

United States Senate

WASHINGTON, DC 20510

October 24, 2024

The Honorable Michael Horowitz
Inspector General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Mr. Andrew Katsaros
Inspector General
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Inspectors General Horowitz and Katsaros,

We write asking you to investigate whether the Department of Justice and the Federal Trade Commission have violated their own ethics rules by systematically leaking potential antitrust cases to a specific media outlet.

Since 2023, Bloomberg News has broken the news in at least twelve instances that DOJ or FTC was “preparing” or “poised” to take legal action before a lawsuit was filed. Indeed, the same journalist reported on eleven of these cases. This pattern strongly suggests that certain officials at DOJ and FTC are intentionally publicizing legal action days or weeks before filing.

These leaks result in negative headlines about the administration’s targets while the targeted companies have no way to respond, as they haven’t yet seen the potential lawsuits. Both DOJ and FTC have ethics rules that prohibit leaking civil cases before the cases are filed.*

Bloomberg News reporting DOJ and FTC antitrust actions before the filing of a lawsuit

1. January 23, 2023: *DOJ Poised to Sue Google Over Digital Ad Market Dominance*
2. February 23, 2023: *DOJ Preps Antitrust Suit to Block Adobe’s \$20 Billion Figma Deal*
3. May 15, 2023: *Amgen’s \$28 Billion Horizon Deal Faces Unexpected FTC Hurdle*
4. June 29, 2023: *Lina Khan Is Coming for Amazon, Armed With an FTC Antitrust Suit*
5. October 16, 2023: *Real Estate Brokers Pocketing Up to 6% in Fees Draw Antitrust Scrutiny*
6. February 20, 2024: *FTC, States to Sue Over Kroger-Albertsons Deal Next Week*
7. March 20, 2024: *Justice Department to Sue Apple for Antitrust Violations*
8. April 10, 2024: *Nippon Steel Bid to Buy US Steel Gets Extended Antitrust Review*
9. April 17, 2024: *Tapestry’s \$8.5 Billion Capri Deal Faces Planned FTC Lawsuit*
10. May 22, 2024: *US Justice Department to Seek Breakup of Live Nation-Ticketmaster*
11. July 10, 2024: *FTC Preparing Suit Against Drug Middlemen Over Insulin Rebates*
12. September 23, 2024: *Visa Faces Justice Department Antitrust Case on Debit Cards*

These leaks aren’t just unethical, but they harm these companies’ employees, shareholders, and others. If the companies have engaged in wrongdoing, by all means the government should try them in a court of law. But the Biden-Harris administration shouldn’t try them in the liberal media. These leaks appear to be simply one more instance of this administration weaponizing the administrative state against politically disfavored opponents and critics, much like DOJ

* DOJ’s Confidentiality and Media Contacts Policy available at <https://www.justice.gov/jm/jm-1-7000-media-relations#:~:text=It%20is%20against%20the%20law.fulltext%20of%20the%20law>. FTC’s ethics guide available at: <https://www.ftc.gov/about-ftc/bureaus-offices/office-general-counsel/ethics-guidance-new-ftc-employees>

investigating parents at school-board meetings or FTC targeting Elon Musk and Twitter for insufficient censorship of conservatives.

We urge you to investigate promptly these systematic, unethical, and potentially illegal leaks.


Sincerely,



Tom Cotton
United States Senator



Bill Cassidy, M.D.
United States Senator



Pete Ricketts
United States Senator



Mitch McConnell
United States Senator



Thom Tillis
United States Senator