

Congress of the United States
Washington, DC 20510

April 18, 2025

VIA EMAIL

Alden Millard
Chair of the Executive Committee
Simpson Thacher & Bartlett LLP
425 Lexington Avenue
New York, NY 10017

Dear Mr. Millard:

We write today regarding President Trump’s April 11, 2025 announcement that Simpson Thacher & Bartlett LLP (“Simpson Thacher”) reached an agreement with President Trump in order to avoid executive orders targeted at your firm and resolve federal discrimination probes against your firm. Your capitulation puts you in the distasteful company of several other large law firms who have decided to permit President Trump to suppress their speech and dictate who they can and cannot take as clients in blatant violation of the rights guaranteed to all Americans by the First, Fifth, and Sixth Amendments of the United States Constitution. As we did on April 6¹ with respect to firms that had reached earlier agreements, we write to seek information and records about this troubling agreement as the Ranking Members of the Senate Permanent Subcommittee on Investigations and House Judiciary Committee.

On April 11, 2025, the White House issued a statement that President Trump had entered into an agreement with your firm and that your firm has “affirmed [its] strong commitment to ending the Weaponization of the Justice System and the Legal Profession.”² As part of this agreement, your firm has committed at least \$125 million in *pro bono* legal services for causes President Trump advocates for and acceded to the President’s demands that you disengage from diversity, equity, and inclusion hiring practices.³ As a result, the Equal Employment Opportunity Commission will withdraw its probe issued to your firm on March 17, 2025, and will not pursue any claims against you.⁴

In the weeks preceding Simpson Thacher’s agreement, President Trump issued no less than five separate executive orders and one memorandum targeting several of Simpson Thacher’s peer law firms and personnel by directing the termination of security clearances held

¹ Letter from Richard Blumenthal, Ranking Member, S. Permanent Subcomm. on Investigations, and Jamie Raskin, Ranking Member, H. Comm. on the Judiciary, to Kirkland & Ellis LLP (Apr. 6, 2025), available at: <https://www.hsgac.senate.gov/wp-content/uploads/2025-4-6-Blumenthal-Raskin-Letter-to-Kirkland-Ellis.pdf>.

² Chris Opfer, *Five Major Law Firms Cut \$600 Million Deals with Trump (3)*, Bloomberg Law, (Apr. 11, 2025), available at: <https://news.bloomberglaw.com/business-and-practice/five-major-law-firms-cut-600-million-deals-with-trump-1>.

³ See Donald J. Trump (@realDonaldTrump), Truth Social (Apr. 11, 2025 12:21 P.M.)

⁴ *Id.*

by law firm personnel, prohibiting them from entering federal government buildings, and terminating government contracts held by the firms' clients.⁵

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 plainly "retaliatory action" meant to "chill[] speech and legal advocacy,"⁶ 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.⁷ 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."⁸

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.⁹ 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."¹⁰ The same basic principles of fairness and the best defense for all are still cherished by the legal profession and constitutional patriots today.¹¹

⁵ See E.O. 14250, 90 C.F.R. 14549 (2025); E.O. 14246, 90 C.F.R. 13997 (2025); E.O. 14237, 90 C.F.R. 13039 (2025); E.O. 14230, 90 C.F.R. 11781 (2025); Executive Order "Addressing Risks from Susman Godfrey", (Apr. 9, 2025), available at <https://www.whitehouse.gov/presidential-actions/2025/04/addressing-risks-from-susman-godfrey/>; Presidential Memorandum, "Suspension of Security Clearances and Evaluation of Government Contracts" (Feb. 25, 2025), available at: <https://www.whitehouse.gov/presidential-actions/2025/02/suspension-of-security-clearances-and-evaluation-of-government-contracts/>.

⁶ 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).

⁷ 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>.

⁸ *Id.*

⁹ Boston Massacre Trial, Nat'l Parks Service, <https://www.nps.gov/articles/000/boston-massacre-trial.htm> (last visited Apr. 6, 2025).

¹⁰ *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.*

¹¹ 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.

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

Your agreement makes you complicit in efforts to undermine the rule of law and to turn private attorneys into President Trump's personal law firm, ready to do whatever he decides. This is not a hypothetical concern. Just last week, immediately before you acceded to the President's demands, President Trump said that he would ask law firms who have entered into agreements with the White House to help with pending trade negotiations and to work with coal companies on leasing and other matters.¹² 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 many years to come.¹³ 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."¹⁴

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 28, 2025:

1. Please describe in detail the circumstances surrounding your April 11, 2025, agreement with President Trump.
 - a. Who facilitated your April 11, 2025, agreement with President Trump?
 - b. Did Simpson Thacher 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 Simpson Thacher 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 Simpson Thacher agreed to with President Trump?
 - a. Does President Trump's April 11, 2025, social media statement accurately

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.").

¹² See Roy Strom, *Trump Says He'll Enlist Big Law Dealmakers for Coal, Tariffs*, Bloomberg Law, (Apr. 8, 2025), available at: <https://news.bloomberglaw.com/business-and-practice/trump-says-hell-enlist-big-law-dealmakers-for-coal-tariffs>.

¹³ 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.").

¹⁴ *Id.* at Rule 8.4(d).

- reflect the terms of your deal?¹⁵
- b. Please detail all client relationships Simpson Thacher has chosen to end from April 11, 2025, 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 any possible executive order by President Trump targeting Simpson Thacher?
 - b. Please detail which firms and what they offered to do in support.
 - c. 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 Senate Permanent Subcommittee on Investigations with the following records¹⁶ by April 28, 2025, and any subsequently produced records responsive to these requests on a bi-weekly basis thereafter:

1. All records referring or relating to any executive order threatened by President Trump, against Simpson Thacher and Simpson Thacher's efforts to negotiate an agreement with President Trump, including but not limited to:
 - a. Any communications 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 Simpson Thacher.
2. A detailed description of all requests for pro bono services you have received from the White House or any executive branch agency since entering into an agreement with the White House, including the nature of such request, the identity of the individual requesting the services, and the services your firm has agreed to provide.
3. All correspondence with the White House or any executive branch agency regarding the use of any pro bono services by your firm for trade negotiations, coal leases, or any other services provided to or on behalf of the federal government.

¹⁵ See Donald J. Trump (@realDonaldTrump), *supra* note 3.

¹⁶ 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, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

Mr. Alden Millard
April 18, 2025
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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