

## Trump Argument Absent from Brief Filed by AT&T and Time Warner

By Reid Wells, J.D. Candidate 2020 | April 2, 2018

When the Department of Justice filed its lawsuit against the \$85 billion AT&T and Time Warner merger, both companies claimed that the government was “selectively enforcing” an antitrust law. This argument stemmed from President Trump’s vocal animosity towards CNN, a subsidiary of Time Warner. This political background inspired AT&T to request phone logs and emails between the White House and Justice Department. Judge Richard J. Leon, overseeing the trial in the District Court for the District of Columbia, denied the request and AT&T has since dropped the political argument from its brief.

On the same day that both sides laid out their arguments for trial, a group organized by the Protect Democracy Project filed an amicus brief asking Judge Leon to reconsider allowing discovery regarding White House interference. Protect Democracy is a bipartisan network of former White House lawyers whom have teamed-up to investigate the “[potential erosion of democratic norms under Trump](#).” The organization believes Trump’s statements in the 2016 campaign indicate his intention to block the deal in violation of the Constitution.

At least eleven former U.S. officials participated in filing the amicus brief, some former DOJ officials whom are also contributors on CNN. Included in this group are former U.S. attorney from the Southern District of New York, Preet Bharara, and onetime White House counsel to President Nixon John Dean. President Trump fired Bharara in the early months of his administration and Bharara remains a vocal critic of the President. John Dean was a prominent figure in Watergate and also a vocal critic of Trump.

Absent political rhetoric, the trial is now focused on classic antitrust issues, including how the merger will [raise prices](#) for consumers and effect competition. Time Warner and AT&T insist the merger is an attempt to compete with online streaming services such as Netflix and Amazon Prime and reject the argument that it will hurt consumers.

While a merger of a TV-program producer and TV-program distributor would create a corporate behemoth, AT&T argues they are still an underdog to Google and Facebook post-acquisition. Trial started March 19<sup>th</sup> and it remains to be seen whether the [antitrust showdown](#) will open the



door for further telecom and media mergers or point to a new era of scrutiny towards an already wavering industry.