

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-6906
judiciary.house.gov

September 4, 2026

Mr. David Teslicko, Acting Chief
Financial Services, Fintech, and Banking Section
Antitrust Division
U.S. Department of Justice
450 5th Street, NW, Suite 4000
Washington, DC 20530

LiveNationPublicComment@usdoj.gov

Dear Acting Chief Teslicko:

As Ranking Members on the House Judiciary Committee and its Subcommittee on Administrative Law, Regulatory Reform, and Antitrust, we are charged with overseeing the conduct of the U.S. Department of Justice's (DOJ) Antitrust Division (ATR). We have followed closely the matter of *United States of America, et al. v. Live Nation Entertainment, Inc. and Ticketmaster L.L.C.* (Case No.: 1:24-cv-03973-AS), including DOJ's stunning withdrawal from the case early in the litigation and the plaintiff states' decision to stay the course and carry the case through trial and their success in ultimately receiving a unanimous verdict in their favor on all counts. We held a Bicameral Spotlight Forum on May 18, 2026, featuring powerful testimony about Live Nation Entertainment and its wholly owned subsidiary, Ticketmaster's (LNT) abuse of its monopoly power, the harm resulting to fans, artists, venues, and workers across the live entertainment industry, and the failure of DOJ's proposed settlement ("settlement") to address the vital antitrust issues roiling the industry.¹

We file this letter to express our serious reservations about the settlement, to question the integrity of the process by which it was reached given strong indications of the presence of corrupt and improper considerations, and to urge the court to conduct the robust review contemplated by the Antitrust Procedures and Penalties Act (the "Tunney Act"). We request it be considered as a written comment regarding the proposed Final Judgment for purposes of the Tunney Act and be filed with the Court before it rules on whether the proposed Final Judgment is in the public interest.

¹ Press release, *At Spotlight Forum, Democrats Sound Alarm on Corrupt DOJ Antitrust Settlement That Allows Live Nation-Ticketmaster to Continue Abusing Its Monopoly to Harm Music Fans, Artists, and Venues*, H. COMM. ON THE JUDICIARY (May 19, 2026), <https://democrats-judiciary.house.gov/media-center/press-releases/at-spotlight-forum-democrats-sound-alarm-on-corrupt-doj-antitrust-settlement-that-allows-live-nation-ticketmaster-to-continue-abusing-its-monopoly-to-harm-music-fans-artists-and-venues>.

Settlement Terms

We are seriously doubtful that this settlement is in the public interest because it plainly fails to address the anticompetitive harms alleged in DOJ's complaint in May 2024² and reiterated in DOJ's own opening arguments as recently as March 2026.³

DOJ's complaint alleged that LNT used its enormous power across concert promotion, ticketing, and venue ownership to act as a gatekeeper for live music, making it harder for any other company to compete in this space.⁴ DOJ alleged that LNT controls roughly 60% of concert promotion at major concert venues, more than 60% of the country's largest amphitheaters, and approximately 80% or more of primary ticketing at major concert venues.⁵ LNT used that power to hurt fans, who face higher fees and fewer choices in this lopsided market;⁶ artists, who can be effectively forced to use LNT as a promoter if they want access to important venues;⁷ and venues, which risk losing lucrative LNT concerts if they choose to use competing ticketing services or technology.⁸ By tying these businesses together, LNT has created a "*self-reinforcing 'flywheel'*" that uses its power in one part of the industry to protect and expand its power in another.⁹ LNT has "used that power and influence to insert themselves at the center and the edges of virtually every aspect of the live music ecosystem."¹⁰ The result is a system that "inhibits artists, fans, and venues from making choices that should exist in a free market."¹¹ There are higher prices and less innovation as LNT bends the entire industry to its own will and benefit.¹²

DOJ adopted this theory of the case during the Biden Administration and it was reflected in the opening argument of David Dahlquist, DOJ's lead counsel: "This case is about power, the power of a monopolist to control competition. Today the concert ticket industry is broken."¹³ "It is controlled by Live Nation and the company it owns, Ticketmaster."¹⁴

² Complaint, *United States, et. al., v. Live Nation Ent., Inc., and Ticketmaster L.L.C.*, No. 1:24-cv-3973 (S.D.N.Y. May 23, 2024), <https://www.justice.gov/atr/media/1353101/dl>.

³ Jon Blistein, *Concert Industry Is 'Broken,' Prosecutor Says as Live Nation-Ticketmaster Trial Begins*, ROLLING STONE (Mar. 3, 2026), <https://www.rollingstone.com/music/music-news/live-nation-ticketmaster-trial-begins-opening-statements-1235524334/>.

⁴ Complaint, *United States v. Live Nation Ent., Inc., and Ticketmaster L.L.C.*, No. 1:24-cv-3973 (S.D.N.Y. May 23, 2024), <https://www.justice.gov/atr/media/1353101/dl>.

⁵ *Id.* at 2.

⁶ *Id.* at 6.

⁷ *Id.* at 4.

⁸ *Id.* at 5.

⁹ *Id.* at 3.

¹⁰ *Id.* at 3.

¹¹ *Id.* at 55.

¹² *Id.* at 3.

¹³ Larry Neumeister, *Will Concert Tickets Get Cheaper? DOJ Says Ticketmaster Broke the Industry*, NBC BOSTON (Mar. 3, 2026), <https://www.nbcboston.com/news/national-international/ticketmaster-lawsuit-concert-tickets-live-nation-ny/3909784>.

¹⁴ Lauren Feiner, *Does Ticketmaster Have a Stranglehold on Concert Ticketing – or Is It Just 'Bringing Joy'?*, THE

Throughout the development of the case, the federal government's litigation posture remained remarkably consistent across administrations: the core problem was that a vertically integrated monopolist possessed the power and incentive to use its position across different markets to thwart and defeat meaningful competition. That is the critical feature of this warped market and the central premise of the case.

DOJ's original proposed remedy flowed necessarily from that theory. When first announcing the lawsuit, then-Assistant Attorney General Jonathan Kanter said the DOJ "seeks to break up Live Nation-Ticketmaster's monopoly and restore competition for the benefit of fans and artists."¹⁵ The 2024 complaint expressly requests an order requiring the divestiture, at a minimum, of Ticketmaster and reporting suggests that, as of fall 2025, ATR also favored divestiture of Ticketmaster.¹⁶

The proposed remedy of breaking up Live Nation and Ticketmaster reflected two related considerations. First, the competitive harm stemmed from LNT's ability to leverage power across markets. If the source of the problem is the combination of concert promotion, venue control, and ticketing under common ownership, then leaving that integrated structure intact makes it possible for the company to continue using power in one market to protect power in another. Second, DOJ has already spent more than *15 years* attempting to address the competitive harms associated with LNT through less drastic measures. Those attempts did not work, and the American people have been paying the even higher price of this failure.

What happened over the last decade and a half matters. In 2010, the DOJ under President Obama challenged the merger between Live Nation and Ticketmaster Entertainment, having identified this vertical integration as creating an unacceptable risk of higher prices and reduced innovation. The merger was allowed to proceed under a consent decree that imposed specific structural and behavioral restrictions.¹⁷ In 2020, under the first Trump Administration, DOJ returned to court to modify and extend that consent decree after concluding that LNT had failed to keep its end of the bargain struck in the earlier settlement.¹⁸ DOJ described this enforcement action as "the most significant enforcement action" involving an existing antitrust decree in two

VERGE (Mar. 3, 2026), <https://www.theverge.com/policy/888778/live-nation-ticketmaster-doj-opening-statements>.

¹⁵ Danielle Abreu, 'It's Time to Break up Live Nation': DOJ Sues Ticketmaster Parent Company over Illegal Monopoly, NBC4 WASHINGTON (May 23, 2024), <https://www.nbcwashington.com/news/national-international/doj-antitrust-lawsuit-ticketmaster-live-nation-over-alleged-monopoly/3623394/>; Jonatham Kanter, Assistant Att'y Gen., U.S. DEP'T. OF JUSTICE, *Remarks on Lawsuit Against Live Nation-Ticketmaster for Monopolizing Markets Across the Live Concert Industry*, (May 23, 2024), <https://www.justice.gov/archives/opa/speech/assistant-attorney-general-jonathan-kanter-delivers-remarks-lawsuit-against-live-nation>.

¹⁶ Rebecca Ballhaus, et al., *The Trump Intervention That Got the DOJ Off Live Nation's Back*, WALL ST. J. (Aug. 23, 2026), <https://www.wsj.com/business/media/trump-live-nation-antitrust-doj-f82b2c55>.

¹⁷ Final Judgment, *United States, et al., v. Ticketmaster Ent., Inc., et al.*, No. 1:10-cv-00139 (D.D.C. July 30, 2010), <https://www.justice.gov/atr/case-document/file/513321/dl>; Christine A. Varney, Assistant Att'y Gen., U.S. DEP'T OF JUSTICE, *The Ticketmaster/Live Nation Merger Review and Consent Decree in Perspective* (Mar. 18, 2010), <https://www.justice.gov/archives/atr/speech/ticketmasterlive-nation-merger-review-and-consent-decree-perspective>.

¹⁸ Amended Final Judgment, *United States, et al., v. Ticketmaster Ent., Inc., et al.*, No. 1:10-cv-00139 (D.D.C. Jan. 28, 2020), <https://www.justice.gov/atr/case-document/file/1241016/dl?inline>.

decades.¹⁹ It sought, among other things, an independent monitor, additional safeguards to stop retaliation against venues, and an extension of the decree by five and a half years.²⁰ The 2020 enforcement action reflected DOJ's conclusion that LNT had engaged in conduct that undermined the original settlement's protections.

In 2024, DOJ under President Biden concluded that the 2020 consent had not solved the problem. In fact, LNT had committed "additional, different, and more expansive" antitrust violations and the prior Section 7 consent decree "failed to restrain Live Nation and Ticketmaster from violating other antitrust laws in increasingly serious ways."²¹ That long and frustrating history provides critical context and a powerful reason to question whether another largely behavioral remedy will succeed where prior behavioral remedies have not. Reporting indicates that the ATR under then-Assistant Attorney General (AAG) Gail Slater, in fall of 2025, was seeking divestiture.²²

Against all this background, the current settlement is a shocking, abrupt, and unjustified reversal. The core LNT integration remains intact as the settlement is overwhelmingly behavioral in character,²³ supplemented by very limited divestitures,²⁴ rather than the complete structural separation DOJ originally sought. The initial settlement framework also established a \$280 million fund—an amount equal to just *four days* of LNT revenue—to resolve claims or pay civil penalties to the states.²⁵ Moreover, LNT has a track record of abject failure to abide by its previous antitrust settlement agreements.

The remedy's seeming insufficiency has been called out by legal experts across the ideological spectrum, including by DOJ's litigating partners in the case. In fact, the proposed

¹⁹ Press release, *Justice Department Will Move to Significantly Modify and Extend Consent Decree with Live Nation/Ticketmaster*, U.S. DEP'T OF JUSTICE (Dec. 19, 2019), <https://www.justice.gov/archives/opa/pr/justice-department-will-move-significantly-modify-and-extend-consent-decree-live> (In DOJ's view, LNT had, among other anticompetitive conduct, engaged in "repeated" retaliatory and threatening behavior.).

²⁰ Amended Final Judgment, *United States, et al., v. Ticketmaster Ent., Inc., et al.*, No. 1:10-cv-00139 (D.D.C. Jan. 28, 2020), <https://www.justice.gov/atr/case-document/file/1241016/dl?inline>.

²¹ Amended Complaint ¶ 67, *United States, et al., Live Nation Ent., Inc., and Ticketmaster L.L.C.*, No. 1:24-cv-3973 (S.D.N.Y. Aug. 19, 2024), <https://www.justice.gov/atr/media/1377791/dl>.

²² Rebecca Ballhaus, et al., *The Trump Intervention That Got the DOJ Off Live Nation's Back*, WALL ST. J. (Aug. 23, 2026), <https://www.wsj.com/business/media/trump-live-nation-antitrust-doj-f82b2c55>.

²³ *United States et al. v. Live Nation Ent., Inc.*, Proposed Final Judgment and Competitive Impact Statement, 91 Fed. Reg. 41,330 (July 6, 2026). The proposed settlement relies heavily on restrictions on future conduct such as loosening certain exclusivity provisions, restricting retaliation and conditioning, changing Ticketmaster's back-end technology so that it can be used to sell tickets through third-party marketplaces, and imposing a 15% service-fee cap at Live Nation amphitheaters as well as requiring divestiture of control over 13 specified amphitheaters. *Id.*

²⁴ *Id.*

²⁵ Ashley King, *DMN's Inbox Got Flooded with Emails After Live Nation's DOJ Settlement—And Not One Had A Nice Thing to Say*, DIGITAL MUSIC NEWS (Mar. 9, 2026), <https://www.digitalmusicnews.com/2026/03/09/live-nation-settlement-industry-reactions/>. See also, Alanna Durkin Richer & Larry Neumeister, *Justice Department and Live Nation Reach Settlement over Illegal Monopoly Case*, ASSOC. PRESS (Mar. 9, 2026) (these funds will be used to resolve claims or pay civil penalties to the states), <https://apnews.com/article/livenation-antitrust-justice-department-0a6ef66f497e5f626096de753bfff8ce>. The contours and amount of money allocated to the settlement fund have changed dramatically since only six states joined it.

settlement was so inadequate to the bipartisan state and the District of Columbia attorneys general who were co-plaintiffs in the case that 34 (including 13 Republican attorneys general) of them took the historic step of continuing the trial.²⁶ Only six states joined the settlement.²⁷

Comments by attorneys general from three of the non-settling states described why they continued with the litigation focusing on the fact that the settlement failed egregiously to deal with the central problem which is monopoly. California Attorney General Rob Bonta said that the states quickly concluded that the settlement was “very insufficient and not worthy of what the American people deserve in this case.”²⁸ He also described the federal government’s treatment of its state partners as “disrespectful” and “weak.”²⁹ North Carolina Attorney General Jeff Jackson said, “The deal is terrible. It’s barely a slap on the wrist and does nothing to address the core issue: We need more competition in this market to bring down prices, and that means addressing Live Nation’s total control over Ticketmaster.”³⁰ New York Attorney General Letitia James stated that the settlement “fails to address the monopoly at the center of this case, and would benefit Live Nation at the expense of consumers.”³¹ Because the states had a “strong case,” she said, they would continue litigating “without the federal government.”³²

The judgments of the non-settling state attorneys general were vindicated in the most consequential way possible—they won on every count. On April 15, 2026, a unanimous jury found LNT violated state and antitrust laws.³³

Notably, Roger Alford, the antitrust law expert and professor who served in both Trump Administrations including, most recently, as Principal Deputy Assistant Attorney General for ATR, called the settlement “truly shocking,” particularly in light of the more than 15-year history

²⁶ Gail Slater, *I led the DOJ’s Antitrust Division. ‘David Beat Goliath’ in the Live Nation Case*, ROLLING STONE (Apr. 16, 2026), <https://www.rollingstone.com/music/music-features/gail-slater-doj-live-nation-trial-1235548172/> (“the team that went to trial did so on a week’s notice after the DOJ abruptly dropped out as lead counsel ... shift[ed] the Live Nation case from ‘merely historic’ to ‘unprecedented’ in the antitrust hall of fame.”)

²⁷ Nat’l Assoc. Atty’s General, Case Details, *United States and Plaintiff States v. Live Nation Entertainment, Inc. et al.*, <https://www.naag.org/multistate-case/united-states-and-plaintiff-states-v-live-nation-entertainment-et-al-s-d-n-y-124-cv-03973-as/> (last visited Sept. 4., 2026).

²⁸ Press release, *At Spotlight Forum, Democrats Sound Alarm on Corrupt DOJ Antitrust Settlement That Allows Live Nation-Ticketmaster to Continue Abusing Its Monopoly to Harm Music Fans, Artists, and Venues*, H. COMM. ON THE JUDICIARY (May 19, 2026), <https://democrats-judiciary.house.gov/media-center/press-releases/at-spotlight-forum-democrats-sound-alarm-on-corrupt-doj-antitrust-settlement-that-allows-live-nation-ticketmaster-to-continue-abusing-its-monopoly-to-harm-music-fans-artists-and-venues>.

²⁹ *Id.*

³⁰ Jeff Jackson, *Not Signing That Deal*, Quick Update (Mar. 12, 2026), <https://jeffjacksonnc.substack.com/p/not-signing-that-deal>.

³¹ Press release, *Attorney General James Releases Statement on Live Nation Trial*, N.Y. ATT’Y GEN. (Mar. 9, 2026), <https://ag.ny.gov/press-release/2026/attorney-general-james-releases-statement-live-nation-trial>

³² *Id.*

³³ Press Release, *Attorney General Brown and Coalition of States Win Historic Trial Against Live Nation and Ticketmaster*, MD. ATT’Y GEN. (Apr. 15, 2026), <https://oag.maryland.gov/News/pages/Attorney-General-Brown-and-Coalition-of-States-Win-Historic-Trial-Against-Live-Nation-and-Ticketmaster.aspx>.

of consent decrees and broken promises.³⁴ He also characterized LNT as *precisely* the sort of case that antitrust prosecutors should pursue. He invoked former Attorney General Robert Jackson’s formulation that enforcement should focus on cases where “the offense is the most flagrant, the public harm the greatest, and the proof the most certain.”³⁵ According to Mr. Alford, this is exactly what the case represented. Mr. Alford called the unanimous jury verdict against LNT “a watershed moment” for antitrust and added that ATR’s “reputation is tarnished.”³⁶ He predicted that the settlement will *not* be found in the public interest.³⁷

Respected outside experts also offered trenchant criticism of the settlement. Professor John Newman, a former senior Federal Trade Commission (FTC) official as well as former a DOJ ATR attorney, explained that it is Live Nation’s reach across multiple aspects of the live music industry that gives it the power to exercise coercive leverage against its trading partners.³⁸ Given this central power dynamic, “[t]he settlement doesn’t go to the heart of Live Nation’s power,” and it “doesn’t even stop all the conduct DOJ has said is illegal.”³⁹ He also questioned whether the fee cap would meaningfully reduce prices, given Ticketmaster’s history of “just shift[ing] fees around in the face of regulatory barriers.”⁴⁰

Rebecca Haw Allensworth, another leading antitrust scholar, explained that vertical integration is precisely what gives Live Nation its ability to control competition at multiple levels of the industry. In her assessment, the settlement is essentially a “Band Aid.”⁴¹ She explained:

This is the problem with a nonstructural remedy, with a non-break-up: they’re still huge, they’re still a monopolist, the venues are still afraid of them, and the artists still have to go through them. So, they have the power to do the same thing through other means because they are such a powerful monopolist in this space.⁴²

³⁴ Testimony of Roger P. Alford, Hearing before the H. COMM. ON THE JUDICIARY, *Corruption Takes Center Stage: How the Live Nation-Ticketmaster Settlement Threatens Antitrust Enforcement*, at 4, 119th Cong. (May 18, 2026), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=6804858.

³⁵ *Id.* at 2.

³⁶ *Id.* at 4.

³⁷ Press release, *At Spotlight Forum, Democrats Sound Alarm on Corrupt DOJ Antitrust Settlement That Allows Live Nation-Ticketmaster to Continue Abusing Its Monopoly to Harm Music Fans, Artists, and Venues*, H. COMM. ON THE JUDICIARY (May 19, 2026), <https://democrats-judiciary.house.gov/media-center/press-releases/at-spotlight-forum-democrats-sound-alarm-on-corrupt-doj-antitrust-settlement-that-allows-live-nation-ticketmaster-to-continue-abusing-its-monopoly-to-harm-music-fans-artists-and-venues>.

³⁸ Julia Dixon Evans, *From \$20 to \$1,200: How San Diego Concert Ticket Prices Got Out of Control*, KPBS (Mar. 16, 2026), <https://www.kpbs.org/news/arts-culture/2026/03/16/how-san-diego-concert-ticket-prices-got-out-of-control>.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Christina Pazzanese, *For Now, Live Nation Deal Is Just a ‘Band Aid’, Says Antitrust Scholar*, HARVARD GAZETTE (Mar. 18, 2026), <https://news.harvard.edu/gazette/story/2026/03/for-now-live-nation-deal-is-just-a-band-aid-says-antitrust-scholar>.

⁴² *Id.*

Professor Nancy Rose, a leading antitrust economist and former Deputy Assistant Attorney General for Economic Analysis, recently testified before the House Judiciary Committee that this settlement “ensure[s] very little will change.”⁴³ Her logic on such remedial measures was captured in her 2023 congressional testimony concerning LNT’s noncompliance with its consent order. Ms. Rose explained that what we have learned from “over 40 years of vertical merger enforcement through consent decrees that are almost always behavioral remedies is that they don’t work.”⁴⁴ Companies agree to remedies that they expect will still allow them to exercise market power; as such, “probably divestiture is the *only* solution that will give you a lasting remedy.”⁴⁵

These experts identify a common problem with this type of remedy: the settlement regulates the conduct of the monopolist without removing the structural conditions that make the conduct possible.

Settlement Process

The manner in which an antitrust settlement is reached can be as revealing as the terms of the settlement itself. That is particularly true here. The circumstances surrounding DOJ’s abrupt settlement with LNT suggest it may have been the result of corrupt and improper influence.

The settlement was sprung on the court and the government’s own trial team in a deeply troubling way. The court commented that DOJ’s “entirely unacceptable” failure to disclose the settlement during the ongoing trial evinced “absolute disrespect for the court, the jury and this entire process.”⁴⁶ The government’s lead trial counsel, David Dahlquist, learned of the settlement only when the court did—on the morning it was announced. Mr. Dahlquist said he was “neither asked” for nor did he provide input into the settlement. He believed that “DOJ was going to win ... I knew the case, I knew the witnesses, I knew the evidence.”⁴⁷

⁴³ Testimony of Nancy Rose, Hearing before the H. COMM. ON THE JUDICIARY, SUBCOMM. ON THE ADMINISTRATIVE STATE, REGULATORY REFORM, AND ANTITRUST, *The 30,000 Foot View: Competition and Regulation in the U.S. Airline Industry*, at 13, 119th Cong. (June 24, 2026), <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/rose-testimony.pdf>.

⁴⁴ Testimony of Nancy Rose before the SEN. COMM. ON THE JUDICIARY, SUBCOMM. ON COMPETITION POLICY, ANTITRUST, AND CONSUMER RIGHTS, *Trends in Vertical Merger Enforcement*, at 18, 118th Cong. (July 19, 2023), <https://www.congress.gov/118/chr/CHRG-118shrg53502/CHRG-118shrg53502.pdf>.

⁴⁵ *Id.* at 18 (emphasis added). See also John Kwoka & Spencer Weber Waller, *Fix It or Forget It: A “No-Remedies” Policy for Merger Enforcement*, CPI ANTITRUST CHRONICLE (Aug. 2021) (“conduct remedies do indeed have fundamental, generally fatal, weaknesses”) <https://cssh.northeastern.edu/wp-content/uploads/2021/08/CPI-Kwoka-Weber-Waller-FINAL.pdf>.

⁴⁶ Jody Godoy & Kritika Lamba, *Ticketmaster Parent Live Nation Settles DOJ Antitrust Case*, REUTERS (Mar. 9, 2026), <https://www.reuters.com/sustainability/boards-policy-regulation/live-nation-nears-settlement-us-antitrust-lawsuit-bloomberg-news-reports-2026-03-09>.

⁴⁷ Andrew Flanagan, *Former DoJ Antitrust Attorneys Slam Live Nation-Ticketmaster Settlement: ‘It Is Deeply Troubling That the Antitrust Division Is Engaged in Selective Non-Prosecution of Political Allies’*, VARIETY (June 22, 2026), <https://variety.com/2026/music/news/doj-antitrust-attorneys-slam-live-nation-ticketmaster-settlement-1236769787>.

Professor John Kwoka, previously Chief Economist to FTC Chair Lina Khan, offers a compelling interpretation of this episode:

If the principal attorney was a bystander to the actual negotiations, that tells us a lot about the current state of antitrust.... This is a story about the DOJ during the Trump administration, a story of deep corruption where no staff attorney, no staff economist, no witness, and no juror can tell what is going to happen because it's all decided in some smoke-filled back room.⁴⁸

Concern about an antitrust outcome emerging from an unpredictable back-room process goes directly to the rule of law. As the DOJ Justice Manual states: "The rule of law depends upon the evenhanded administration of justice. The legal judgments of the Department of Justice must be impartial and insulated from political influence."⁴⁹ An antitrust review process vulnerable to political influence severs the credible connection between demonstrated antitrust harm and the remedy imposed. The result may be a remedy untethered to the full evidence of competitive harm, raising the fundamental question of whether the settlement bears a rational relationship to the strength and nature of the government's case. Lacking this relationship, the settlement is less likely to foster the public interest in competitive markets and to protect consumers. It will undermine confidence in the Rule of Law.

Reporting about the settlement process in the LNT case has revealed further alarming details. Consider the *Wall Street Journal* article, "The Trump Intervention That Got the DOJ off Live Nation's Back," which describes how the settlement, which left the company intact, came together through meetings involving senior Administration officials and lobbyists who lacked antitrust expertise, along with pressure from the President himself.⁵⁰ The article recounts how during settlement negotiations in the fall of 2025, DOJ demanded the divestiture of Ticketmaster. In December 2025, LNT hired Sullivan & Cromwell LLP, a firm that represented President Trump in two of his litigation appeals and had connections to DOJ, to take over settlement talks.⁵¹ Over time, the negotiation process increasingly involved participants without antitrust expertise, including paid lobbyists, White House officials, and non-ATR senior DOJ officials. Senior DOJ political appointees then required ATR staff to remove the divestiture of Ticketmaster from DOJ's January settlement proposal. In February, AAG Slater resigned, reportedly after clashing with the Administration over politically connected lobbying on antitrust matters.⁵² During the final negotiations in March 2026, key meetings reportedly moved from the Antitrust Division to the White House. And shortly before the settlement, President Trump

⁴⁸ David Dayen & Maureen Tkacik, *Live Nation Settlement Spurs Chaos in Court*, AMERICAN PROSPECT (Mar. 9, 2026), <https://prospect.org/2026/03/09/live-nation-settlement-spurs-chaos-in-court/>.

⁴⁹ U.S. DEP'T OF JUSTICE, Justice Manual § 1-8.000: *Congressional and White House Relations*, <https://www.justice.gov/jm/jm-1-8000-congressional-relations>.

⁵⁰ Rebecca Ballhaus, et al., *The Trump Intervention That Got the DOJ off Live Nation's Back*, WALL ST. J. (Aug. 23, 2026), <https://www.wsj.com/business/media/trump-live-nation-antitrust-doj-f82b2c55>.

⁵¹ Ali Rogin & Ali Schmitz, *How Trump Intervened in the DOJ Case Against Live Nation*, PBS (Aug. 24, 2026), <https://www.pbs.org/newshour/show/how-trump-intervened-in-the-doj-case-against-live-nation>.

⁵² Leah Nylen & Josh Sisco, *DOJ Antitrust Boss Quit as White House Sought Ouster (Correct)*, BLOOMBERG LAW (Feb. 17, 2026), <https://news.bloomberglaw.com/antitrust/justice-department-antitrust-chief-slater-resigns>.

reportedly called a senior DOJ official and directed him to settle the case, after meeting with LNT CEO Michael Rapino about improving bookings at the Kennedy Center.⁵³ This report, if true, raises a fundamental question for the Court: Was the settlement the product of an independent antitrust assessment, or of a political intervention outside the ordinary law-enforcement process?

The LNT settlement should not be evaluated in isolation. Similar concerns have arisen in other significant antitrust matters under the current Administration, most notably the DOJ's settlement permitting Hewlett Packard Enterprise (HPE) to acquire Juniper Networks (Juniper). There, the settlement required HPE to divest a portion of its business that, according to critics, was unrelated to the antitrust concerns identified in DOJ's complaint.⁵⁴ Various accounts indicate that the ATR opposed settlement terms but was overruled by the White House. The accounts also suggest that lobbyists with strong Trump connections were effective in circumventing the Antitrust Division by influencing both White House officials and the very top DOJ leadership. Roger Alford and William Rinner, the two most senior Antitrust Division officials below AAG Gail Slater, were subsequently fired.⁵⁵ Reports also raised questions about whether personal interests, rather than antitrust considerations, influenced the outcome.⁵⁶

Former Principal DAAG Alford, who is a Republican, does not mince words about the reason then-Attorney General Pam Bondi and her deputies fired him. He thought he was “fired for having the temerity to say that cases like Live Nation-Ticketmaster should be resolved on the merits rather than settled on the cheap at the request of lobbyists.”⁵⁷ He also said AAG Slater was fired for similar reasons.⁵⁸ He has publicly warned since the summer of 2025 that “Live Nation and Ticketmaster have paid a bevy of cozy MAGA friends to roam the halls of the Fifth floor in defense of their monopoly abuses.”⁵⁹

⁵³ Ali Rogin & Ali Schmitz, *How Trump Intervened in the DOJ Case Against Live Nation*, PBS (Aug. 24, 2026), <https://www.pbs.org/newshour/show/how-trump-intervened-in-the-doj-case-against-live-nation>; Jon Blistein, *Trump Told DOJ To Settle Live Nation Case After Meeting with CEO in Oval Office*, ROLLING STONE (Aug. 24, 2026), <https://ca.rollingstone.com/music/donald-trump-live-nation-ceo-met-antitrust-settlement/>.

⁵⁴ *HPE/Juniper: As Fight Between DOJ Leadership and Antitrust Division Broils*, *Tunney Act Proceeding Looms*, THE CAPITOL FORUM (July 24, 2025), <https://thecapitolforum.com/hpe-juniper-as-fight-between-doj-leadership-and-antitrust-division-broils/>.

⁵⁵ Dana Mattioli, Rebecca Ballhaus & Josh Dawsey, *The Threats and Bare-Knuckle Tactics of MAGA's Top Antitrust Fixer*, WALL ST. J. (Mar. 20, 2026), <https://www.wsj.com/us-news/law/lobbyists-antitrust-trump-davis-f6a02e04>.

⁵⁶ Matt Stoller (@matthewstoller), X (July 28, 2025, 8:48 P.M.), <https://x.com/matthewstoller/status/1949995374606745741> (referencing a since-deleted tweet from Laura Loomer, a far-right journalist with historic ties to President Trump).

⁵⁷ Roger Alford, *State AGs Took Live Nation Case to Finish Line for Music Lovers*, BLOOMBERG LAW (Apr. 29, 2026), <https://news.bloomberglaw.com/legal-exchange-insights-and-commentary/state-ags-took-live-nation-case-to-finish-line-for-music-lovers>.

⁵⁸ Andrew Flanagan, *Former DoJ Antitrust Attorneys Slam Live Nation-Ticketmaster Settlement: 'It Is Deeply Troubling That the Antitrust Division Is Engaged in Selective Non-Prosecution of Political Allies'*, VARIETY (June 22, 2026), <https://variety.com/2026/music/news/doj-antitrust-attorneys-slam-live-nation-ticketmaster-settlement-1236769787>.

⁵⁹ Roger P. Alford, *The Rule of Law Versus the Rule of Lobbyists*, Tech Policy Institute Aspen Forum (Aug. 18, 2025), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5396537.

Mr. Alford later wrote “[I]t is my opinion that in the HPE/Juniper merger scandal [Chief of Staff for Bondi] Chad Mizelle and [Associate Attorney General nominee] Stanley Woodward perverted justice and acted inconsistent with the rule of law.” He went on to say that influence peddling at the DOJ was “unprecedented” and its “level of success ... truly shocking.” Mr. Alford characterized antitrust under the Trump Administration as “transactional where the rule of law has been replaced by the rule of lobbyists.”⁶⁰

The HPE-Juniper episode is relevant here because it is reflective of a broader pattern. As Professor Rose testified before the House Judiciary Committee earlier this year: “These examples [Rose offered several examples including LNT] raise an alarming concern that antitrust law enforcement is being turned from an evidence-based process into a political favor factory. To put it bluntly, it looks from the outside as though a ‘Justice for Sale’ sign has been hung on the 5th floor of the RFK Building.”⁶¹ When asked what grade she would give antitrust enforcers under President Trump today, she said an “F.”⁶² Why a failing grade? She explained, “[w]e no longer have an antitrust enforcement agency at the Department of Justice that’s based on principles of evidence. It seems instead, to be based on principles of either who has the administration’s ear or their willingness to pay.”⁶³

Our serious concern is not simply that political officials may have participated in the settlement. It is that corrupt and improper influences successfully pushed a resolution that betrays the public interest. The subsequent verdict in favor of the States does not, by itself, establish that the DOJ settlement was legally inadequate. But it makes the abrupt abandonment of the federal case considerably harder to explain as the consequence of a weak government position. At a minimum, these circumstances warrant a searching inquiry into the settlement’s provenance: who negotiated it, who authorized it, who was consulted, who was excluded, what prior settlement proposals were considered, why the government abandoned or modified structural relief, and what role—if any—the White House, presidential advisers, and outside lobbyists played.

The contaminated process by which this settlement was reached reinforces the profound objections that have been leveled against its content. A settlement warrants intense scrutiny when it bears the hallmarks of serious process corruption, including by leaving substantially intact the structure underlying the alleged monopoly that DOJ denounced in its prior position.

While the HPE-Juniper matter shares with LNT the outsized role of lobbyists and non-antitrust considerations in their settlements, there are crucial differences in terms of the litigation

⁶⁰ *Id.*

⁶¹ Testimony of Nancy Rose, Hearing before the H. COMM. ON THE JUDICIARY, SUBCOMM. ON THE ADMINISTRATIVE STATE, REGULATORY REFORM, AND ANTITRUST, at 13, 119th Cong. (June 24, 2026), <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/rose-testimony.pdf>.

⁶² Press release, *At Subcommittee Hearing, Judiciary Democrats Expose How Trump’s Iran War and “Pay-to-Play” Antitrust System Are Raising Prices for Americans*, H. COMM. ON THE JUDICIARY (June 24, 2026), <https://democrats-judiciary.house.gov/media-center/press-releases/at-subcommittee-hearing-judiciary-democrats-expose-how-trump-s-iran-war-and-pay-to-play-antitrust-system-are-raising-prices-for-americans>.

⁶³ *Id.*

posture of the cases and their legal histories. During the HPE-Juniper Tunney Act proceeding, the court had to assess a negotiated remedy where the government faced uncertainty establishing liability. In LNT, by contrast, the court must evaluate a proposed remedy against an adjudicated finding of anticompetitive conduct and a demonstrated history of failed behavioral regulation. This difference bears directly on whether the settlement is in the public interest and whether the court should undertake the judicial act of entering the settlement and thereby sanctioning it. It would seem that DOJ cannot tell the court that some behavioral remedies are an appropriate solution here when DOJ itself previously identified LNT as a cautionary example of why such remedies fail.

Tunney Act Review

Congress passed the Tunney Act to bring into “the full light of day” the process by which the government and corporations arrive at antitrust settlements.⁶⁴ In introducing the legislation, Senator John V. Tunney identified an enduring concern: whether there is “confidence in the process by which public decisions are made.”⁶⁵ He explained that this “problem is especially acute where the issue is antitrust because the stakes are high.”⁶⁶

Antitrust cases often carry with them profound implications not only for the particular defendants but for the millions of voiceless consumers with whom they deal. The decision to settle a case, and the components of that settlement, may affect the price, the quantity, and the quality of the most basic commodities. In short, enforcement of the antitrust laws may have a very profound effect on the lives of every citizen of this country....⁶⁷

Senator Tunney also emphasized that the stakes extend beyond economics:

But beyond the economic effect, there is a political effect. Increasing concentration of economic power...carries with it a very tangible threat of concentration of political power. Put simply, the bigger the company, the greater the leverage it has in Washington. Bigness may not be bad in itself, but it carries with it a wide range of implications and consequences that must be examined very closely. All of these considerations point to the fact that the public has a direct and vital interest in effective enforcement of the antitrust laws, particularly in the process by which antitrust cases are resolved.⁶⁸

D.C. Circuit Court Judge J. Skelly Wright, testifying in his personal capacity, expressed similar sentiments. He observed, “By definition, antitrust violators wield great influence and economic

⁶⁴ *The Antitrust Procedures and Penalties Act: Hearings on S. 782 and S. 1088 Before the Subcomm. on Antitrust & Monopoly of the S. Comm. on the Judiciary*, 93rd Cong. 1st at 1 (1973), <https://www.justice.gov/sites/default/files/jmd/legacy/2014/07/18/hear-s782-s1088-1973.pdf>.

⁶⁵ *Id.* at 74.

⁶⁶ *Id.* at 449.

⁶⁷ *Id.* at 449.

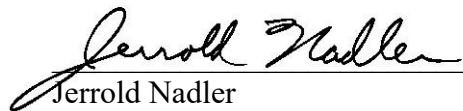
⁶⁸ *Id.* at 449-450.

power. They can often bring significant pressure to bear on Government, and even on the courts, in connection with the handling of consent decrees. The public is properly concerned whether such pressure results in settlements which might shortchange the public interest..."⁶⁹ It is important to understand whether to reach a settlement "the Government gave up more than it need have or should have."⁷⁰ Mr. Wright believed that addressing this public concern is important not only to ensure that the DOJ's compromise is fair in the eyes of the public, but also to ease fears that, even if unfounded, are harmful in themselves.⁷¹

As Senator Tunney explained during the hearings preceding the enactment of the bill, its purpose was to ensure that the courts "*shall exercise its independent judgment* in antitrust consent decrees—and *not merely act as a rubberstamp* upon out-of-court settlements."⁷² Congress also gave courts broad tools to conduct the searching analysis contemplated. The Tunney Act permits courts to compel testimony from government officials or expert witnesses,⁷³ appoint special masters or outside consultants,⁷⁴ allow participation by amicus curiae,⁷⁵ and ultimately take any "action ... [that] the court may deem appropriate" when determining if the settlement serves the public interest.⁷⁶

We urge this court to use those tools to conduct the searching and independent review that Congress contemplated regarding the adequacy of the remedy, the integrity of the process, and the completeness of the record.

Sincerely,


Jamie Raskin
Ranking Member
Jerrold Nadler
Ranking Member
Subcommittee on the Administrative
State, Regulatory Reform, and
Antitrust

⁶⁹ *Id.* at 147.

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.* at 3.

⁷³ 15 U.S.C. § 16 (f)(1).

⁷⁴ 15 U.S.C. § 16 (f)(2).

⁷⁵ 15 U.S.C. § 16 (f)(3).

⁷⁶ 15 U.S.C. § 16 (f)(5).