

United States Senate

March 08, 2019

The Honorable William P. Barr
United States Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Attorney General Barr,

I write to you today concerning recent reports that President Trump exerted undue influence on the Department of Justice (DOJ) and regulators to make decisions to benefit those he considers to be allies and disadvantage those he views as "enemies."

The New Yorker reports that President Trump ordered the Director of the White House Economic Council, Gary Cohn, to direct DOJ attorneys to block the proposed merger between AT&T and Time Warner, and ultimately included Chief of Staff John Kelly in that request as well.^[1] Although DOJ attorneys have denied that they were unduly influenced by the White House to reach outcomes favored by the President, this reporting raises new questions.

I request that you open an investigation into whether White House aides and officials have improperly tried to influence DOJ regulators in order to meet the objectives of President Trump. The President of the United States should not use his office to direct the DOJ to punish those who he perceives to be his adversaries or to reward his friends. This investigation and subsequent report should be made public to the American people to reassure them of the executive branch's integrity and your agency's independence.

Investigators should ascertain the following:

1. Did President Trump or any White House officials make formal or informal inquiries encouraging the Department of Justice to oppose the AT&T and Time Warner merger?
2. Did President Trump or White House officials make formal or informal inquiries encouraging the Department of Justice to approve or expedite the Disney/FOX merger?
3. Have President Trump or White House officials made formal or informal inquiries regarding other mergers?
4. If yes to any of the above, please describe the contents of these conversations.

Experts originally estimated that the Disney/FOX merger that included the sale of 21st Century FOX's entertainment, cable entertainment, and direct broadcast satellite divisions would take an estimated eighteen months to be completed due to the regulatory review process conducted by

STATE OFFICES

MONTGOMERY COUNTY
111 ROCKVILLE PIKE
SUITE 960
ROCKVILLE, MD 20850
PHONE (301) 545-1500
FAX (301) 545-1512

ANNE ARUNDEL &
SOUTHERN MARYLAND
60 WEST STREET
SUITE 107
ANNAPOLIS, MD 21401
PHONE (410) 263-1325

EASTERN SHORE
204 CEDAR STREET
SUITE 200C
CAMBRIDGE, MD 21613
PHONE (410) 221-2074

BALTIMORE REGION
1900 NORTH HOWARD STREET
SUITE 100
BALTIMORE, MD 21218
PHONE (667) 212-4610

WESTERN MARYLAND
32 WEST WASHINGTON STREET
SUITE 203
HAGERSTOWN, MD 21740
PHONE (301) 797-2826

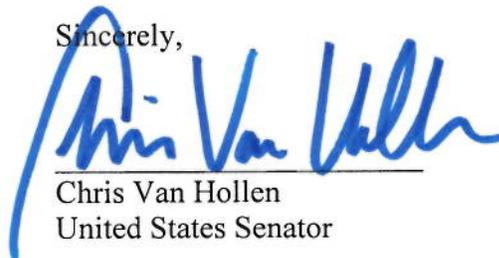
PRINCE GEORGE'S
COUNTY
1101 MERCANTILE LANE
SUITE 210
LARGO, MD 20774
PHONE (301) 322-6560

DOJ.^[2] The \$71.3 billion approval only took six months, an almost unheard of expedited approval process for a horizontal merger. By contrast, the vertical AT&T and Time Warner merger took eighteen months to complete because DOJ challenged the merger's approval twice. President Trump decried the AT&T and Time Warner merger as "not good for the country" but applauded the Disney/FOX merger as one that would "be a great thing for jobs."^[3]

To be clear, I am not advocating for any particular company or outcome. Many, including myself, are concerned that media consolidation and other mega-mergers can harm consumers by reducing competition, and every merger must be strictly scrutinized on the merits. My Democratic colleagues rightfully urged Congress to hold hearings on the Disney/FOX merger but unfortunately, none were scheduled. ^[4] While Republicans deprived Americans the opportunity to learn more about this merger, it is alarming to learn that President Trump has also personally advocated for outcomes that financially benefit the media outlet that he clearly believes is most favorable to him. The regulators at DOJ need to focus on how these mergers benefit the consumer, not how they potentially benefit the President's perceived allies or adversaries.

I understand that as a former Time Warner board member you have recused yourself from all matters relating to the AT&T and Time Warner merger.^[5] I appreciate that decision and I request that you direct this matter to the appropriate DOJ attorney. I await your prompt response to this matter.

Sincerely,



Chris Van Hollen
United States Senator

^[1] Mayer, Jane. "The Making of the Fox News White House." *The New Yorker*, 4 Mar. 2019, www.newyorker.com/magazine/2019/03/11/the-making-of-the-fox-news-white-house.

^[2] Bonomolo, Cameron. "Disney And Fox Expect Regulatory Process To Take 12 to 18 Months." *ComicBook.com*, 15 Dec. 2017, www.comicbook.com/marvel/2017/12/16/disney-fox-deal-12-18-months/.

^[3] Johnson, Ted. "Trump Has Some Words of Praise for Disney-Fox Deal." *Variety*, 14 Dec. 2017, www.variety.com/2017/politics/news/donald-trump-disney-fox-deal-1202642003/.

^[4] Johnson, Ted. "Democrats Call for Hearings on Disney-Fox Merger." *Variety*, 15 Dec. 2017, www.variety.com/2017/politics/news/disney-fox-congress-hearings-amy-klobuchar-1202642693/.

^[5] Hosenball, Mark, et al. "Trump's Attorney General Nominee to Recuse from AT&T-Time Warner Appeal." *Reuters*, 10 Jan. 2019, www.reuters.com/article/us-usa-justice-barr-finances/trumps-attorney-general-nominee-to-recuse-from-att-time-warner-appeal-idUSKCN1P503V.