

ONE HUNDRED NINETEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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September 8, 2025

Civil Chief  
San Francisco Office  
U.S. Department of Justice  
450 Golden Gate Avenue  
Room 10-0101, Box 36046  
San Francisco, CA 94102

[ATR.Public-Comments-Tunney-Act-MB@usdoj.gov](mailto:ATR.Public-Comments-Tunney-Act-MB@usdoj.gov)

Dear Civil Chief:

On August 1, 2025, we wrote to Attorney General Pam Bondi to express our serious concerns regarding the proposed Final Judgment in the matter of *United States of America v. Hewlett Packard Enterprise Co. and Juniper Networks, Inc.* (Case No. 5:25—CV—00951—PCP). The underlying settlement, which allows the \$14 billion merger of Hewlett Packard Enterprise (HPE) and Juniper Networks, Inc. (Juniper) to move forward, represents an abrupt reversal of the U.S. Department of Justice’s (DOJ) recent decision to *oppose* the merger having deemed it would “eliminate fierce head-to-head competition between the companies, raise prices, reduce innovation, and diminish choice for scores of American businesses and institutions” in violation of federal antitrust laws.<sup>1</sup>

We request that our August 1 letter (attached) and this follow-up letter be considered written comments regarding the proposed Final Judgment for purposes of the Antitrust Procedures and Penalties Act (Tunney Act) and be filed with the Court before it rules on whether the proposed Final Judgment is in the public interest.

We have a number of concerns with the settlement. We are concerned that this settlement does not appear to adequately address the anticompetitive harms alleged in DOJ’s complaint opposing the acquisition in January 2025. The settlement, which requires the divestiture of HPE’s business targeting smaller customers, does not appear to address the competitive concerns

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<sup>1</sup> 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>.

related to larger customers.<sup>2</sup> 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.”<sup>3</sup>

Additionally, based on public reporting, we are concerned that inappropriate and potentially corrupt political considerations guided the settlement rather than a commitment to critical antitrust principles. According to reports, Assistant Attorney General (AAG) for DOJ’s Antitrust Division Abigail Slater opposed the decision to settle, but her recommendation was overridden by senior political appointees at DOJ.<sup>4</sup> It was reported that HPE hired lobbyists Mike Davis and Arthur Schwartz, close allies of the White House, to help “short-circuit the antitrust division’s case.”<sup>5</sup> 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 advocacy organizations with connections to the Trump Administration.<sup>6</sup> Mr. Schwartz is reportedly a “close confidante of Vice President JD Vance.”<sup>7</sup>

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.”<sup>8</sup> 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 [sic] division against their will” because he “wants his wife [U.S. District Court Judge] Kat[herine] Mizelle to be appointed to the 11th Circuit.”<sup>9</sup>

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,

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<sup>2</sup> *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/>.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *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>.

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

<sup>8</sup> *Id.*

<sup>9</sup> 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.”).

Principal Deputy Assistant Attorney General Roger Alford and Deputy Assistant Attorney General and Head of Merger Enforcement William Rinner, due to alleged “insubordination.”<sup>10</sup>

A third set of concerns pertains to the apparent failure of the parties to this settlement to comply with the disclosure requirement under Section 16(g) of the Tunney Act. 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.”<sup>11</sup>

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.<sup>12</sup> The Tunney Act, implemented after President Richard Nixon instructed 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 agreements<sup>13</sup> and to avoid an appearance of impropriety.<sup>14</sup> HPE’s and Juniper’s 16(g) filings do not include any communications with Mr. Schwartz despite reporting that he had been advocating on their behalf, raising serious questions about whether these mandatory filings were deficient.<sup>15</sup>

Since our August 1 letter, additional important information has come to light. Former Principal Deputy AAG Alford has publicly accused senior Administration officials of engaging in corrupt efforts in support of HPE and Juniper’s merger. He explained:

[I]t is my opinion that in the HPE/Juniper merger scandal Chad Mizelle and [Associate Attorney General nominee] Stanley Woodward perverted justice and acted inconsistent with the rule of law. I am not given to hyperbole, and I do not say that lightly. As part of the forthcoming Tunney Act proceedings, it would be

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<sup>10</sup> 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>.

<sup>11</sup> *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)).

<sup>12</sup> *Id.*

<sup>13</sup> Joseph G. Krauss, et al., *The Tunney Act: A House Still Standing*, THE ANTITRUST SOURCE at 2 (June 2007), [https://www.hoganlovells.com/~media/hogan-lovells/pdf/publication/tunneyact\\_pdf.pdf](https://www.hoganlovells.com/~media/hogan-lovells/pdf/publication/tunneyact_pdf.pdf).

<sup>14</sup> 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>.

<sup>15</sup> *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).

helpful for the court to clarify the substance and the process by which the settlement was reached. Although the Tunney Act has rarely served its intended purpose, this time the court may demand extensive discovery and examine the surprising truth of what happened. I hope the court blocks the HPE/Juniper merger. If you knew what I knew, you would hope so too. Someday I may have the opportunity to say more....

Others at the DOJ and elsewhere in government consider some parties, counsel, and lobbyists to be on the “same MAGA team” and worthy of special solicitude. They consider others to be “enemies of MAGA” that merit particular disfavor. In my opinion based on regular meetings with him, Chad Mizelle accepts party meetings and makes key decisions depending on whether the request or information comes from a MAGA friend. Aware of this injustice, companies are hiring lawyers and influence peddlers to bolster their MAGA credentials and pervert traditional law enforcement... Mike Davis and Arthur Schwartz have made a Faustian bargain of trading on relationships with powerful people to reportedly earn million-dollar success fees by helping corporations break the rules, and then try to cover it up.<sup>16</sup>

Mr. Alford also suggested in his speech that DOJ raised bogus national security concerns in order to resolve the case “based on political connections, not the legal merits.”<sup>17</sup> As has been reported elsewhere, “in a last-minute effort to save face ... intelligence authorities intervened to rubber-stamp the deal because of national security reasons.”<sup>18</sup> This is despite the fact that the national security claim had “never appeared in any of the Justice Department or HPE’s legal briefs.”<sup>19</sup>

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.<sup>20</sup> It established the judiciary as an “independent” check that DOJ’s antitrust settlements serve the “public interest.”<sup>21</sup> To ensure the judiciary could accomplish this critical goal, Congress codified a variety of administrative tools.<sup>22</sup> The judiciary’s latitude under the Tunney Act is wide—courts can compel testimony from government officials or expert witnesses,<sup>23</sup> appoint special masters or outside consultants,<sup>24</sup> allow participation by amicus curiae,<sup>25</sup> and ultimately take any “action ... [that] the court may

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<sup>16</sup> Roger P. Alford, *The Rule of Law Versus the Rule of Lobbyists*, Remarks before Technology Policy Institute Aspen Forum (Aug. 18, 2025), <https://techpolicyinstitute.org/wp-content/uploads/2025/08/TPI-Aspen-Final.pdf>.

<sup>17</sup> *Id.*

<sup>18</sup> Luke Goldstein, *How Big Tech Powered a Justice Department Coup*, THE LEVER (July 31, 2025), <https://www.levernews.com/how-big-tech-powered-a-justice-department-coup/>.

<sup>19</sup> *Id.*

<sup>20</sup> *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*, 93d Cong. 452 (1973) at 1 (remarks by Sen. John V. Tunney).

<sup>21</sup> *Id.* at 452.

<sup>22</sup> 15 U.S.C. § 16(e).

<sup>23</sup> 15 U.S.C. § 16(f)(1).

<sup>24</sup> 15 U.S.C. § 16(f)(2).

<sup>25</sup> 15 U.S.C. § 16(f)(3).

deem appropriate” when determining if a merger serves the public interest.<sup>26</sup> Recognizing the significant impact of anticompetitive behavior on the American public, the Tunney Act was designed to enable federal courts to independently consider antitrust decisions and avoid “simply rubberstamp[ing]” DOJ findings.<sup>27</sup>

In light of all the foregoing, DOJ should promptly furnish the Court with the following documents:

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

In addition, given the Court’s broad discretion to solicit information when conducting a Tunney Act proceeding, the Court should demand the following documents from the parties:

- All documents and communications between officials at the White House and HPE or Juniper related to HPE’s acquisition of Juniper;
- Between January 30, 2025, through the present, all documents and communications between Arthur Schwartz, Mike Davis, as well as any other lobbyist hired by and advocating on behalf of HPE, and the White House;
- Between January 30, 2025, through the present, a description of all meetings between HPE or Juniper and the White House related to or concerning HPE’s acquisition of Juniper; and
- All invoices submitted by Arthur Schwartz as well as any bills from outside lobbyists or consultants referencing any communications with any officer or employee of the United States in connection with HPE’s acquisition of Juniper.

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<sup>26</sup> 15 U.S.C. § 16(f)(5).


<sup>27</sup> *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*, 93d Cong. 452 (1973) at 196 (remarks by Sen. John V. Tunney).

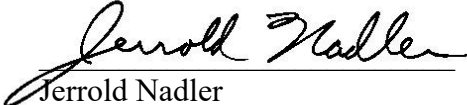
In addition, to fully address concerns of undue influence and corruption, the Court should inquire into the following subjects by demanding relevant documents, requiring testimony under oath, undertaking in camera reviews as necessary, and conducting an evidentiary hearing.

- A full accounting of communications among DOJ, HPE, and Juniper, including dates and locations of interactions, the communications between all employees or representatives for HPE and Juniper and any government officials.
- The circumstances surrounding the drafting of the settlement agreement including who drafted, contributed to or revised the agreement, and who signed or did not sign the agreement, including but not limited to answers to the following questions:
  - What roles did career staff and Antitrust Division appointees play in drafting the settlement agreement?
  - Were there disagreements as to the sufficiency of the settlement or aspects of the settlement which did not address competition issues delineated in the original complaint?
  - Were there disagreements or dissenting views within DOJ to the settlement? Was pressure applied to force individuals to sign the settlement, including through actual or perceived threats of retaliation?
  - Did any government officials decline to sign the settlement? Why were no career attorneys from the Antitrust Division signatories to the agreement as is otherwise common practice?
- The existence of any undisclosed side deals, assurances, or agreements between HPE and Juniper or their agents and senior DOJ officials, the terms of any such side deals, assurances, or agreements, and an explanation why any such deals were not previously disclosed.
- Any actual or apparent conflicts of interest, any evidence of formal or informal inducements regarding personal or professional benefits for DOJ officials involved in the settlement, and any assessment or analysis conducted by DOJ, HPE, or Juniper related to potential conflicts of interest, including any ethics waivers issued.
- Any possible insider trading or conduct that raises suspicions of insider trading, including the sharing of nonpublic information.
- A full accounting of what national security issues were raised, by whom, at what point in the process (both prior to or after DOJ challenged the merger), how did

they affect competition, and whether there was full disclosure of all relevant communications.

Sincerely,

  
Jamie Raskin  
Ranking Member

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

Enclosure

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

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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.<sup>1</sup> 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.”<sup>2</sup> 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.”<sup>3</sup>

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<sup>1</sup> 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>.

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

<sup>3</sup> 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.<sup>4</sup> 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."<sup>5</sup> 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.<sup>6</sup>

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.<sup>7</sup> 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."<sup>8</sup> 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."<sup>9</sup>

According to reports, AAG Slater opposed the decision to settle, but her recommendation was overridden by senior political appointees at DOJ.<sup>10</sup> 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."<sup>11</sup> 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

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acquisition.

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

<sup>5</sup> 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>.

<sup>6</sup> 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).

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

<sup>8</sup> *Id.*

<sup>9</sup> 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](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 Nysten & 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).

<sup>10</sup> *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/>.

<sup>11</sup> *Id.*

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

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.”<sup>14</sup> 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.”<sup>15</sup> 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.”<sup>16</sup>

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.”<sup>17</sup> 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.<sup>18</sup> 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 agreements<sup>19</sup>

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<sup>12</sup> *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>.

<sup>13</sup> *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/>.

<sup>14</sup> *Id.*

<sup>15</sup> 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.”).

<sup>16</sup> 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>.

<sup>17</sup> *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)).

<sup>18</sup> *Id.*

<sup>19</sup> 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.<sup>20</sup> 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.<sup>21</sup>

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.

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[https://www.hoganlovells.com/~media/hogan-lovells/pdf/publication/tunneyact\\_pdf.pdf](https://www.hoganlovells.com/~media/hogan-lovells/pdf/publication/tunneyact_pdf.pdf).

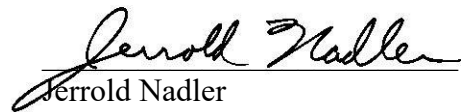
<sup>20</sup> As former Senator John V. Tunney would later opine about his namesake legislation, “[t]he disclosure provisions were designed to help ensure that no defendant can ever achieve through political activities what it cannot obtain through legal process. Failure to comply with these provisions 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>.

<sup>21</sup> *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).

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