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June 6, 2023

By E-mail

Confidential Treatment Requested

The Honorable Charles E. Grassley
Ranking Member
Committee on the Budget
United States Senate
624 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Grassley:

I am writing on behalf of Wilmer Cutler Pickering Hale and Dorr LLP (“WilmerHale”) and Boyd Johnson in response to your May 24, 2023, letter.

As I explained in my May 5, 2023, letter, the contract between the Drug Enforcement Administration (“DEA”) and WilmerHale prohibits WilmerHale from disclosing “[a]ll documents produced in the performance of this contract” and “[a]ny DOJ information made available . . . under [the] contract.” As I also explained in my May 5 letter, DEA “notified WilmerHale that it does not consent to the release of such material.” Therefore, WilmerHale is not permitted as a matter of contract to provide you with the materials you have requested.

WilmerHale had an attorney-client relationship with DEA in connection with the preparation of the “Report on the Drug Enforcement Administration Foreign Operations Review” (the “Report”). Accordingly, I as indicated in my May 5 letter, WilmerHale is also bound by Rule of Professional Conduct 1.6 not to disclose client confidential information without DEA’s consent, which, as noted above, DEA has not provided.

In my May 5 letter I explained that, before the final Report was delivered on March 23, 2023, “[d]rafts of the Report were provided to DEA, which provided updated information and made organizational suggestions.” We received input from senior DEA managers, including Principal Deputy Administrator Louis Milione, that helped clarify our understanding of certain challenges inherent in DEA’s foreign operations, identified steps DEA was in the process of taking in response to recommendations from the United States Department of Justice Office of Inspector General, and assisted in ensuring the accuracy of statements of fact in the Report.

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In further response to your May 24 letter, Mr. Johnson has no firsthand knowledge concerning a “friendship or personal connection” between Administrator Milgram and Mr. Lawn.

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We respectfully request that this letter, which contains sensitive information, be kept confidential by your office. In the event that a determination is made to publish or otherwise disclose this letter, we ask that your staff provide WilmerHale with reasonable notice and an opportunity to be heard. Such treatment would be consistent with the respect for sensitive information your office has shown in the past.

If you have any questions, please contact me.

Sincerely yours,



Bruce M. Berman