



**STRATEGIC
ORGANIZING
CENTER**

August 17, 2021

Senator Richard Durbin
Chairman, US Senate Committee on the Judiciary
711 Hart Senate Office Building
Washington, DC 20510

Dear Senator Durbin,

The Strategic Organizing Center (SOC) writes to express our strong support for the nomination of veteran antitrust practitioner Jonathan Kanter to serve as the Assistant Attorney General for the Antitrust Division of the Department of Justice. The SOC is a coalition of four affiliated labor unions: the Service Employees International Union, the International Brotherhood of Teamsters, the Communications Workers of America and the United Farmworkers, who together represent 4 million people working in transportation, government, healthcare, agriculture and a number of other industries and economic sectors. All of these unions strive to ensure that every worker has a living wage; safe and secure workplaces, benefits to support their family, and dignity in retirement.

We believe that robust antitrust enforcement and regulation is needed to bring about a more equitable balance of power between working people and those who profit from their labor. For the past several decades, courts have taken an overly rigid and narrow view of antitrust law, disregarding the political and economic realities the law was meant to regulate. The law has also failed to evolve to reflect changes in markets, business practices, and consumers' and workers' conditions, especially the dangers presented by the largest digital platform companies.

Mr. Kanter is an excellent candidate to take on these challenges as the country's chief antitrust enforcement officer. He brings more than two decades of experience as an antitrust litigator at the top of his field. He has been at the forefront of confronting the rise of large digital platform companies and the new competitive threats these companies pose. And he recognizes the dangers of overly concentrated corporate power to democracy and is cognizant of the need to update antitrust laws that fail to reflect current market realities and societal conditions.

There is no question that Mr. Kanter has the antitrust litigation experience and leadership qualifications to lead the Department of Justice's Antitrust Division. He has been an antitrust litigator for more than twenty years, including for several years as the chair of the Antitrust Practice Group at one of the nation's most prominent law firms, and most recently as the principal at his own antitrust firm. He is also a veteran of the Bureau of Competition at the Federal Trade Commission, where he investigated major transactions concerning a range of industries including internet providers, online services, supermarkets, and energy companies.

Mr. Kanter has also spent the last several years working at the forefront of the most important antitrust issues of our time: the rise of digital platform companies and understanding and addressing the ways in which these companies utilize their power. He is an expert on online advertising technology, which drives key aspects of dominance by Big Tech companies such as Google, Facebook and Amazon. In a *New York Times* op-ed, he warned against a Federal Communications Commission proposal that would have given Google open access to consumer data from television broadcasting because it could allow Google to use this power to exclude competitors and restrict or manipulate consumer data in self-serving ways.

Indeed, Mr. Kanter has not only successfully drawn attention to the risks of Big Tech, but has taken on the new corporate giants themselves. He began confronting companies such as Google and Apple while at Paul Weiss, and eventually left that firm and his position as antitrust practice chair to ensure he could continue to represent clients adverse to the largest tech companies. As the *New York Times* put it, he has “built a practice out of criticizing the Big Tech giants.” Mr. Kanter’s readiness to confront the biggest and most dominant players in key sectors of our increasingly concentrated economy shows he has the will our country vitally needs.

Mr. Kanter also shows a deep appreciation of the principles and dynamics that have driven antitrust law historically, including its role in the distribution of economic and political power. He has indicated antitrust law should take a broad view of market realities rather than focusing myopically on narrow economic benefits to one group at the expense of others, and has signaling his willingness to scrutinize and revise antitrust law if it is not suited to current or developing market realities. His historical understanding, moreover, recognizes the important role antitrust law plays in preventing excessive concentration of economic power which may in turn “breed antidemocratic political pressures” and even in mitigating the rise of fascism.

A growing number of academics, legal practitioners, members of Congress, and President Biden grasp the reality that many in our country experience every day: that the increasing concentration of American economic power in the hands of a shrinking set of large corporations has significantly harmed economic well-being and opportunities for small businesses, consumers and workers and places our very democracy at risk. Mr. Kanter’s experience as a top litigator in the field of antitrust, his expertise in the most important antitrust issues facing our country, and his leadership and courage in taking on powerful corporate interests make him an ideal choice to lead the fight to restore integrity, fairness and balance to our country’s approach to antitrust policy and enforcement. For these reasons, we strongly support Jonathan Kanter’s nomination for Assistant Attorney General for Antitrust at the Department of Justice.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Zucker". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Zucker
Executive Director- The SOC

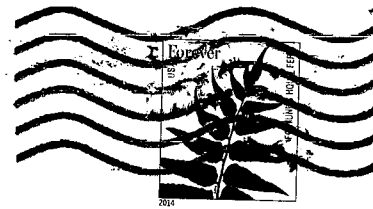


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1900 L St. NW Suite 900
Washington DC 20036

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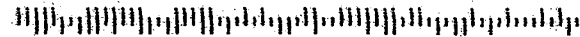


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