



Office of the Chairman

UNITED STATES OF AMERICA  
**Federal Trade Commission**

WASHINGTON, D.C. 20580

February 14, 2025

Dear Federal Trade Commission Staff:

For many years, federal antitrust enforcers and the private antitrust bar have enjoyed a cozy relationship facilitated by the Antitrust Law Section of the American Bar Association (ABA). The ABA's long history of leftist advocacy and its recent attacks on the Trump-Vance Administration's governing agenda, however, have made this relationship untenable. I therefore have concluded that it does not advance the interests of the United States government for Federal Trade Commission (FTC) political appointees to hold leadership positions in the ABA or to participate in ABA events. Accordingly, I prohibit FTC political appointees from holding leadership positions in the ABA, participating in or attending ABA events, or renewing any existing ABA memberships.<sup>1</sup> I further prohibit the FTC from expending any funds to facilitate any employee's membership in the ABA or participation in, or attendance at, an ABA event.<sup>2</sup>

The President of the ABA recently issued a statement accusing the Trump-Vance Administration of "wide-scale affronts to the rule of law." What followed was a breathless screed leveled against President Donald J. Trump's swift and tireless delivery on his promises to the American people to confront our existential immigration crisis and end waste, fraud, and abuse in the federal government. This statement was not a sober assessment of the law. It was a collection of Democrat political talking points with the ABA's logo affixed at the top.

The nation's debt has ballooned to a terrifying \$36 trillion. Fortunately, President Trump is using the mandate he received from the electorate to protect future generations from this profligacy. He has ordered the Department of Government Efficiency to tackle this problem and address waste, fraud, and abuse in the federal government. After decades of Presidents of both parties promising to reduce government inefficiency and wasteful spending, President Trump is the first one actually to do it.

The ABA's statement mentioned nothing about this debt crisis. It instead attacked President Trump's decision to reform the United States Agency for International Development (USAID). The ABA's focus on USAID is not a coincidence. The ABA has had its hand in the USAID till for some time. The ABA received more than \$22 million from USAID and nearly \$17 million from the State Department in taxpayer-funded grants and contracts in the last 12 months alone. Shortly

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<sup>1</sup> This prohibition does not extend to career employees, to officials appointed by the President and confirmed by the Senate, or to the staffs of such officials.

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after releasing its statement, the ABA joined a coalition of left-wing NGOs in suing President Trump to turn the USAID spigot back on.

Nothing prevents the ABA suing to collect taxpayer money from USAID. But its failure to disclose its massive financial interest in USAID while criticizing President Trump's reform of that troubled agency was deceptive and unethical. That deception is particularly galling given that the ABA claims it was founded to promote ethical conduct among America's lawyers.

The ABA's partisan advocacy on behalf of Democrats is not new. It has been happening for decades. Consider just a few examples:

- A long, documented history of biased ratings of Republican judicial nominees including Justice Clarence Thomas, Judge Robert Bork, Judge Edith H. Jones, Judge Lawrence VanDyke, Judge Sarah Pitlyk, and Judge Kathryn Kimball Mizelle.
- The imposition of unlawful DEI requirements on American law schools as a requirement of accreditation.
- The putative "recognition" of the Equal Rights Amendment as a part of the U.S. Constitution, a fatuous and tendentious position rejected by every court to have considered it, as well as then-President Joe Biden's own Archivist of the United States.
- Consistently leftist amicus advocacy on nearly every major social issue, including affirmative action, transgender ideology, capital punishment, and abortion.

This history of partisan advocacy would be more than enough to justify the prohibitions I impose today. But there is more. The Antitrust Law Section is dominated by defense lawyers at large firms who represent large business interests—the very sort of businesses who often have business before the FTC. The Antitrust Law Section facilitates a very close relationship between those lawyers and the enforcers who are supposed to police their clients' conduct. This close relationship is not inherently a problem. After all, the defense bar and enforcers can each learn much from the other. But the coziness of the relationship risks the suggestion that a desire for future employment at one of these law firms could blunt the vigor of the FTC's enforcement program.

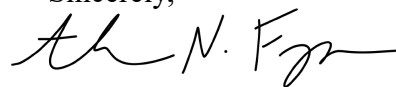
Big Tech and its apparent capture of the ABA make this risk too great to bear. Investigating Big Tech's monopoly power and censorship practices is one of my highest priorities. But the ABA seems beholden to the interests of Big Tech. This capture was never more obvious than in 2022 when the Antitrust Law Section opposed an antitrust reform bill pending in Congress. That bill—the American Innovation and Choice Online Act (S. 2992, 117th Congress)—would have addressed exclusionary practices carried out by Big Tech platforms, including self-preferencing and other anti-innovation practices. I take no position on the substance of the bill. But it is extraordinary that the entire Antitrust Law Section would advocate for Big Tech's business interests during an ongoing political debate about how best to protect Americans from Big Tech.

Were the ABA a nonpartisan association of antitrust lawyers devoted to improving the practice of antitrust law, the prohibition I impose today would not be necessary. But the ABA is an

insistent and outspoken political organization. It advances radical left-wing causes and promotes the business interests of Big Tech. If that ceased to be the case, perhaps senior government officials could once again participate in ABA events. But even after conservatives have for years tried to work within the ABA to make it more balanced, the organization has become only more left-wing and radical.

The FTC's senior leadership should not lend a patina of nonpartisan legitimacy to an organization guided by the principles of the Democrat Party and the priorities of Big Tech. Rather, we will focus on what is important: Fighting monopolies, promoting competition and economic liberty, protecting consumers from fraud and unfairness, and helping President Trump usher in America's Golden Age.

Sincerely,

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

Andrew N. Ferguson  
Chairman, Federal Trade Commission