



LINA KHAN

MAJORITY COUNSEL, U.S. HOUSE SUBCOMMITTEE
ANTITRUST, COMMERCIAL, AND ADMINISTRATIVE LAW

NationalJournal

Life in Brief

Hometown: London, England

Current Residence: Washington, DC

Education

- JD, Yale Law School, 2017
- BA, Williams College, 2010

Family:

- Married to Shah Ali, a cardiologist

Work History

- Academic Fellow, Columbia Law School, 2018-present
- Majority Counsel, House Subcommittee on Antitrust, Commercial, and Administrative Law, 2019-Present
- Legal Fellow, Officer of FTC Commissioner Rohit Chopra, 2018
- Director of Legal Policy, Open Markets Institute, 2017-18
- Open Markets Program Fellow, New America, 2014-17
- Policy Director, Teachout-Wu for New York, 2014
- Legal Assistant, White & Case, 2010-11
- Journalism Fellow, Lawrence J. Levin Fellowship, 2009

Quick Summary

Antitrust expert whose legal scholarship jumpstarted national debate around power of large tech companies. Leverages policy and legal background, as well as connections to leading think tanks and Democratic lawmakers, to challenge conventional interpretation of antitrust law

- Thrust onto national policy stage after writing law review note questioning Amazon's avoidance of antitrust scrutiny and critiquing the limitations of antitrust law in regulating the modern economy
- Quickly became leading voice scrutinizing big tech companies and promoting the antitrust reform movement; part of a network of anti-Big Tech researchers and advocates
- Passion for pursuing policies that make markets fairer and more open began with stints working in journalism, policy research and scholarship, and a mortgage litigation clinic

Approach and Motivations

Strives to root out inequality in consumer marketplace caused by concentration of power

- Believes when a company monopolizes a market, it becomes an institution so powerful that it can rule like a government
- Argues monopolies, concentration of power, and diminished competition increases both economic and social inequality
- Suggests countering power concentration by promoting fair and competitive markets through policies that focus on democratic distribution of power and opportunity in the political economy

Policy Positions and Areas of Focus

Leading voice in national discussion about e-commerce antitrust action and breaking up tech companies

Antitrust Law Reform – Cited Amazon to illustrate weakness of current laws

- Believes current antitrust law is unequipped to protect competition in the modern economy, specifically because it examines antitrust through a consumer price perspective
- Criticizes Amazon's e-commerce dominance; argues its anticompetitive behavior, like setting prices at such low levels that competitors are forced to leave market, skirt antitrust scrutiny
- Broadly views companies like Amazon as enabling inequality by pushing smaller businesses out of the market

Breaking Up Large Tech Companies – One of the original proponents

- Cites government using its power to break up railroad, oil, and telephone monopolies as precedent for doing the same to companies like Amazon and Facebook
- Cites Facebook's acquisition of Instagram and WhatsApp as an example of lessened competition in privacy and believes breaking up tech companies would lead to more competition strengthening privacy

Reforming the Federal Trade Commission (FTC) – Believes agency is ill-equipped to regulate in modern economy

- Views FTC's current approach to competition policy as advancing goal of economic efficiency rather than policing consolidation
- Argues FTC should block anti-competitive mergers outright rather than regulating conduct or requiring merged companies to divest part of their business
- Thinks FTC should address threat of concentrated control over data by companies like Amazon and Google, which she believes forces out competition and prevents smaller entrepreneurs from entering e-commerce marketplace

Opposes Corporate Consolidation – Draws corollary between consolidation and inequality

- Uses chicken farmers as example of how corporate consolidation is harmful; points to consolidation reducing number of processing companies where farmers can sell, limiting their bargaining power

Core Communities

Close with economic policy professionals, legal scholars, and Democratic politicians

Open Markets Institute – Where she first discovered interest in antitrust

- Credits interest in antitrust as being prompted by OMI Director Barry Lynn
- Has co-written articles with OMI Legal Director Sandeep Vaheesan
- Worked alongside Policy Director Phil Longman, who she worked with on articles about consolidation
- Has co-written articles with Zephyr Teachout; served as her Policy Advisor in 2014 New York gubernatorial campaign

Antitrust Scholars – Often collaborates with legal scholars with similar views

- Works closely with colleague Tim Wu on antitrust scholarship, who has referred to the duo as the Wu-Khan Clan
- Co-authoring academic article with Columbia Law Professor David E. Pozen on information fiduciaries

Democratic politicians – Innovative antitrust ideas have captured the attention of lawmakers

- Rep. David Cicilline (D-RI), Chair of the House Subcommittee on Antitrust, hired her as Counsel to his subcommittee
- Worked with Sen. Elizabeth Warren (D-MA) on policy approaches regarding monopolies and breaking up tech companies
- Discussed threat tech giants pose to democracy with Sen. Bernie Sanders (I-VT) on his YouTube live show

Selected Publications

Wrote several academic and opinion pieces on antitrust law and application to tech companies

Academic – Publishes in law journals

- [“The New Brandeis Movement: America’s Antimonopoly Debate,”](#) *Journal of European Competition Law & Practice*, March 2018
- [“Amazon’s Antitrust Paradox,”](#) *Yale Law Journal*, January 2017
- [“Market Power and Inequality: The Antitrust Counterrevolution and its Discontents,”](#) *Harvard Law & Policy Review*, April 2016
- [“Market Structure and Political Law: A Taxonomy of Power,”](#) *Duke Journal of Constitutional Law & Public Policy*, 2014

Editorial – Occasional media engagement

- [“The Supreme Court just quietly gutted antitrust law,”](#) *Vox*, July 2018
- [“Amazon Bites Off Even More Monopoly Power,”](#) *The New York Times*, June 2017
- [“How Monsanto outfoxed the Obama Administration,”](#) *Salon*, March 2013

Media Appearances

Talks about antitrust law, specifically as applied to large tech companies like Amazon

Online – Talks about her views on reforming antitrust law

- [Yahoo News](#): Interviewed about breakthrough law journal article on Amazon and antitrust, October 2019
- [Financial Times](#): Interviewed about Amazon and monopoly power, March 2019

Podcast/Radio – Discusses antitrust in the context of tech companies

- [The Verge](#): Interviewed about the failings of current antitrust law framework and whether large tech companies should be broken up, February 2019
- [NPR](#): Discussed current antitrust laws and big tech companies, February 2019

Speaking Engagements

Frequently speaks about challenging corporate power and reforms to antitrust and monopoly laws

- Panelist discussing progressive views on antitrust hosted by the American Constitution Society, March 2018
- Speaker discussing regulation of information platforms at Georgetown Law’s Institute for Technology Law & Policy, February 2018
- Panelist discussing enforcement challenges to U.S. monopolization law at the Capitol Forum, December 2017
- Moderated panel on challenging concentrated corporate power for the Rebellious Lawyering Conference at Yale Law School, February 2017
- Panelist on how the next presidential administration tackles corporate power at Netroots Nation, July 2016

Financial Disclosures and Donations

History of small dollar contributions to Democratic candidates

Federal – Range of presidential, Senate, and House candidates

- \$70 – Warren for President
- \$50 – Beto for Texas
- \$50 – Alexandria Ocasio-Cortez
- \$129 – Zephyr Teachout for Congress
- \$67 – Bernie 2016

Profiles Others Have Written

Profiles tend to focus on her rise in prominence as an antitrust scholar and her views on how the law will adapt to technology in the future

David Streitfeld: "[Amazon's Antitrust Antagonist has a Breakthrough Idea](#)," *The New York Times* September 2018

- Discussed her Yale Law Journal article on Amazon and how her life has changed since

Robin Meyer: "[How to Fight Amazon \(Before You Turn 29\)](#)," *The Atlantic*, July/August 2018

- Focused on previous role at OMI and the antitrust reform movement

Info From Formative Years

Passion for justice and equality informed by early life and academic studies

- Originally wanted to be a journalist because she thought it was the best way to hold powerful people accountable
- First foray into corporate accountability came via article critical of Starbucks for not letting students sit down in their shops
- Came of age during financial crisis of 2009, and worked in a mortgage litigation clinic with homeowners facing foreclosure
- Experience working in mortgage clinic informs views on markets and the government's role to intervene
- Influences include Hannah Arendt, Joseph Stiglitz, and Louis Brandeis
- Heavily influenced by Barry Lynn and credits him for informing how she looks at issues and how economists actually study power