

Congress of the United States
House of Representatives
Washington, DC 20515-1004

June 7, 2021

The Honorable Merrick Garland
Attorney General of the United States
The Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

Cc: Joe Gaeta, Deputy Assistant Attorney General

Dear Attorney General Garland,

We write you today to follow up on [a letter](#) was sent to U.S. Attorney General William P. Barr on August 20, 2019. That correspondence is included as a separate attachment. We wrote at the time because we were concerned about [reports](#) regarding the involvement of agents of the United States Department of Justice (DOJ) in recent Brazilian prosecutorial and judicial proceedings which have generated substantial controversy and are perceived by many in Brazil as a threat to democracy and rule of law in that country. This issue is still of concern to us today.

Regrettably, we did not receive a substantive response from Attorney General Barr to the questions we raised at the time. Given your demonstrated commitment to government transparency, rule of law and impartial justice in both the United States and throughout the world, we trust that you will respond to our earlier inquiries with more detail and substance.

Since August of 2019, there have been important developments in Brazil. In March of this year, the Brazilian Supreme Federal Court (STF) [annulled](#) the outstanding convictions against former President Luiz Inácio Lula da Silva, also known as President Lula. These convictions resulted from a Brazilian prosecutorial and judicial process, also known as the Lava Jato operation, that raised serious questions about impartial justice and due process in the former President's case.

As a matter of fact, the Brazilian STF [concluded](#) last month that the former federal criminal judge from Curitiba, Sergio Moro, had violated due process with his partial and biased convictions rendered against President Lula. As we stated in our letter of August 2019, "it is also concerning that the current president, Jair Bolsonaro, appointed Judge Moro to be 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." As of today, Sergio Moro is no longer serving as Justice Minister and the annulment of Lula's convictions makes Lula eligible to run in presidential elections slated for October 2022.

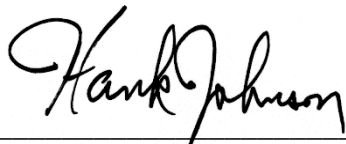
It is a matter of [public record](#) that US DOJ agents provided support to Brazilian prosecutors that were part of the Lava Jato operation. It has also [come to light](#) that in October of 2015, 17 members of DOJ, the FBI, and the Department of Homeland Security visited Curitiba to receive a full briefing from Lava Jato prosecutors regarding their ongoing investigations and proceedings. Moreover, according to [Brazilian](#) and [international press reports](#), an agreement evidently was reached between the Brazilian and U.S. authorities [providing](#) that a substantial share of the fines rendered from the prosecution of Brazilian companies according to the U.S. Foreign Corrupt Practices Act

(FCPA), would go to the Brazilian prosecutorial and judicial authorities involved with the Lava Jato operation, and to the creation of a private foundation in Brazil totally administered and controlled by the same Brazilian prosecutors. Ultimately, the Brazilian STF [ruled](#) that this foundation was unconstitutional and suspended its operation.

In addition to the questions we raised in our August 2019 letter, we are particularly concerned that the income produced from the enforcement of important U.S. legislation dedicated to fighting corruption, could have ended up going to ends not entirely consistent with democracy, rule of law, equal justice under the law, and due process - not to mention Brazilian legal and constitutional requirements.

We thank you in advance for your careful attention to the matters raised in this letter, as well as those raised in our letter of August 2019. We respectfully request a response by July 31, 2021. We also would entertain the possibility of a closed and private briefing for the purpose of sharing classified information regarding the issues raised in both this letter and our prior letter of August 2019.

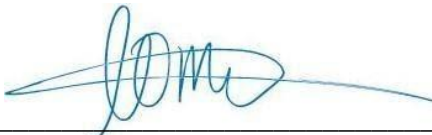
Sincerely,



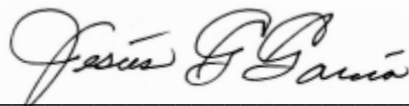
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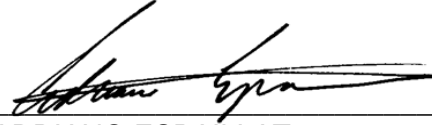
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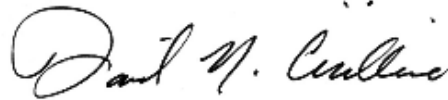
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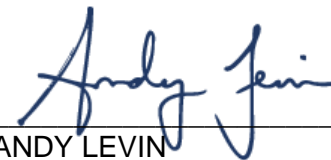
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