

September 5, 2025

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

Dear Attorney General Bondi:

We are deeply concerned about the Department of Justice’s (DOJ) troubling approach to recent antitrust enforcement activity and its challenges to mergers and acquisitions—including the extreme departures from Department process that led to the proposed settlement in Hewlett Packard Enterprise’s (HPE) \$14 billion acquisition of Juniper Networks, Inc. (Juniper). These concerns build upon larger issues with the Trump Administration’s abuse of its regulatory and enforcement authority over anti-competitive practices, mergers, acquisitions, and other potential antitrust enforcement activity to secure partisan victories for President Trump at the expense of lower costs for Americans.

On January 30, 2025, under the Trump Administration, DOJ’s Antitrust Division challenged HPE’s acquisition of Juniper. These two companies, along with another rival, control the majority of the enterprise-grade WLAN solutions market, and DOJ’s challenge alleged that “the proposed acquisition would result in two firms controlling over 70 percent of the relevant market.”¹ However, on June 28, DOJ abruptly proposed a settlement 11 days before trial.² Notably, this proposed settlement does not address the primary concern animating DOJ’s original challenge—market duopoly—and instead only requires HPE to divest its Instant On business, which targets small- and medium-sized businesses, a market that is completely separate from large enterprises.³ There appears to be a post-hoc rationalization that national security interests triggered this settlement, but DOJ’s own proposed settlement does not mention national security.⁴ In fact, DOJ’s Competitive Impact Statement, filed along with the proposed settlement, argued that the merger would hurt American consumers because Huawei Technologies Company is barred from competing for domestic U.S. business for national-security reasons, shrinking the available market.⁵ The disconnect between the settlement and the premise of the suit suggests that the settlement arose for reasons other than law and public interest.

¹ Complaint, *United States v. Hewlett Packard Enter. Co.*, 3:23-cv-00951 at 14* (N.D. Cal. Jan. 30, 2025), ECF No. 1, available at <https://www.justice.gov/atr/media/1406591/dl?inline>.

² Press Release, Dep’t of Justice, Justice Department Requires Divestitures and Licensing Commitments in HPE’s Acquisition of Juniper Networks (Jun. 28, 2025), <https://www.justice.gov/opa/pr/justice-department-requires-divestitures-and-licensing-commitments-hpes-acquisition-juniper>.

³ See *HPE/Juniper: As Fight Between DOJ Leadership and Antitrust Division Broils, Tunney Act Proceeding Looms*, THE CAPITOL FORUM (Jul. 24, 2025), <https://thecapitolforum.com/hpe-juniper-as-fight-between-doj-leadership-and-antitrust-division-broils>.

⁴ See Proposed Settlement, *United States v. Hewlett Packard Enter. Co.*, 5:25-cv-00951 (N.D. Cal. Jun. 27, 2025), ECF No. 217-1, available at <https://www.justice.gov/atr/media/1406596/dl?inline>.

⁵ Competitive Impact Statement, *United States v. Hewlett Packard Enter. Co.*, 5:25-cv-00951 at 5–6* (N.D. Cal. Jun. 27, 2025), ECF No. 217-2, available at <https://www.justice.gov/atr/media/1406601/dl?inline>.

These concerns are only exacerbated by lobbying that reportedly induced this settlement, and which appears to have resulted in senior DOJ leadership sidelining the Antitrust Division. Reportedly, Assistant Attorney General for the Antitrust Division Gail Slater opposed settling this case, but she was overruled by your Chief of Staff Chad Mizelle.⁶ Further reports indicate that after Principal Deputy Assistant Attorney General Roger Alford and Deputy Assistant Attorney General Bill Rinner—Ms. Slater’s then top two officials in the Antitrust Division—did not sign the agreement, they were placed on administrative leave and ultimately terminated for allegedly opposing this settlement.⁷ These actions appear to stem from HPE’s direct lobbying of the White House, an inappropriate pressure campaign that Congress has directly legislated against with the Antitrust Procedures and Penalties Act (also known as the Tunney Act).⁸ HPE only disclosed two lobbyists or consultants—Mike Davis, a Republican activist with ties to President Trump and the White House, and Will Levi, a law firm partner—pursuant to its obligations under the Tunney Act, but reports indicate that HPE also retained Arthur Schwartz, who has strong ties to Vice President Vance and Donald Trump, Jr., in order to secure this settlement.⁹ This lack of transparency, along with the apparent overruling of the subject-matter experts in the Antitrust Division by senior DOJ leadership, signal that DOJ likely handled this case inappropriately. It also calls into question how other enforcement actions will proceed, such as the monopolization suit filed against Live Nation-Ticketmaster last year,¹⁰ now that Live Nation-Ticketmaster has also retained Mike Davis as a lobbyist.¹¹

This troubling development in the Antitrust Division does not appear to be a one-off, but rather part of a larger trend of the Trump Administration abusing its antitrust regulatory and enforcement authority to secure partisan victories for President Trump’s personal benefit. For example, on August 7, DOJ proposed a settlement allowing UnitedHealth’s acquisition of Amedisys Inc. despite executives falsifying information in their filings for the merger application after UnitedHealth hired Brian Ballard, former partner with you and White House Chief of Staff Wiles, to lobby on the company’s behalf.¹² On July 24, the Federal Communications Commission (FCC) approved Skydance Media’s merger with Paramount Global after Paramount Global

⁶ *HPE/Juniper: As Fight Between DOJ Leadership and Antitrust Division Broils, Tunney Act Proceeding Looms*, THE CAPITOL FORUM (Jul. 24, 2025), <https://thecapitolforum.com/hpe-juniper-as-fight-between-doj-leadership-and-antitrust-division-broils> (“Mizelle’s close involvement in the matter is highly unusual—as is the fact that no DOJ trial attorneys signed the resulting consent decree papers.”).

⁷ *Id.*; see also Jacob Rosen & Jennifer Jacobs, *Top DOJ Antitrust Officials Fired as Tension Grows in a Trump Administration Monopoly-Fighting Office*, CBS NEWS (Jul. 28, 2025), <https://www.cbsnews.com/news/top-doj-antitrust-officials-fired-as-tension-grows-in-a-trump-administration-monopoly-fighting-office> (“sources said insubordination was cited in the dismissals”);

⁸ See Ken Dilanian, *DOJ Approval of a Corporate Merger Has Exposed a Rift in the MAGA Movement*, MSNBC (Jul. 31, 2025), <https://www.msnbc.com/msnbc/msnbc/doj-hpe-merger-maga-pam-bondi-laura-loomer-rcna222246>.

⁹ *Id.*

¹⁰ Press Release, Dep’t of Justice, Justice Department Sues Live Nation-Ticketmaster for Monopolizing Markets Across the Live Concert Industry (May 23, 2024), <https://www.justice.gov/archives/opa/pr/justice-department-sues-live-nation-ticketmaster-monopolizing-markets-across-live-concert>.

¹¹ Dave Michaels & Annie Linsky, *MAGA Antitrust Agenda Under Siege by Lobbyists Close to Trump*, WALL ST. J. (Aug. 6, 2025), <https://www.wsj.com/us-news/law/maga-antitrust-agenda-under-siege-by-lobbyists-close-to-trump-18558898>.

¹² Press Release, Dep’t of Justice, Justice Department Requires Broad Divestitures to Resolve Challenge to UnitedHealth’s Acquisition of Amedisys (Aug. 7, 2025), <https://www.justice.gov/opa/pr/justice-department-requires-broad-divestitures-resolve-challenge-unitedhealths-acquisition>; Caitlin Oprysko, *Trump Anoints A New Power Elite on K Street*, POLITICO (Jul. 24, 2025), <https://www.politico.com/news/2025/07/24/trump-lobbying-2025-trade-00462707>.

settled a frivolous lawsuit brought by President Trump for \$16 million. As a further concession, Skydance committed to the FCC that it would conduct a “comprehensive review of CBS” post-merger and establish an ombudsman to evaluate complaints of “bias or other concerns.”¹³ President Trump appears to have confirmed reporting¹⁴ that, as part of a side deal, post-merger Skydance-Paramount will provide \$15-20 million in “public service” advertisements that “support conservatives causes supported by President Trump.”¹⁵ This abuse of the Administration’s antitrust enforcement power is a continuation of President Trump’s weaponization of antitrust laws for political gain. For example, earlier this year, the Federal Trade Commission allowed two major advertising agencies to combine after they agreed to refrain from steering advertising spend away from platforms based on political content—likely pushing advertisers onto Elon Musk’s social media platform “X” despite concerns it could associate their brands with divisive or harmful speech.¹⁶

Mr. Alford recently told the Aspen Forum’s Tech Policy Institute that “corrupt lobbyists with no relevant expertise are perverting actual law enforcement through money, power, relationships, and influence.”¹⁷ He further stated: “Although I am limited in what I can say, it is my opinion that in the HPE/Juniper merger scandal Chad Mizelle and [Senior Counselor to the President] Stanley Woodward perverted justice and acted inconsistent with the rule of law.”¹⁸ Mr. Alford confirmed what had become increasingly clear over the past several months: a disturbing pattern in DOJ’s antitrust enforcement, where officials have established a pay-to-play system that enables corporations to engage in anticompetitive, monopolistic, and anti-consumer practices. This abuse of power and apparent corruption undermine the legitimacy of DOJ and erode its institutional integrity. At a time when millions of Americans are facing real economic hardship, DOJ appears more intent on promoting powerful interests than defending competition, free markets, workers, and families struggling to stay afloat.

Ensuring competitive markets exist is crucial to fostering innovation and driving down prices, and the Administration is currently pursuing several other antitrust matters in order to

¹³ Liam Reilly, *Skydance Pledges to Trump’s FCC It’ll Eliminate DEI, Install ‘Ombudsman’ to Root Out ‘Bias’ at CBS News*, CNN (Jul. 23, 2025), <https://www.cnn.com/2025/07/23/media/skydance-fcc-cbs-news-bias-ombudsman-dei-paramount>.

¹⁴ See Todd Spangler, *Trump Makes Unconfirmed Claim Skydance Will Give Him \$20 Million in ‘Advertising, PSAs or Similar Programming’ After Paramount Merger Goes Through*, VARIETY (JUL. 22, 2025), <https://variety.com/2025/tv/news/trump-unconfirmed-claim-skydance-20-million-advertising-psas-paramount-deal-1236467234>.

¹⁵ Charles Gasparino, *How Secret ‘Side Deal’ Helped Seal Paramount’s \$16M Settlement with Trump – and Here’s Who Deserves the Credit*, N.Y. POST (Jul. 2, 2025), <https://nypost.com/2025/07/02/media/how-secret-side-deal-helped-seal-paramounts-16m-settlement-with-trump>.

¹⁶ See Jody Godoy, *FTC Greenlights Omnicom-Interpublic Deal, Bars Coordination Over Political Content*, REUTERS (Jun. 23, 2025), <https://www.reuters.com/sustainability/boards-policy-regulation/us-ftc-accepts-consent-order-omnicom-interpublic-merger-2025-06-23>; Lauren Hirsch, Benjamin Mullin, Kate Conger & Tiffany Hsu, *F.T.C. May Put Unusual Condition on Ad Mega-Merger: No Boycotting*, N.Y. TIMES (Jun. 12, 2025), <https://www.nytimes.com/2025/06/12/business/ftc-omnicom-interpublic-merger.html>.

¹⁷ Roger P. Alford, “The Rule of Law Versus The Rule of Lobbyists,” (August 18, 2025), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5396537

¹⁸ Id.

pursue these goals.¹⁹ These matters, however, should not be subject to political interference or weaponized as a means to reward the President's political allies and punish his enemies.

To ensure that our antitrust laws are properly enforced, we ask that you provide the following information and materials no later than September 19, 2025.

1. All documents and communications dated or occurring after January 20, 2025, sent from or received by the Department of Justice to or from President Trump, Vice President Vance, Stanley Woodward, or any other White House official relating to the proposed settlement in DOJ's challenge to the HPE-Juniper merger.
2. All documents and communications dated or occurring after January 20, 2025, sent from or received by Assistant Attorney General Slater to or from Chad Mizelle relating to the proposed settlement in DOJ's challenge to the HPE-Juniper merger.
3. All written or oral communications by Arthur Schwartz with any officer or employee of the United States concerning or relevant to the proposed settlement in DOJ's challenge to the HPE-Juniper merger.
4. All written or oral communications by Mike Davis with any officer or employee of the United States concerning or relevant to the HPE-Juniper merger or litigation or other antitrust enforcement activity involving Live Nation or Ticketmaster.
5. The names and titles of all Antitrust Division officials who have worked on DOJ's challenge to the HPE-Juniper merger since January 20, 2025, and have been subsequently placed on administrative leave, reassigned to portfolios outside the Antitrust Division, or subsequently terminated from service at DOJ.
6. All documents and communications dated or occurring after January 20, 2025, sent from or received by the Department of Justice to or from President Trump, Vice President Vance, Stanley Woodward, or any other White House official relating to litigation or other antitrust enforcement activity involving Live Nation or Ticketmaster.
7. All documents and communications dated or occurring after January 20, 2025, sent from or received by the Department of Justice to or from President Trump, Vice President Vance, Stanley Woodward, or any other White House official relating to litigation or other antitrust enforcement activity involving UnitedHealth.

We look forward to your full and timely responses to these questions.

¹⁹ See, e.g., *United States v. Apple, Inc.*, No. 2:24-cv-04055 (D.N.J. filed Mar. 21, 2024); *United States v. Visa, Inc.*, No. 1:24-cv-07214 (S.D.N.Y. filed Sep. 24, 2024); *United States v. Live Nation Ent., Inc.*, No. 1:24-cv-03973 (S.D.N.Y. filed May 23, 2024); *United States v. Agri Stats, Inc.*, No. 0:23-cv-03009 (D. Minn. Filed Sep. 28, 2023); *United States v. RealPage, Inc.*, No. 1:24-cv-00710 (M.D.N.C. filed Aug. 23, 2024); *United States v. UnitedHealth Grp., Inc.*, No. 1:24-cv-03267 (D. Md. Filed Feb. 24, 2022).

Sincerely,



Richard J. Durbin
Ranking Member



Cory A. Booker
United States Senator



Mazie K. Hirono
United States Senator



Peter Welch
United States Senator



Amy Klobuchar
United States Senator



Sheldon Whitehouse
United States Senator



Richard Blumenthal
United States Senator



Alex Padilla
United States Senator



Christopher A. Coons
United States Senator



Adam B. Schiff
United States Senator

cc: The Honorable Charles E. Grassley
Chairman, Senate Committee on the Judiciary