



The Honorable Dick Durbin, Chair
The Honorable Chuck Grassley, Ranking Member
U.S. Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

October 5, 2021

To Chair Durbin and Ranking Member Grassley:

The below undersigned independent business associations represent over 150,000 independent businesses across the country from industries including booksellers, pharmacist, office product dealers and many others. We are members of a campaign of business owners and entrepreneurs, [Small Business Rising](#), which is calling on policymakers to break up monopoly power and reinvigorate antitrust enforcement in order to safeguard the right for independent businesses to compete and serve the needs of their communities. We submit this letter to express our strong support of Jonathan Kanter's nomination as Assistant Attorney General for the Antitrust Division at the Department of Justice (DOJ), and we urge a swift confirmation through the U.S. Senate.

We believe Mr. Kanter is an obvious choice to lead the DOJ's Antitrust Division. His deep legal experience and long-standing record advocating for aggressive action make him an excellent choice. Mr. Kanter is a distinguished antitrust lawyer and leading advocate for antitrust reforms. Over the course of his two-decade career—first as an attorney at the Federal Trade Commission's (FTC) Bureau of Competition and then as a partner at The Kanter Law Group LLP and Paul, Weiss, Rifkind, Wharton, and Garrison LLP—Mr. Kanter has advocated for overturning the "consumer welfare standard" ideology that allowed corporations to amass monopoly power and wield it against their smaller competitors so long as they do it under the guise of consumer benefit. He has also advocated for Congress to pass legislation to provide clearer guidance to the courts about enforcement procedures, and for the regulatory agencies to use the extent of their authorities to rein in monopoly power of the Big Tech platforms.

Mr. Kanter is especially well-qualified to reinvigorate the DOJ at a time when the agency's enforcement authority is critically important to addressing problems of market power and restoring competition for independent and small businesses across the country. He brings deep knowledge of the ways in which monopolistic firms, including Big Tech, impact our economy and independent businesses, and the ways in which our regulatory agencies can address these

issues. Furthermore, Mr. Kanter is widely respected on both sides of the aisle in Congress and in the legal community.

The biggest threat facing independent businesses is concentrated market power, which has taken a particular toll on businesses in rural communities and businesses owned by Black, Indigenous, people of color and women. For too long, federal antitrust enforcement agencies have failed to stop corporations from amassing outsize power and using it to block independent businesses from competing. The House investigation concluded that the antitrust authorities have repeatedly fallen down on the job—stating that “together with the DOJ, the FTC has chosen to stop enforcing certain antitrust laws entirely.”¹ Mr. Kanter is exceptionally well-qualified to revive antitrust enforcement, and we trust he will use U.S. competition laws to enable independent businesses to compete in the marketplace.

We strongly support Mr. Kanter’s nomination to the DOJ and urge you to lead the Senate Committee on the Judiciary in a swift confirmation process.

Sincerely,

American Booksellers Association
American Independent Business Alliance
American Specialty Toy Retailing Association
Cambridge Local First
National Community Pharmacists Association
North American Hardware and Paint Association
Running Industry Association
Small Business Rising
Spokane Independent Metro Business Alliance
StayLocal
World Pet Association

¹ See: https://judiciary.house.gov/uploadedfiles/competition_in_digital_markets.pdf