

United States Senate

WASHINGTON, DC 20510

May 31, 2019

Makan Delrahim
Assistant Attorney General, Antitrust Division
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Assistant Attorney General Delrahim:

Since the beginning of this Administration, we have repeatedly raised concerns about reported White House attempts to interfere with the Department of Justice's antitrust enforcement decision making. Recent reports indicate that senior White House officials may be attempting to insert their views into yet another Department proceeding – the Antitrust Division's investigation into the proposed merger of T-Mobile US, Inc. (T-Mobile) and Sprint Corporation (Sprint). In light of the potential implications of this transaction for American consumers, we write to reiterate that the Department's decisions should be based on an impartial analysis of the facts and the law, and must be entirely free of improper political influence.

Last week, *Thomson Reuters* reported that Antitrust Division staff had recommended that the Department block T-Mobile's acquisition of Sprint.¹ On the same day, *Fox Business* reported that senior White House officials were supportive of the transaction, potentially setting the Department on a "collision course" with the White House if it chooses to follow the Division staff's recommendation.² The prospect of Department leadership ignoring a career staff recommendation to block a transaction – based on more than a year of investigation – and allowing an anticompetitive merger to proceed under pressure from the White House is deeply troubling.

As you know, we have raised significant concerns about the harmful effects of merging two of the four remaining nationwide wireless carriers, and we have urged you to reject the transaction. Reports that Department staff has recommended blocking the merger only bolster the argument that this acquisition would harm competition and consumers.

This is not the first time that reports have suggested that the White House may have attempted to improperly influence the Department of Justice's merger review process.³ Some of us raised similar concerns regarding reports that President Trump ordered Gary Cohn, then the Director of the National Economic Council, to pressure the Antitrust Division to block the AT&T-Time-Warner merger. We expressed these concerns even though we also had antitrust concerns

¹ Sheila Dang and Diane Bartz, *U.S. Justice Department staff recommends blocking T-Mobile-Sprint deal*, sources say, Reuters (May 22 2019), <https://www.reuters.com/article/us-sprint-m-a-tmobile/u-s-justice-department-staff-recommends-blocking-t-mobile-sprint-deal-sources-say-idUSKCN1SS1DP>.

² Charles Gasparino and Lydia Moynihan, *Antitrust Chief Undecided on T-Mobile Sprint as White House Voices Support and DOJ Staff Looks to Nix Merger*, Fox Business (May 22 2019), <https://www.foxbusiness.com/media/white-house-voices-support-for-deal-as-doj-staff-looks-to-nix-merger-but-antitrust-chief-undecided>.

³ Jane Mayer, *The Making of the Fox News White House* The New Yorker (Mar. 4 2019) <https://www.newyorker.com/magazine/2019/03/11/the-making-of-the-fox-news-white-house>.

regarding the AT&T-Time-Warner merger. That is because we believe in the fundamental principle that antitrust enforcement should not be corrupted by improper motives – a principle that we fear the White House may be attempting to violate in order to sway the Division’s decision making regarding a problematic horizontal merger.

Accordingly, we respectfully request that the Department provide separate and complete answers to each of the following questions:

- Please describe any efforts by President Trump, any employee of the White House, or any adviser to the President (either official or unofficial), of which you are aware, to offer an opinion, provide information, inquire into deliberation, or otherwise exert influence over the Department of Justice regarding the T-Mobile/Sprint transaction.
- Has President Trump, any employee of the White House, or any adviser to the President (either official or unofficial) had any contact with any Department of Justice employee regarding the T-Mobile/Sprint transaction? If so, please detail those interactions.
- If any interactions occurred, did those interactions and any subsequent conduct by Department officials or employees comply with existing Department or other Executive Branch policies?

In addition, we request that the Department provide any and all communications between the White House and the Department related to the T-Mobile/Sprint merger. The public should be able to trust that federal law enforcement is impartial and free of political influence.

Thank you for your prompt attention to this request.

Sincerely,



Amy Klobuchar
United States Senator



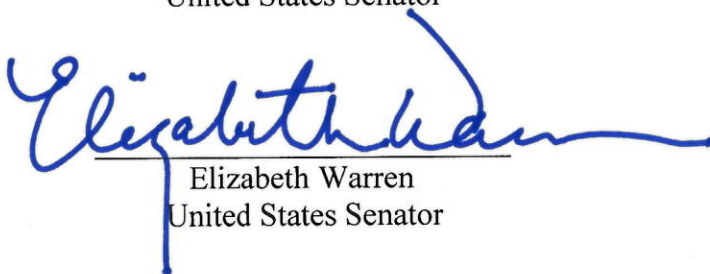
Richard Blumenthal
United States Senator



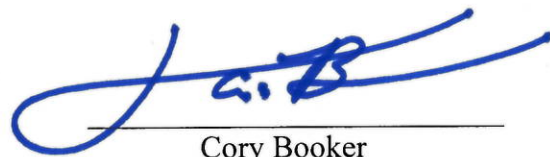
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