

Congress of the United States
Washington, DC 20510

April 6, 2025

VIA EMAIL

Mr. Scott A. Edelman
Chairman
Milbank LLP
55 Hudson Yards
New York, NY 10001

Dear Mr. Edelman:

We write today regarding President Trump’s April 2, 2025 announcement that Milbank LLP (“Milbank”) reached an agreement with President Trump in order to avoid an executive order targeted at your firm. The President’s use of government power to punish and coerce several large law firms for representing clients and hiring lawyers the President dislikes is a blatant violation of the rights guaranteed to all Americans by the First, Fifth, and Sixth Amendments of the United States Constitution. As the Ranking Members of the Senate Permanent Subcommittee on Investigations and House Judiciary Committee, we seek information and records about these troubling decisions.

On April 2, 2025, President Trump announced that his administration and Milbank reached an agreement whereby your firm committed to providing \$100 million in *pro bono* legal services to causes the President supports and acceded to the President’s demands as to your firm’s selection of clients and the employees it chooses to hire, promote, and retain.¹ The President’s statement noted that Milbank “approached” the President about concluding an agreement and that “Milbank is pleased that we were so quickly able to find common ground.”² In the weeks preceding Milbank’s agreement, President Trump issued four separate executive orders targeting several of Milbank’s peer law firms by directing the termination of security clearances held by law firm personnel, prohibiting them from entering federal government buildings, and terminating government contracts held by the firms’ clients.³ Faced with the possibility that President Trump might levy similar sanctions against Milbank, you reportedly stated that “[w]ith this agreement, we believe we have gone a long way to putting these issues behind us.”⁴

The President’s executive orders targeting law firms are part of a broader effort by President Trump to use the powers of the presidency to intimidate and silence his perceived enemies. The Courts that have considered these vendetta orders to date have universally ruled against them and noted that they violate the First Amendment right to free speech as they are

¹ See Donald J. Trump (@realDonaldTrump), Truth Social (Apr. 2, 2024 2:05 P.M.).

² *Id.*

³ See *As Firms Sue to Stop Trump’s Executive Orders, a Split Emerges in Big Law*, N.Y. TIMES (March 28, 2025), <https://www.nytimes.com/2025/03/28/business/jenner-block-wilmer-hale-trump-lawsuit.html>.

⁴ *Milbank reaches deal with Trump as divide among law firms deepens*, REUTERS (Apr. 2, 2025), <https://www.reuters.com/world/us/trump-reaches-agreement-with-milbank-law-firm-2025-04-02/>.

plainly “retaliatory action” meant to “chill[] speech and legal advocacy,”⁵ and that they violate the right to counsel guaranteed by the Fifth Amendment and the Sixth Amendment by banning the targeted firms’ lawyers from federal buildings and terminating their clients’ government contracts.⁶ Indeed, by seeking to intimidate attorneys and prevent them from advocating on behalf of clients and causes at odds with the President, the orders “cast[] a chilling harm of blizzard proportion across the entire legal profession.”⁷

Beyond their specific constitutional infirmities, these executive orders are an open attack on the rule of law, which guarantees the equality of all citizens before the law and prevents the vindictive and arbitrary abuse of government power. These executive orders seek to impose harsh penalties on lawyers for the causes and clients they represent. This express form of viewpoint discrimination—a classic violation of First Amendment rights—runs counter to American values that have been the bedrock of our democracy and the legal profession since the founding era, when lawyer and later President John Adams defended British soldiers accused of participating in the Boston Massacre.⁸ Like so many attorneys since then, Adams did not shrink from taking on unpopular clients and defending them against the government’s prosecution because he “firmly believed that everyone had the right to a lawyer and a fair trial, so he willingly agreed to represent the soldiers even if it meant risking his reputation.”⁹ The same basic principles of fairness and the best defense for all are still cherished by the legal profession and constitutional patriots today.¹⁰

As far as we can tell from public reports, these executive orders have turned into an illegal shakedown of the legal profession.

Milbank’s agreement with President Trump raises the troubling prospect that the President has successfully and unlawfully coerced your law firm into spending \$100 million in law firm resources to support his pet issues, making statements that support his agenda, and reversing firm policies he disagrees with. If every law firm targeted by the President were to accede to his unlawful demands, the resulting threat to Americans’ constitutional protections would erode our democratic values and cherished civil liberties, as well as cost the legal profession dearly and for

⁵ M. Order, ECF No. 10, *Wilmer Cutler Pickering Hale and Dorr LLP v. Executive Office of the President*, Case No. 1:25-cv-00917-RJL (D.D.C March 28, 2025).

⁶ See, e.g., *Trump Order Targeting Perkins Coie Is 'Affront to the Constitution,' Suit Says; Judge Sees 'Chilling Harm of Blizzard Proportions'*, ABA JOURNAL (March 13, 2025), <https://www.abajournal.com/web/article/trump-order-targeting-perkins-coie-is-an-affront-to-the-constitution-law-firm-says-in-lawsuit>.

⁷ *Id.*

⁸ Boston Massacre Trial, Nat’l Parks Service, <https://www.nps.gov/articles/000/boston-massacre-trial.htm> (last visited Apr. 6, 2025).

⁹ *Id.* In his own words, John Adams reflected on his representation, in part noting “every Lawyer must hold himself responsible not only to his Country, but to the highest and most infallible of all Trybunals for the Part he should Act.” *Id.*

¹⁰ See Associates Open Letter to Big Law Firms, https://docs.google.com/document/d/18ojmZhk6XmYM_gQJh11KAhDecdcerly9EvmxJu8A5rI/edit?tab=t.0 (last visited Apr. 5, 2025) (“As attorneys, our work often requires that we represent clients and interests that may not align with our own beliefs. Our system is predicated on the idea that everyone is entitled to zealous representation. Our duty as lawyers to conscientiously pursue our clients’ interests, regardless of whether we personally agree with those interests, is a bedrock principle within the legal profession.”).

many years to come.¹¹ Indeed, the American Bar Association’s Model Rules of Professional Conduct state that it is professional misconduct for a lawyer to “engage in conduct that is prejudicial to the administration of justice.”¹²

The American people and Congress deserve transparency with respect to the President’s ongoing assault on constitutional rights and the rule of law. Accordingly, please provide the following information to the House Judiciary Committee and the Permanent Subcommittee on Investigations by April 14, 2025:

1. Please describe in detail the circumstances surrounding your April 2, 2025, agreement with President Trump.
 - a. Who facilitated your April 2, 2025 agreement with President Trump?
 - b. Did Milbank representatives meet with President Trump or members of his administration?
 - i. *If so*, describe in detail who participated in the meeting(s), when and where they took place, and what was discussed.
 - c. Did you acknowledge any wrongdoing for representing causes President Trump finds objectionable?
 - d. To what extent did you or other Milbank attorneys seek or receive any ethical guidance surrounding the prospect of concluding a deal with President Trump, including from any state, federal, or other bar association?
2. What were the specific terms of the deal Milbank agreed to with President Trump?
 - a. Does President Trump’s April 2, 2025 social media statement accurately reflect the terms of your deal?¹³
 - b. Please detail all client relationships Milbank has chosen to end from April 2 to the present.
3. Please explain your firm’s interaction with any other law firms as you considered whether and how to reach an agreement with President Trump.
 - a. Did any law firms offer to support you in a challenge to President Trump’s anticipated executive order targeting Milbank? Please detail which firms and what they offered to do in support.
 - b. Did any law firms explicitly decline to support you? Please detail which firms and the nature of their decision to not offer support.

In addition, please provide the House Judiciary Committee and the Permanent Subcommittee on Investigations with the following records¹⁴ by April 14, 2025, and any subsequently produced records responsive to these requests on a bi-weekly basis thereafter:

¹¹ See AM. BAR. ASS’N, MODEL RULES OF PRO. CONDUCT, Preamble (“a lawyer should further the public’s understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority.”).

¹² *Id.* at Rule 8.4(d).

¹³ See Donald J. Trump (@realDonaldTrump) *supra*, note 1.

¹⁴ For purposes of this request, “records” include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically-created or stored information), direct messages, chats, calendar entries, inter-office communications,

1. All records referring or relating to any executive order threatened by President Trump against Milbank and Milbank's efforts to negotiate an agreement with President Trump, including but not limited to:
 - a. Any communications¹⁵ regarding any threatened executive order or any proposed agreement;
 - b. Any communications with any officials in the Trump Administration from March 1, 2025 to the present regarding any threatened executive order and any proposed agreement; and
 - c. Draft records constituting or related to any proposed agreement between President Trump and Milbank.

Please contact the House Judiciary Committee and the Permanent Subcommittee on Investigations should you have any questions about responding to these requests. Thank you for your attention to this matter.

Sincerely,



Richard Blumenthal
Ranking Member
Senate Permanent Subcommittee on
Investigations



Jamie Raskin
Ranking Member
House Committee on the Judiciary

cc: The Honorable Ron Johnson
Chairman
Senate Permanent Subcommittee on Investigations

The Honorable Jim Jordan
Chairman
House Committee on the Judiciary

meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

¹⁵ For purposes of this request, "communications" include any records, as defined above, transmitted in any way between two or more individuals or entities.