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**United States Senate**  
COMMITTEE ON BANKING, HOUSING, AND  
URBAN AFFAIRS

WASHINGTON, DC 20510-6075

June 20, 2020

The Honorable Jay Clayton  
Chair  
Securities and Exchange Commission  
100 F Street, NE  
Washington, DC 20549

Dear Chair Clayton:

I write regarding Attorney General William Barr's disturbing actions to remove the sitting U.S. Attorney for the Southern District of New York, and the announcement that you will be the replacement. These steps appear to be an effort to impede purportedly significant ongoing investigations into allies of the Trump Administration.

Attorney General Barr's action to oust U.S. Attorney Geoffrey Berman continues this Administration's practice of silencing anyone who tries to hold it accountable for its corrupt behavior. Mr. Berman has faithfully served in this office. It is my understanding that under his leadership, the U.S. Attorney's office is, at a minimum, conducting significant investigations into Deutsche Bank, a major lender to the President's businesses, Rudolph Giuliani, former counsel to the President, and the late Jeffrey Epstein. It is unconscionable that Attorney General Barr would interfere with Mr. Berman's work, or push for your nomination in what appears to be an effort to obstruct ongoing investigations.

So that I can better understand your awareness of, and involvement in, Attorney General Barr's decision on June 19, 2020, to announce the resignation of U.S. Attorney Geoffrey Berman without his knowledge, and then to fire him today, please respond to the following questions by Wednesday, June 24.

1. On what date were you contacted by Attorney General Barr, the White House, or other Administration official about whether you would be interested in this U.S. Attorney position? Who contacted you? How was the upcoming vacancy described to you?
2. What were you told by the Attorney General about U.S. Attorney Berman's decision to "resign"?
3. On what date did you accept this nomination from the Trump Administration?
4. At any point during your tenure as the Chair of the Securities and Exchange Commission, were you consulted by the Attorney General or the White House regarding the U.S. Attorney for the Southern District of New York's investigations into the Trump Administration or its allies? If so on what date(s)?

5. Please identify whether you represented any person or entity currently under investigation by the U.S. Attorney for the Southern District of New York when you were at Sullivan & Cromwell LLP. To the best of your knowledge, does Sullivan & Cromwell LLP currently represent any person or entity under investigation by the U.S. Attorney for the Southern District of New York?
6. Did you consider whether accepting this nomination would have an impact on the ongoing work of the Securities and Exchange Commission?

Under these circumstances, you should withdraw from consideration for this post to avoid further entanglement in Attorney General Barr's flagrant effort to interfere with the work of the dedicated prosecutors and public servants in the office of the U.S. Attorney for the Southern District of New York. Your involvement in another attempt by this Administration to obstruct justice will undermine the Securities and Exchange Commission and your position as Chair. I look forward to your response.

Sincerely,



Sherrod Brown  
Ranking Member