

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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August 1, 2025

The Honorable Pam Bondi
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Bondi:

We write with serious concerns regarding the recent proposed settlement between the U.S. Department of Justice (DOJ) and the parties Hewlett Packard Enterprise (HPE) and Juniper Networks, Inc. (Juniper) that allows, with certain conditions, HPE to acquire Juniper. The settlement terms do not appear to adequately address the anticompetitive harms alleged in DOJ's complaint opposing the acquisition in January 2025. Public reports suggest that senior Trump Administration officials overruled Antitrust Division Assistant Attorney General (AAG) Gail Slater, who opposed the settlement. Reporting also suggests that the Tunney Act filing associated with this case, a requirement meant to provide transparency into lobbying and government settlements, was itself deficient. We request information regarding this transaction to determine whether, as reporting suggests, inappropriate and potentially corrupt political considerations guided the proposed settlement in this matter rather than a commitment to critical antitrust principles.

In January 2024, HPE announced it had acquired Juniper for \$14 billion.¹ HPE and Juniper are the second and third largest firms offering enterprise-grade wireless local area networks (WLAN) in the United States. The acquisition would result in two companies—Cisco Systems, Inc., and the post-acquisition HPE—controlling “well over 70 percent” of the United States’ market for “enterprise-grade WLAN solutions.”² WLAN firms offer differentiated combinations of hardware and software to enterprises such as businesses, schools, and hospitals that manage a very large number of network access points at a single location. According to DOJ’s own press release earlier this year, the merger “would significantly reduce competition...resulting in large segments of the American economy paying more for less.”³

¹ Press Release, Hewlett Packard Enter., *HPE to Acquire Juniper Networks to Accelerate AI-Driven Innovation* (Jan. 9, 2024), <https://www.hpe.com/us/en/newsroom/press-release/2024/01/hpe-to-acquire-juniper-networks-to-accelerate-ai-driven-innovation.html>.

² Compl. at 1, *U.S. v. Hewlett Packard Enter. Co.*, No. 3:25-cv-00951 (N.D. Cal Jan. 30, 2025).

³ Press Release, U.S. Dep’t of Just., *Justice Department Sues to Block Hewlett Packard Enterprise’s Proposed \$14 Billion Acquisition of Rival Wireless Networking Technology Provider Juniper Networks* (Jan. 30, 2025), <https://www.justice.gov/opa/pr/justice-department-sues-block-hewlett-packard-enterprises-proposed-14-billion>.

Omeed Assefi, the Acting Deputy Assistant Attorney General under President Trump, filed a lawsuit to block the acquisition on January 30, 2025, as a violation of Section 7 of the Clayton Act.⁴ DOJ's complaint argued that HPE's acquisition of Juniper would "eliminate fierce head-to-head competition between the companies, raise prices, reduce innovation, and diminish choice for scores of American businesses and institutions."⁵ But less than two weeks before the trial was scheduled to start, DOJ reversed course and approved a settlement allowing HPE's acquisition of Juniper to proceed.⁶

The settlement, which required the divestiture of HPE's business targeting small WLAN customers, does not appear to address the competitive concerns related to larger customers.⁷ At least one industry executive has stated that the settlement is "ridiculous" and that it "makes zero sense," saying that the "terms of the settlement were absurd."⁸ The settlement has already attracted congressional scrutiny. Senators Elizabeth Warren, Amy Klobuchar, Cory Booker, and Richard Blumenthal sent a letter to the judge overseeing the settlement expressing concerns that the proposed settlement "falls well short of resolving the serious antitrust concerns identified in the United States' complaint and pretrial submissions."⁹

According to reports, AAG Slater opposed the decision to settle, but her recommendation was overridden by senior political appointees at DOJ.¹⁰ It is reported that HPE hired lobbyists Mike Davis and Arthur Schwartz, close allies to the White House, to help "short-circuit the antitrust division's case."¹¹ Mr. Davis is a "MAGA-aligned antitrust thought leader" and the founder of the Article III Project, as well as the Internet Accountability Project, two conservative

acquisition.

⁴ Compl. at 6, *U.S. v. Hewlett Packard Enter. Co.*, No. 3:25-cv-00951 (N.D. Cal Jan. 30, 2025).

⁵ Press Release, U.S. Dep't of Just., *Justice Department Sues to Block Hewlett Packard Enterprise's Proposed \$14 Billion Acquisition of Rival Wireless Networking Technology Provider Juniper Networks* (Jan. 30, 2025), <https://www.justice.gov/opa/pr/justice-department-sues-block-hewlett-packard-enterprises-proposed-14-billion-acquisition>.

⁶ U.S. Dep't of Justice, Antitrust Division, *United States v. Hewlett Packard Enterprise Co., et al.*; Proposed Final Judgment and Competitive Impact Statement, 90 Fed. Reg. 30685 (July 10, 2025).

⁷ *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/>.

⁸ *Id.*

⁹ Letter from Sen. Elizabeth Warren, et al., to the Hon. P. Casey Pitts, Dist. J. for N.D. Cal. (July 28, 2025), https://www.warren.senate.gov/imo/media/doc/letter_from_senator_warren_to_judge_pitts_on_hpe-juniper_merger_and_tunney_act.pdf (requesting that the Judge hold an evidentiary hearing to determine whether the settlement is in the public interest). See Leah Nylen & Josh Sisco, *Top DOJ Antitrust Officials Removed Over HPE-Juniper Settlement*, BLOOMBERG (July 29, 2025), <https://www.bloomberg.com/news/articles/2025-07-29/top-doj-antitrust-officials-removed-over-hpe-juniper-settlement> (noting that in a divergence from general practice, the settlement documents were not signed by any DOJ staff attorneys).

¹⁰ *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/>.

¹¹ *Id.*

advocacy organizations with connections to the Trump Administration.¹² Mr. Schwartz is reportedly a “close confidante of Vice President JD Vance.”¹³

AAG Slater reportedly pushed back against this effort, telling HPE and Juniper officials “to work directly with the antitrust division in advocating for the transaction rather than attempting to influence the process through consultants like [Mike] Davis or [Arthur] Schwartz.”¹⁴ Laura Loomer—hardly a liberal activist—wrote in a since-deleted tweet that Chad Mizelle, Attorney General Bondi’s Chief of Staff and Acting Associate Attorney General, “forced the settlement on the anti-Trust division against their will” because he “wants his wife Kat Mizelle to be appointed to the 11th Circuit.”¹⁵ Not only was AAG Slater overruled, but reporting suggests that disagreements over the handling of the case led to the firing of two senior DOJ officials in the antitrust division, Principal Deputy Assistant Attorney General Roger Alford and Deputy Assistant Attorney General and Head of Merger Enforcement William Rinner, due to alleged “insubordination.”¹⁶

Beyond these unusual aspects of this case, we are particularly concerned there may have been a failure to comply with the disclosures requirement under Section 16(g) of the Tunney Act (also known as the Antitrust Procedures and Penalty Act) by the parties to the settlement. We understand that “[i]n arguing against the settlement, AAG Slater raised concerns about the Tunney Act process and the disclosures it would require about communications between the companies’ representatives and the administration.”¹⁷ As you know, Section 16(g) requires party disclosure to the court of “all written and oral communications by, or on [their] behalf ... with any officer or employee of the United States concerning or relevant to” the consent decree.¹⁸ The Tunney Act, implemented after President Nixon instructed his DOJ to stay out of an investigation after the company had agreed to donate to the Republican National Convention, was enacted precisely to “ensure lobbying contacts did not influence” DOJ consent agreements¹⁹

¹² *Id.*; see also Matt Stoller, *An Attempted Coup at the Antitrust Division*, BIG BY MATT STOLLER (July 25, 2025), <https://www.thebignewsletter.com/p/an-attempted-coup-at-the-antitrust>.

¹³ *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/>.

¹⁴ *Id.*

¹⁵ Matt Stoller (@matthewstoller), X, (July 28, 2025, at 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). See also Matt Stoller (@matthewstoller), X, (July 28, 2025, at 8:50 P.M.), <https://x.com/matthewstoller/status/1949995811527438819> (referencing a second since-deleted Loomer tweet) (“SCOOP: Now that @ChadMizelle47 has made it clear that he is open for business at the DOJ to the highest bidder, other consultants are now putting price tags on their lobby efforts to influence the DOJ to settle even more cases.”).

¹⁶ Hannah Rabinowitz & David Goldman, *Justice Department Fires Two Senior Antitrust Attorneys, Alleging Insubordination*, CNN (July 29, 2025), <https://www.cnn.com/2025/07/29/politics/justice-department-fires-two-senior-antitrust-attorneys>.

¹⁷ *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> (quoting the Tunney Act, Pub. L. No. 93-528, §16(g), 88 Stat. 1706 (1974)).

¹⁸ *Id.*

¹⁹ Joseph G. Krauss, et al., *The Tunney Act: A House Still Standing*, THE ANTITRUST SOURCE at 2 (June 2007),

and to avoid an appearance of impropriety.²⁰ HPE's and Juniper's 16(g) filings never mentioned communications with Mr. Schwartz, despite reporting that he had been advocating on their behalf and raising questions about whether these mandatory filings were deficient.²¹

The foundation of our economy must be free and fair competition. The Trump Administration appears to be ignoring the advice of its own antitrust subject matter experts, selectively enforcing antitrust laws to favor its own friends and associates, forcing out longtime career attorneys for disagreements about the handling of a case, and ceding the decision to lobbyists whose involvement defendants may not have fully disclosed in direct violation of federal law. Such practices are not only potentially illegal and harmful for consumers, but they also undermine the entire antitrust framework and erode trust in our legal system. The harms associated with the failure to enforce the antitrust laws without fear or favor—including higher prices, reduced competition, and less innovation—are ultimately borne by consumers and workers alike. The American people deserve better than this collapse into corruption and plutocracy.

In light of the foregoing, please provide the following information and documents as soon as possible, but no later than 5:00 p.m. on August 15, 2025.

1. All documents and communications between HPE, Juniper, or their representatives or agents, and employees of the DOJ, that mention or otherwise concern the acquisition of Juniper by HPE;
2. All documents and communications between employees at the White House and the DOJ that mention or otherwise concern the acquisition of Juniper by HPE;
3. Between January 30, 2025, through the present, all documents and communications between the DOJ and Arthur Schwartz or Mike Davis;
4. Between January 30, 2025, through the present, provide a list of all matters for which Arthur Schwartz represented entities before the DOJ.

https://www.hoganlovells.com/~media/hogan-lovells/pdf/publication/tunneyact_pdf.pdf.

²⁰ As former Senator John V. Tunney would later opine about his namesake legislation, “[t]he disclosure provisions were designed to help ensure that no defendant can ever achieve through political activities what it cannot obtain through legal process. Failure to comply with these provisions raises an inference or, at a minimum, an appearance of impropriety.” Aff. of John V. Tunney ¶ 7, *U.S. v. Microsoft Corp.*, Civil Action No. 98-1232 (CKK) (Jan. 24, 2002), <https://www.justice.gov/sites/default/files/atr/legacy/2007/09/10/mtc-00032065.pdf>.

²¹ *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>; Description and Certification of Written or Oral Communications by Hewlett Packard Enterprise Co. and Juniper Networks, Inc. Concerning the Proposed Final J. at 3, *U.S. v. Hewlett Packard Enter. Co.*, No. 5:25-cv-00951 (N.D. Cal. July 7, 2025).

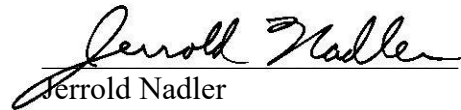
The Honorable Pam Bondi

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Thank you for your prompt attention to this important oversight request.

Sincerely,


Jamie Raskin
Ranking Member


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

cc: The Honorable Jim Jordan, Chairman

The Honorable Scott Fitzgerald, Chairman
Subcommittee on the Administrative State, Regulatory Reform, and Antitrust