

Assistant Attorney General Gail Slater's Keynote Address at the 2025 Georgetown Law Annual Global Antitrust Enforcement Symposium — AI: The Washington Report

September 19, 2025 | Article | By [Bruce Sokler](#), [Alexander Hecht](#), [Christian Tamotsu Fjeld](#), Aliza Inam

VIEWPOINT TOPICS

- Artificial Intelligence

- In discussing the worldwide race for leadership and advantage in AI, Assistant Attorney General Gail Slater argued in a recent speech that free market competition — not monopolies — is the engine of American innovation. To Slater, strong antitrust enforcement has historically unleashed major technological breakthroughs, from semiconductors to smartphones, by breaking monopolistic control and opening space for new entrants to grow and compete.
 - Slater noted that the US must resist copying state-controlled models like China's, warning that backing monopolies in the name of national security risks stifling innovation. Instead, America should double down on open markets and fair competition — the proven path to long-term economic and technological leadership.
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AAG Slater Emphasizes Need for Effective Antitrust Enforcement and Free Market Competition to Dominate Global AI and Tech Race

Earlier this month, Assistant Attorney General Gail Slater delivered a keynote address at the Georgetown Law Annual Global Antitrust Enforcement Symposium, highlighting the need for effective monopolization and free market competition in US national security and leadership in technology. She stated the United States is at an inflection point in antitrust enforcement and technology policy, and that President Trump's administration is removing barriers to innovation and supporting market-driven growth by protecting it from monopolistic control.

There is an emphasis on increasing competitive markets rather than cultivating national champions or centralized control. Slater calls this "the American way," the premise of her speech being that antitrust enforcement should be proactive and principled, not punitive, but aimed at opening up opportunity.

The United States is in a rapid global technological race within areas such as AI, energy, health care, and agriculture. Competitors like China are pursuing centralized strategies that back state-favored monopolies to dominate emerging technologies.

Slater compares this to the Cold War, saying that just as the Soviet Union failed due to central planning, today's state-driven economies will also fall short. She further warns against copying these centralized approaches by tolerating monopoly power in the US, even if framed as being good for national security. Instead, she argues, true national competitiveness comes from open markets and decentralized innovation, where individuals and startups have the freedom to challenge incumbents.

Slater invoked three historical case examples of effective monopolization remedies within tech markets as proving her point:

The First AT&T Matter — An Antitrust Remedy Seeds Silicon Valley

The 1956 consent decree with AT&T was one of the earliest and most consequential antitrust actions in the tech sector. In 1949, the Department of Justice sued AT&T because of its use of its telephone monopoly to foreclose competition in adjacent technology markets. While the settlement did not require a structural transformation, it imposed behavioral remedies requiring AT&T to license its patents broadly and without discrimination.

This allowed for outside firms to access and build on the company's transistor technology, which was still under development. This led to the establishment and growth of several newer and successful companies standing today, and the birth of Silicon Valley.

Slater points out key details from this case — how antitrust enforcement can be a catalyst for competitive growth and disruption, and that we need to trust in the competitive process.

The 1974 – 1984 Bell System Breakup and Litigation

In the early 1980s, the Reagan administration had overseen the breakup of the Bell System, targeting AT&T's entrenched monopoly once more. Reagan's antitrust AAG, Bill Baxter, forced AT&T to divest its regional telephone companies, introducing new competition into the communications market. Before this, AT&T remained in control of US telecommunications systems despite the 1956 decree.

This enabled the rise of the wireless phone industry and new communication devices. This case highlights, to Slater, how monopolistic control over infrastructure can stifle adjacent innovation, and how antitrust remedies can remove those barriers and help entire industries emerge.

Slater stated that “[a]s long as there are powerful monopolists, there will be fearmongering,” and “national security and global technology leadership depends on competitive markets that allow for the growth of new cutting-edge US technologies.”

1998 – 2001: The Microsoft Decree and the Oxygenation of Web 2.0

In the 1990s, Microsoft used its dominant position in the PC operating system market to suppress emerging threats, such as from companies developing “middleware.” The Antitrust Division and 19 states sued Microsoft in 1998, winning on liability. A consent decree was reached that required Microsoft to share key APIs with third-party developers and prohibited it from unfairly favoring its own software over that of competitors.

This decree helped prevent Microsoft from using its dominance to block the rise of competitors. In the wake of this action, companies like Google were able to flourish without being suppressed.

Slater highlights that this case teaches that “monopolization remedies do not merely protect static competition within the field” and “constraining a monopolist's exclusionary conduct also protects competition for the field by preventing it from choking off nascent threats in their infancy.”

As the race for global dominance within AI and technology continues, and the White House has issued an [AI plan](#), the Antitrust Division continues to advocate for an activist antitrust role in the AI space.

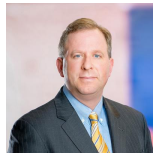
We will continue to monitor, analyze, and issue reports on these developments. Please feel free to contact us if you have questions about current practices or how to proceed.

Authors

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