



August 1, 2025

The Honorable William Blier
Acting Inspector General of the United States
U.S. Department of Justice
Office of the Inspector General
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Inspector General Blier,

We write to urge you to investigate the circumstances surrounding the U.S. Department of Justice's (DOJ) proposed settlement of its lawsuit challenging Hewlett Packard Enterprise Co.'s (HPE) acquisition of Juniper Networks, Inc. (Juniper), including the recent termination of two senior officials in its Antitrust Division. The DOJ's choice to settle this lawsuit, reportedly over the objections of the Antitrust Division and despite the fact that the settlement does not appear to address the competition concerns presented by the DOJ's own complaint, raises significant concerns that the deal was motivated by improper business and political considerations.

On January 30, 2025, the Antitrust Division filed a lawsuit challenging HPE's \$14 billion acquisition of Juniper.¹ The lawsuit identified several areas of concern, notably, that the merger would result in just two companies—HPE, including Juniper, and market leader Cisco—controlling over 70 percent of the entire United States market.² But on June 28, 2025, only 11 days before the case was set to go to trial, the DOJ abruptly announced that it had reached a settlement to resolve its challenge.³

Since then, it has become clear that the proposed settlement fails to address the concerns DOJ identified in its January 30 lawsuit and that the settlement may have been agreed to over the objections of key members of the Antitrust Division. *First*, HPE's main concession under the settlement agreement is the divestment of its HPE Instant On business.⁴ However, Instant On is a more simplified product line that caters to small- and medium-sized businesses, while DOJ's

¹ U.S. Department of Justice, "Justice Department Sues to Block Hewlett Packard Enterprise's Proposed \$14 Billion Acquisition of Rival Wireless Networking Technology Provider Juniper Networks," press release, January 30, 2025, <https://www.justice.gov/opa/pr/justice-department-sues-block-hewlett-packard-enterprises-proposed-14-billionacquisition>.

² U.S. v. Hewlett Packard Enterprise and Juniper Networks, (N.D. Cal., 2025), Complaint, p. 3, <https://www.justice.gov/atr/media/1406591/dl?inline>.

³ Law360, "DOJ OKs \$14B HPE-Juniper Deal with Small-Biz WiFi Unit Sale," June 28, 2025, <https://www.law360.com/articles/2358863>.

⁴ The Capitol Forum, "HPE/Juniper: As Fight Between DOJ Leadership and Antitrust Division Broils, Tunney Act Proceeding Looms," July 24, 2025, <https://thecapitolforum.com/hpe-juniper-as-fight-between-doj-leadership-and-antitrust-division-broils/>.

lawsuit focused on the anticompetitive impact of the merger on the enterprise businesses market, which serves much larger customers that form a more significant portion of HPE's (and Juniper's) clients.⁵ Indeed, HPE's CEO downplayed the importance of Instant On, calling it "a distinct offering separate from the traditional HPE Aruba platform and Aruba Central" that was "specifically designed to serve ... a small portion of our overall business."⁶ In other words, the divestiture of Instant On does not seem to in any way reduce the risk of enterprise market control posed by HPE's and Juniper's merger, and it is thus unclear how the settlement alleviates DOJ's original duopoly concerns in the enterprise market.

Second, recent reporting has raised troubling questions about undue, outside influence and pressure on the Antitrust Division to settle or end its lawsuit. HPE reportedly hired lobbyists and consultants with close ties to the Trump Administration to force a settlement prior to trial.⁷ These lobbyists include:

- Arthur Schwartz, said to be "a close confidante of Vice President JD Vance" as well as a close advisor of President Trump's son, Donald Trump Jr.⁸
- Mike Davis, a well-connected conservative political operator with relationships to the White House and Trump family.⁹

Though Davis was disclosed as part of HPE's filings under Section 16(g) of the *Tunney Act*, Schwartz and any other outside lobbyists or consultants were not.¹⁰ HPE's hiring of these individuals close to the Trump family has raised concerns that outside political pressure and coercion was applied against the Antitrust Division to end its lawsuit, and that the full scope of HPE's consultants or influence campaign has not been disclosed, as required by law.¹¹

These concerns are heightened by the actions taken by the DOJ during and after settling with HPE. Acting Associate Attorney General Chad Mizelle, who simultaneously serves as Chief of Staff to Attorney General Pam Bondi, reportedly overruled objections from Antitrust Division

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*; Politico, "Jan. 6 panel subpoenas Trump Jr. advisers, Trump speechwriter," Jan. 11, 2022, <https://www.politico.com/news/2022/01/11/jan-6-panel-subpoenas-trump-jr-aides-trump-speechwriter-526916>.

⁹ The Capitol Forum, "HPE/Juniper: As Fight Between DOJ Leadership and Antitrust Division Broils, Tunney Act Proceeding Looms," July 24, 2025, <https://thecapitolforum.com/hpe-juniper-as-fight-between-doj-leadership-and-antitrust-division-broils/>; U.S. v. Hewlett Packard Enterprise and Juniper Networks, (N.D. Cal., 2025), Description And Certification Of Written Or Oral Communications, p. 2, https://appliedantitrust.com/14_merger_litigation/cases_doj/hpe_juniper2025/02_ndcalif/settlement/hpe_ndcalif_settlement_comm_def2025_07_07.pdf; Politico, "Trump's Chief Legal Defender Vows a 'Reign of Terror' — Or Is It All an Act?," Sept. 20, 2024, <https://www.politico.com/news/magazine/2024/09/20/mike-davis-trump-potential-attorney-general-profile-00179358>.

¹⁰ *Id.*

¹¹ Conservative political operators with ties to the Administration have made allegations of a sweeping influence campaign. New York Times, "Are Cracks Appearing in Trump's Antitrust Approach?," July 29, 2025, <https://www.nytimes.com/2025/07/29/business/dealbook/justice-dept-antitrust-slater-loomer.html>.

about the settlement.¹² Notably, no DOJ trial attorneys signed the consent decree documents, a departure from standard.¹³

Shortly after, CBS reported that the Trump Administration was considering removing members of the Antitrust Division to “smooth out the issues” related to DOJ’s enforcement action against HPE and other cases.¹⁴ In particular, the CBS reporting noted tensions between the Antitrust Division and the White House over the hiring of Trump-aligned lobbyists and consultants to influence merger cases.¹⁵ Deputy Attorney General Todd Blanche denied these reports. However, two of the Antitrust Division’s highest officials, Roger P. Alford, the Deputy Assistant Attorney General for Antitrust, and William Rinner, head of merger enforcement, both of whom reportedly opposed the settlement, were placed on administrative leave, before being terminated, nominally for insubordination.¹⁶

We are also concerned by the Department’s apparent violations of the Justice Manual’s policies governing communications with the White House about ongoing civil law enforcement matters.¹⁷ According to the CBS report, the Antitrust Division’s leadership was called into the White House about this ongoing civil enforcement matter. The Department’s own policies prohibit these forms of pressure exerted by the White House on the Department’s civil enforcement discretion, which was entirely inappropriate in this and other cases.¹⁸

In all, these events reflect a concerning pattern of behavior within the DOJ and point to possible politicization of the process by which the DOJ analyzes proposed mergers and acquisitions, as well as undertakes and resolves enforcement actions. We are concerned that, in addition to improper interference in the enforcement of our laws, the full extent and parties involved in this coercive campaign are not known and that other improper conduct could have occurred.¹⁹ As the office charged with ensuring objectivity and independence within the DOJ, the

¹² The Capitol Forum, “HPE/Juniper: As Fight Between DOJ Leadership and Antitrust Division Broils, Tunney Act Proceeding Looms,” July 24, 2025, <https://thecapitolforum.com/hpe-juniper-as-fight-between-doj-leadership-and-antitrust-division-broils/>.

¹³ *Id.*

¹⁴ CBS News, “Tension over antitrust division crops up inside Trump administration, sources say,” July 16, 2025, <https://www.cbsnews.com/news/top-trump-administration-antitrust-official-faces-criticism-over-approach-sources-say/>.

¹⁵ *Id.*

¹⁶ CBS News, “Top DOJ antitrust officials fired as tension grows in a Trump administration monopoly-fighting office,” July 28, 2025, <https://www.cbsnews.com/news/top-doj-antitrust-officials-fired-as-tension-grows-in-a-trump-administration-monopoly-fighting-office/>.

¹⁷ U.S. Dep’t of Just., Just. Manual § 1-8.600 (2021).

¹⁸ *Id.* (“The Assistant Attorneys General, the United States Attorneys, the heads of the investigative agencies, and their subordinates have the primary responsibility to initiate and supervise law enforcement investigations and cases. In order to insulate them from inappropriate influences, initial communications between the Department and the White House concerning pending or contemplated law enforcement investigations or cases will involve only the Attorney General or Deputy Attorney General, and the Counsel or a Deputy Counsel to the President (or the President or Vice President).”)

¹⁹ @unusual_whale, “Alright, I am convinced things are leaking in the DOJ and leaking to Wallstreet ahead of time. Today \$HPE had their settlement with the DOJ announced. \$HPE is up 12%. ON FRIDAY \$HPE HAD THE MOST OTM CALL OPTIONS IN THE LAST 90 DAYS, AND THE MOST AMOUNT OF CALL VOLUME. Someone

Office of the Inspector General is best positioned to oversee the work of both DOJ leadership and its Divisions, and identify any instances of misconduct.

We request that the OIG promptly open an investigation into whether the Office of the Attorney General, the Acting Associate Attorney General, White House personnel, or lobbyists and consultants with ties to the White House sidelined or retaliated against the Antitrust Division in the HPE/Juniper merger or other antitrust enforcement decisions.

Thank you for your prompt attention to this request.

Sincerely,



Richard Blumenthal
United States Senator



Cory A. Booker
United States Senator



Elizabeth Warren
United States Senator



Amy Klobuchar
United States Senator

put \$1.11 million in 9% OTM calls at 11:09AM, and CLOSED THIS MORNING! You can see this clearly on Unusual Whales. This is a blatant example of leaks happening, and isn't the first time we caught this. Over this last year, we exposed numerous tickers and deals where this is happening. Someone always knows, come join our tools at Unusual Whales to help you follow." June 30, 2025, X, https://x.com/unusual_whales/status/1939750029230494049.