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September 4, 2025

The Honorable Mike Lee
Chair
Subcommittee on Antitrust, Competition
Policy, and Consumer Rights
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Cory Booker
Ranking Member
Subcommittee on Antitrust, Competition
Policy, and Consumer Rights
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Scott Fitzgerald
Chair
Subcommittee on the Administrative State,
Regulatory Reform, and Antitrust
Committee on the Judiciary
United States House of Representatives
2138 Rayburn House Building
Washington, D.C. 20515

The Honorable Jerrold Nadler
Ranking Member
Subcommittee on the Administrative State,
Regulatory Reform, and Antitrust
Committee on the Judiciary
United States House of Representatives
2138 Rayburn House Building
Washington, D.C. 20515

**RE: Antitrust Challenge to Hewlett Packard Enterprise Co.'s
Acquisition of Juniper Networks, Inc.**

Dear Chair Lee, Chair Fitzgerald, Ranking Member Booker, and Ranking Member Nadler:

I am writing to express deep concerns regarding the state of merger review at the U.S. Department of Justice Antitrust Division ("Antitrust Division"). Notably, the Antitrust Division's recent settlement of the proposed \$14 billion acquisition of Juniper Networks, Inc. ("Juniper") by Hewlett Packard Enterprise Co. ("HPE") raises important and disturbing questions that warrant investigation.¹

The duty of the Antitrust Division, alongside the U.S. Federal Trade Commission ("FTC"), is to review proposed mergers to ensure they will not harm consumers, undermine competition, or foster monopolies. In particular, the

¹ Rishabh Jaiswal, *US Justice Department settles antitrust case for HPE's \$14 billion takeover of Juniper*, REUTERS (June 30, 2025), <https://www.reuters.com/business/us-doj-settles-antitrust-case-hpes-14-billion-takeover-juniper-2025-06-28/>.

Department's remit in carrying out this responsibility is to enforce the law fairly and consistently—rather than applying it more favorably for some parties than others. To ensure that antitrust cases are not settled unfairly and for problematic reasons, Congress enacted the Tunney Act, calling for judicial review of settlements of antitrust cases to ensure that they are fair and consistent with the “public interest.”²

The Antitrust Division's review of the proposed merger between HPE and Juniper is a troubling development that warrants attention and concern. In a letter to the judge handling the merger, Senators Elizabeth Warren, Amy Klobuchar, Cory Booker, and Richard Blumenthal urged him to hold a hearing to determine whether the settlement approved by Antitrust Division was truly in the public interest,³ warning that several signs suggest the agency approved this multi-billion-dollar deal under political pressure rather than because it resolved the agency's antitrust concerns. Specifically, the last-minute settlement, announced days before trial, does not appear to address the core competition issues that led the Antitrust Division to challenge the merger—namely, the combining of the enterprise-grade WLAN solutions offered by the two companies and the potential creation of a duopoly as to those products.⁴

I am particularly concerned by reports that Antitrust Division staff were subjected to political pressure from consultants and lobbyists with ties to the White House (who were omitted from legally required disclosures) as well as from the chief of staff to Attorney General Pam Bondi and other senior Justice Department leadership.⁵ After Antitrust Division attorneys apparently attempted to push back on the settlement—which, unusually, was signed by Attorney General Bondi's chief of staff, but no Antitrust Division trial attorneys⁶—two senior deputies were reportedly

² 15 U.S.C. § 16(e).

³ Letter from United States Senators Elizabeth Warren, Amy Klobuchar, Cory Booker, and Richard Blumenthal to the Honorable P. Casey Pitts, United States District Court, Northern District of California (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 [hereinafter *Warren Letter*].

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/>, (“The settlement is indeed novel, with its structural centerpiece HPE's commitment to divest its Instant On business. But Instant On is targeted at small and medium-sized businesses (SMB) and isn't an option for the large, 'enterprise-grade WLAN solutions' customers DOJ's complaint alleged the merger would harm[.]”).

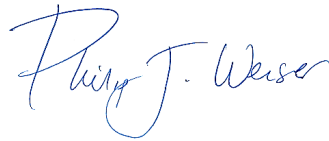
⁵ *Id.*; Warren Letter, *supra* note 3; Jennifer Jacobs and Jacob Rosen, *Tension over antitrust division crops up inside Trump administration, sources say*, CBS NEWS (July 16, 2025), <https://www.cbsnews.com/news/top-trump-administration-antitrust-official-faces-criticism-over-approach-sources-say/>; Jody Godoy and Sarah N. Lynch, *Two US Justice Dept antitrust officials fired over merger controversy, source says*, REUTERS (July 30, 2025), <https://www.reuters.com/legal/litigation/two-us-justice-dept-antitrust-officials-fired-over-merger-controversy-source-2025-07-29/>.

⁶ Capitol Forum, *supra* note 4.

fired for “insubordination.”⁷ Taken together, these circumstances, as the Senators note, “raise concerns regarding whether the settlement advances the interests of the public or a well-connected, well-paid group of insiders.”⁸

I strongly urge your committees to hold hearings to examine this case and to call attention to the importance of protecting impartial and fair merger review by the Antitrust Division. Your committees’ oversight obligations can provide necessary scrutiny to ensure that the Antitrust Division is truly acting according to its statutory duties and in the public’s best interest—and particularly to shed light on the troubling allegations surrounding this merger review. Should you have questions, please feel free to contact me or Brea Hinricks at brea.hinricks@coag.gov. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Phil J. Weiser". The signature is fluid and cursive, with the first name "Phil" and last name "Weiser" clearly legible.

Phil Weiser
Attorney General

⁷ David Goldman and Hannah Rabinowitz, *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>.

⁸ Warren Letter, *supra* note 3.