TECH

Republican FTC Commissioner Wilson announces resignation, saying Chair Khan has a 'disregard for the rule of law'

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KEY POINTS

- Christine Wilson, the sole remaining Republican on the Federal Trade Commission, announced Tuesday she plans to resign, citing what she said was Democratic Chair Lina Khan's "disregard for the rule of law and due process."
- Throughout Khan's tenure at the helm of the commission, Wilson has frequently bemoaned her approach in remarks at public meetings and in speeches.
- The vacancy means President Joe Biden now has the opportunity to nominate two commissioners, though neither can be Democrats, since only three commissioners are allowed to be from the same party at a given time.

Christine Wilson, nominee to serve on the Federal Trade Commission, testifies during a Senate Commerce, Science, and Transportation Committee confirmation hearing in Hart Building on February 14, 2018.

Tom Williams | Cq-roll Call, Inc. | Getty Images

Christine Wilson, the sole remaining Republican on the Federal Trade Commission, announced Tuesday she plans to resign, citing what she said was Democratic Chair Lina Khan's "disregard for the rule of law and due process."

Wilson announced her resignation, which she said will come "soon," in a Wall Street Journal op-ed. Throughout Khan's tenure at the helm of the commission, Wilson has frequently bemoaned her approach in remarks at public meetings and in speeches.

Wilson wrote in her op-ed that she has failed "to persuade Ms. Khan and her enablers to do the right thing, and I refuse to give their endeavor any further hint of legitimacy by court to block Meta's proposed acquisition of VR fitness app developer Within Unlimited. But those who support Khan tend to argue that if regulators win all their cases, they're likely not bringing enough of them.

Wilson criticized the fact that Khan had not recused herself from an administrative proceeding on the Meta-Within deal based on her statements before joining the agency advocating for keeping the company from making future acquisitions. Wilson also admonished the two other commissioners, who supported her decision. The FTC ended up dropping the administrative proceeding anyway after failing to win a preliminary injunction in federal court.

Wilson said she also objected to the heavy redactions on her statement opposing Khan's decision not to recuse, saying it did not contain any confidential business information and the redactions "served no purpose but to protect Ms. Khan from embarrassment."

Wilson also took issue with other decisions by Khan, like the rulemaking seeking to ban most noncompete clauses, which Wilson claimed oversteps the agency's authority. She also argued that in the absence of Congress passing legislation to restrict mergers, Khan "does so by fiat."

"Abuse of regulatory authority now substitutes for unfulfilled legislative desires," Wilson wrote.

Without Wilson, the FTC will have three remaining members of what is usually a five-member panel: Khan and Democrats Rebecca Kelly Slaughter and Alvaro Bedoya. Former Commissioner Noah Joshua Phillips, a Republican, resigned in October, but without the kind of broad critique that Wilson wrote. Phillips thanked Khan in his public beliefs and are grateful for her public service," Khan, Slaughter and Bedoya wrote in a [joint statement](). "We wish her well in her next endeavor."

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