

**Congress of the United States**  
**Washington, DC 20515**

May 15, 2018

The Honorable Jeff Sessions  
Attorney General  
Department of Justice  
200 Independence Avenue, SW  
Washington, D.C. 20201

Dear Mr. Attorney General:

In light of deeply concerning statements regarding President Donald Trump's potential interference with the Justice Department's merger review process, we write to renew our February 8, 2018 request for documents relating to AT&T's proposed acquisition of Time Warner.<sup>1</sup>

Last week, AT&T confirmed it paid \$600,000 to a shell company owned by President Trump's personal attorney Michel Cohen. The shell company reportedly was used "to pay hush money to a pornographic film actress" and to accept payments from firms tied to known Russian oligarchs.<sup>2</sup> In its memo entitled "facts around AT&T & Michael Cohen," AT&T admitted to hiring Cohen to provide insight on the President's approach to policy issues including "antitrust enforcement, specifically our Time Warner deal," which was under review by the Department's Antitrust Division at the time.<sup>3</sup> Following this report, White House press secretary Sarah Huckabee Sanders stated on Friday that the Department's opposition to the transaction "further proves that the president is not going to be influenced by special interests," and stated that "[t]his is the definition of draining the swamp that the president talked about in the campaign."<sup>4</sup>

The same evening, Rudy Giuliani, a legal adviser to President Trump, similarly stated President Trump "did drain the swamp . . . The president denied the merger. They didn't get the

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<sup>1</sup> Letter from Representatives Jerrold Nadler, Ranking Member, Committee on the Judiciary, et al., to the Honorable Jeff Sessions, Attorney General, U.S. Dep't of Justice (Feb. 8, 2018).

<sup>2</sup> Mike McIntire, Ben Protess & Jim Rutenberg, *Firm Tied to Russian Oligarch Made Payments to Michael Cohen*, N.Y. TIMES (May 8, 2018).

<sup>3</sup> Kevin Breuninger & Ryan Ruggiero, *AT&T releases a memo explaining its deal with Trump lawyer Michael Cohen*. Read it here, CNBC (May 11, 2018).

<sup>4</sup> John Fritze & Gregory Korte, *AT&T CEO calls decision to hire Trump fixer Michael Cohen 'serious misjudgment'*, USA TODAY (May 11, 2018).

result they wanted.”<sup>5</sup> On Sunday, Mr. Giuliani contradicted his earlier statement that the President was involved in the merger decision, noting that the President “did not interfere with the Justice Department going ahead with the case.”<sup>6</sup> Alarmingly, Mr. Giuliani also stated the President “had every right and power” to interfere with the proposed transaction, adding that it was something that “other presidents have done in anti-trust cases.”<sup>7</sup> Mr. Giuliani did not provide evidence to support his claims.

As we have repeatedly noted, political interference in law enforcement matters—including antitrust enforcement—is unacceptable and without modern precedent.<sup>8</sup> Despite our repeated requests for materials related to the Trump Administration’s many conflicting claims on this matter, the Department has not provided Congress with any relevant information. Moreover, when testifying before the House Judiciary Committee November 14, 2017, you were asked about this very issue. You responded, “I’m not able to comment on the conversations or communications the Department of Justice top people have with top people at the White House.”<sup>9</sup> The appearance of the White House interjecting politics into the Department’s law enforcement matters greatly diminishes the public’s trust in the Department’s independence and credibility.

In light of these reports, and for the reasons set forth above, we renew our request for the following documents by May 31, 2018:

- (1) all documents and communications, including email, referring or relating to the decision to sue AT&T, DirectTV Group Holdings LLC, and Time Warner Inc.;
- (2) all documents and communications, including email, referring or relating to the Justice Department’s negotiations with AT&T, DirectTV Group Holdings LLC, and Time Warner Inc.; and
- (3) all documents and communications, including email, identifying any contact between any employee of the White House or any official or unofficial adviser to the President with any Department of Justice employee regarding CNN or the AT&T/Time-Warner merger.

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<sup>5</sup> S.V. Date, *Giuliani Says Cohen Never Spoke With Trump About His Big-Dollar Clients*, HUFFPOST (May 11, 2018).

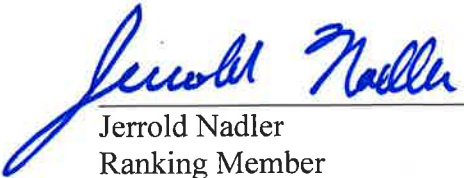

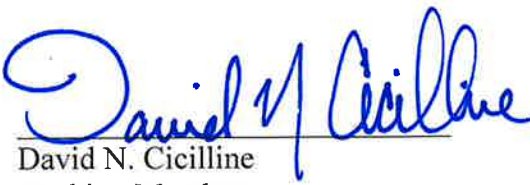
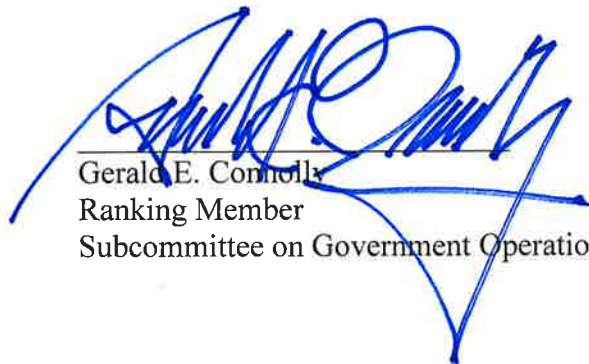
<sup>6</sup> Tara Palmeri, *Giuliani walks back AT&T merger comments, says Mueller talks will have to wait*, ABC NEWS (May 13, 2018).

<sup>7</sup> *Id.*

<sup>8</sup> See, e.g., Letter from Sen. Amy Klobuchar (D-MN), Ranking Member, Subcomm. Antitrust and Consumer Rights of the S. Comm. on the Judiciary, and Rep. David N. Cicilline (D-RI), Ranking Member, Subcomm. on Regulatory Reform, Commercial and Antitrust Law of the H. Comm. on the Judiciary, to the Honorable Makan Delrahim, Assistant Attorney General, U.S. Dep’t of Justice (May 9, 2018).

<sup>9</sup> *Oversight of the Department of Justice: Hearing Before the H. Comm. on the Judiciary*, 115th Cong. (2017); Harper Neidig, *Sessions Refuses to Say Whether WH Intervened in AT&T Merger Discussions*, THE HILL (Nov. 14, 2017).

Sincerely,

  
Jerrold Nadler  
Ranking Member  
Committee on the Judiciary  
Elijah E. Cummings  
Ranking Member  
Committee on Oversight and  
Government Reform  
David N. Cicilline  
Ranking Member  
Subcommittee on Regulatory Reform,  
Commercial and Antitrust Law  
Gerald E. Connolly  
Ranking Member  
Subcommittee on Government Operations

cc: The Honorable Robert W. Goodlatte, Chairman  
Committee on the Judiciary

The Honorable Trey Gowdy, Chairman  
Committee on Oversight and Government Reform

The Honorable Tom Marino, Chairman  
Subcommittee on Regulatory Reform, Commercial and Antitrust Law

The Honorable Mark Meadows, Chairman  
Subcommittee on Government Operations