



The early roster of names — stocked with traditional conservatives who prefer to steer clear of interfering with business — appears to signal a different direction from Trump's remarks during the campaign, when he espoused a much more interventionist approach to mega-deals. | John Shinkle/POLITICO

Early shortlist emerging for Trump antitrust officials

By **TONY ROMM** | 12/02/16 02:43 PM EST

NEW YORK — On the campaign trail, Donald Trump pledged to prohibit big media mergers like AT&T's bid for Time Warner. Now that he's preparing for the White House, however, his transition team is poised to pick candidates for the government's top antitrust positions who take a more traditional conservative hands-off approach to business.

In the coming months, Trump must fill at least two openings at the FTC and a third slot for an assistant attorney general for antitrust at the Justice Department. Together, those agencies can block mergers like the \$85 billion AT&T-Time Warner deal, which Trump has criticized, or investigate companies like Google, as the FTC did during the Obama administration.

But the transition team's point person on antitrust is George Mason University Professor Joshua Wright, a former FTC commissioner who has called for limits on the agency's authority to police companies for unfair practices. As a commissioner, he broke with Democrats on some of the FTC's most prominent enforcement actions. While some aides on Trump's transition are not viewed as contenders for the agencies they study, sources believe Wright could snag a key antitrust role in the new administration.

Industry insiders believe that other Republican antitrust veterans — not anti-consolidation populists — have an inside track. The still-evolving shortlist includes Makan Delrahim of Brownstein Hyatt Farber Schreck, according to three sources tracking the transition. Based in Los Angeles, Delrahim has worked for companies like Microsoft, Oracle and Qualcomm, and previously served as deputy assistant attorney general for antitrust during the George W. Bush administration.

And Wright, in his role with the Trump transition, may consider candidates like Mike Baye, a professor at Indiana University's Kelley School of Business who headed the FTC's Bureau of Economics from 2007 to 2008, and Paul Yde, an antitrust partner at Freshfields Bruckhaus Deringer who also worked for the FTC, according to a source familiar with the matter. Both have an economics background like Wright, who declined to comment.

The early roster of names — stocked with traditional conservatives who prefer to steer clear of interfering with business — appears to signal a different direction from Trump's remarks during the campaign, when he espoused a much more interventionist approach to mega-deals. He promised to block AT&T's deal for Time Warner, saying it concentrates too much power “in the hands of too few,” and criticized regulators for approving the merger of Comcast and NBCUniversal in 2011.

“I think it's difficult for anyone to make sound predictions because some of the statements made during the campaign appear to support very aggressive enforcement, yet at the same time, there was lots of discussion from the candidate himself as well as other speakers on his behalf about the need to get Washington out of the hair of business,” said Julie Brill, a former Democratic FTC commissioner during the Obama administration who's now at Hogan Lovells.

Among the other early contenders for a Trump antitrust role is J. Bruce McDonald, a partner at the law firm Jones Day, multiple sources say. A former George W. Bush Justice Department official, he's worked with oil, aviation and telecom giants to defend their deals. Also in the mix is Jones Day's David Wales, who worked in the DOJ antitrust division between 2001 and 2003 and previously held a senior role at the FTC.

Jones Day is closely tied to the incoming Trump administration: The firm's Don McGahn is the incoming White House counsel, while another Jones Day attorney, William McGinley, joined the campaign in April to prepare for the possibility of a contested convention.

Still another candidate is Sean Boland, the co-chair of the antitrust practice at Baker Botts who has represented clients like Halliburton, and Amanda Wait, a former staff attorney at the FTC's bureau of competition who has since represented big clients in mergers like Universal Music Group's purchase of EMI Music and Delta Air Lines' acquisition of Northwest Airlines.

Wait also has the benefit of a connection to the Trump transition team: David Higbee, a managing partner for her firm Hunton & Williams, is aiding the president-elect's work at the Justice Department.