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Top Justice Department Antitrust Officials Fired Amid Internal Feud

Dismissals come after disagreements over settling case against Hewlett Packard Enterprise, which hired allies of President Trump

By *Dave Michaels* [Follow](#)

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U.S. Attorney General Pam Bondi PHOTO: JOE RAEDLE/GETTY IMAGES

Key Points

What's This? ⓘ

- The Justice Department fired two senior antitrust enforcers after disagreements over their discretion to police mergers.
- The firings followed debate over negotiations to defuse a DOJ lawsuit against Hewlett Packard Enterprise.
- The firings call into question how aggressively the Trump administration plans to enforce the antitrust laws.

WASHINGTON—The Justice Department has fired two of its most senior antitrust enforcers after internal disagreements over how much discretion their division should have to police mergers and other business conduct that threatens competition.

The firings, which came Monday, followed weeks of debate over negotiations to defuse a Justice Department lawsuit against [Hewlett Packard Enterprise](#), a large technology company that [paid \\$14 billion](#) to acquire a major competitor, Juniper Networks. The department settled the suit in June, allowing the deal to close, after weeks of tense talks with HPE and politically connected lawyers it hired to deal with the Trump administration, people familiar with the matter said.

The firings call into question how aggressively the Trump administration [plans to enforce the antitrust laws](#), particularly when there is robust lobbying around a deal. Companies facing antitrust investigations are now eager to hire politically astute consultants and lawyers after witnessing HPE's success, according to several defense lawyers who regularly represent merging companies before the Justice Department.

The fired officials, Roger Alford and William Rinner, had lengthy antitrust experience and served in the department's antitrust division during President Trump's first administration. They rejoined after the Senate confirmed Assistant Attorney General Gail Slater in March to be the department's antitrust chief. Alford, the second-in-command in the antitrust division, is a legal scholar who steered the department's interactions with international competition enforcers during the first Trump term. Rinner was the head of merger enforcement.

The two were put on administrative leave last week, the people familiar with the matter said. They were initially involved in negotiating a settlement with HPE. Slater didn't support the final agreement or the firings, which were seen as a move to weaken her independence, some of the people said.

Part of the feud stemmed from the involvement of outside lawyers hired by HPE who weren't antitrust specialists but were brought in for their connections to administration officials, those people said.



Antitrust experts said the dismissal of the newly appointed officials at the Justice Department was unprecedented. PHOTO: ERIC LEE/GETTY IMAGES

One of them, Mike Davis, has been [friends with Slater](#) for years, having worked together during earlier political battles against bigger Silicon Valley tech companies. Davis, a former Supreme Court law clerk, has also played a major role in helping confirm conservative judges to the federal bench.

Some members of Slater’s team objected to the involvement of lawyers like Davis, who they believed were hired to influence friends or political allies in the administration, some of the people said. Slater stopped speaking with Davis during the settlement talks, they said.

Slater has told top Justice Department officials in recent weeks that she needs discretion to police mergers and that her team shouldn’t be subject to political interference, some of the people familiar with the matter said. Others in the department believed she had an unrealistic expectation of how much deference the antitrust division would have under the Trump administration, which favors cutting deals and says all executive-branch appointees are accountable to the president.

Antitrust experts said the dismissal of the newly appointed officials was unprecedented, even in an administration that has fired thousands of government workers.

“I assume this is intended to say that no dissent or active debate will be tolerated,” said William Kovacic, a former Republican chairman of the Federal Trade Commission, which shares antitrust authority with the Justice Department. “It makes you wonder how long Gail herself can survive.”

The Justice Department [sued HPE in January](#) days after Trump took office, alleging its Juniper deal was anticompetitive because it would merge the second- and third-largest providers of wireless networking equipment for large corporate and university-system customers. HPE argued the deal would be good for the market and for customers.

The settlement required HPE to sell off a part of its business that was marketed to smaller companies and to license some of the technology it acquired. Chad Mizelle, the chief of staff to Attorney General Pam Bondi, agreed with the settlement and pushed it through, the people said.

HPE's sale of that business, known as Instant On, doesn't appear to address the government's concerns about the merger's impact on university campuses, hospital complexes, and large corporate offices, said David Olson, a professor at Boston College Law School. The licensing requirements, tied to technology acquired from Juniper, could make room for competitors to enter that market, he added.

After the agreement was announced, Mizelle touted it as "another key legal victory from the Department of Justice's antitrust division." The department said the outcome was superior to what it could have achieved through litigation.

HPE said in a statement that it is "confident in our ability to execute those remedies within the timeline specified in the agreement."

Four Senate Democrats including Sen. Elizabeth Warren (D., Mass.) this week urged a San Jose federal court to examine whether political considerations played a role in the outcome of the case.

The Justice Department on Tuesday dropped a separate merger challenge it had filed at the end of the Biden administration. The suit targeted the \$570 million tie-up of two business-travel management companies, American Express Global Business Travel and CWT Holdings.

The department alleged in January that the deal would lead to higher prices for companies that use travel-agent services. In its one-paragraph court filing Tuesday, the department said it had voluntarily dismissed the case, without explaining why.

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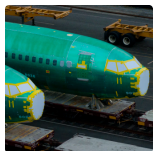
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