar Association Antitrust Law Section's 2021 Fall Forum. Her prepared [comments](#), entitled "The Neo-Brandeisian Revolution: Unforced Errors and the Diminution of the FTC," highlight what she sees as four mistakes of the current leadership that she fears will damage both the economy and the FTC.

Specifically, Commissioner Wilson argues that the leadership is:

1. embracing mistakes of the past, including attempts to regulate competition and to rely on 1970s merger policy and 1960s case law;
2. ignoring Congress and the judiciary by disregarding statutory authority and judicial precedent;
3. "shunning" the FTC's experts by prohibiting the staff from public appearances, mischaracterizing the staff's investigations, using the staff as a convenient scapegoat, and failing to solicit the staff's advice; and
4. fostering confusion and maximizing discretion, noting [the withdrawal](#) of the vertical merger guidelines as an example.

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National Law Review, Volume XI, Number 322

Source URL: <https://natlawreview.com/article/commissioner-wilson-issues-strong-comments-to-antitrust-bar>

