

Senator Amy Klobuchar

William J. Baer

**Nominee, Assistant Attorney General (Antitrust), U.S. Department of Justice
Questions for the Record**

1. Mr. Baer, you have considerable experience in antitrust law. Can you elaborate on how your experience has prepared you to be an Assistant Attorney General for the Antitrust Division?

Response: I have had the great privilege of working both as an antitrust enforcer (while at the Federal Trade Commission) and as an antitrust counselor (while in the private sector). I have learned a lot from those experiences. I think I appreciate the importance of vigorous, effective and fair enforcement. Consumers and the business community deserve all three. Vigorous enforcement does not do much good unless it is targeted at real problems and produces positive results. Antitrust enforcement risks losing credibility unless it is perceived as fair and effective.

2. How would you balance the need to prohibit anti-competitive practices while still allowing businesses innovate and maximize profits?

Response: I believe it is important for enforcement officials to be as transparent as possible in explaining what causes them to act, or not act, in a particular matter.

Effective enforcement requires antitrust enforcers to be able to articulate and support factually a credible theory of economic harm to consumers before bringing an action. Such upfront guidance can efficiently deter problematic transactions, and help avoid both over-enforcement that chills legitimate and pro-consumer behavior and under-enforcement that puts American consumers at risk.