

United States Senate
WASHINGTON, DC 20510

August 1, 2025

Antonio Neri
President and Chief Executive Officer
Hewlett Packard Enterprise Company
1701 E. Mossy Oaks Road
Spring, TX 77389

Dear Mr. Neri,

We write to request information regarding Hewlett Packard Enterprise Co.'s (HPE) hiring of political consultants in an apparent attempt to assert undue influence, if not coercion, against the Department of Justice's (DOJ) Antitrust Division to settle antitrust litigation over its attempted acquisition of Juniper Networks, Inc. (Juniper).

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 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, you downplayed the importance of Instant On, calling it "a distinct offering separate from the traditional HPE Aruba platform and Aruba Central" that was

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/>.

⁵ *Id.*

“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

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 the Antitrust Division about the settlement.¹¹ Notably, no DOJ trial attorneys signed the consent decree documents, a departure from standard.¹²

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.¹³ In particular, the CBS reporting noted tensions between the Antitrust Division and the White House over the hiring of Trump-aligned lobbyists and

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 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/>.

¹² *Id.*

consultants to influence merger cases.¹⁴ 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.¹⁵

HPE's hiring of these consultant close to the Trump family and White House creates the appearance that it sought to use outside political pressure and retaliation against the Antitrust Division to end its lawsuit and reporting suggests that the full scope of HPE's consultants or influence campaign has not been disclosed.¹⁶ Given the disturbing nature of these reports, we request your responses to the following questions by no later than August 13, 2025:

- 1.) Please provide a list of all consultants, advisors, and outside lawyers that were hired, directly or indirectly, by HPE in connection with its attempt to acquire Juniper (including subcontractors or payments through consultants to other individuals or firms), and the purposes and contracts under which HPE hired those individuals.
- 2.) If any parties listed were not disclosed under Section 16(g) of the *Tunney Act*, please provide the reasons for that omission.
- 3.) Please describe the scope and nature of consulting and other services provided to HPE by Arthur Schwartz and Mike Davis.
- 4.) Please describe any discussions that HPE or its consultants had with Administration personnel, aside from the Antitrust Division, regarding the DOJ's lawsuit against HPE.
- 5.) Please describe any discussions that HPE or its consultants had with any members of the Trump family regarding the DOJ's lawsuit against HPE.

¹³ 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/>.

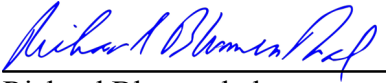
¹⁴ *Id.*

¹⁵ 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/>.

¹⁶ 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>.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in blue ink, reading "Richard Blumenthal", positioned above a horizontal line.

Richard Blumenthal
United States Senator

A handwritten signature in blue ink, reading "Cory A. Booker", positioned above a horizontal line.

Cory A. Booker
United States Senator

A handwritten signature in blue ink, reading "Elizabeth Warren", positioned above a horizontal line.

Elizabeth Warren
United States Senator

A handwritten signature in blue ink, reading "Amy Klobuchar", positioned above a horizontal line.

Amy Klobuchar
United States Senator