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# FTC Focus: Surprising Ways Meador And Khan Sound Alike

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*This article is part of a monthly column that considers the significance of recent Federal Trade Commission announcements about antitrust issues. In this installment, we compare the public positions of current Commissioner Mark Meador and former Chair Lina Khan.*

If you were told that a sitting commissioner on the Federal Trade Commission had declared that big is bad[1] or decried a "blanket refusal" to enforce the Robinson-Patman Act[2] as a violation of the rule of law, you might be forgiven in assuming the speaker was former FTC Chair Lina Khan.

But in fact, both statements come from recently sworn-in Commissioner Mark Meador. Of the current sitting commissioners on the FTC, Meador has been especially active in expressing his views on antitrust philosophy.

Given Meador's conservative credentials and his prior role as chief counsel for antitrust and competition policy to Sen. Mike Lee, R-Utah, some anticipated a marked shift from the progressive enforcement philosophy championed by Khan during the Biden administration.

However, since becoming commissioner, Meador's public comments, speeches and writings reveal a surprising degree of continuity with Khan's approach.

Both Meador and Khan advocate for a more holistic and interventionist, and less econometric, antitrust policy — one that scrutinizes market power and questions the primacy of efficiency defenses.

This article compares the public positions of Meador and Khan, demonstrating that much of the current FTC's approach, particularly with Meador, may largely be a continuation of the Biden-era FTC under Khan.

**The Thoughts of Khan and Meador**

Khan emerged as one of the most influential figures in contemporary antitrust law and policy. She first gained national prominence as a young legal scholar with her groundbreaking 2017 Yale Law Journal note, "Amazon's Antitrust Paradox."

The article challenged prevailing antitrust orthodoxy and argued for a more expansive approach to competition enforcement, particularly in the context of digital platforms.[3]

Khan's academic work, combined with her experience as counsel to the House Judiciary Committee's Subcommittee on Antitrust, Commercial and Administrative Law, positioned her as a leading voice in the movement to rethink antitrust enforcement.

Appointed by President Joe Biden as chair of the FTC in 2021, Khan championed a progressive, interventionist approach, emphasizing the need to address market concentration, scrutinize the conduct of dominant firms, and revive enforcement of long-neglected statutes.

Her tenure was marked by a willingness to challenge established legal and economic assumptions, making her a central architect of the current FTC's activist agenda.

The newest addition to the succeeding administration, Meador brings a distinctive blend of conservative legal training and progressive enforcement philosophy.

Before joining the commission, Meador served in many roles, including as chief counsel for antitrust and competition policy to Lee on the Senate Judiciary Committee, where he played a pivotal role in shaping conservative antitrust reform proposals aimed at curbing the power of Big Tech and restoring competitive markets.

His pedigree includes significant contributions to legal scholarship and public commentary, where he has articulated concerns about the erosion of market competition and the dangers of concentrated economic power.

**Rethinking the Role of Market Power, Innovation and Size**

A central theme of the Biden-era FTC under Lina Khan was a renewed skepticism toward concentrated market power. For example, in a typical comment at the 2022 Stigler Center Antitrust conference, Khan said the agency was "just looking at where is the most harm happening. Oftentimes, that involves some of the biggest companies and the biggest players"[4]

She also cautioned against the idea that innovation or new business models should exempt dominant firms from antitrust scrutiny, stating, that it is "critical that law enforcers stay clear-eyed and not get dazzled by these claims of novelty."[5]

Since joining the commission, Meador has echoed these sentiments. In a notable departure from the traditional conservative antitrust orthodoxy, Meador has stated bluntly that big is bad.[6]

He has also criticized the tendency to use innovation as a blanket defense for exclusionary conduct. On May 5, at George Washington University, Meador stated: "In antitrust debates, innovation is too often treated not as one economic metric that can be used to apply law to facts, but a floating abstraction — a sweeping defense that excuses exclusionary conduct and avoids scrutiny by reframing anything on the path to dominance and power as progress."[7]

This represents a significant departure from the innovation-centric approach of prior FTC administrations, particularly those led by other Republican appointees such as former FTC Chair Joseph Simons, who said: "This is not to say that big is bad. Firms may get big because they provide good products at good prices, and antitrust should not try to get in the way of that,"[8] and "when foresight leads to innovation … the result is more competition and greater consumer benefit."[9]

**The Role of Economics and Efficiency**

The Chicago School's influence on antitrust enforcement, with its focus on consumer welfare and economic efficiency, has dominated FTC policy for decades. Under Khan, the FTC moved away from this paradigm, questioning whether efficiency should be the lodestar of antitrust analysis.

"The word efficiency doesn't appear anywhere in the antitrust statutes," Khan said at the Stigler Center conference.[10] The former FTC chair has argued that an approach that is obsessed with efficiency can actually undermine competition and harm consumers.

Again, Meador's public statements reflect a similar skepticism. In his May 1 FTC paper, "Antitrust Policy for the Conservative," he argued that "an obsessive preoccupation with efficiency is deeply unconservative,"[11] recognizing that "because antitrust law involves the oversight of markets and economic power, economic analysis will always play an essential role in its application," but "its role must be that of servant, not master."[12]

**The Robinson-Patman Act**

The RPA has long been the forgotten stepchild of antitrust enforcement. A Depression-era statute designed to prevent price discrimination by large firms, the FTC for decades declined to enforce it, viewing it as outdated and inconsistent with modern antitrust and economic principles.

Khan's FTC, however, signaled a willingness to revisit RPA enforcement as part of a broader effort to protect small businesses and address market concentration.

Meador too has bgeen outspoken in his criticism of the FTC's historical refusal to enforce the RPA. Prior to becoming a commissioner, he wrote in a July 2024 Federalist Society blog post, that a "blanket refusal to enforce the RPA not only offends the rule of law, it throws the baby out with the bathwater and leaves helpless those consumers who are harmed."[13]

He further argued that "conservatives and others who believe in our constitutional order and the rule of law should be deeply troubled by the suggestion that federal law enforcers can decide not to enforce a law simply because they disagree with the policy or outcomes it advances."[14]

This alignment is not absolute. In a May 25 statement, Meador criticized Khan's decision to bring — and then drop — the FTC's RPA case against PepsiCo Inc., not because of his view of the law itself, but because of how he thought the case was put together.[15]

**Policy Implications and Enforcement Outlook**

The convergence of some of Meador's and Khan's rhetoric and stances suggests a durable post-Chicago consensus may be forming. While Meador and Khan differ in ideological framing, their shared critiques of lax antitrust enforcement, bigness and economic orthodoxy point to a philosophical alignment on core enforcement questions.

In the May "Antitrust Policy for the Conservative" article, Meador argued that "conservatives should reject a laissez-faire or libertarian approach to antitrust law" and instead "embrace vigorous enforcement."[16]

This is not to say that ideology is now irrelevant — Khan framed her vision in terms of economic democracy, while Meador grounds his in textualism and the rule of law. But the practical effect may be the same: aggressive enforcement, increased scrutiny of dominant platforms and a skeptical approach to efficiency defenses.

The regulatory message is clear: The FTC will continue to prioritize market structure, statutory fidelity and checks on dominant actors.

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[1] https://www.ftc.gov/system/files/ftc_gov/pdf/antitrust-policy-for-the-conservative-meador.pdf.

[2] https://fedsoc.org/commentary/fedsoc-blog/not-enforcing-the-robinson-patman-act-is-lawless-and- likely-harms-consumers.

[3] https://www.yalelawjournal.org/note/amazons-antitrust-paradox.

[4] https://www.promarket.org/2022/06/03/qa-with-ftc-chair-lina-khan-the-word-efficiency-doesnt- appear-anywhere-in-the-antitrust-statutes/.

[5] https://www.ftc.gov/system/files/ftc_gov/pdf/chair-khan-remarks-at-the-grubhub-press- pdf.

[6] https://www.ftc.gov/system/files/ftc_gov/pdf/antitrust-policy-for-the-conservative-meador.pdf.

[7] https://www.ftc.gov/system/files/ftc_gov/pdf/meador-antitrust-myth-busting-remarks-5.5.25.pdf.

[8] https://www.ftc.gov/system/files/documents/public_statements/1413340/simons_georgetolunch_address_9-25-18.pdf.

[9] https://www.ftc.gov/system/files/documents/public_statements/1583022/simons_-_remarks_at_antitrust_law_fall_forum_2020.pdf.

[10] https://www.promarket.org/2022/06/03/qa-with-ftc-chair-lina-khan-the-word-efficiency-doesnt- appear-anywhere-in-the-antitrust-statutes.

[11] https://www.ftc.gov/system/files/ftc_gov/pdf/antitrust-policy-for-the-conservative-meador.pdf.

[12] Id.

[13] https://fedsoc.org/commentary/fedsoc-blog/not-enforcing-the-robinson-patman-act-is-lawless- and-likely-harms-consumers.

[14] Id.

[15] https://www.ftc.gov/system/files/ftc_gov/pdf/Meador-Pepsi-Statement-05-22-2025.pdf.

[16] https://www.ftc.gov/system/files/ftc_gov/pdf/antitrust-policy-for-the-conservative-meador.pdf.

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