

**Congress of the United States**  
Washington, DC 20515

May 18, 2023

The Honorable Merrick Garland  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear Attorney General Garland:

We write to urge you to fully investigate the facts contained in a recent Senate Finance Committee report related to Credit Suisse's compliance with the plea agreement it signed with the Department of Justice (DOJ) in 2014 for its role in a criminal tax conspiracy involving thousands of American citizens. The acquisition of Credit Suisse by UBS should not absolve Credit Suisse or any of its employees of potential criminal prosecution or fines resulting from the continued participation in offshore tax evasion schemes involving wealthy U.S. clients.

As you are aware, on March 29<sup>th</sup> the Senate Finance Committee published a report ("the report") with the findings of a two-year investigation into Credit Suisse. The report uncovered major violations of that plea agreement and exposed a previously unknown, ongoing, and potentially criminal conspiracy involving the failure to disclose to U.S. officials nearly \$100 million belonging to a single family of American citizens. As part of that conspiracy, Credit Suisse employees closed large undeclared accounts belonging to a family of dual U.S. – Latin American nationals while some members resided in the United States, and transferred nearly \$100 million in funds to other banks in Switzerland and elsewhere without notifying DOJ. The report also brings to light the extensive misconduct of individual employees who actively assisted U.S. taxpayers in hiding hundreds of millions of dollars offshore. The scheme exposed by the report is a brazen violation of the "leaver list" provisions in Credit Suisse's plea agreement and amounts to what may be one of the largest individual Foreign bank account registration (FBAR) violations in U.S. history.

The report also identified 23 additional ultra-high net worth client relationships with large, undisclosed accounts, each with over \$20 million in assets that were not properly reported to DOJ. Based on the report's findings, Credit Suisse concealed over \$700 million from the DOJ in the years following the signing of its plea agreement. This is an astounding figure that indicates a pervasive culture of misconduct at Credit Suisse and a complete disregard for U.S. tax laws.

The evidence of rampant tax evasion laid out in the report must be met with a thorough investigation by DOJ. On several occasions, DOJ leadership has expressed that corporate crime

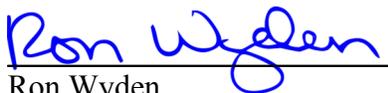
is a prosecutorial priority, particularly in situations involving repeat offenders. DOJ leadership has also reiterated that prosecuting offshore tax evasion remains one of the tax division's highest priorities and that it intends to continue to act against the foreign bankers, attorneys and finance professionals who design and execute strategies to assist tax evasion. By DOJ's own standards, Credit Suisse appears to be a repeat offender that has failed to honor the terms of the agreement it made to avoid criminal prosecution in the United States. Additionally, numerous individual employees of Credit Suisse and other banks appear to have been active participants in potentially criminal tax evasion schemes and had ample knowledge their clients were U.S. persons.

The report makes clear that certain wealthy Americans continue to use secret bank accounts in Switzerland and elsewhere to hide massive amounts of income from the U.S. government. These tax evaders frequently do so with the willing assistance of foreign financial institutions like Credit Suisse and its employees, who help them illegally conceal the existence of these accounts from the IRS. Foreign banks and their employees are sophisticated actors that are well aware of their obligations to the U.S. government, as well as the tax reporting obligations of their clients. There is no excuse for the willful facilitation of tax evasion by trained professionals or turning a blind eye to large, undisclosed accounts held by American taxpayers.

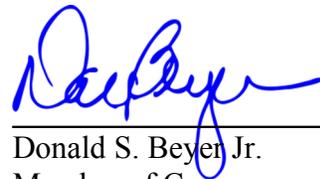
Credit Suisse got a discount of \$1.3 billion on the penalty it faced in 2014 for enabling tax evasion because its executives swore up and down they'd get out of the business of defrauding the United States. This Senate Finance Committee's investigation shows Credit Suisse did not make good on that promise, and the bank's pending acquisition by UBS should not wipe the slate clean.

We urge you to thoroughly investigate the facts presented in this report and send the message that violations of existing agreements with the Department will not be tolerated. The Department must also hold accountable any individual bankers who actively assisted wealthy Americans in filing false tax returns with the IRS. It is imperative for the fair administration of justice to demonstrate that financial institutions and bankers who knowingly engage in criminal activity are not above the law.

Sincerely,



Ron Wyden  
United States Senator  
Chairman, Committee on  
Finance



Donald S. Beyer Jr.  
Member of Congress