

June 22, 2023

Robin Hayes
Chief Executive Officer
JetBlue Airways Corporation
27-01 Queens Plaza North
Long Island City, NY 11101

Dear Mr. Hayes:

I write regarding JetBlue's reported attempt to rig the U.S. Department of Transportation's (DOT) evaluation of the airline's application to consolidate with Spirit Airlines. A *Bloomberg* report revealed that JetBlue "orchestrated a campaign to flood the government with thousands of online comments from employees in favor of the airline's bid to merge with Spirit Airlines Inc."¹ But it appears many of these employees "either didn't consent to having their names used publicly or didn't understand that the form would lead to a public comment in support of the [acquisition]."² Some said they didn't believe they had completed a form," and one union leader stated directly that the comments were a result of JetBlue having "deceived their own workforce."³

In a letter shared with my office on June 14, 2023, you called the reports about your collection and use of workers' comments "deeply flawed," and sought a meeting with me to discuss this matter and other aspects of the proposed merger.⁴ But the information in your letter was even more troubling than the public reports: it confirmed your company's AstroTurf lobbying actions, informing me that you "encouraged" your employees to comment, and created "a tool that made it easy for them to submit [comments] to DOJ and the DOT dockets."⁵

My staff would be happy to meet with you or other JetBlue officials. But before that meeting occurs, you owe Congress and the public answers for your company's actions during the DOT comment period. Your letter failed to provide those answers; in fact, it provided no substantive defense of JetBlue's behavior other than noting that, "letter writing campaigns such as these have been heavily used by industry in the past."⁶

¹ Bloomberg, "JetBlue Workers Surprised Merger Comments Made Public," Emily Birnbaum and Leah Nylen, May 9, 2023, https://www.bloomberg.com/news/articles/2023-05-09/jetblue-workers-deny-making-comments-attributed-to-them-backing-spirit-merger?utm_medium=email&utm_source=newsletter&utm_term=230509&utm_campaign=author_22796872&lead_source=verify%20wall.

² *Id.*

³ *Id.*

⁴ Letter to Senator Warren from Robin Hayes, JetBlue CEO, June 14, 2023, p. 1.

⁵ Letter to Senator Warren from Robin Hayes, JetBlue CEO, June 14, 2023, p. 3.

⁶ Letter to Senator Warren from Robin Hayes, JetBlue CEO, June 14, 2023, p. 3.

I therefore ask that you provide written answers to the following questions.

1. How did JetBlue solicit comments from their employees on this matter? Please provide a copy of all communications sent to employees regarding the submission of comments to DOT and DOJ, including any sample language or sample comments sent to employees.
2. How did JetBlue obtain consent from employees for their comments to be submitted to DOT and DOJ? Please provide screenshots or relevant copies of the consent process used by JetBlue.
3. What was the specific “tool” that JetBlue used to “ma[k]e it easy for [employees] to submit [comments] to DOJ and the DOT dockets”? Please provide a description of the tool and screenshots that indicate how it works and how it prompted employees to submit comments.
4. Did JetBlue track or count comments made using this tool?
 - a. If so, how many comments were generated by the tool and the campaign to ask workers to comment?
 - b. How many of those comments were in favor of the merger?
5. Did JetBlue track specific comments from workers that it was able to identify?
 - a. Did the company reward employees who submitted favorable comments?
 - b. Did the company punish employees who submitted unfavorable comments?
6. Has JetBlue used similar tactics in the past to submit comments to agency dockets from employees or other interested parties? If so, please list all such campaigns run by the company in the last decade.

My staff will be happy to meet upon submission of full and complete answers to my questions. Thank you for your attention to this matter.

Sincerely,



Elizabeth Warren
United States Senator