

Congress of the United States
Washington, DC 20515

August 20, 2019

Attorney General William P. Barr
The Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

Dear Attorney General Barr,

We write to you today because we are concerned about the Department of Justice's involvement in recent Brazilian judicial proceedings that have generated significant controversy and could destabilize the country's democracy.

The Department of Justice (DOJ) has always played an important role in fighting transnational crime, strengthening and modernizing judicial systems around the globe. Through trainings, technical assistance, and information sharing, the DOJ has helped make foreign law enforcement programs more effective, transparent, and accountable to ordinary citizens.

While we recognize DOJ's integral work with international judicial systems, we do want to ensure that DOJ's activities in Brazil haven't abetted any form of misconduct on the part of Brazilian judicial agents or supported judicial proceedings that violate basic legal ethics and standards. We would like to address a few questions to you and your staff.

DOJ agents reportedly provided support to prosecutors involved in the Lava Jato, or "Car Wash", anti-corruption operation launched in March of 2014. Although this operation exposed a vast corruption scheme involving numerous Brazilian politicians and private sector actors, there are a number of significant indications that irregularities and bias have corrupted the operation.

We are particularly disturbed by recent media reports regarding leaked communications that reveal close collaboration between Brazilian federal court Judge Sérgio Moro and senior prosecutors of the Lava Jato operation. Most concerning are reports of collusive actions aimed at building a case against former President Lula, based on weak evidence that prosecutors believed to be insufficient for a conviction. These reports appear to confirm that the actions of both Judge Moro and the Lava Jato prosecutors have been motivated by a political agenda that seeks to undermine the electoral prospects of Brazil's Worker's Party.

Strategic collaborations between judges and prosecutors in politically charged judicial activities are, at the very least, flagrant violations of basic judicial ethics. At worst, they are a tragic erosion of democracy. Judge Moro convicted former President Lula to a nearly 10-year prison sentence based on unsubstantiated corruption charges. He is currently serving time and was prevented from running in last year's presidential election—even though he was the leading candidate in the polls. It should be of significant concern to DOJ that the former president was not granted an impartial trial. It is also concerning that the current president, Jair Bolsonaro, appointed Judge Moro to

Minister of Justice - a move that many observers saw as an expression of gratitude for helping Bolsonaro win the elections by keeping Lula off the ballot.

While we are generally reluctant to meddle with judicial proceedings in other countries, these proceedings become our concern the moment our government provides support to them, whether directly or indirectly. Therefore, we would appreciate a prompt response to the following queries:

- What criteria must be met for DOJ to support any particular set of judicial agents or investigations in Brazil and other countries?
 - Do DOJ agents ensure that certain legal standards are met by the foreign judicial agents and entities with which they work, and if so, what are they?
- Describe the involvement of DOJ in the Lava Jato operation. What led DOJ to work on these particular investigations?
 - What forms of support did DOJ provide, or is DOJ still providing, to Brazilian judicial agents involved in the operation?
- Has DOJ supported the investigation of Brazilian and international financial institutions involved in the Lava Jato investigations? What explanation is there for the fact that few, if any, executives from financial institutions have been prosecuted during the Lava Jato operation, despite the hundreds of millions of dollars of illicit gains that have reportedly been laundered?
- Describe the full extent of DOJ's engagement with Judge Sergio Moro, including all technical support, information sharing, and any support provided by DOJ contractors.
- Describe the full extent of DOJ's engagement with prosecutors and all other judicial personnel involved in the Lava Jato Task Force, including all technical support, information sharing, and any support provided by DOJ contractors.
- Were DOJ agents aware of collusive actions involving Judge Moro and Lava Jato prosecutors, or of any other instances of unethical conduct by these individuals?
- Did DOJ agents or contractors continue engaging with Judge Moro following clear instances of his misconduct, such as the illegal wiretapping of a private conversation between former President Lula with then President Dilma Rousseff in early 2016?
- Did DOJ provide assistance with the collection or analysis of evidence compiled by the Lava Jato Task Force and Judge Moro for President Lula's case?
- Did DOJ agents ever engage with Judge Moro, his staff, or with personnel involved with the Lava Jato Task Force through unofficial channels?

Thank you for your careful attention to this matter. We respectfully request a response by September 30, 2019.

Sincerely,



HENRY C. "HANK" JOHNSON, JR.
Member of Congress



RAUL GRIJALVA
Member of Congress



JARED HUFFMAN
Member of Congress



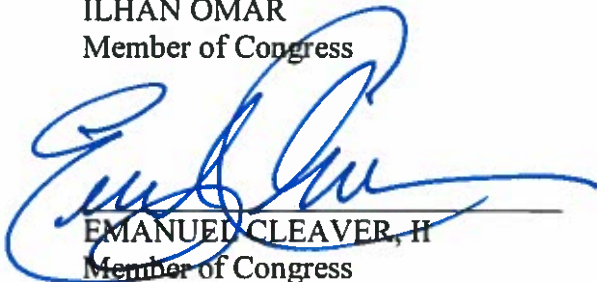
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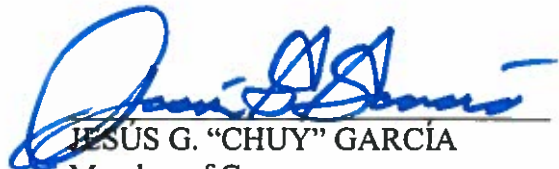
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