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Exit, Stage Antitrust: Abigail Slater's Resignation & What Happens Next

Minding Your Business on **February 25, 2026**

Abigail Slater resigned as Assistant Attorney General for the DOJ Antitrust Division on February 12, 2026—an exit widely reported as a forced ouster after the White House requested her resignation. Her departure is significant because it comes at a moment when antitrust enforcement is both high-stakes and politically salient. The Division is weeks away from trial in *Live Nation/Ticketmaster,* where reported settlement discussions in the days before her resignation highlighted divisions between the Antitrust Division and senior DOJ officials. Simultaneously, the division continues to manage conduct litigation against major technology companies and scrutiny of major transactions. From the defining moves of her tenure to the forces behind her departure, this change in leadership marks a pivotal moment in U.S. competition enforcement at a time when "private bar attorneys are on high alert, questioning how federal competition laws will be enforced and which merger deals will be challenged." To be sure, Slater's resignation sets the stage for what (and who) comes next.

What Defined Slater's Tenure.

Slater's public "brand" embodied a continuation of the more aggressive antitrust enforcement posture adopted in recent years, albeit framed in conservative terms. In her first major address—"The Conservative Roots of America First Antitrust Enforcement" —she argued the conservative case for robust antitrust. She cast the Division as taking on powerful "Goliaths," and positioned enforcement as protecting consumers, workers, and smaller businesses.

During her tenure, three features stood out—

First, Slater maintained a litigation-forward posture in major conduct cases, particularly in Big Tech. The Division brought significant litigation involving Google Search monopolization and a separate action concerning Google's open-web digital advertising platforms. Both cases began under the Biden administration and amidst scrutiny as to whether such enforcement action would continue. The continued pursuit of Big Tech reflected a continuation with that antitrust posture, with geopolitical and domestic policies influencing enforcement priorities.

That said, in a departure from the last administration, the DOJ has embraced settlements with remedies as a preferred tool for resolving concerns, which is the second feature that marked her tenure. Over the past year, the antitrust division demonstrated an openness to negotiated remedies, including structural remedies, in mergers. It is unclear, however, whether this was an approach pushed by Slater or other DOJ officials. The upshot is that this is likely to continue, with transaction-specific design integrated into negotiated settlements.

The clearest example is the HPE–Juniper resolution. Shortly before the scheduled start of trial, the DOJ antitrust division reached a settlement with HPE and Juniper that allowed their $14 billion merger to proceed, subject to certain structural conditions. DOJ framed the settlement as a "novel approach," requiring divestiture of HPE's Instant On business and licensing commitments.

The settlement came amidst reported internal disputes, with Slater reportedly opposing the settlement. This has since been followed by several State AG motions to intervene in the merger under the Tunney Act and scrutiny by the House Judiciary Committee.

Third, Slater elevated "process integrity" as an enforcement lever—including Hart-Scott-Rodino Act (HSR) compliance, preservation practices for collaboration tools and ephemeral messaging, and litigation conduct. In remarks, Slater hasspotlighted courts' criticism of discovery and deletion practices (including the use of ephemeral messaging apps) and underscored DOJ's willingness to pursue penalties for serious HSR violations beyond clerical mistakes, like it did in a settlement involving UnitedHealth Group's acquisition of Amedisys.

Why She Left: Executive Control Versus the Division's Autonomy.

Public reporting points to a resignation driven less by doctrinal disagreement than by control over processand political management.

Multiple outlets describe conflict with other DOJ officials over how aggressively to delay, litigate, or settle politically sensitive matters—especially mergers. The Guardian reported that a key flashpoint was DOJ's handling of the HPE–Juniper matter, including an incident in which Slater's representations about national-security consultation were contradicted by CIA Director John Ratcliffe, deepening distrust with DOJ leadership. These rifts appeared to be ongoing prior to Slater's departure, with Reuters and Semafor reporting similarly highlighting internal fractures around the Live Nation settlement discussions taking place with senior DOJ leadership outside of the Antitrust Division—an unusually direct example of "front office" involvement in an active monopolization case.

CBS reported chain-of-command disputes, including that Slater lost the confidence of senior DOJ leadership and was alleged to have disobeyed directives. Reporting has also described a pattern of decisions being wrested upward: for example, the Compass-Anywhere real estate brokerage deal reportedly avoided an in-depth antitrust investigation after appeals to senior DOJ officials over Antitrust Division objections.

These issues came to head amidst months of tensions with more business-friendly factions in the administration. Bloomberg reporting described, in particular, the growing influence of government outsiders close to the administration—who, according to sources, helped companies "go above" Slater to senior DOJ leadership in merger matters.

What Slater's Exit Signals for the Administration's Antitrust Trajectory.

The cleanest reading of Slater's departure is a governance-alignment shift, not an overnight change in antitrust enforcement policy *per se*. It signals that the administration is prioritizing centralized control of antitrust calls—especially merger clearances and settlement postures—over the division-level autonomy historically associated with antitrust enforcement.

That said, Slater's departure does not necessarily imply a "hands off" antitrust future. DOJ's current litigation docket includes cases already deep in litigation, each carrying substantial sunk costs and reputational stakes. While out of court settlements even days before trial are possible, as the HPE-Juniper settlement shows, this would be a continuation of what was seen during Slater's tenure, rather than a shift away.

The more realistic medium-term effect is a shift toward (i) faster triage and potential clearance for transactions deemed non-problematic, (ii) greater willingness to resolve merger concerns through tailored remedies, and (iii) selective pursuit of high-visibility conduct cases that blend competition enforcement with broader politically-salient priorities (affordability, "Big Tech accountability").

Acting AAG Omeed Assefi: What Interim Leadership Means in Practical Terms

Assefi is not starting from ground zero. He served in multiple roles, including as Acting AAG at the outset of the second Trump administration and later held a leadership role focused on criminal enforcement. While serving as Acting AAG in early 2025, Assefi issued a memo instructing DOJ staff to continue applying the 2023 Merger Guidelines, a decision endorsed by Slater herself.

Two practical takeaways follow.

First, decision cadence may accelerate. Assefi has in remarks made in 2025 publicly criticized "paralysis by analysis" and expressed concern about "corporate capture" and perceived entitlement by the defense bar—suggesting he may favor faster, more decisive calls (whether to clear, settle, or sue).

Second, despite the perception that Slater's ouster reflects a pro-business win, Assefi's record shows he has endorsed aggressive steps in certain cases—*e.g.,* backing DOJ's initial challenge to the HPE–Juniper deal, and maintaining tougher merger-review rules rather than rolling them back. The question remains as to whether Assefi's previous posture will change following Slater's resignation.

Of course, because an "acting" appointment operates under statutory time constraints, leadership uncertainty will persist unless and until a permanent nominee is sent to the Senate. That timing pressure can affect settlement leverage and litigation strategy—especially with Live Nation's trial date approaching and reported settlement discussions already occurring at senior DOJ levels.

What Market Actors Should Do Now.

Though we can't know exactly how Assefi will approach his role, or how long it may last, the following practices will position market actors for whatever the next chapter holds?

1. In mergers, assume faster early triage but greater front-office sensitivity in politically salient deals; prepare a remedy narrative early, including divestiture feasibility, preparedness for targeted structural changes to deals, and clean "fix-it-first" packages where appropriate.
2. In litigation, monitor whether DOJ pursues aggressive remedies and appeals in Big Tech (Google remedies and ad tech next steps remain consequential).
3. In investigations and Second Requests, treat HSR accuracy and preservation controls (including ephemeral messaging) as core antitrust risk.
4. Track *Live Nation* closely: case posture and settlement dynamics are unusually sensitive to leadership and political management given the March trial calendar and reported senior-level negotiations.

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