



## SOCIAL SECURITY

April 12, 2017

Dear [REDACTED]

I am responding to your February 6, 2015 Freedom of Information Act (FOIA) request for the following:

1. Any and all correspondence among officials at the Social Security Administration (SSA) and the Department of Justice (DOJ) between October 19, 2014 and February 6, 2015 that mentions and/or discusses the No Social Security for Nazis Act (H.R. 5739) and how the two agencies planned to meet the requirements of the new law.
2. Any and all correspondence that mentions or discusses separate versions of legislation that would terminate Social Security benefits for Nazi War crime suspects.
3. Any and all correspondence between officials at SSA and members of Congress and its staff that mentions or discusses Social Security benefits for Nazi war crime suspects and legislation that would terminate or alter these benefits.
4. Any and all internal SSA correspondence by SSA officials and employees related to H.R. 5739 and other legislation that would repeal benefits for those individuals and
5. Any and all correspondence by SSA officials and SSA employees that mentions or discusses AP coverage of Nazi war crime suspects receiving Social Security benefits.

We reviewed your request under FOIA (5 U.S.C. § 552) and we located approximately 846 pages of responsive documents. We are releasing the agency's final records in connection with this request and withholding the remaining documents under FOIA Exemptions 5 and 6, as described below.

### **FOIA Exemption 5**

We are withholding documents based on FOIA Exemption 5 that protects the deliberative process. FOIA Exemption 5 protects advice, opinions, recommendations, predecisional discussion, and evaluative remarks that are part of the government decision-making process. Release of such predecisional advisory communications would harm the quality of agency decision-making and the policy of encouraging frank, open discussion among agency personnel before making a decision (5 U.S.C. §552 (b)(5)).

The most commonly invoked privilege within Exemption 5 is the deliberative process privilege. The general purposes of this privilege are to prevent injury to the quality of agency decisions and to protect government agencies' decision-making processes. The deliberative process privilege allows agencies to freely explore alternative avenues of action and to engage in internal debates without fear of public scrutiny (Missouri ex rel. Shorr v. United States Army Corps of Engineers, 147 F.3d 708, 710 (8<sup>th</sup> Cir. 1998)). Exemption 5 protects not merely documents, but also the integrity of the deliberative process itself, where the exposure of that process could result in harm.

We are also withholding documents containing attorney-client information under FOIA Exemption 5 (5 U.S.C. § 552(b)(5)). The underlying purpose of this privilege is to protect confidential communications between the attorney and the client. The attorney-client privilege applies to facts divulged by a client to his attorney, and to opinions given by an attorney to his client based on those facts. Schlefer v. United States, 702 F.2d 233, 245 (D.C. Cir. 1983).

### **FOIA Exemption 6**

When we receive a request from a member of the public to release personal information about another individual from our records, we must balance the individual's privacy interest in withholding the information against the public interest in disclosing the information. We must determine whether disclosure would affect a personal privacy interest. Individuals clearly have a substantial personal privacy interest in the personal details furnished to the Government. On the other hand, the only public interest we must consider is whether the information sought would shed light on the way an agency performs its statutory duties. We may not consider the identity of the requester or the purpose for which the information is requested. While the public has an interest in knowing how the Social Security Administration administers the Social Security Act, disclosing records containing personal information about named individuals would not shed light on how the agency performs its statutory duties. Therefore, disclosing the names and contact information of certain individuals would be a clearly unwarranted invasion of personal privacy, and FOIA Exemption 6 (5 U.S.C. § 552(b)(6)) does not require disclosure.

If you would like further assistance with your request, you may contact our FOIA Public Liaison by email at [FOIA.Public.Liaison@ssa.gov](mailto:FOIA.Public.Liaison@ssa.gov); by phone at 410-965-1727, by choosing Option 2; or facsimile at 410-965-0869. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road – OGIS, College Park, MD 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll-free at 1-877-684-6448; or facsimile at 202-741-5769.

If you disagree with this decision, you may file a written appeal with the Executive Director for the Office of Privacy and Disclosure, Social Security Administration, 617 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235. Your appeal must be postmarked or electronically transmitted to [FOIA.PA.Officers@ssa.gov](mailto:FOIA.PA.Officers@ssa.gov) within 90 days of the date of our response to your initial request. Please mark the envelope or subject line with “Freedom of Information Appeal.”

Sincerely,



Monica Chyn  
Acting Freedom of Information Officer

Enclosure

















































































(b) (6)

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**From:** Bobbitt, Karen L.  
**Sent:** Tuesday, February 03, 2015 2:24 PM  
**To:** (b) (6)  
**Subject:** (b) (5)

I am working from an alternate site on Monday, February 2. I will be checking my e-mails periodically throughout the day.







































# United States Senate

WASHINGTON, DC 20510

December 1, 2014

## **VIA ELECTRONIC TRANSMISSION**

The Honorable Carolyn W. Colvin  
Acting Commissioner  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235-6401

Dear Commissioner Colvin:

A recent news report revealed that the United States has paid millions of dollars in Social Security to former Nazis living abroad. This is happening because the Department of Justice (DOJ) is allegedly allowing former Nazis to retain their Social Security benefits in exchange for renouncing U.S. citizenship and leaving the country voluntarily.<sup>1</sup> Under law, participating in Nazi persecution is a deportable offense.<sup>2</sup> However, former Nazis who leave the U.S. voluntarily may maintain their Social Security benefits because Nazi participation is not ground for benefit termination unless it is first used as a ground for deportation.<sup>3</sup>

These beneficiaries include people who committed egregious crimes during the Holocaust, such as SS guards from some of the Holocaust's most notorious death camps and a Nazi collaborator who was responsible for the execution of thousands of Jews.<sup>4</sup> According to the Associated Press, "at least 38 of 66 suspects... kept their Social Security benefits."<sup>5</sup>

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<sup>1</sup>David Rising, Randy Herschaft, and Richard Lardner, *Millions in Social Security for Expelled Nazis*, ASSOCIATED PRESS, Oct. 20, 2014, <http://bigstory.ap.org/article/6ae3352f4d474b028c84be0c627e7780/expelled-nazis-paid-millions-social-security>

<sup>2</sup>*Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

The Social Security Administration (SSA) and the State Department objected to the DOJ practice of allowing ex-Nazis to continue receiving Social Security benefits.<sup>6</sup> In 1997, SSA Acting Commissioner John Callahan stated: “Social Security benefits cannot, and should not, be used as a bargaining tool.”<sup>7</sup>

Even with these objections, DOJ has continued the practice to this day. (b) (6) (b) (6) a 90 year old former Auschwitz guard who later became an American citizen, collects approximately \$1,500 per month in Social Security payments.<sup>8</sup> (b) (6) has long since renounced his American citizenship and now lives in Germany, yet the payments continue. At least three other ex-Nazis are still alive and continue to receive Social Security benefits abroad.<sup>9</sup>

Furthermore, newly discovered Nazi suspects who currently live in the U.S. could retain their Social Security benefits if they are removed to another country. Alleged SS commander (b) (6) currently lives in Minnesota and is under investigation in Germany for ordering his unit to attack a Polish village, killing dozens of women and children.<sup>10</sup> Like (b) (6), (b) (6) could potentially retain his Social Security benefits even if he leaves the U.S.

In addition, this case raises important questions regarding the accuracy and consistency of SSA record-keeping. The Associated Press states that information provided by SSA was “directly inconsistent” with information contained in prior communications to the AP.<sup>11</sup> Specifically, SSA stated in 2013 that (b) (6) a suspected Nazi who returned to Germany in 2007, received his last Social Security payment in 2008 after he returned to Germany.<sup>12</sup> But in a 2014 disclosure, SSA said that (b) (6) received his last payment in 2007 while still living in the United States.<sup>13</sup>

The Associated Press also found discrepancies in the information retained by SSA’s FOIA department and its press department. The AP reported that SSA’s FOIA office could not identify certain individuals, although the SSA Press Office had previously identified the “exact same individuals using the exact same information” provided by the AP in the FOIA request.<sup>14</sup> It appears that SSA is not tracking this

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Letter from Brian Barrett on behalf of reporter Randy Herschaft, Counsel, Associated Press, to Kirsten Moncada, Executive Director, Office of Privacy and Disclosure, Social Security Administration (Oct. 16, 2014), available at <http://hosted.ap.org/interactives/2014/nazi-social-security/>

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

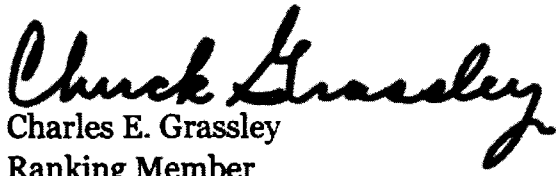
information carefully or ensuring that all departments within the agency have the correct records.

We have introduced bi-partisan, bi-cameral legislation to close the Social Security loophole in order to prevent this practice in the future and hope that it will become law soon. However, there remain questions about DOJ's actions and what will be done in current cases if the law is not passed before they are resolved. Therefore, we ask that you please provide the following information:

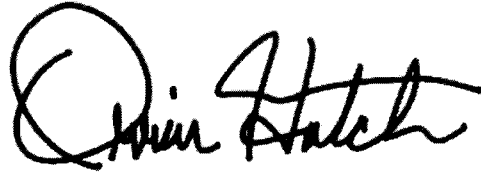
1. What is the total number of Nazi suspects who received Social Security benefits after leaving the United States? How many suspected Nazis currently receive Social Security benefits and live outside the country?
2. What is the total dollar amount of Social Security benefits that have been paid to date to suspected Nazis residing outside the US?
3. If (b) (6) leaves the United States and renounces citizenship will he be permitted to retain his Social Security benefits?
4. What communications does SSA have with DOJ regarding suspected Nazis who have left the US? When SSA objected to DOJ's practice, what was DOJ's response?
5. When did (b) (6) receive his last Social Security payment? Why was the AP provided contradictory information about him and 6 other suspected Nazis?
6. Does SSA have procedures in place to ensure the accuracy of records regarding Social Security payments? If so, what are they? If not, why not?
7. Does SSA have procedures in place in order to ensure that all divisions of the agency retain the same information? If so, what are they? If not, why not?
8. Please explain why separate divisions within SSA provided differing information to the AP, and whether SSA has taken any steps to address it.

Thank you for your attention to this matter. We would appreciate a response by December 15, 2014. If you have any questions, please do not hesitate to contact Tegan Millspaw at (202) 224-5225 or Kim Brandt at (202) 224-4515.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Judiciary



Orrin G. Hatch  
Ranking Member  
Committee on Finance

























MICHAEL F. BENNET  
COLORADO

COMMITTEES:  
AGRICULTURE, NUTRITION, AND FORESTRY

FINANCE

HEALTH, EDUCATION, LABOR,  
AND PENSIONS

# United States Senate

WASHINGTON, DC 20510-0609

WASHINGTON, DC:  
458 RUSSELL SENATE OFFICE BUILDING  
WASHINGTON, DC 20510  
(202) 224-5852

COLORADO:  
1127 SHERMAN STREET  
SUITE 150  
DENVER, CO 80203-2338  
(303) 455-7600

<http://www.bennet.senate.gov>

October 29, 2014

The Honorable Eric Holder  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue  
Washington, DC 20530

Acting Commissioner Carolyn Colvin  
Social Security Administration  
6401 Security Boulevard  
Baltimore, MD 21235-0001

Dear Attorney General Holder and Acting Commissioner Colvin:

I write to express my deep concern about recent reports that the U.S. government may have used Social Security payments as a means of encouraging former Nazi officials to leave the country and that several of these individuals are still receiving benefits.

As you know, the Associated Press recently reported that the U.S. government may have used the prospect of continuing Social Security payments as leverage to encourage former Nazi officials to leave the country and renounce their citizenship rather than undergoing the deportation process. Because these individuals weren't formally deported, they were still able to receive their Social Security benefits after they left the country.

According to the AP, since 1979, "at least 38 of 66 suspects removed from the United States kept their Social Security benefits." At least four of these individuals are alive and still collecting benefits. Furthermore, the AP found that as of 1999, "28 suspected Nazi criminals had collected \$1.5 million in Social Security payments after their removal from the U.S."

It's extremely disturbing to learn that the U.S. taxpayer has supported individuals who participated in the worst genocide in modern history. Although I understand the need to act expeditiously to remove these individuals from the U.S. so that they can face trial, the receipt of Social Security benefits should not have served as a "bargaining chip" in the removal process. Even worse, according to the AP report, it appears that many of these individuals did not even stand trial once they left the United States.

As Congress considers legislation to prevent these individuals from receiving Social Security benefits, it is my hope the Department of Justice and the Social Security Administration can provide further information. Specifically:

- Can the Department of Justice and the Social Security Administration verify the accuracy of the AP's reporting? For instance, can your respective agencies specify the number of former Nazi officials who have received Social Security benefits? And how much in benefits did they ultimately receive?



- Do Social Security benefits continue to play any role during the removal process? If not, when did this practice end?
- When a former Nazi official left the U.S. prior to deportation and continued to receive benefits, did the Department of Justice seek to notify the country to which the individual traveled? Did the Department of Justice encourage the country to which the former Nazi official traveled to try the individual?
- When a former Nazi official left the U.S. prior to deportation and continued to receive Social Security benefits, did the Department of Justice monitor whether the individual ultimately stood trial?

I understand that many of these proceedings and discussions occurred over the course of several decades and that it may be difficult to ascertain specific facts and details. It's nonetheless important for the American people and for our historic record to understand how individuals who played a role in the Holocaust could have possibly retained their Social Security benefits even after they've left the country.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Bennet". The signature is fluid and cursive, with a large initial "M" and a long, sweeping tail.

Michael Bennet  
United States Senator























U.S. Department of Justice

Criminal Division

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Washington, D.C. 20530

December 30, 2014

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Carolyn W. Colvin  
Acting Commissioner  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235-0001

Dear Acting Commissioner Colvin:

Pursuant to the notification provisions of P.L. 113–270, this letter and the enclosed notice provide information regarding alleged participants in World War II-era Nazi-sponsored persecution.

As you know, P.L. 113–270 directs the Department of Justice to notify the Social Security Administration of certain concluded Nazi persecutor cases. The statute states that the Department is to provide the Social Security Administration the names of:

- persons whose citizenship was revoked “based on conduct described in section 212(a)(3)(E)(i) of [the Immigration and Nationality] Act (relating to participation in Nazi persecution)” or due to the persons’ concealment or misrepresentations regarding such conduct;
- persons who renounced their citizenship pursuant to a settlement agreement in which they “admitted to conduct” described in section 212(a)(3)(E)(i) of the Immigration and Nationality Act; and
- persons who were removed from the United States based on conduct described in section 212(a)(3)(E)(i) of the Immigration and Nationality Act.

In order to satisfy the statute’s notification provisions, the Criminal Division’s Human Rights and Special Prosecutions Section, successor to the former Office of Special Investigations, has reviewed available information pertaining to Nazi cases pursued by the Department since 1945. Based on this review, we have prepared the enclosed notice that identifies persons that we believe are encompassed within the above-referenced categories. The Department has previously provided to the Social Security Administration the names, dates and places of birth of these individuals. In compiling this notice, we have included individuals who are deceased and are thus not impacted by the new law.

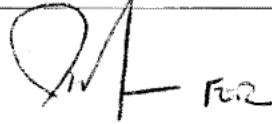
I am pleased that the outstanding cooperation between our agencies over more than thirty years has resulted in termination or suspension of benefits in scores of Nazi cases. Should you have

any questions or wish to receive further information about the methodology we have employed in identifying the persons listed in the enclosed notice, please do not hesitate to contact the Criminal Division.

If we may be of any further assistance in this matter, please do not hesitate to contact me.

Sincerely,

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A handwritten signature in black ink, appearing to read 'DM Bitkower', written over a horizontal line.

David M. Bitkower  
Deputy Assistant Attorney General

Enclosure



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

December 30, 2014

**NOTICE TO THE ACTING COMMISSIONER OF SOCIAL SECURITY  
PURSUANT TO SECTION 4 OF P.L. 113-270**

P.L. 113-270 directs the Department of Justice to notify the Social Security Administration of certain concluded Nazi persecutor cases. The statute states that the Department is to provide the Social Security Administration the names of:

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- persons who were removed from the United States based on conduct described in section 212(a)(3)(E)(i) of the Immigration and Nationality Act.

In order to satisfy the statute’s notification provisions, the Criminal Division’s Human Rights and Special Prosecutions Section, successor to the former Office of Special Investigations, has reviewed available information pertaining to Nazi cases pursued by the Department since 1945. Based on this review, we have prepared the below chart that identifies persons that we believe are encompassed within the above-referenced categories. The Department has previously provided to the Social Security Administration the names, dates and places of birth of these individuals. In compiling this notice, we have included individuals who are deceased and are thus not impacted by the new law.

Should you have any questions or wish to receive further information about the methodology we have employed in identifying the persons listed below, please do not hesitate to contact the Criminal Division.


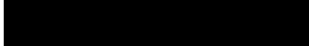
Name	Citizenship Revoked	Removed	Renounced	Default Judgment
(b) (6)			X	
	X			

Name	Citizenship Revoked	Removed	Renounced	Default Judgment
(b) (6)	X			
(b) (6)	X			
(b) (6)	X			X
(b) (6)		X		
(b) (6)	X			X
(b) (6)	X			
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(b) (6)	X	X		
(b) (6)	X	X		
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(b) (6)		X		
(b) (6)	X	X		
(b) (6)	X			
(b) (6)	X			
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(b) (6)	X			X
(b) (6)	X			
(b) (6)	X			
(b) (6)	X	X		
(b) (6)	X	X		
(b) (6)	X			

<sup>1</sup> Although (b) (6) was denaturalized after being found by a court to have participated in Nazi-sponsored persecution, he was later adjudged by a U.S. court of appeals to be entitled to be recognized as a U.S. citizen from birth. He died in the United States in 2014.

Name	Citizenship Revoked	Removed	Renounced	Default Judgment
(b) (6)		X		
	X	X		
	X			
	X			
	X			
	X			
	X			
	X	X		
		X		
	X			
		X		
	X			
	X			
	X	X		X
(b) (6)		X		
	X			
	X			
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		X		
			X	
	X			X
	X	X		
	X	X		
	X			
		X		
	X	X		
X				
X				
(b) (6)	X			
	X	X		X
	X			
		X		
X				

<sup>2</sup> (b) (6) was deported in 1950, prior to the enactment of the Immigration and Nationality Act.

Name	Citizenship Revoked	Removed	Renounced	Default Judgment
(b) (6) 	X			X
	X			X

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U.S. Department of Justice

Criminal Division

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Washington, D.C. 20530

December 30, 2014

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Carolyn W. Colvin  
Acting Commissioner  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235-0001

Dear Acting Commissioner Colvin:

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In order to satisfy the statute’s notification provisions, the Criminal Division’s Human Rights and Special Prosecutions Section, successor to the former Office of Special Investigations, has reviewed available information pertaining to Nazi cases pursued by the Department since 1945. Based on this review, we have prepared the enclosed notice that identifies persons that we believe are encompassed within the above-referenced categories. The Department has previously provided to the Social Security Administration the names, dates and places of birth of these individuals. In compiling this notice, we have included individuals who are deceased and are thus not impacted by the new law.

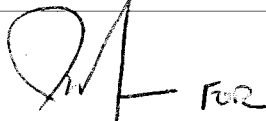
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If we may be of any further assistance in this matter, please do not hesitate to contact me.

Sincerely,

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David M. Bitkower  
Deputy Assistant Attorney General

Enclosure



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

December 30, 2014

**NOTICE TO THE ACTING COMMISSIONER OF SOCIAL SECURITY  
PURSUANT TO SECTION 4 OF P.L. 113-270**

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Should you have any questions or wish to receive further information about the methodology we have employed in identifying the persons listed below, please do not hesitate to contact the Criminal Division.

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(b) (6)			X	
	X			

Name	Citizenship Revoked	Removed	Renounced	Default Judgment
(b) (6)	X			
	X			
	X			X
		X		
	X			X
	X			
	X			
	X	X		
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	X			X
	X			X
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	X	X		
		X		
	X			
(b) (6)	X			X
	X			
	X			
	X	X		
	X	X		
	X			

<sup>1</sup> Although (b) (6) was denaturalized after being found by a court to have participated in Nazi-sponsored persecution, he was later adjudged by a U.S. court of appeals to be entitled to be recognized as a U.S. citizen from birth. He died in the United States in 2014.

Name	Citizenship Revoked	Removed	Renounced	Default Judgment
(b) (6)		X		
	X	X		
	X			
	X			
	X			
	X			
	X			
	X	X		
		X		
	X			
	X			
	(b) (6)	X	X	
		X		
X				
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		X		
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X				X
X		X		
X		X		
X				
	X			
(b) (6)	X	X		
	X			
	X			
	X			
	X			
	X	X		X
	X			
		X		
X				

<sup>2</sup>(b) (6) was deported in 1950, prior to the enactment of the Immigration and Nationality Act.

Name	Citizenship Revoked	Removed	Renounced	Default Judgment
(b) (6)	X			X
	X			X

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(b) (6)

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**From:** Hansen, Erik  
**Sent:** Tuesday, January 13, 2015 11:59 AM  
**To:** (b) (6), Elizabeth; Greenlee, Jenni  
**Cc:** Najjar, Joel; Min, Royce; Adamson, Femeia  
**Subject:** FW: Case - AM8557--AP Nazi appeal  
**Attachments:** AM8557- 01-12-15.pdf; AM8557- Chart 1.pdf; AM8557- Chart 2.pdf

Here is the released version of the FOIA request (Nazi appeal):

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**From:** Verzi, Debbie  
**Sent:** Tuesday, January 13, 2015 11:17 AM  
**To:** Hansen, Erik  
**Subject:** FW: Case - AM8557--AP Nazi appeal

Erik,

Here is the response and attachments to the AP appeal.

Thanks,

Debbie





## SOCIAL SECURITY

Refer to:  
S9H: AM8557

January 12, 2015

(b) (6)



I am responding to your October 16, 2014 Freedom of Information Act appeal of Ms. Dawn S. Wiggins' decision regarding individuals suspected of Nazi war crimes and their social security records.

After careful review, I agree with Ms. Wiggins' decision not to release information about living individuals to you. Although, you requested non-identifying information about living individuals, we determined that we could not provide this information on living individuals in our records as the number is too small. Considering all the information we have already provided to you about these 66 individuals, combined with other information that you have provided, it may be possible to identify living individuals. Therefore, pursuant to the Privacy Act of 1974 (5 U.S.C. § 552a) and the Freedom of Information Act (5 U.S.C. § 552) I am withholding information on individuals on your chart who are not shown deceased in our records.

You also referenced several concerns regarding our initial response as follows:

- (1) You noted that you received conflicting information regarding the date of last benefits paid that we sent you on January 10, 2013 regarding seven suspected Nazi war criminals who were also named in our initial response of September 16, 2014. After reviewing the information sent to you in January 2013 and the information sent in our initial response in September 2014, in our January 2013 response, we inadvertently provided you the termination date of benefits not the date of last benefits paid for these seven individuals. Therefore, in the case for Paul Henss, his last benefit paid was in November 2007 not in March 2008. His benefits were terminated in March 2008, which is the month he died. Please see the attached chart with the updated information for these seven individuals.
- (2) You noted that we changed the scope of your request for the amount of Social Security benefits paid since the person's departure from the United States to the deportation date. Since Social Security Administration (SSA) does not track information on individuals

who voluntarily depart the United States, we provided the only last benefit paid information we had which was the deportation date. We apologize for not making this clear in our original response and regret any misunderstanding.

- (3) You questioned our inability to find 20 individuals on your chart. We searched our records again with the information you provided and were unable to locate any records for 16 individuals. Please note that these individuals may have never applied for a Social Security number or they may have given us different information at the time they applied for a number. However, we were able to locate two additional deceased individuals' records, Johann Leprich and Michael Gorshkow, whose records were not located at the time of our initial search. For consistency, we are providing the same information for Mr. Leprich and Mr. Gorshkow as we did for the other deceased individuals in our initial response. Please see the attached updated chart.

In addition, we were able to find two more living individuals' records listed on your chart bringing the total living individuals to four. However, as stated above, we cannot release any information about these individuals as the number is too small and it may be possible to identify living individuals.

As requested, according to our records, Orest Galan's date of death is May 1, 2007.

Regarding the suspected Nazi war criminals that may have voluntarily left the country, SSA has reached out to the Department of Justice (DOJ) and is working with DOJ to obtain and verify information regarding these individuals. To the extent you are requesting records related to these efforts, at this time, we cannot release this information. Until we collect and verify information from DOJ, FOIA Exemption 5 protects this information as predecisional. Exemption 5 and the deliberative process privilege protect advice, opinions, recommendations, predecisional discussion, and evaluative remarks that are part of the government decision-making process. Release of such predecisional advisory communications would harm the quality of agency decision-making and the policy of encouraging frank, open discussion among agency personnel before making a decision (5 U.S.C. §552 (b)(5)).

The most commonly invoked privilege within exemption 5 is the deliberative process privilege. The general purposes of this privilege are to prevent injury to the quality of agency decisions and to protect government agencies' decision-making processes. The deliberative process privilege allows agencies to freely explore alternative avenues of action and to engage in internal debates without fear of public scrutiny (Missouri ex rel. Shorr v. United States Army Corps of Engineers, 147 F.3d 708, 710 (8<sup>th</sup> Cir. 1998)). Exemption 5 protects not merely documents, but also the integrity of the deliberative process itself, where the exposure of that process could result in harm.

This is the agency's final decision in this matter. If you still believe the decision is incorrect, you can seek review in a United States district court. Rather than seeking review in district court, you can contact the Office of Government Information Services (OGIS) for mediation services. Using OGIS services does not affect your right to pursue litigation at a later time.

You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road – OGIS  
College Park, MD 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: 202-741-5770  
Fax: 202-741-5769  
Toll-Free: 1-877-684-6448

Sincerely,



Kirsten J. Moncada  
Executive Director  
Office of Privacy and Disclosure

Enclosure

## Individuals listed on response dated January 10, 2013

(Updated January 12, 2015)

Name	Date of death	Date of termination	Date of last SSA benefit paid	Last known country
<b>Martin Bartesch</b>	December 1989	December 1989	November 1989	Austria
<b>Paul J. Henss</b>	March 2008	March 2008	November 2007	Germany
<b>Anatoly Hrusitzky</b>	September 1992	September 1992	August 1992	Venezuela
<b>Jakob Miling</b>	March 2009	March 2009	February 2009	Serbia
<b>Michael Gruber</b>	August 2002	August 2002	May 2002	Austria
<b>John Avdzej</b>	November 1998	November 1998	March 1997	Germany
<b>Arthur Rudolph</b>	January 1996	January 1996	December 1995	Germany

Information Responsive to the Associated Press April 28, 2014 FOIA Request

(Update January 12, 2015)

SSN	Name	Country	Date of last benefit	Amount of Title II benefits paid since deportation
153-24-9393	Avdzej, John		03/1997	\$0.00
050-36-8013	Balsys, Alcyzas	Lithuania	09/2002	n/a
360-30-2459	Bartesch, Martin		11/1989	n/a
319-26-9698	Bernes, Peter		03/2004	n/a
148-30-2389	Bless, Anton		03/1997	\$0.00
349-34-4347	Budreika, Juozas		05/1996	n/a
306-34-5151	Ciutinskas, Kazys		05/1999	\$0.00

303-36-5915	Demjanjuk, John		06/2008	\$0.00
201-30-5646	Denuel, Mathias		11/2000	n/a
566-52-6511	Eckert, Josef		03/1991	n/a
048-26-1077	Fedorenko, Feodor		11/1984	\$0.00
122-26-5638	Galan, Orest		04/2007	n/a
338-38-7835	Gecas, Vytautas		11/2005	n/a
323-34-1553	Gimzauskas, Kazys		08/1995	n/a
167-26-5370	Grabauskas, Joseph		05/1994	n/a
055-32-0965	Gruber, Michael		05/2002	\$0.00
268-38-5258	Hahner, Johann	Germany	10/2001	n/a

377-38-0580	Hammer, Ferdinand	Austria	02/2000	\$0.00
390-36-6699	Henss, Paul J	Germany	11/2007	\$0.00
094-34-0112	Hrusitsky, Anatoly	Venezuela	08/1992	n/a
174-26-5256	Kowalchuk, Serge	Paraguay	3/1988	\$0.00
075-26-3313	Koziy, Bohdan	Costa Rica	4/1987	\$0.00
151-30-0619	Leili, Stefan	Germany	10/1995	n/a
071-28-8985	Linnas, Karl	USSR	04/1987	\$0.00
065-28-9460	Maikovakis, Boleslavs	Germany	10/1988	\$0.00
296-46-7727	Miling, Jakob	Serbia	02/2009	n/a
031-30-0559	Milius, Adolph	Lithuania	07/1999	n/a
357-32-5980	Mineikis, Antanas	Lithuania	09/1992	\$0.00
153-24-5077	Naujelis, Joseph	Lithuania	04/1997	n/a
155-26-5041	Reger, Stefan	Germany	05/2003	n/a
423-44-8309	Rudolph, Arthur L.H.	Germany	12/1995	n/a
078-34-4217	Ryan, Hermine Braunsteiner	Germany	03/1999	n/a
080-28-0072	Sawchuk, Dmytro	Germany	12/2003	n/a
543-14-8916	Schellong, Conrad	Germany	12/1996	n/a
109-40-4992	Schweidier, Alexander	England	01/1997	\$0.00
088-26-2229	Sokolov, Vladimir	Canada	06/1990	\$0.00

133-32-4531	Szendi, Joseph	Slovakia, later Hungary	01/2004	n/a
269-30-0457	Trifa, Valerian	Portugal	09/1984	\$0.00
552-46-7208	Wieland, Josef	Germany	08/1992	n/a
075-30-5332	Ziegler, Johann	Austria	03/1997	\$0.00
345-26-8688	Zultner, Martin	Austria	04/1991	n/a
307-38-9834	Kauls, Juris		11/2008	n/a
159-30-8941	Schiffer, Nikolaus		07/2001	\$0.00
355-28-9430	Schmidt, Micheal		10/2008	n/a
095-28-3178	Johann Leprich		03/97	n/a
471-34-6018	Michael Gorshkow		01/03	n/a





# United States Senate

WASHINGTON, DC 20510

December 1, 2014

## VIA ELECTRONIC TRANSMISSION

The Honorable Carolyn W. Colvin  
Acting Commissioner  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235-6401

Dear Commissioner Colvin:

A recent news report revealed that the United States has paid millions of dollars in Social Security to former Nazis living abroad. This is happening because the Department of Justice (DOJ) is allegedly allowing former Nazis to retain their Social Security benefits in exchange for renouncing U.S. citizenship and leaving the country voluntarily.<sup>1</sup> Under law, participating in Nazi persecution is a deportable offense.<sup>2</sup> However, former Nazis who leave the U.S. voluntarily may maintain their Social Security benefits because Nazi participation is not ground for benefit termination unless it is first used as a ground for deportation.<sup>3</sup>

These beneficiaries include people who committed egregious crimes during the Holocaust, such as SS guards from some of the Holocaust's most notorious death camps and a Nazi collaborator who was responsible for the execution of thousands of Jews.<sup>4</sup> According to the Associated Press, "at least 38 of 66 suspects... kept their Social Security benefits."<sup>5</sup>

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<sup>1</sup>David Rising, Randy Herschaft, and Richard Lardner, *Millions in Social Security for Expelled Nazis*, ASSOCIATED PRESS, Oct. 20, 2014, <http://bigstory.ap.org/article/6ae3352f4d474b028c84be0c627e7780/expelled-nazis-paid-millions-social-security>

<sup>2</sup>*Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

The Social Security Administration (SSA) and the State Department objected to the DOJ practice of allowing ex-Nazis to continue receiving Social Security benefits.<sup>6</sup> In 1997, SSA Acting Commissioner John Callahan stated: “Social Security benefits cannot, and should not, be used as a bargaining tool.”<sup>7</sup>

Even with these objections, DOJ has continued the practice to this day. (b) (6)  
(b) (6), a 90 year old former Auschwitz guard who later became an American citizen, collects approximately \$1,500 per month in Social Security payments.<sup>8</sup> (b) (6) has long since renounced his American citizenship and now lives in Germany, yet the payments continue. At least three other ex-Nazis are still alive and continue to receive Social Security benefits abroad.<sup>9</sup>

Furthermore, newly discovered Nazi suspects who currently live in the U.S. could retain their Social Security benefits if they are removed to another country. Alleged SS commander (b) (6) currently lives in Minnesota and is under investigation in Germany for ordering his unit to attack a Polish village, killing dozens of women and children.<sup>10</sup> Like (b) (6) (b) (6) could potentially retain his Social Security benefits even if he leaves the U.S.

In addition, this case raises important questions regarding the accuracy and consistency of SSA record-keeping. The Associated Press states that information provided by SSA was “directly inconsistent” with information contained in prior communications to the AP.<sup>11</sup> Specifically, SSA stated in 2013 that (b) (6), a suspected Nazi who returned to Germany in 2007, received his last Social Security payment in 2008 after he returned to Germany.<sup>12</sup> But in a 2014 disclosure, SSA said that (b) (6) received his last payment in 2007 while still living in the United States.<sup>13</sup>

The Associated Press also found discrepancies in the information retained by SSA’s FOIA department and its press department. The AP reported that SSA’s FOIA office could not identify certain individuals, although the SSA Press Office had previously identified the “exact same individuals using the exact same information” provided by the AP in the FOIA request.<sup>14</sup> It appears that SSA is not tracking this

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Letter from Brian Barrett on behalf of reporter Randy Herschaft, Counsel, Associated Press, to Kirsten Moncada, Executive Director, Office of Privacy and Disclosure, Social Security Administration (Oct. 16, 2014), available at <http://hosted.ap.org/interactives/2014/nazi-social-security/>

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

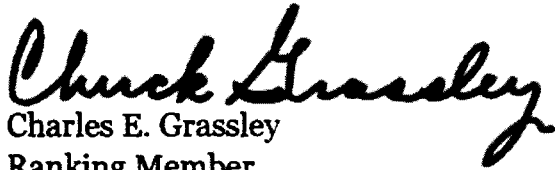
information carefully or ensuring that all departments within the agency have the correct records.

We have introduced bi-partisan, bi-cameral legislation to close the Social Security loophole in order to prevent this practice in the future and hope that it will become law soon. However, there remain questions about DOJ's actions and what will be done in current cases if the law is not passed before they are resolved. Therefore, we ask that you please provide the following information:

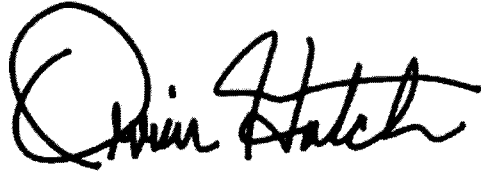
1. What is the total number of Nazi suspects who received Social Security benefits after leaving the United States? How many suspected Nazis currently receive Social Security benefits and live outside the country?
2. What is the total dollar amount of Social Security benefits that have been paid to date to suspected Nazis residing outside the US?
3. If (b) (6) leaves the United States and renounces citizenship will he be permitted to retain his Social Security benefits?
4. What communications does SSA have with DOJ regarding suspected Nazis who have left the US? When SSA objected to DOJ's practice, what was DOJ's response?
5. When did (b) (6) receive his last Social Security payment? Why was the AP provided contradictory information about him and 6 other suspected Nazis?
6. Does SSA have procedures in place to ensure the accuracy of records regarding Social Security payments? If so, what are they? If not, why not?
7. Does SSA have procedures in place in order to ensure that all divisions of the agency retain the same information? If so, what are they? If not, why not?
8. Please explain why separate divisions within SSA provided differing information to the AP, and whether SSA has taken any steps to address it.

Thank you for your attention to this matter. We would appreciate a response by December 15, 2014. If you have any questions, please do not hesitate to contact Tegan Millspaw at (202) 224-5225 or Kim Brandt at (202) 224-4515.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Judiciary



Orrin G. Hatch  
Ranking Member  
Committee on Finance







































































































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**U.S. Department of Justice**

Criminal Division

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*Washington, D.C. 20530*

December 30, 2014

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Carolyn W. Colvin  
Acting Commissioner  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235-0001

Dear Acting Commissioner Colvin:

Pursuant to the notification provisions of P.L. 113-270, this letter and the enclosed notice provide information regarding alleged participants in World War II-era Nazi-sponsored persecution.

As you know, P.L. 113-270 directs the Department of Justice to notify the Social Security Administration of certain concluded Nazi persecutor cases. The statute states that the Department is to provide the Social Security Administration the names of:

- persons whose citizenship was revoked “based on conduct described in section 212(a)(3)(E)(i) of [the Immigration and Nationality] Act (relating to participation in Nazi persecution)” or due to the persons’ concealment or misrepresentations regarding such conduct;
- persons who renounced their citizenship pursuant to a settlement agreement in which they “admitted to conduct” described in section 212(a)(3)(E)(i) of the Immigration and Nationality Act; and
- persons who were removed from the United States based on conduct described in section 212(a)(3)(E)(i) of the Immigration and Nationality Act.

In order to satisfy the statute’s notification provisions, the Criminal Division’s Human Rights and Special Prosecutions Section, successor to the former Office of Special Investigations, has reviewed available information pertaining to Nazi cases pursued by the Department since 1945. Based on this review, we have prepared the enclosed notice that identifies persons that we believe are encompassed within the above-referenced categories. The Department has previously provided to the Social Security Administration the names, dates and places of birth of these individuals. In compiling this notice, we have included individuals who are deceased and are thus not impacted by the new law.

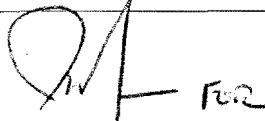
I am pleased that the outstanding cooperation between our agencies over more than thirty years has resulted in termination or suspension of benefits in scores of Nazi cases. Should you have

any questions or wish to receive further information about the methodology we have employed in identifying the persons listed in the enclosed notice, please do not hesitate to contact the Criminal Division.

If we may be of any further assistance in this matter, please do not hesitate to contact me.

Sincerely,

---

A handwritten signature in black ink, appearing to read 'DM Bitkower', written over a horizontal line.

David M. Bitkower  
Deputy Assistant Attorney General

Enclosure



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

December 30, 2014

**NOTICE TO THE ACTING COMMISSIONER OF SOCIAL SECURITY  
PURSUANT TO SECTION 4 OF P.L. 113-270**

P.L. 113-270 directs the Department of Justice to notify the Social Security Administration of certain concluded Nazi persecutor cases. The statute states that the Department is to provide the Social Security Administration the names of:

- persons whose citizenship was revoked “based on conduct described in section 212(a)(3)(E)(i) of [the Immigration and Nationality] Act (relating to participation in Nazi persecution)” or due to the persons’ concealment or misrepresentations regarding such conduct;
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In order to satisfy the statute’s notification provisions, the Criminal Division’s Human Rights and Special Prosecutions Section, successor to the former Office of Special Investigations, has reviewed available information pertaining to Nazi cases pursued by the Department since 1945. Based on this review, we have prepared the below chart that identifies persons that we believe are encompassed within the above-referenced categories. The Department has previously provided to the Social Security Administration the names, dates and places of birth of these individuals. In compiling this notice, we have included individuals who are deceased and are thus not impacted by the new law.

Should you have any questions or wish to receive further information about the methodology we have employed in identifying the persons listed below, please do not hesitate to contact the Criminal Division.

Name	Citizenship Revoked	Removed	Renounced	Default Judgment
(b) (6)			X	
	X			

Name	Citizenship Revoked	Removed	Renounced	Default Judgment
(b) (6)	X			
	X			
	X			X
		X		
	X			X
	X			
	X			
	X	X		
	X	X		
	X	X		
	X			X
	X			
(b) (6)		X		
	X	X		
	X			
	X			
	X			
	X			X
	X			X
		X		
	X			
	X	X		
		X		
	X			
	X			X
	X			
(b) (6)	X			
	X	X		
	X	X		
	X			

<sup>1</sup> Although (b) (6) was denaturalized after being found by a court to have participated in Nazi-sponsored persecution, he was later adjudged by a U.S. court of appeals to be entitled to be recognized as a U.S. citizen from birth. He died in the United States in 2014.

Name	Citizenship Revoked	Removed	Renounced	Default Judgment	
(b) (6)		X			
	X	X			
	X				
	X				
	X				
	X				
	X				
	X	X			
		X			
	X				
		X			
	X				
	X				
	X	X		X	
		X			
	(b) (6)	X			
		X			
X					
X					
		X			
			X		
X				X	
X		X			
X		X			
X					
		X			
X		X			
X					
X					
X					
X		X		X	
X					
		X			
X					

<sup>2</sup> (b) (6) was deported in 1950, prior to the enactment of the Immigration and Nationality Act.

<b>Name</b>	<b>Citizenship Revoked</b>	<b>Removed</b>	<b>Renounced</b>	<b>Default Judgment</b>
(b) (6)	X			X
(b) (6)	X			X

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# SOCIAL SECURITY

The Commissioner

January 30, 2015

The Honorable Orrin Hatch  
Chairman, Committee on Finance  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

Pursuant to section 4 of the *No Social Security for Nazis Act* (P.L. 113-270), I write to inform you that on December 30, 2014, the Department of Justice provided us with the notification regarding participants in Nazi persecution whose final order of removal, revocation and setting aside of citizenship, or renunciation of nationality occurred before the enactment of P.L. 113-270. We determined that four such individuals were receiving benefits from the Social Security Administration as of January 2015.

I hereby certify that we have terminated the benefits of the four individuals, effective with the benefit for the month of January 2015.

I hope this information is helpful. I am also sending a similar letter to Representatives Ryan and Johnson. If you would like to discuss this matter further, please do not hesitate to contact me. Your staff may contact Judy Chesser, our Deputy Commissioner for Legislation and Congressional Affairs, at (202)-358-6030.

Sincerely,

Carolyn W. Colvin  
Acting Commissioner



## SOCIAL SECURITY

The Commissioner

January 30, 2015

The Honorable Paul Ryan  
Chairman, Committee on Ways & Means  
House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

Pursuant to section 4 of the *No Social Security for Nazis Act* (P.L. 113-270), I write to inform you that on December 30, 2014, the Department of Justice provided us with the notification regarding participants in Nazi persecution whose final order of removal, revocation and setting aside of citizenship, or renunciation of nationality occurred before the enactment of P.L. 113-270. We determined that four such individuals were receiving benefits from the Social Security Administration as of January 2015.

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Sincerely,

Carolyn W. Colvin  
Acting Commissioner



## SOCIAL SECURITY

The Commissioner

January 30, 2015

The Honorable Sam Johnson  
Chairman, Subcommittee on Social Security  
Committee on Ways & Means  
House of Representatives  
Washington, DC 20515

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Sincerely,

Carolyn W. Colvin  
Acting Commissioner



































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# SOCIAL SECURITY

The Commissioner

January 30, 2015

The Honorable Orrin Hatch  
Chairman, Committee on Finance  
United States Senate  
Washington, DC 20510

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Carolyn W. Colvin  
Acting Commissioner



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The Commissioner

January 30, 2015

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Chairman, Committee on Ways & Means  
House of Representatives  
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Sincerely,

Carolyn W. Colvin  
Acting Commissioner





# SOCIAL SECURITY

The Commissioner

January 30, 2015

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Chairman, Subcommittee on Social Security  
Committee on Ways & Means  
House of Representatives  
Washington, DC 20515

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Sincerely,

Carolyn W. Colvin  
Acting Commissioner













































































































































# Social Security Legislative Bulletin

**Number: 113-31**

**Date: December 5, 2014**

## **Senate Passes H. R. 5739, the No Social Security for Nazis Act**

On December 4, 2014, the Senate passed H. R. 5739, the *No Social Security for Nazis Act*, without amendment by unanimous consent. The bill would terminate payment of Social Security benefits to additional individuals who participated in Nazi persecution. It also would clarify the timeframe in which the Department of Justice (DOJ) or the Department of Homeland Security (DHS) must notify the Social Security Administration (SSA) of certain actions involving these individuals. The bill now goes to the President for his signature.

Following are provisions of interest to SSA:

- Would terminate the retirement and disability benefits of individuals who, due to their participation in Nazi persecution, have revoked and set aside their citizenship or renounced their status as a United States national.<sup>1</sup>
- In addition to terminating their retirement or disability benefits, the bill would also prohibit such individuals from receiving auxiliary benefits based on the earnings record of another person and Supplemental Security Income benefits.
- Would clarify the timeframe in which DOJ or DHS must notify SSA of an individual's "removal, revocation and setting aside, or renunciation of nationality" based on his or her participation in Nazi persecution from "as soon as practicable after the removal" to no later than seven days after such removal, revocation and setting aside, or renunciation of nationality. Would also require DOJ or DHS to notify SSA of such actions that occurred prior to enactment.

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<sup>1</sup> Under current law, the benefits of individuals who participated in Nazi persecution are terminated only when they have been issued a final order of removal from the United States.



- Would require that, within 30 days of each notification from DOJ or DHS, the Commissioner of SSA will certify to the House Committee on Ways and Means and the Senate Finance Committee that the individual's benefits have been terminated.
- Would be effective for benefits payable for months beginning after enactment.



U.S. Department of Justice

Criminal Division

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Washington, D.C. 20530

December 30, 2014

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Carolyn W. Colvin  
Acting Commissioner  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235-0001

Dear Acting Commissioner Colvin:

Pursuant to the notification provisions of P.L. 113–270, this letter and the enclosed notice provide information regarding alleged participants in World War II-era Nazi-sponsored persecution.

As you know, P.L. 113–270 directs the Department of Justice to notify the Social Security Administration of certain concluded Nazi persecutor cases. The statute states that the Department is to provide the Social Security Administration the names of:

- persons whose citizenship was revoked “based on conduct described in section 212(a)(3)(E)(i) of [the Immigration and Nationality] Act (relating to participation in Nazi persecution)” or due to the persons’ concealment or misrepresentations regarding such conduct;
- persons who renounced their citizenship pursuant to a settlement agreement in which they “admitted to conduct” described in section 212(a)(3)(E)(i) of the Immigration and Nationality Act; and
- persons who were removed from the United States based on conduct described in section 212(a)(3)(E)(i) of the Immigration and Nationality Act.

In order to satisfy the statute’s notification provisions, the Criminal Division’s Human Rights and Special Prosecutions Section, successor to the former Office of Special Investigations, has reviewed available information pertaining to Nazi cases pursued by the Department since 1945. Based on this review, we have prepared the enclosed notice that identifies persons that we believe are encompassed within the above-referenced categories. The Department has previously provided to the Social Security Administration the names, dates and places of birth of these individuals. In compiling this notice, we have included individuals who are deceased and are thus not impacted by the new law.

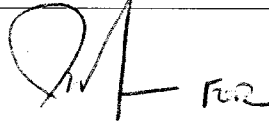
I am pleased that the outstanding cooperation between our agencies over more than thirty years has resulted in termination or suspension of benefits in scores of Nazi cases. Should you have

any questions or wish to receive further information about the methodology we have employed in identifying the persons listed in the enclosed notice, please do not hesitate to contact the Criminal Division.

If we may be of any further assistance in this matter, please do not hesitate to contact me.

Sincerely,

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A handwritten signature in black ink, appearing to read 'DM Bitkower', written over a horizontal line.

David M. Bitkower  
Deputy Assistant Attorney General

Enclosure



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

December 30, 2014

**NOTICE TO THE ACTING COMMISSIONER OF SOCIAL SECURITY  
PURSUANT TO SECTION 4 OF P.L. 113-270**

P.L. 113-270 directs the Department of Justice to notify the Social Security Administration of certain concluded Nazi persecutor cases. The statute states that the Department is to provide the Social Security Administration the names of:

- persons whose citizenship was revoked “based on conduct described in section 212(a)(3)(E)(i) of [the Immigration and Nationality] Act (relating to participation in Nazi persecution)” or due to the persons’ concealment or misrepresentations regarding such conduct;
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- persons who were removed from the United States based on conduct described in section 212(a)(3)(E)(i) of the Immigration and Nationality Act.

In order to satisfy the statute’s notification provisions, the Criminal Division’s Human Rights and Special Prosecutions Section, successor to the former Office of Special Investigations, has reviewed available information pertaining to Nazi cases pursued by the Department since 1945. Based on this review, we have prepared the below chart that identifies persons that we believe are encompassed within the above-referenced categories. The Department has previously provided to the Social Security Administration the names, dates and places of birth of these individuals. In compiling this notice, we have included individuals who are deceased and are thus not impacted by the new law.

Should you have any questions or wish to receive further information about the methodology we have employed in identifying the persons listed below, please do not hesitate to contact the Criminal Division.

Name	Citizenship Revoked	Removed	Renounced	Default Judgment
(b) (6)			X	
	X			

Name	Citizenship Revoked	Removed	Renounced	Default Judgment
(b) (6)	X			
	X			
	X			X
			X	
	X			X
	X			
	X			
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	X	X		
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	X			X
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X	X			
(b) (6)	X			
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X			X	
(b) (6)	X			
	X			
	X	X		
	X	X		
X				

<sup>1</sup> Although (b) (6) was denaturalized after being found by a court to have participated in Nazi-sponsored persecution, he was later adjudged by a U.S. court of appeals to be entitled to be recognized as a U.S. citizen from birth. He died in the United States in 2014.

Name	Citizenship Revoked	Removed	Renounced	Default Judgment
(b) (6)		X		
	X	X		
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	X	X		
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(b) (6)	X			
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		X		
			X	
	X			X
	X	X		
	X	X		
	X			
		X		
	X	X		
X				
(b) (6)	X			
	X			
	X			
	X	X		X
	X			
		X		

<sup>2</sup> (b) (6) was deported in 1950, prior to the enactment of the Immigration and Nationality Act.

Name	Citizenship Revoked	Removed	Renounced	Default Judgment
(b) (6)	X			X
	X			X

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# Congress of the United States

House of Representatives

Washington, DC 20515-3212

September 15, 2014

Carolyn W. Colvin  
Acting Commissioner  
Social Security Administration  
6401 Security Boulevard  
Baltimore, MD 21235

Dear Acting Commissioner Colvin:

I write to request information regarding the payment of Social Security benefits to known Nazi war criminals who came to the United States after the conclusion of World War II and were subsequently denaturalized, but never deported. I understand that in several cases, the U.S. Government was unable to deport identified Nazi war criminals because their home countries would not allow them to re-enter. As a result, these people may have voluntarily left the United States, and continued to receive Social Security benefits. It is egregious that the U.S. taxpayer may be funding the retirement of criminals who helped execute the worst atrocity of the 20th Century. I would like to request any information you can provide regarding the amounts and dates of payments made to individuals engaged in Nazi persecution or genocide who are alive as well as those who have since died.

Specifically, I am requesting the following information:


- For each deceased person, the name, Social Security number, last known location, date of receipt of last SSA benefits and the total amount of benefits paid since the individual's formal departure from the United States;
- For each living person, only the date of last SSA payments and the total amount of benefits paid since the individual's formal departure from the United States.

Please note that I am not requesting any information identifying current beneficiaries.

As a co-author of the Nazi War Crimes Disclosure Act which created the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group (IWG), I strongly support the release of all records documenting the involvement of the U.S. Government with Nazi war criminals. The IWG was successful in declassifying critical intelligence from various government agencies that helped uncover what the American government knew about the actions and plans of Nazi war criminals during World War II. This transparency has brought some closure to Holocaust survivors and the families of victims, and helps us learn from, and not repeat, past mistakes.

It is in the public interest that this information be disclosed so that the American public understands how its tax dollars are being dispersed and in an effort to make informed policy decisions going forward. Thank you for your attention to this important matter.

Sincerely,

  
**CAROLYN B. MALONEY**  
Member of Congress



## SOCIAL SECURITY

October 6, 2014

The Honorable Carolyn B. Maloney  
United States House of Representatives  
Washington, DC 20515

Dear Ms. Maloney:

Thank you for your September 15, 2014 request for information about individuals suspected of Nazi war crimes and their Social Security records. The enclosed chart contains the information that we were able to obtain from our records.

For each deceased person, you requested his or her name, Social Security number, last known country, date of last Social Security benefit, and the amount of Social Security benefits paid after the person's formal departure from the United States. We searched our records and identified 44 deceased individuals matching the criteria in your letter. Please note that in some cases, we could not identify the country of residence.

We searched our records for the amount of Social Security benefits paid to the deceased individuals after the individuals were deported from the United States. For those records where we located a deportation date, we included an actual amount of benefits paid, which was \$0.00 in all cases. We do not track information on individuals who voluntarily depart from the United States.

Under the Privacy Act of 1974 and the Freedom of Information Act, we generally are unable to provide information on those individuals who are, according to our records, living.

I hope this information is helpful. If I may be of further assistance, please contact me, or your staff may contact Tom Parrott, our Acting Deputy Commissioner for Legislation and Congressional Affairs, at (202) 358-6030.

Sincerely,

Carolyn W. Colvin  
Acting Commissioner

Enclosure











MICHAEL F. BENNET  
COLORADO

COMMITTEES:  
AGRICULTURE, NUTRITION, AND FORESTRY

FINANCE

HEALTH, EDUCATION, LABOR,  
AND PENSIONS

# United States Senate

WASHINGTON, DC 20510-0609

WASHINGTON, DC:  
458 RUSSELL SENATE OFFICE BUILDING  
WASHINGTON, DC 20510  
(202) 224-5852

COLORADO:  
1127 SHERMAN STREET  
SUITE 150  
DENVER, CO 80203-2306  
(303) 455-7600

<http://www.bennet.senate.gov>

October 29, 2014

The Honorable Eric Holder  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue  
Washington, DC 20530

Acting Commissioner Carolyn Colvin  
Social Security Administration  
6401 Security Boulevard  
Baltimore, MD 21235-0001

Dear Attorney General Holder and Acting Commissioner Colvin:

I write to express my deep concern about recent reports that the U.S. government may have used Social Security payments as a means of encouraging former Nazi officials to leave the country and that several of these individuals are still receiving benefits.

As you know, the Associated Press recently reported that the U.S. government may have used the prospect of continuing Social Security payments as leverage to encourage former Nazi officials to leave the country and renounce their citizenship rather than undergoing the deportation process. Because these individuals weren't formally deported, they were still able to receive their Social Security benefits after they left the country.

According to the AP, since 1979, "at least 38 of 66 suspects removed from the United States kept their Social Security benefits." At least four of these individuals are alive and still collecting benefits. Furthermore, the AP found that as of 1999, "28 suspected Nazi criminals had collected \$1.5 million in Social Security payments after their removal from the U.S."

It's extremely disturbing to learn that the U.S. taxpayer has supported individuals who participated in the worst genocide in modern history. Although I understand the need to act expeditiously to remove these individuals from the U.S. so that they can face trial, the receipt of Social Security benefits should not have served as a "bargaining chip" in the removal process. Even worse, according to the AP report, it appears that many of these individuals did not even stand trial once they left the United States.

As Congress considers legislation to prevent these individuals from receiving Social Security benefits, it is my hope the Department of Justice and the Social Security Administration can provide further information. Specifically:

- Can the Department of Justice and the Social Security Administration verify the accuracy of the AP's reporting? For instance, can your respective agencies specify the number of former Nazi officials who have received Social Security benefits? And how much in benefits did they ultimately receive?

- Do Social Security benefits continue to play any role during the removal process? If not, when did this practice end?
- When a former Nazi official left the U.S. prior to deportation and continued to receive benefits, did the Department of Justice seek to notify the country to which the individual traveled? Did the Department of Justice encourage the country to which the former Nazi official traveled to try the individual?
- When a former Nazi official left the U.S. prior to deportation and continued to receive Social Security benefits, did the Department of Justice monitor whether the individual ultimately stood trial?

I understand that many of these proceedings and discussions occurred over the course of several decades and that it may be difficult to ascertain specific facts and details. It's nonetheless important for the American people and for our historic record to understand how individuals who played a role in the Holocaust could have possibly retained their Social Security benefits even after they've left the country.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Bennet". The signature is fluid and cursive, with a large initial "M" and a stylized "B".

Michael Bennet  
United States Senator



## SOCIAL SECURITY

The Commissioner

November 26, 2014

The Honorable Michael F. Bennet  
United States Senate  
Washington, DC 20510

Dear Senator Bennet:

I want to let you know that we received your October 29, 2014 request to Attorney General Eric Holder and me regarding former Nazi persecutors who have received Social Security benefits.

I assure you that your request, which involves reviewing decades of records, is a priority for us. We are working to respond as expeditiously as possible to your question about the number of individuals who were determined to be former Nazi persecutors who received Social Security benefits, as well as the total amount of benefits received. We understand that the Department of Justice will respond separately to your letter.

I want to let you know that I appreciate your patience and understanding. We are gathering and reviewing the information necessary to respond and will have a reply for you as soon as possible.

In the meantime, if you would like to discuss this matter further, please do not hesitate to contact me. Your staff may contact Judy Chesser, our Deputy Commissioner for Legislation and Congressional Affairs, at (202) 358-6030.

Sincerely,

Carolyn W. Colvin  
Acting Commissioner

# United States Senate

WASHINGTON, DC 20510

December 1, 2014

## VIA ELECTRONIC TRANSMISSION

The Honorable Carolyn W. Colvin  
Acting Commissioner  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235-6401

Dear Commissioner Colvin:

A recent news report revealed that the United States has paid millions of dollars in Social Security to former Nazis living abroad. This is happening because the Department of Justice (DOJ) is allegedly allowing former Nazis to retain their Social Security benefits in exchange for renouncing U.S. citizenship and leaving the country voluntarily.<sup>1</sup> Under law, participating in Nazi persecution is a deportable offense.<sup>2</sup> However, former Nazis who leave the U.S. voluntarily may maintain their Social Security benefits because Nazi participation is not ground for benefit termination unless it is first used as a ground for deportation.<sup>3</sup>

These beneficiaries include people who committed egregious crimes during the Holocaust, such as SS guards from some of the Holocaust's most notorious death camps and a Nazi collaborator who was responsible for the execution of thousands of Jews.<sup>4</sup> According to the Associated Press, "at least 38 of 66 suspects... kept their Social Security benefits."<sup>5</sup>

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<sup>1</sup>David Rising, Randy Herschaft, and Richard Lardner, *Millions in Social Security for Expelled Nazis*, ASSOCIATED PRESS, Oct. 20, 2014, <http://bigstory.ap.org/article/6ae3352f4d474b028c84be0c627e7780/expelled-nazis-paid-millions-social-security>

<sup>2</sup>*Id.*

<sup>3</sup>*Id.*

<sup>4</sup>*Id.*

<sup>5</sup>*Id.*



The Social Security Administration (SSA) and the State Department objected to the DOJ practice of allowing ex-Nazis to continue receiving Social Security benefits.<sup>6</sup> In 1997, SSA Acting Commissioner John Callahan stated: “Social Security benefits cannot, and should not, be used as a bargaining tool.”<sup>7</sup>

Even with these objections, DOJ has continued the practice to this day. (b) (6) (b) (6) a 90 year old former Auschwitz guard who later became an American citizen, collects approximately \$1,500 per month in Social Security payments.<sup>8</sup> (b) (6) has long since renounced his American citizenship and now lives in Germany, yet the payments continue. At least three other ex-Nazis are still alive and continue to receive Social Security benefits abroad.<sup>9</sup>

Furthermore, newly discovered Nazi suspects who currently live in the U.S. could retain their Social Security benefits if they are removed to another country. Alleged SS commander (b) (6) currently lives in Minnesota and is under investigation in Germany for ordering his unit to attack a Polish village, killing dozens of women and children.<sup>10</sup> Like (b) (6) (b) (6) could potentially retain his Social Security benefits even if he leaves the U.S.

In addition, this case raises important questions regarding the accuracy and consistency of SSA record-keeping. The Associated Press states that information provided by SSA was “directly inconsistent” with information contained in prior communications to the AP.<sup>11</sup> Specifically, SSA stated in 2013 that (b) (6) a suspected Nazi who returned to Germany in 2007, received his last Social Security payment in 2008 after he returned to Germany.<sup>12</sup> But in a 2014 disclosure, SSA said that (b) (6) received his last payment in 2007 while still living in the United States.<sup>13</sup>

The Associated Press also found discrepancies in the information retained by SSA’s FOIA department and its press department. The AP reported that SSA’s FOIA office could not identify certain individuals, although the SSA Press Office had previously identified the “exact same individuals using the exact same information” provided by the AP in the FOIA request.<sup>14</sup> It appears that SSA is not tracking this

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Letter from Brian Barrett on behalf of reporter Randy Herschaft, Counsel, Associated Press, to Kirsten Moncada, Executive Director, Office of Privacy and Disclosure, Social Security Administration (Oct. 16, 2014), available at <http://hosted.ap.org/interactives/2014/nazi-social-security/>

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*


information carefully or ensuring that all departments within the agency have the correct records.

We have introduced bi-partisan, bi-cameral legislation to close the Social Security loophole in order to prevent this practice in the future and hope that it will become law soon. However, there remain questions about DOJ's actions and what will be done in current cases if the law is not passed before they are resolved. Therefore, we ask that you please provide the following information:

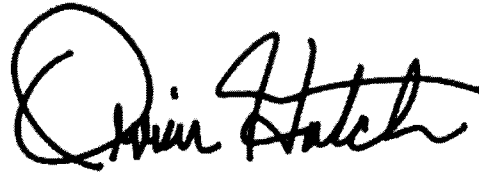
1. What is the total number of Nazi suspects who received Social Security benefits after leaving the United States? How many suspected Nazis currently receive Social Security benefits and live outside the country?
2. What is the total dollar amount of Social Security benefits that have been paid to date to suspected Nazis residing outside the US?
3. If (b) (6) leaves the United States and renounces citizenship will he be permitted to retain his Social Security benefits?
4. What communications does SSA have with DOJ regarding suspected Nazis who have left the US? When SSA objected to DOJ's practice, what was DOJ's response?
5. When did (b) (6) receive his last Social Security payment? Why was the AP provided contradictory information about him and 6 other suspected Nazis?
6. Does SSA have procedures in place to ensure the accuracy of records regarding Social Security payments? If so, what are they? If not, why not?
7. Does SSA have procedures in place in order to ensure that all divisions of the agency retain the same information? If so, what are they? If not, why not?
8. Please explain why separate divisions within SSA provided differing information to the AP, and whether SSA has taken any steps to address it.

Thank you for your attention to this matter. We would appreciate a response by December 15, 2014. If you have any questions, please do not hesitate to contact Tegan Millspaw at (202) 224-5225 or Kim Brandt at (202) 224-4515.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Judiciary



Orrin G. Hatch  
Ranking Member  
Committee on Finance

SAM JOHNSON, TEXAS  
SUBCOMMITTEE CHAIRMAN

PAT TIGERT, OHIO  
TAM GRIFIN, ARKANSAS  
JIM RENVAL, OHIO  
KARIN TOHOCK, ILLINOIS  
MIKE KELLY, PENNSYLVANIA  
KEVIN BRADY, TEXAS

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SUBCOMMITTEE RANKING MEMBER  
LOYD GOSSETT, TEXAS  
MIKE THOMPSON, CALIFORNIA  
ALLYSON SCHWARTZ, PENNSYLVANIA

DAVE CAMP, MICHIGAN, CHAIRMAN  
SANDER M. LEVIN, MICHIGAN, RANKING MEMBER  
COMMITTEE ON WAYS AND MEANS

JENNIFER SAFAVIAN, STAFF DIRECTOR  
KIM HILDRED, SUBCOMMITTEE STAFF DIRECTOR

JANICE MAYN, MINORITY CHIEF COUNSEL  
KATHRYN OLSON, SUBCOMMITTEE MINORITY STAFF

**Congress of the United States**  
**House of Representatives**

**COMMITTEE ON WAYS AND MEANS**

WASHINGTON, DC 20515

SUBCOMMITTEE ON SOCIAL SECURITY

December 15, 2014

The Honorable Carolyn Colvin  
Acting Commissioner of Social Security  
Social Security Administration  
6401 Security Boulevard  
Woodlawn, MD 21207

Dear Acting Commissioner Colvin:

As you know, we recently discovered that a small number of known Nazi persecutors had slipped through a loophole in our laws and were receiving Social Security benefits, which was never Congress's intention. The House and Senate have unanimously passed legislation to close the loophole and cut off the benefits, and we expect that the President will sign it into law very shortly.

We appreciate the technical assistance the Social Security Administration provided to help tightly close this loophole, and are writing to urge you to act quickly once the Department of Justice notifies you of the affected individuals. By acting promptly, you will ensure that those who participated in Nazi persecutions will not receive January Social Security benefits.

Thank you very much for your prompt attention to this matter.

Sincerely,



SAM JOHNSON  
Chairman



XAVIER BECERRA  
Ranking Member





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**U.S. Department of Justice**

Criminal Division

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*Washington, D.C. 20530*

December 30, 2014

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Carolyn W. Colvin  
Acting Commissioner  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235-0001

Dear Acting Commissioner Colvin:

Pursuant to the notification provisions of P.L. 113–270, this letter and the enclosed notice provide information regarding alleged participants in World War II-era Nazi-sponsored persecution.

As you know, P.L. 113–270 directs the Department of Justice to notify the Social Security Administration of certain concluded Nazi persecutor cases. The statute states that the Department is to provide the Social Security Administration the names of:

- persons whose citizenship was revoked “based on conduct described in section 212(a)(3)(E)(i) of [the Immigration and Nationality] Act (relating to participation in Nazi persecution)” or due to the persons’ concealment or misrepresentations regarding such conduct;
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In order to satisfy the statute’s notification provisions, the Criminal Division’s Human Rights and Special Prosecutions Section, successor to the former Office of Special Investigations, has reviewed available information pertaining to Nazi cases pursued by the Department since 1945. Based on this review, we have prepared the enclosed notice that identifies persons that we believe are encompassed within the above-referenced categories. The Department has previously provided to the Social Security Administration the names, dates and places of birth of these individuals. In compiling this notice, we have included individuals who are deceased and are thus not impacted by the new law.

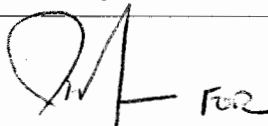
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any questions or wish to receive further information about the methodology we have employed in identifying the persons listed in the enclosed notice, please do not hesitate to contact the Criminal Division.

If we may be of any further assistance in this matter, please do not hesitate to contact me.

Sincerely,

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David M. Bitkower  
Deputy Assistant Attorney General

Enclosure



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

December 30, 2014

**NOTICE TO THE ACTING COMMISSIONER OF SOCIAL SECURITY**  
**PURSUANT TO SECTION 4 OF P.L. 113-270**

P.L. 113-270 directs the Department of Justice to notify the Social Security Administration of certain concluded Nazi persecutor cases. The statute states that the Department is to provide the Social Security Administration the names of:

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Should you have any questions or wish to receive further information about the methodology we have employed in identifying the persons listed below, please do not hesitate to contact the Criminal Division.

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(b) (6)			X	
	X			

Name	Citizenship Revoked	Removed	Renounced	Default Judgment
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	X			
	X			X
		X		
	X			X
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(b) (6)	X	X		
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(b) (6)	X			
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	X			

<sup>1</sup> Although (b) (6) was denaturalized after being found by a court to have participated in Nazi-sponsored persecution, he was later adjudged by a U.S. court of appeals to be entitled to be recognized as a U.S. citizen from birth. He died in the United States in 2014.



Name	Citizenship Revoked	Removed	Renounced	Default Judgment
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	X	X		
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	X	X		
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	X			
	X	X		X
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	(b) (6)	X		
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(b) (6)	X			
	X			
	X			
	X	X		X
	X			
		X		

<sup>2</sup> (b) (6) was deported in 1950, prior to the enactment of the Immigration and Nationality Act.

Name	Citizenship Revoked	Removed	Renounced	Default Judgment
(b) (6)	X			X
	X			X

---











# SOCIAL SECURITY

The Commissioner

January 30, 2015

The Honorable Orrin Hatch  
Chairman, Committee on Finance  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

Pursuant to section 4 of the *No Social Security for Nazis Act* (P.L. 113-270), I write to inform you that on December 30, 2014, the Department of Justice provided us with the notification regarding participants in Nazi persecution whose final order of removal, revocation and setting aside of citizenship, or renunciation of nationality occurred before the enactment of P.L. 113-270. We determined that four such individuals were receiving benefits from the Social Security Administration as of January 2015.

I hereby certify that we have terminated the benefits of the four individuals, effective with the benefit for the month of January 2015.

I hope this information is helpful. I am also sending a similar letter to Representatives Ryan and Johnson. If you would like to discuss this matter further, please do not hesitate to contact me. Your staff may contact Judy Chesser, our Deputy Commissioner for Legislation and Congressional Affairs, at (202)-358-6030.

Sincerely,

Carolyn W. Colvin  
Acting Commissioner



## SOCIAL SECURITY

The Commissioner

January 30, 2015

The Honorable Paul Ryan  
Chairman, Committee on Ways & Means  
House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

Pursuant to section 4 of the *No Social Security for Nazis Act* (P.L. 113-270), I write to inform you that on December 30, 2014, the Department of Justice provided us with the notification regarding participants in Nazi persecution whose final order of removal, revocation and setting aside of citizenship, or renunciation of nationality occurred before the enactment of P.L. 113-270. We determined that four such individuals were receiving benefits from the Social Security Administration as of January 2015.

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Carolyn W. Colvin  
Acting Commissioner





## SOCIAL SECURITY

The Commissioner

January 30, 2015

The Honorable Sam Johnson  
Chairman, Subcommittee on Social Security  
Committee on Ways & Means  
House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

Pursuant to section 4 of the *No Social Security for Nazis Act* (P.L. 113-270), I write to inform you that on December 30, 2014, the Department of Justice provided us with the notification regarding participants in Nazi persecution whose final order of removal, revocation and setting aside of citizenship, or renunciation of nationality occurred before the enactment of P.L. 113-270. We determined that four such individuals were receiving benefits from the Social Security Administration as of January 2015.

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Carolyn W. Colvin  
Acting Commissioner













U.S. Department of Justice

Criminal Division

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*Washington, D.C. 20530*

December 30, 2014

---

Carolyn W. Colvin  
Acting Commissioner  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235-0001

Dear Acting Commissioner Colvin:

Pursuant to the notification provisions of P.L. 113–270, this letter and the enclosed notice provide information regarding alleged participants in World War II-era Nazi-sponsored persecution.

As you know, P.L. 113–270 directs the Department of Justice to notify the Social Security Administration of certain concluded Nazi persecutor cases. The statute states that the Department is to provide the Social Security Administration the names of:

- persons whose citizenship was revoked “based on conduct described in section 212(a)(3)(E)(i) of [the Immigration and Nationality] Act (relating to participation in Nazi persecution)” or due to the persons’ concealment or misrepresentations regarding such conduct;
- persons who renounced their citizenship pursuant to a settlement agreement in which they “admitted to conduct” described in section 212(a)(3)(E)(i) of the Immigration and Nationality Act; and
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In order to satisfy the statute’s notification provisions, the Criminal Division’s Human Rights and Special Prosecutions Section, successor to the former Office of Special Investigations, has reviewed available information pertaining to Nazi cases pursued by the Department since 1945. Based on this review, we have prepared the enclosed notice that identifies persons that we believe are encompassed within the above-referenced categories. The Department has previously provided to the Social Security Administration the names, dates and places of birth of these individuals. In compiling this notice, we have included individuals who are deceased and are thus not impacted by the new law.

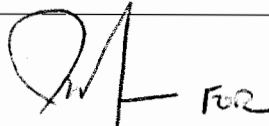
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any questions or wish to receive further information about the methodology we have employed in identifying the persons listed in the enclosed notice, please do not hesitate to contact the Criminal Division.

If we may be of any further assistance in this matter, please do not hesitate to contact me.

Sincerely,

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David M. Bitkower  
Deputy Assistant Attorney General

Enclosure





U.S. Department of Justice  
Criminal Division

Washington, D.C. 20530

December 30, 2014

**NOTICE TO THE ACTING COMMISSIONER OF SOCIAL SECURITY  
PURSUANT TO SECTION 4 OF P.L. 113-270**

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(b) (6)			X	
	X			

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	X			
		X		
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	X			
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		X		
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MICHAEL F. BENNET  
COLORADO

COMMITTEES:

AGRICULTURE, NUTRITION, AND FORESTRY

FINANCE

HEALTH, EDUCATION, LABOR,  
AND PENSIONS

# United States Senate

WASHINGTON, DC 20510-0609

WASHINGTON, DC:  
458 RUSSELL SENATE OFFICE BUILDING  
WASHINGTON, DC 20510  
(202) 224-5852

COLORADO:  
1127 SHEPHERD STREET  
SUITE 150  
DENVER, CO 80203-2396  
(303) 455-7600

<http://www.bennet.senate.gov>

October 29, 2014

The Honorable Eric Holder  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue  
Washington, DC 20530

Acting Commissioner Carolyn Colvin  
Social Security Administration  
6401 Security Boulevard  
Baltimore, MD 21235-0001

Dear Attorney General Holder and Acting Commissioner Colvin:

I write to express my deep concern about recent reports that the U.S. government may have used Social Security payments as a means of encouraging former Nazi officials to leave the country and that several of these individuals are still receiving benefits.

As you know, the Associated Press recently reported that the U.S. government may have used the prospect of continuing Social Security payments as leverage to encourage former Nazi officials to leave the country and renounce their citizenship rather than undergoing the deportation process. Because these individuals weren't formally deported, they were still able to receive their Social Security benefits after they left the country.

According to the AP, since 1979, "at least 38 of 66 suspects removed from the United States kept their Social Security benefits." At least four of these individuals are alive and still collecting benefits. Furthermore, the AP found that as of 1999, "28 suspected Nazi criminals had collected \$1.5 million in Social Security payments after their removal from the U.S."

It's extremely disturbing to learn that the U.S. taxpayer has supported individuals who participated in the worst genocide in modern history. Although I understand the need to act expeditiously to remove these individuals from the U.S. so that they can face trial, the receipt of Social Security benefits should not have served as a "bargaining chip" in the removal process. Even worse, according to the AP report, it appears that many of these individuals did not even stand trial once they left the United States.

As Congress considers legislation to prevent these individuals from receiving Social Security benefits, it is my hope the Department of Justice and the Social Security Administration can provide further information. Specifically:

- Can the Department of Justice and the Social Security Administration verify the accuracy of the AP's reporting? For instance, can your respective agencies specify the number of former Nazi officials who have received Social Security benefits? And how much in benefits did they ultimately receive?

- Do Social Security benefits continue to play any role during the removal process? If not, when did this practice end?
- When a former Nazi official left the U.S. prior to deportation and continued to receive benefits, did the Department of Justice seek to notify the country to which the individual traveled? Did the Department of Justice encourage the country to which the former Nazi official traveled to try the individual?
- When a former Nazi official left the U.S. prior to deportation and continued to receive Social Security benefits, did the Department of Justice monitor whether the individual ultimately stood trial?

I understand that many of these proceedings and discussions occurred over the course of several decades and that it may be difficult to ascertain specific facts and details. It's nonetheless important for the American people and for our historic record to understand how individuals who played a role in the Holocaust could have possibly retained their Social Security benefits even after they've left the country.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Bennet". The signature is fluid and cursive, with a large initial "M" and a stylized "B".

Michael Bennet  
United States Senator











MICHAEL F. BENNET  
COLORADO

COMMITTEES:  
AGRICULTURE, NUTRITION, AND FORESTRY

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## United States Senate

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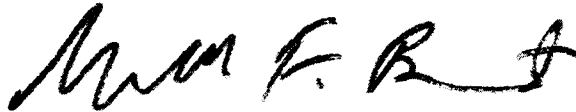
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Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael F. Bennet". The signature is fluid and cursive, with a large initial "M" and a distinct "F." followed by "Bennet".

Michael Bennet  
United States Senator



































## Social Security Legislative Bulletin

**Number: 113-31**

**Date: December 5, 2014**

### **Senate Passes H. R. 5739, the No Social Security for Nazis Act**

On December 4, 2014, the Senate passed H. R. 5739, the *No Social Security for Nazis Act*, without amendment by unanimous consent. The bill would terminate payment of Social Security benefits to additional individuals who participated in Nazi persecution. It also would clarify the timeframe in which the Department of Justice (DOJ) or the Department of Homeland Security (DHS) must notify the Social Security Administration (SSA) of certain actions involving these individuals. The bill now goes to the President for his signature.

Following are provisions of interest to SSA:

- Would terminate the retirement and disability benefits of individuals who, due to their participation in Nazi persecution, have revoked and set aside their citizenship or renounced their status as a United States national.<sup>1</sup>
- In addition to terminating their retirement or disability benefits, the bill would also prohibit such individuals from receiving auxiliary benefits based on the earnings record of another person and Supplemental Security Income benefits.
- Would clarify the timeframe in which DOJ or DHS must notify SSA of an individual's "removal, revocation and setting aside, or renunciation of nationality" based on his or her participation in Nazi persecution from "as soon as practicable after the removal" to no later than seven days after such removal, revocation and setting aside, or renunciation of nationality. Would also require DOJ or DHS to notify SSA of such actions that occurred prior to enactment.

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<sup>1</sup> Under current law, the benefits of individuals who participated in Nazi persecution are terminated only when they have been issued a final order of removal from the United States.

- Would require that, within 30 days of each notification from DOJ or DHS, the Commissioner of SSA will certify to the House Committee on Ways and Means and the Senate Finance Committee that the individual's benefits have been terminated.
- Would be effective for benefits payable for months beginning after enactment.



U.S. Department of Justice

Criminal Division

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Washington, D.C. 20530

December 30, 2014

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Carolyn W. Colvin  
Acting Commissioner  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235-0001

Dear Acting Commissioner Colvin:

Pursuant to the notification provisions of P.L. 113–270, this letter and the enclosed notice provide information regarding alleged participants in World War II-era Nazi-sponsored persecution.

As you know, P.L. 113–270 directs the Department of Justice to notify the Social Security Administration of certain concluded Nazi persecutor cases. The statute states that the Department is to provide the Social Security Administration the names of:

- persons whose citizenship was revoked “based on conduct described in section 212(a)(3)(E)(i) of [the Immigration and Nationality] Act (relating to participation in Nazi persecution)” or due to the persons’ concealment or misrepresentations regarding such conduct;
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In order to satisfy the statute’s notification provisions, the Criminal Division’s Human Rights and Special Prosecutions Section, successor to the former Office of Special Investigations, has reviewed available information pertaining to Nazi cases pursued by the Department since 1945. Based on this review, we have prepared the enclosed notice that identifies persons that we believe are encompassed within the above-referenced categories. The Department has previously provided to the Social Security Administration the names, dates and places of birth of these individuals. In compiling this notice, we have included individuals who are deceased and are thus not impacted by the new law.

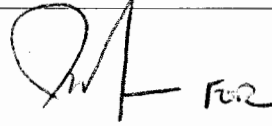
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any questions or wish to receive further information about the methodology we have employed in identifying the persons listed in the enclosed notice, please do not hesitate to contact the Criminal Division.

If we may be of any further assistance in this matter, please do not hesitate to contact me.

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David M. Bitkower  
Deputy Assistant Attorney General

Enclosure



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

December 30, 2014

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PURSUANT TO SECTION 4 OF P.L. 113-270**

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U.S. Department of Justice

Criminal Division

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Washington, D.C. 20530

December 30, 2014

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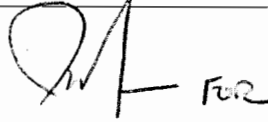
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David M. Bitkower  
Deputy Assistant Attorney General

Enclosure



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

December 30, 2014

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PURSUANT TO SECTION 4 OF P.L. 113-270**

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	X	X		X
		X		
	X			
	X			
	(b) (6)	X		
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		X		
			X	
X				X
X		X		
X		X		
X				
		X		
X		X		
X				
X				
X				
X		X		X
X				
		X		
X				

<sup>2</sup> (b) (6) was deported in 1950, prior to the enactment of the Immigration and Nationality Act.

Name	Citizenship Revoked	Removed	Renounced	Default Judgment
(b) (6)	X			X
	X			X

---















U.S. Department of Justice

Criminal Division

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*Washington, D.C. 20530*

December 30, 2014

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Carolyn W. Colvin  
Acting Commissioner  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235-0001

Dear Acting Commissioner Colvin:

Pursuant to the notification provisions of P.L. 113–270, this letter and the enclosed notice provide information regarding alleged participants in World War II-era Nazi-sponsored persecution.

As you know, P.L. 113–270 directs the Department of Justice to notify the Social Security Administration of certain concluded Nazi persecutor cases. The statute states that the Department is to provide the Social Security Administration the names of:

- persons whose citizenship was revoked “based on conduct described in section 212(a)(3)(E)(i) of [the Immigration and Nationality] Act (relating to participation in Nazi persecution)” or due to the persons’ concealment or misrepresentations regarding such conduct;
- persons who renounced their citizenship pursuant to a settlement agreement in which they “admitted to conduct” described in section 212(a)(3)(E)(i) of the Immigration and Nationality Act; and
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In order to satisfy the statute’s notification provisions, the Criminal Division’s Human Rights and Special Prosecutions Section, successor to the former Office of Special Investigations, has reviewed available information pertaining to Nazi cases pursued by the Department since 1945. Based on this review, we have prepared the enclosed notice that identifies persons that we believe are encompassed within the above-referenced categories. The Department has previously provided to the Social Security Administration the names, dates and places of birth of these individuals. In compiling this notice, we have included individuals who are deceased and are thus not impacted by the new law.

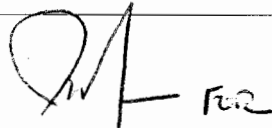
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If we may be of any further assistance in this matter, please do not hesitate to contact me.

Sincerely,

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David M. Bitkower  
Deputy Assistant Attorney General

Enclosure



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

December 30, 2014

**NOTICE TO THE ACTING COMMISSIONER OF SOCIAL SECURITY  
PURSUANT TO SECTION 4 OF P.L. 113-270**

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	X			

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(b) (6)	X				
	X				
	X			X	
		X			
	X			X	
	X				
	X				
	X	X			
	X	X			
	X	X			
	(b) (6)	X			X
		X			
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X				X	
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X		X			
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X					
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	X	X			
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	X			
		X		
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	X	X		X
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	(b) (6)	X		
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			X	
X				X
X		X		
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# SOCIAL SECURITY

The Commissioner

January 30, 2015

The Honorable Orrin Hatch  
Chairman, Committee on Finance  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

Pursuant to section 4 of the *No Social Security for Nazis Act* (P.L. 113-270), I write to inform you that on December 30, 2014, the Department of Justice provided us with the notification regarding participants in Nazi persecution whose final order of removal, revocation and setting aside of citizenship, or renunciation of nationality occurred before the enactment of P.L. 113-270. We determined that four such individuals were receiving benefits from the Social Security Administration as of January 2015.

I hereby certify that we have terminated the benefits of the four individuals, effective with the benefit for the month of January 2015.

I hope this information is helpful. I am also sending a similar letter to Representatives Ryan and Johnson. If you would like to discuss this matter further, please do not hesitate to contact me. Your staff may contact Judy Chesser, our Deputy Commissioner for Legislation and Congressional Affairs, at (202)-358-6030.

Sincerely,

Carolyn W. Colvin  
Acting Commissioner



# SOCIAL SECURITY

The Commissioner

January 30, 2015

The Honorable Paul Ryan  
Chairman, Committee on Ways & Means  
House of Representatives  
Washington, DC 20515

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January 30, 2015

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Committee on Ways & Means  
House of Representatives  
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United States Senate  
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Carolyn W. Colvin  
Acting Commissioner









































































**U.S. Department of Justice**

Criminal Division

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*Washington, D.C. 20530*

December 30, 2014

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Acting Commissioner  
Social Security Administration  
6401 Security Boulevard  
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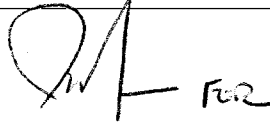
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David M. Bitkower  
Deputy Assistant Attorney General

Enclosure



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

December 30, 2014

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PURSUANT TO SECTION 4 OF P.L. 113-270**

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Name	Citizenship Revoked	Removed	Renounced	Default Judgment
(b) (6)			X	
	X			

Name	Citizenship Revoked	Removed	Renounced	Default Judgment
(b) (6)	X			
(b) (6)	X			
(b) (6)	X			X
(b) (6)		X		
(b) (6)	X			X
(b) (6)	X			
(b) (6)	X			
(b) (6)	X	X		
(b) (6)	X	X		
(b) (6)	X	X		
(b) (6)	X			X
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(b) (6)	X			X
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Non-Responsive





































































# SOCIAL SECURITY

The Commissioner

January 30, 2015

The Honorable Orrin Hatch  
Chairman, Committee on Finance  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

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Sincerely,

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Acting Commissioner





# SOCIAL SECURITY

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January 30, 2015

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House of Representatives  
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Acting Commissioner

















































































































































## SOCIAL SECURITY

The Commissioner

December 15, 2014

The Honorable Charles E. Grassley  
United States Senate  
Washington, DC 20510

Dear Senator Grassley:

I want to let you know that I received your December 1, 2014 request regarding former Nazi persecutors who have received Social Security benefits. Your request is a top priority for me, and we are working to respond as quickly as possible to your questions about individuals who received Social Security benefits after leaving the country, as well as the total amount of benefits received. We will also be providing information to resolve your questions about potentially contradictory data we previously provided to the Associated Press.

I appreciate your patience and understanding. We are gathering and reviewing the information necessary to respond and will have a reply for you as soon as possible. In the meantime, if you would like to discuss this matter further, please do not hesitate to contact me. Your staff may contact Judy Chesser, our Deputy Commissioner for Legislation and Congressional Affairs, at (202) 358-6030.

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United States Senate  
Washington, DC 20510

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January 30, 2015

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United States Senate  
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Carolyn W. Colvin  
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# Congress of the United States

House of Representatives

Washington, DC 20515-3212

September 15, 2014

Carolyn W. Colvin  
Acting Commissioner  
Social Security Administration  
6401 Security Boulevard  
Baltimore, MD 21235

Dear Acting Commissioner Colvin:

I write to request information regarding the payment of Social Security benefits to known Nazi war criminals who came to the United States after the conclusion of World War II and were subsequently denaturalized, but never deported. I understand that in several cases, the U.S. Government was unable to deport identified Nazi war criminals because their home countries would not allow them to re-enter. As a result, these people may have voluntarily left the United States, and continued to receive Social Security benefits. It is egregious that the U.S. taxpayer may be funding the retirement of criminals who helped execute the worst atrocity of the 20th Century. I would like to request any information you can provide regarding the amounts and dates of payments made to individuals engaged in Nazi persecution or genocide who are alive as well as those who have since died.

Specifically, I am requesting the following information:

- For each deceased person, the name, Social Security number, last known location, date of receipt of last SSA benefits and the total amount of benefits paid since the individual's formal departure from the United States;
- For each living person, only the date of last SSA payments and the total amount of benefits paid since the individual's formal departure from the United States.

Please note that I am not requesting any information identifying current beneficiaries.

As a co-author of the Nazi War Crimes Disclosure Act which created the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group (IWG), I strongly support the release of all records documenting the involvement of the U.S. Government with Nazi war criminals. The IWG was successful in declassifying critical intelligence from various government agencies that helped uncover what the American government knew about the actions and plans of Nazi war criminals during World War II. This transparency has brought some closure to Holocaust survivors and the families of victims, and helps us learn from, and not repeat, past mistakes.

It is in the public interest that this information be disclosed so that the American public understands how its tax dollars are being dispersed and in an effort to make informed policy decisions going forward. Thank you for your attention to this important matter.

Sincerely,

  
CAROLYN B. MALONEY  
Member of Congress



## SOCIAL SECURITY

October 6, 2014

The Honorable Carolyn B. Maloney  
United States House of Representatives  
Washington, DC 20515

Dear Ms. Maloney:

Thank you for your September 15, 2014 request for information about individuals suspected of Nazi war crimes and their Social Security records. The enclosed chart contains the information that we were able to obtain from our records.

For each deceased person, you requested his or her name, Social Security number, last known country, date of last Social Security benefit, and the amount of Social Security benefits paid after the person's formal departure from the United States. We searched our records and identified 44 deceased individuals matching the criteria in your letter. Please note that in some cases, we could not identify the country of residence.

We searched our records for the amount of Social Security benefits paid to the deceased individuals after the individuals were deported from the United States. For those records where we located a deportation date, we included an actual amount of benefits paid, which was \$0.00 in all cases. We do not track information on individuals who voluntarily depart from the United States.

Under the Privacy Act of 1974 and the Freedom of Information Act, we generally are unable to provide information on those individuals who are, according to our records, living.

I hope this information is helpful. If I may be of further assistance, please contact me, or your staff may contact Tom Parrott, our Acting Deputy Commissioner for Legislation and Congressional Affairs, at (202) 358-6030.

Sincerely,

Carolyn W. Colvin  
Acting Commissioner

Enclosure











MICHAEL F. BENNET  
COLORADO

COMMITTEES:  
AGRICULTURE, NUTRITION, AND FORESTRY

FINANCE

HEALTH, EDUCATION, LABOR,  
AND PENSIONS

## United States Senate

WASHINGTON, DC 20510-0609

WASHINGTON, DC:  
458 RUSSELL SENATE OFFICE BUILDING  
WASHINGTON, DC 20510  
(202) 224-5852

COLORADO:  
1127 SHEPHERD STREET  
SUITE 150  
DENVER, CO 80203-2398  
(303) 455-7600

<http://www.bennet.senate.gov>

October 29, 2014

The Honorable Eric Holder  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue  
Washington, DC 20530

Acting Commissioner Carolyn Colvin  
Social Security Administration  
6401 Security Boulevard  
Baltimore, MD 21235-0001

Dear Attorney General Holder and Acting Commissioner Colvin:

I write to express my deep concern about recent reports that the U.S. government may have used Social Security payments as a means of encouraging former Nazi officials to leave the country and that several of these individuals are still receiving benefits.

As you know, the Associated Press recently reported that the U.S. government may have used the prospect of continuing Social Security payments as leverage to encourage former Nazi officials to leave the country and renounce their citizenship rather than undergoing the deportation process. Because these individuals weren't formally deported, they were still able to receive their Social Security benefits after they left the country.

According to the AP, since 1979, "at least 38 of 66 suspects removed from the United States kept their Social Security benefits." At least four of these individuals are alive and still collecting benefits. Furthermore, the AP found that as of 1999, "28 suspected Nazi criminals had collected \$1.5 million in Social Security payments after their removal from the U.S."

It's extremely disturbing to learn that the U.S. taxpayer has supported individuals who participated in the worst genocide in modern history. Although I understand the need to act expeditiously to remove these individuals from the U.S. so that they can face trial, the receipt of Social Security benefits should not have served as a "bargaining chip" in the removal process. Even worse, according to the AP report, it appears that many of these individuals did not even stand trial once they left the United States.

As Congress considers legislation to prevent these individuals from receiving Social Security benefits, it is my hope the Department of Justice and the Social Security Administration can provide further information. Specifically:

- Can the Department of Justice and the Social Security Administration verify the accuracy of the AP's reporting? For instance, can your respective agencies specify the number of former Nazi officials who have received Social Security benefits? And how much in benefits did they ultimately receive?

- Do Social Security benefits continue to play any role during the removal process? If not, when did this practice end?
- When a former Nazi official left the U.S. prior to deportation and continued to receive benefits, did the Department of Justice seek to notify the country to which the individual traveled? Did the Department of Justice encourage the country to which the former Nazi official traveled to try the individual?
- When a former Nazi official left the U.S. prior to deportation and continued to receive Social Security benefits, did the Department of Justice monitor whether the individual ultimately stood trial?

I understand that many of these proceedings and discussions occurred over the course of several decades and that it may be difficult to ascertain specific facts and details. It's nonetheless important for the American people and for our historic record to understand how individuals who played a role in the Holocaust could have possibly retained their Social Security benefits even after they've left the country.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael F. Bennet". The signature is fluid and cursive, with a large initial "M" and a distinct "F." followed by "Bennet".

Michael Bennet  
United States Senator



## SOCIAL SECURITY

The Commissioner

November 26, 2014

The Honorable Michael F. Bennet  
United States Senate  
Washington, DC 20510

Dear Senator Bennet:

I want to let you know that we received your October 29, 2014 request to Attorney General Eric Holder and me regarding former Nazi persecutors who have received Social Security benefits.

I assure you that your request, which involves reviewing decades of records, is a priority for us. We are working to respond as expeditiously as possible to your question about the number of individuals who were determined to be former Nazi persecutors who received Social Security benefits, as well as the total amount of benefits received. We understand that the Department of Justice will respond separately to your letter.

I want to let you know that I appreciate your patience and understanding. We are gathering and reviewing the information necessary to respond and will have a reply for you as soon as possible.

In the meantime, if you would like to discuss this matter further, please do not hesitate to contact me. Your staff may contact Judy Chesser, our Deputy Commissioner for Legislation and Congressional Affairs, at (202) 358-6030.

Sincerely,

Carolyn W. Colvin  
Acting Commissioner

# United States Senate

WASHINGTON, DC 20510

December 1, 2014

## VIA ELECTRONIC TRANSMISSION

The Honorable Carolyn W. Colvin  
Acting Commissioner  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235-6401

Dear Commissioner Colvin:

A recent news report revealed that the United States has paid millions of dollars in Social Security to former Nazis living abroad. This is happening because the Department of Justice (DOJ) is allegedly allowing former Nazis to retain their Social Security benefits in exchange for renouncing U.S. citizenship and leaving the country voluntarily.<sup>1</sup> Under law, participating in Nazi persecution is a deportable offense.<sup>2</sup> However, former Nazis who leave the U.S. voluntarily may maintain their Social Security benefits because Nazi participation is not ground for benefit termination unless it is first used as a ground for deportation.<sup>3</sup>

These beneficiaries include people who committed egregious crimes during the Holocaust, such as SS guards from some of the Holocaust's most notorious death camps and a Nazi collaborator who was responsible for the execution of thousands of Jews.<sup>4</sup> According to the Associated Press, "at least 38 of 66 suspects... kept their Social Security benefits."<sup>5</sup>

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<sup>1</sup>David Rising, Randy Herschaft, and Richard Lardner, *Millions in Social Security for Expelled Nazis*, ASSOCIATED PRESS, Oct. 20, 2014, <http://bigstory.ap.org/article/6ae3352f4d474b028c84be0c627e7780/expelled-nazis-paid-millions-social-security>

<sup>2</sup>*Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

The Social Security Administration (SSA) and the State Department objected to the DOJ practice of allowing ex-Nazis to continue receiving Social Security benefits.<sup>6</sup> In 1997, SSA Acting Commissioner John Callahan stated: "Social Security benefits cannot, and should not, be used as a bargaining tool."<sup>7</sup>

Even with these objections, DOJ has continued the practice to this day. (b) (6)  
(b) (6), a 90 year old former Auschwitz guard who later became an American citizen, collects approximately \$1,500 per month in Social Security payments.<sup>8</sup> (b) (6) has long since renounced his American citizenship and now lives in Germany, yet the payments continue. At least three other ex-Nazis are still alive and continue to receive Social Security benefits abroad.<sup>9</sup>

Furthermore, newly discovered Nazi suspects who currently live in the U.S. could retain their Social Security benefits if they are removed to another country. Alleged SS commander (b) (6) currently lives in Minnesota and is under investigation in Germany for ordering his unit to attack a Polish village, killing dozens of women and children.<sup>10</sup> Like (b) (6), (b) (6) could potentially retain his Social Security benefits even if he leaves the U.S.

In addition, this case raises important questions regarding the accuracy and consistency of SSA record-keeping. The Associated Press states that information provided by SSA was "directly inconsistent" with information contained in prior communications to the AP.<sup>11</sup> Specifically, SSA stated in 2013 that (b) (6) a suspected Nazi who returned to Germany in 2007, received his last Social Security payment in 2008 after he returned to Germany.<sup>12</sup> But in a 2014 disclosure, SSA said that (b) (6) received his last payment in 2007 while still living in the United States.<sup>13</sup>

The Associated Press also found discrepancies in the information retained by SSA's FOIA department and its press department. The AP reported that SSA's FOIA office could not identify certain individuals, although the SSA Press Office had previously identified the "exact same individuals using the exact same information" provided by the AP in the FOIA request.<sup>14</sup> It appears that SSA is not tracking this

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Letter from Brian Barrett on behalf of reporter Randy Herschaft, Counsel, Associated Press, to Kirsten Moncada, Executive Director, Office of Privacy and Disclosure, Social Security Administration (Oct. 16, 2014), available at <http://hosted.ap.org/interactives/2014/nazi-social-security/>

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

information carefully or ensuring that all departments within the agency have the correct records.

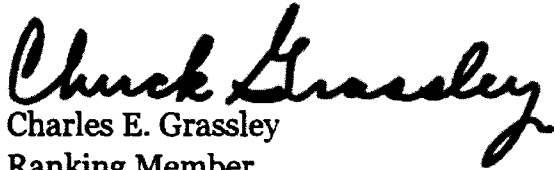
We have introduced bi-partisan, bi-cameral legislation to close the Social Security loophole in order to prevent this practice in the future and hope that it will become law soon. However, there remain questions about DOJ's actions and what will be done in current cases if the law is not passed before they are resolved. Therefore, we ask that you please provide the following information:

1. What is the total number of Nazi suspects who received Social Security benefits after leaving the United States? How many suspected Nazis currently receive Social Security benefits and live outside the country?
2. What is the total dollar amount of Social Security benefits that have been paid to date to suspected Nazis residing outside the US?
3. If (b) (6) leaves the United States and renounces citizenship will he be permitted to retain his Social Security benefits?
4. What communications does SSA have with DOJ regarding suspected Nazis who have left the US? When SSA objected to DOJ's practice, what was DOJ's response?
5. When did (b) (6) receive his last Social Security payment? Why was the AP provided contradictory information about him and 6 other suspected Nazis?
6. Does SSA have procedures in place to ensure the accuracy of records regarding Social Security payments? If so, what are they? If not, why not?
7. Does SSA have procedures in place in order to ensure that all divisions of the agency retain the same information? If so, what are they? If not, why not?
8. Please explain why separate divisions within SSA provided differing information to the AP, and whether SSA has taken any steps to address it.

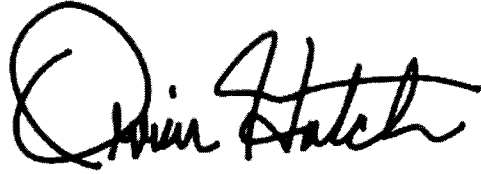


Thank you for your attention to this matter. We would appreciate a response by December 15, 2014. If you have any questions, please do not hesitate to contact Tegan Millspaw at (202) 224-5225 or Kim Brandt at (202) 224-4515.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Judiciary



Orrin G. Hatch  
Ranking Member  
Committee on Finance

SAM JOHNSON, TEXAS  
SUBCOMMITTEE CHAIRMAN

PAT TIBERI, OHIO  
T.M. BRIFEN, ARKANSAS  
JIM RENACE, OHIO  
AMBER SHERCK, ILLINOIS  
MIKE KELLY, PENNSYLVANIA  
KEVIN BRADY, TEXAS

XAVIER BECERRA, CALIFORNIA  
SUBCOMMITTEE RANKING MEMBER  
JOHN BOBGETT, TEXAS  
STEVE THOMPSON, CALIFORNIA  
AL LYNN SCHWABT, PENNSYLVANIA

DAVE CAMP, MICHIGAN, CHAIRMAN  
SANDER M. LEVIN, MICHIGAN, RANKING MEMBER  
COMMITTEE ON WAYS AND MEANS

JENNIFER SAFARIAN, STAFF DIRECTOR  
KIM HILDRETH, SUBCOMMITTEE STAFF DIRECTOR

JANICE MAY, MINORITY CHIEF OF STAFF  
KATHRYN OLSON, SUBCOMMITTEE MINORITY STAFF

**Congress of the United States**  
**House of Representatives**

**COMMITTEE ON WAYS AND MEANS**

WASHINGTON, DC 20515

SUBCOMMITTEE ON SOCIAL SECURITY

December 15, 2014

The Honorable Carolyn Colvin  
Acting Commissioner of Social Security  
Social Security Administration  
6401 Security Boulevard  
Woodlawn, MD 21207

Dear Acting Commissioner Colvin:

As you know, we recently discovered that a small number of known Nazi persecutors had slipped through a loophole in our laws and were receiving Social Security benefits, which was never Congress's intention. The House and Senate have unanimously passed legislation to close the loophole and cut off the benefits, and we expect that the President will sign it into law very shortly.

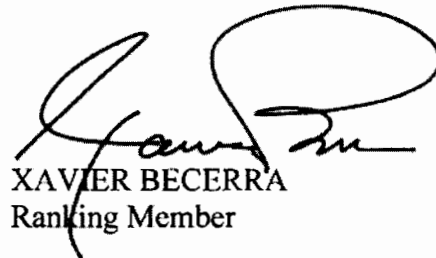
We appreciate the technical assistance the Social Security Administration provided to help tightly close this loophole, and are writing to urge you to act quickly once the Department of Justice notifies you of the affected individuals. By acting promptly, you will ensure that those who participated in Nazi persecutions will not receive January Social Security benefits.

Thank you very much for your prompt attention to this matter.

Sincerely,



SAM JOHNSON  
Chairman



XAVIER BECERRA  
Ranking Member













**U.S. Department of Justice**

Criminal Division

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*Washington, D.C. 20530*

December 30, 2014

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Carolyn W. Colvin  
Acting Commissioner  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235-0001

Dear Acting Commissioner Colvin:

Pursuant to the notification provisions of P.L. 113–270, this letter and the enclosed notice provide information regarding alleged participants in World War II-era Nazi-sponsored persecution.

As you know, P.L. 113–270 directs the Department of Justice to notify the Social Security Administration of certain concluded Nazi persecutor cases. The statute states that the Department is to provide the Social Security Administration the names of:

- persons whose citizenship was revoked “based on conduct described in section 212(a)(3)(E)(i) of [the Immigration and Nationality] Act (relating to participation in Nazi persecution)” or due to the persons’ concealment or misrepresentations regarding such conduct;
- persons who renounced their citizenship pursuant to a settlement agreement in which they “admitted to conduct” described in section 212(a)(3)(E)(i) of the Immigration and Nationality Act; and
- persons who were removed from the United States based on conduct described in section 212(a)(3)(E)(i) of the Immigration and Nationality Act.

In order to satisfy the statute’s notification provisions, the Criminal Division’s Human Rights and Special Prosecutions Section, successor to the former Office of Special Investigations, has reviewed available information pertaining to Nazi cases pursued by the Department since 1945. Based on this review, we have prepared the enclosed notice that identifies persons that we believe are encompassed within the above-referenced categories. The Department has previously provided to the Social Security Administration the names, dates and places of birth of these individuals. In compiling this notice, we have included individuals who are deceased and are thus not impacted by the new law.

I am pleased that the outstanding cooperation between our agencies over more than thirty years has resulted in termination or suspension of benefits in scores of Nazi cases. Should you have

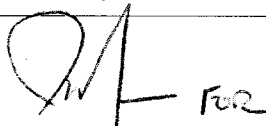


any questions or wish to receive further information about the methodology we have employed in identifying the persons listed in the enclosed notice, please do not hesitate to contact the Criminal Division.

If we may be of any further assistance in this matter, please do not hesitate to contact me.

Sincerely,

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A handwritten signature in black ink, appearing to read 'DM Bitkower', written over a horizontal line.

David M. Bitkower  
Deputy Assistant Attorney General

Enclosure



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

December 30, 2014

**NOTICE TO THE ACTING COMMISSIONER OF SOCIAL SECURITY**  
**PURSUANT TO SECTION 4 OF P.L. 113-270**

P.L. 113-270 directs the Department of Justice to notify the Social Security Administration of certain concluded Nazi persecutor cases. The statute states that the Department is to provide the Social Security Administration the names of:

- persons whose citizenship was revoked “based on conduct described in section 212(a)(3)(E)(i) of [the Immigration and Nationality] Act (relating to participation in Nazi persecution)” or due to the persons’ concealment or misrepresentations regarding such conduct;
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Should you have any questions or wish to receive further information about the methodology we have employed in identifying the persons listed below, please do not hesitate to contact the Criminal Division.

Name	Citizenship Revoked	Removed	Renounced	Default Judgment
(b) (6)			X	
	X			

Name	Citizenship Revoked	Removed	Renounced	Default Judgment
(b) (6)	X			
(b) (6)	X			
(b) (6)	X			X
(b) (6)		X		
(b) (6)	X			X
(b) (6)	X			
(b) (6)	X			
(b) (6)	X	X		
(b) (6)	X	X		
(b) (6)	X	X		
(b) (6)	X			X
(b) (6)	X			
(b) (6)		X		
(b) (6)	X	X		
(b) (6)	X			
(b) (6)	X			
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(b) (6)		X		
(b) (6)	X			X
(b) (6)	X			
(b) (6)	X			
(b) (6)	X	X		
(b) (6)	X	X		
(b) (6)	X			

<sup>1</sup> Although (b) (6) was denaturalized after being found by a court to have participated in Nazi-sponsored persecution, he was later adjudged by a U.S. court of appeals to be entitled to be recognized as a U.S. citizen from birth. He died in the United States in 2014.

Name	Citizenship Revoked	Removed	Renounced	Default Judgment
(b) (6)		X		
	X	X		
	X			
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	X	X		
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	(b) (6)	X		
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	X			
X				

<sup>2</sup> (b) (6) was deported in 1950, prior to the enactment of the Immigration and Nationality Act.

Name	Citizenship Revoked	Removed	Renounced	Default Judgment
(b) (6) [REDACTED]	X			X
[REDACTED]	X			X















U.S. Department of Justice

Criminal Division

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Washington, D.C. 20530

December 30, 2014

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Carolyn W. Colvin  
Acting Commissioner  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235-0001

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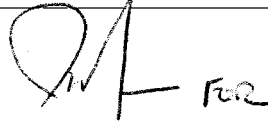
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If we may be of any further assistance in this matter, please do not hesitate to contact me.

Sincerely,

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A handwritten signature in black ink, appearing to read 'D. Bitkower', written over a horizontal line.

David M. Bitkower  
Deputy Assistant Attorney General

Enclosure



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

December 30, 2014

**NOTICE TO THE ACTING COMMISSIONER OF SOCIAL SECURITY  
PURSUANT TO SECTION 4 OF P.L. 113-270**

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	X			

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(b) (6)	X			X
(b) (6)	X			
(b) (6)	X			
(b) (6)	X	X		
(b) (6)	X	X		
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(b) (6)	X			X
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(b) (6)		X		
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(b) (6)	X			X
(b) (6)	X			
(b) (6)	X			
(b) (6)	X	X		
(b) (6)	X	X		
(b) (6)	X			

<sup>1</sup> Although (b) (6) was denaturalized after being found by a court to have participated in Nazi-sponsored persecution, he was later adjudged by a U.S. court of appeals to be entitled to be recognized as a U.S. citizen from birth. He died in the United States in 2014.

Name	Citizenship Revoked	Removed	Renounced	Default Judgment	
(b) (6)		X			
	X	X			
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	X	X			
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	(b) (6)	X			
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(b) (6)	X				
		X			
	X				

<sup>2</sup> (b) (6) was deported in 1950, prior to the enactment of the Immigration and Nationality Act.

Name	Citizenship Revoked	Removed	Renounced	Default Judgment
(b) (6)	X			X
	X			X











# SOCIAL SECURITY

The Commissioner

January 30, 2015

The Honorable Orrin Hatch  
Chairman, Committee on Finance  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

Pursuant to section 4 of the *No Social Security for Nazis Act* (P.L. 113-270), I write to inform you that on December 30, 2014, the Department of Justice provided us with the notification regarding participants in Nazi persecution whose final order of removal, revocation and setting aside of citizenship, or renunciation of nationality occurred before the enactment of P.L. 113-270. We determined that four such individuals were receiving benefits from the Social Security Administration as of January 2015.

I hereby certify that we have terminated the benefits of the four individuals, effective with the benefit for the month of January 2015.

I hope this information is helpful. I am also sending a similar letter to Representatives Ryan and Johnson. If you would like to discuss this matter further, please do not hesitate to contact me. Your staff may contact Judy Chesser, our Deputy Commissioner for Legislation and Congressional Affairs, at (202)-358-6030.

Sincerely,

Carolyn W. Colvin  
Acting Commissioner



# SOCIAL SECURITY

The Commissioner

January 30, 2015

The Honorable Paul Ryan  
Chairman, Committee on Ways & Means  
House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

Pursuant to section 4 of the *No Social Security for Nazis Act* (P.L. 113-270), I write to inform you that on December 30, 2014, the Department of Justice provided us with the notification regarding participants in Nazi persecution whose final order of removal, revocation and setting aside of citizenship, or renunciation of nationality occurred before the enactment of P.L. 113-270. We determined that four such individuals were receiving benefits from the Social Security Administration as of January 2015.

I hereby certify that we have terminated the benefits of the four individuals, effective with the benefit for the month of January 2015.

I hope this information is helpful. I am also sending a similar letter to Senator Hatch and Representative Johnson. If you would like to discuss this matter further, please do not hesitate to contact me. Your staff may contact Judy Chesser, our Deputy Commissioner for Legislation and Congressional Affairs, at (202)-358-6030.

Sincerely,

Carolyn W. Colvin  
Acting Commissioner



# SOCIAL SECURITY

The Commissioner

January 30, 2015

The Honorable Sam Johnson  
Chairman, Subcommittee on Social Security  
Committee on Ways & Means  
House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

Pursuant to section 4 of the *No Social Security for Nazis Act* (P.L. 113-270), I write to inform you that on December 30, 2014, the Department of Justice provided us with the notification regarding participants in Nazi persecution whose final order of removal, revocation and setting aside of citizenship, or renunciation of nationality occurred before the enactment of P.L. 113-270. We determined that four such individuals were receiving benefits from the Social Security Administration as of January 2015.

I hereby certify that we have terminated the benefits of the four individuals, effective with the benefit for the month of January 2015.

I hope this information is helpful. I am also sending a similar letter to Senator Hatch and Representative Ryan. If you would like to discuss this matter further, please do not hesitate to contact me. Your staff may contact Judy Chesser, our Deputy Commissioner for Legislation and Congressional Affairs, at (202)-358-6030.

Sincerely,

Carolyn W. Colvin  
Acting Commissioner

(b) (6)

---

**From:** Verzi, Debbie  
**Sent:** Tuesday, January 13, 2015 11:17 AM  
**To:** Hansen, Erik  
**Subject:** FW: Case - AM8557--AP Nazi appeal  
**Attachments:** AM8557- 01-12-15.pdf; AM8557- Chart 1.pdf; AM8557- Chart 2.pdf

Erik,

Here is the response and attachments to the AP appeal.

Thanks,

Debbie



## SOCIAL SECURITY

Refer to:  
S9H: (b) (6)

January 12, 2015

(b) (6)

I am responding to your October 16, 2014 Freedom of Information Act appeal of Ms. Dawn S. Wiggins' decision regarding individuals suspected of Nazi war crimes and their social security records.

After careful review, I agree with Ms. Wiggins' decision not to release information about living individuals to you. Although, you requested non-identifying information about living individuals, we determined that we could not provide this information on living individuals in our records as the number is too small. Considering all the information we have already provided to you about these 66 individuals, combined with other information that you have provided, it may be possible to identify living individuals. Therefore, pursuant to the Privacy Act of 1974 (5 U.S.C. § 552a) and the Freedom of Information Act (5 U.S.C. § 552) I am withholding information on individuals on your chart who are not shown deceased in our records.

You also referenced several concerns regarding our initial response as follows:

- (1) You noted that you received conflicting information regarding the date of last benefits paid that we sent you on January 10, 2013 regarding seven suspected Nazi war criminals who were also named in our initial response of September 16, 2014. After reviewing the information sent to you in January 2013 and the information sent in our initial response in September 2014, in our January 2013 response, we inadvertently provided you the termination date of benefits not the date of last benefits paid for these seven individuals. Therefore, in the case for Paul Henss, his last benefit paid was in November 2007 not in March 2008. His benefits were terminated in March 2008, which is the month he died. Please see the attached chart with the updated information for these seven individuals.
- (2) You noted that we changed the scope of your request for the amount of Social Security benefits paid since the person's departure from the United States to the deportation date. Since Social Security Administration (SSA) does not track information on individuals



who voluntarily depart the United States, we provided the only last benefit paid information we had which was the deportation date. We apologize for not making this clear in our original response and regret any misunderstanding.

- (3) You questioned our inability to find 20 individuals on your chart. We searched our records again with the information you provided and were unable to locate any records for 16 individuals. Please note that these individuals may have never applied for a Social Security number or they may have given us different information at the time they applied for a number. However, we were able to locate two additional deceased individuals' records, Johann Leprich and Michael Gorshkow, whose records were not located at the time of our initial search. For consistency, we are providing the same information for Mr. Leprich and Mr. Gorshkow as we did for the other deceased individuals in our initial response. Please see the attached updated chart.

In addition, we were able to find two more living individuals' records listed on your chart bringing the total living individuals to four. However, as stated above, we cannot release any information about these individuals as the number is too small and it may be possible to identify living individuals.

As requested, according to our records, Orest Galan's date of death is May 1, 2007.

Regarding the suspected Nazi war criminals that may have voluntarily left the country, SSA has reached out to the Department of Justice (DOJ) and is working with DOJ to obtain and verify information regarding these individuals. To the extent you are requesting records related to these efforts, at this time, we cannot release this information. Until we collect and verify information from DOJ, FOIA Exemption 5 protects this information as predecisional. Exemption 5 and the deliberative process privilege protect advice, opinions, recommendations, predecisional discussion, and evaluative remarks that are part of the government decision-making process. Release of such predecisional advisory communications would harm the quality of agency decision-making and the policy of encouraging frank, open discussion among agency personnel before making a decision (5 U.S.C. §552 (b)(5)).

The most commonly invoked privilege within exemption 5 is the deliberative process privilege. The general purposes of this privilege are to prevent injury to the quality of agency decisions and to protect government agencies' decision-making processes. The deliberative process privilege allows agencies to freely explore alternative avenues of action and to engage in internal debates without fear of public scrutiny (Missouri ex rel. Shorr v. United States Army Corps of Engineers, 147 F.3d 708, 710 (8<sup>th</sup> Cir. 1998)). Exemption 5 protects not merely documents, but also the integrity of the deliberative process itself, where the exposure of that process could result in harm.

This is the agency's final decision in this matter. If you still believe the decision is incorrect, you can seek review in a United States district court. Rather than seeking review in district court, you can contact the Office of Government Information Services (OGIS) for mediation services. Using OGIS services does not affect your right to pursue litigation at a later time.

You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road – OGIS  
College Park, MD 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: 202-741-5770  
Fax: 202-741-5769  
Toll-Free: 1-877-684-6448

Sincerely,



Kirsten J. Moncada  
Executive Director  
Office of Privacy and Disclosure

Enclosure

# Individuals listed on response dated January 10, 2013

(Updated January 12, 2015)

Name	Date of death	Date of termination	Date of last SSA benefit paid	Last known country
Martin Bartsch	December 1989	December 1989	November 1989	Austria
Paul J. Henss	March 2008	March 2008	November 2007	Germany
Anatoly Hrusitzky	September 1992	September 1992	August 1992	Venezuela
Jakob Miling	March 2009	March 2009	February 2009	Serbia
Michael Gruber	August 2002	August 2002	May 2002	Austria
John Avdzej	November 1998	November 1998	March 1997	Germany
Arthur Rudolph	January 1996	January 1996	December 1995	Germany

**Information Responsive to the Associated Press April 28, 2014 FOIA Request**

**(Update January 12, 2015)**

<b>SSN</b>	<b>Name</b>	<b>Country</b>	<b>Date of last benefit</b>	<b>Amount of Title II benefits paid since deportation</b>
153-24-9393	Avdzej, John		03/1997	\$0.00
050-36-8013	Balsys, Alcyzas	Lithuania	09/2002	n/a
360-30-2459	Bartesch, Martin		11/1989	n/a
319-26-9698	Bernes, Peter		03/2004	n/a
148-30-2389	Bless, Anton		03/1997	\$0.00
349-34-4347	Budreika, Juozas		05/1996	n/a
306-34-5151	Ciutinskas, Kazys		05/1999	\$0.00

303-36-5915	Demjanjuk, John			06/2008	\$0.00	
201-30-5646	Denuel, Mathias			11/2000	n/a	
566-52-6511	Eckert, Josef			03/1991	n/a	
048-26-1077	Fedorenko, Feodor			11/1984	\$0.00	
122-26-5638	Galan, Orest			04/2007	n/a	
338-38-7835	Gecas, Vytautas			11/2005	n/a	
323-34-1553	Gimzauskas, Kazys			08/1995	n/a	
167-26-5370	Grabauskas, Joseph			05/1994	n/a	
055-32-0965	Gruber, Michael			05/2002	\$0.00	
268-38-5258	Hahner, Johann		Germany	10/2001	n/a	

377-38-0580	Hammer, Ferdinand	Austria	02/2000	\$0.00	
390-36-6699	Henss, Paul J	Germany	11/2007	\$0.00	
094-34-0112	Hrusitsky, Anatoly	Venezuela	08/1992	n/a	
174-26-5256	Kowalchuk, Serge	Paraguay	3/1988	\$0.00	
075-26-3313	Koziy, Bohdan	Costa Rica	4/1987	\$0.00	
151-30-0619	Leili, Stefan	Germany	10/1995	n/a	
071-28-8985	Linnaas, Karl	USSR	04/1987	\$0.00	
065-28-9460	Maikovakis, Boleslavs	Germany	10/1988	\$0.00	
296-46-7727	Miling, Jakob	Serbia	02/2009	n/a	
031-30-0559	Milius, Adolph	Lithuania	07/1999	n/a	
357-32-5980	Mineikis, Antanas	Lithuania	09/1992	\$0.00	
153-24-5077	Naujelis, Joseph	Lithuania	04/1997	n/a	
155-26-5041	Reger, Stefan	Germany	05/2003	n/a	
423-44-8309	Rudolph, Arthur L.H.	Germany	12/1995	n/a	
078-34-4217	Ryan, Hermine Braunsteiner	Germany	03/1999	n/a	
080-28-0072	Sawchuk, Dmytro	Germany	12/2003	n/a	
543-14-8916	Schellong, Conrad	Germany	12/1996	n/a	
109-40-4992	Schweidier, Alexander	England	01/1997	\$0.00	
088-26-2229	Sokolov, Vladimir	Canada	06/1990	\$0.00	

133-32-4531	Szendi, Joseph	Slovakia, later Hungary	01/2004	n/a	
269-30-0457	Trifa, Valerian	Portugal	09/1984	\$0.00	
552-46-7208	Wieland, Josef	Germany	08/1992	n/a	
075-30-5332	Ziegler, Johann	Austria	03/1997	\$0.00	
345-26-8688	Zultner, Martin	Austria	04/1991	n/a	
307-38-9834	Kauls, Juris		11/2008	n/a	
159-30-8941	Schiffer, Nikolaus		07/2001	\$0.00	
355-28-9430	Schmidt, Micheal		10/2008	n/a	
095-28-3178	Johann Leprich		03/97	n/a	
471-34-6018	Michael Gorshkow		01/03	n/a	

(b) (6)

**From:** Hansen, Erik  
**Sent:** Friday, January 30, 2015 6:06 PM  
**Subject:** SSA Notification Required Per P.L. 113-270 (2)  
**Attachments:** Signed - Colvin to Sam Johnson - Certification of Termination of Benefits Under PL 113-270 - 013015.pdf

Please see the attached report from Social Security's Acting Commissioner Carolyn W. Colvin regarding individuals whose benefits were terminated in accordance with section 4 of the *No Social Security for Nazis Act*. We will be in touch with you to provide additional information about this process. In the meantime, you are welcome to call me with any questions.

Thanks much!

**ERIK HANSEN**

ACTING DEPUTY ASSOCIATE COMMISSIONER FOR LEGISLATIVE DEVELOPMENT AND OPERATIONS  
OFFICE OF LEGISLATION AND CONGRESSIONAL AFFAIRS  
SOCIAL SECURITY ADMINISTRATION  
410-965-3112





## SOCIAL SECURITY

The Commissioner

January 30, 2015

The Honorable Sam Johnson  
Chairman, Subcommittee on Social Security  
Committee on Ways & Means  
House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

Pursuant to section 4 of the *No Social Security for Nazis Act* (P.L. 113-270), I write to inform you that on December 30, 2014, the Department of Justice provided us with the notification regarding participants in Nazi persecution whose final order of removal, revocation and setting aside of citizenship, or renunciation of nationality occurred before the enactment of P.L. 113-270. We determined that four such individuals were receiving benefits from the Social Security Administration as of January 2015.

I hereby certify that we have terminated the benefits of the four individuals, effective with the benefit for the month of January 2015.

I hope this information is helpful. I am also sending a similar letter to Senator Hatch and Representative Ryan. If you would like to discuss this matter further, please do not hesitate to contact me. Your staff may contact Judy Chesser, our Deputy Commissioner for Legislation and Congressional Affairs, at (202)-358-6030.

Sincerely,

Carolyn W. Colvin  
Acting Commissioner

(b) (6)

---

**From:** Hansen, Erik  
**Sent:** Friday, January 30, 2015 6:18 PM  
**Subject:** SSA Notification Required Per P.L. 113-270 (3)  
**Attachments:** Signed - Colvin to Paul Ryan - Certification of Termination of Benefits Under PL 113-270 - 013015.pdf

Please see the attached report from Social Security's Acting Commissioner Carolyn W. Colvin regarding individuals whose benefits were terminated in accordance with section 4 of the *No Social Security for Nazis Act*. We will be in touch with you to provide additional information about this process. In the meantime, you are welcome to call me with any questions.

Thanks much!

ERIK HANSEN

ACTING DEPUTY ASSOCIATE COMMISSIONER FOR LEGISLATIVE DEVELOPMENT AND OPERATIONS  
OFFICE OF LEGISLATION AND CONGRESSIONAL AFFAIRS  
SOCIAL SECURITY ADMINISTRATION  
410-965-3112



# SOCIAL SECURITY

The Commissioner

January 30, 2015

The Honorable Paul Ryan  
Chairman, Committee on Ways & Means  
House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

Pursuant to section 4 of the *No Social Security for Nazis Act* (P.L. 113-270), I write to inform you that on December 30, 2014, the Department of Justice provided us with the notification regarding participants in Nazi persecution whose final order of removal, revocation and setting aside of citizenship, or renunciation of nationality occurred before the enactment of P.L. 113-270. We determined that four such individuals were receiving benefits from the Social Security Administration as of January 2015.

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Sincerely,

Carolyn W. Colvin  
Acting Commissioner

(b) (6)

---

**From:** Hansen, Erik  
**Sent:** Friday, January 30, 2015 5:59 PM  
**Subject:** SSA Notification Required Per P.L. 113-270  
**Attachments:** Signed - Colvin to Orrin Hatch - Certification of Termination of Benefits Under PL 113-270 - 013015.pdf

Please see the attached report from Social Security's Acting Commissioner Carolyn W. Colvin regarding individuals whose benefits were terminated in accordance with section 4 of the *No Social Security for Nazis Act*. We will be in touch with you to provide additional information about this process. In the meantime, you are welcome to call me with any questions.

Thanks much!

**ERIK HANSEN**

ACTING DEPUTY ASSOCIATE COMMISSIONER FOR LEGISLATIVE DEVELOPMENT AND OPERATIONS  
OFFICE OF LEGISLATION AND CONGRESSIONAL AFFAIRS  
SOCIAL SECURITY ADMINISTRATION  
410-965-3112



## SOCIAL SECURITY

The Commissioner

January 30, 2015

The Honorable Orrin Hatch  
Chairman, Committee on Finance  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

Pursuant to section 4 of the *No Social Security for Nazis Act* (P.L. 113-270), I write to inform you that on December 30, 2014, the Department of Justice provided us with the notification regarding participants in Nazi persecution whose final order of removal, revocation and setting aside of citizenship, or renunciation of nationality occurred before the enactment of P.L. 113-270. We determined that four such individuals were receiving benefits from the Social Security Administration as of January 2015.

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Sincerely,

Carolyn W. Colvin  
Acting Commissioner

Non-Responsive

Non-Responsive



















































































































# Congress of the United States

House of Representatives

Washington, DC 20515-3212

September 15, 2014

Carolyn W. Colvin  
Acting Commissioner  
Social Security Administration  
6401 Security Boulevard  
Baltimore, MD 21235

Dear Acting Commissioner Colvin:

I write to request information regarding the payment of Social Security benefits to known Nazi war criminals who came to the United States after the conclusion of World War II and were subsequently denaturalized, but never deported. I understand that in several cases, the U.S. Government was unable to deport identified Nazi war criminals because their home countries would not allow them to re-enter. As a result, these people may have voluntarily left the United States, and continued to receive Social Security benefits. It is egregious that the U.S. taxpayer may be funding the retirement of criminals who helped execute the worst atrocity of the 20th Century. I would like to request any information you can provide regarding the amounts and dates of payments made to individuals engaged in Nazi persecution or genocide who are alive as well as those who have since died.

Specifically, I am requesting the following information:


- For each deceased person, the name, Social Security number, last known location, date of receipt of last SSA benefits and the total amount of benefits paid since the individual's formal departure from the United States;
- For each living person, only the date of last SSA payments and the total amount of benefits paid since the individual's formal departure from the United States.

Please note that I am not requesting any information identifying current beneficiaries.

As a co-author of the Nazi War Crimes Disclosure Act which created the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group (IWG), I strongly support the release of all records documenting the involvement of the U.S. Government with Nazi war criminals. The IWG was successful in declassifying critical intelligence from various government agencies that helped uncover what the American government knew about the actions and plans of Nazi war criminals during World War II. This transparency has brought some closure to Holocaust survivors and the families of victims, and helps us learn from, and not repeat, past mistakes.

It is in the public interest that this information be disclosed so that the American public understands how its tax dollars are being dispersed and in an effort to make informed policy decisions going forward. Thank you for your attention to this important matter.

Sincerely,

  
**CAROLYN B. MALONEY**  
**Member of Congress**



## SOCIAL SECURITY

October 6, 2014

The Honorable Carolyn B. Maloney  
United States House of Representatives  
Washington, DC 20515

Dear Ms. Maloney:

Thank you for your September 15, 2014 request for information about individuals suspected of Nazi war crimes and their Social Security records. The enclosed chart contains the information that we were able to obtain from our records.

For each deceased person, you requested his or her name, Social Security number, last known country, date of last Social Security benefit, and the amount of Social Security benefits paid after the person's formal departure from the United States. We searched our records and identified 44 deceased individuals matching the criteria in your letter. Please note that in some cases, we could not identify the country of residence.

We searched our records for the amount of Social Security benefits paid to the deceased individuals after the individuals were deported from the United States. For those records where we located a deportation date, we included an actual amount of benefits paid, which was \$0.00 in all cases. We do not track information on individuals who voluntarily depart from the United States.

Under the Privacy Act of 1974 and the Freedom of Information Act, we generally are unable to provide information on those individuals who are, according to our records, living.

I hope this information is helpful. If I may be of further assistance, please contact me, or your staff may contact Tom Parrott, our Acting Deputy Commissioner for Legislation and Congressional Affairs, at (202) 358-6030.

Sincerely,

Carolyn W. Colvin  
Acting Commissioner

Enclosure









MICHAEL F. BENNET  
COLORADO

COMMITTEES:  
AGRICULTURE, NUTRITION, AND FORESTRY

FINANCE

HEALTH, EDUCATION, LABOR,  
AND PENSIONS

## United States Senate

WASHINGTON, DC 20510-0609

WASHINGTON, DC:  
458 RUSSELL SENATE OFFICE BUILDING  
WASHINGTON, DC 20510  
(202) 224-5852

COLORADO:  
1127 SHERMAN STREET  
SUITE 150  
DENVER, CO 80203-2398  
(303) 455-7600

<http://www.bennet.senate.gov>

October 29, 2014

The Honorable Eric Holder  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue  
Washington, DC 20530

Acting Commissioner Carolyn Colvin  
Social Security Administration  
6401 Security Boulevard  
Baltimore, MD 21235-0001

Dear Attorney General Holder and Acting Commissioner Colvin:

I write to express my deep concern about recent reports that the U.S. government may have used Social Security payments as a means of encouraging former Nazi officials to leave the country and that several of these individuals are still receiving benefits.

As you know, the Associated Press recently reported that the U.S. government may have used the prospect of continuing Social Security payments as leverage to encourage former Nazi officials to leave the country and renounce their citizenship rather than undergoing the deportation process. Because these individuals weren't formally deported, they were still able to receive their Social Security benefits after they left the country.

According to the AP, since 1979, "at least 38 of 66 suspects removed from the United States kept their Social Security benefits." At least four of these individuals are alive and still collecting benefits. Furthermore, the AP found that as of 1999, "28 suspected Nazi criminals had collected \$1.5 million in Social Security payments after their removal from the U.S."

It's extremely disturbing to learn that the U.S. taxpayer has supported individuals who participated in the worst genocide in modern history. Although I understand the need to act expeditiously to remove these individuals from the U.S. so that they can face trial, the receipt of Social Security benefits should not have served as a "bargaining chip" in the removal process. Even worse, according to the AP report, it appears that many of these individuals did not even stand trial once they left the United States.

As Congress considers legislation to prevent these individuals from receiving Social Security benefits, it is my hope the Department of Justice and the Social Security Administration can provide further information. Specifically:

- Can the Department of Justice and the Social Security Administration verify the accuracy of the AP's reporting? For instance, can your respective agencies specify the number of former Nazi officials who have received Social Security benefits? And how much in benefits did they ultimately receive?



- Do Social Security benefits continue to play any role during the removal process? If not, when did this practice end?
- When a former Nazi official left the U.S. prior to deportation and continued to receive benefits, did the Department of Justice seek to notify the country to which the individual traveled? Did the Department of Justice encourage the country to which the former Nazi official traveled to try the individual?
- When a former Nazi official left the U.S. prior to deportation and continued to receive Social Security benefits, did the Department of Justice monitor whether the individual ultimately stood trial?

I understand that many of these proceedings and discussions occurred over the course of several decades and that it may be difficult to ascertain specific facts and details. It's nonetheless important for the American people and for our historic record to understand how individuals who played a role in the Holocaust could have possibly retained their Social Security benefits even after they've left the country.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Bennet". The signature is fluid and cursive, with a large initial "M" and a stylized "B".

Michael Bennet  
United States Senator



# SOCIAL SECURITY

The Commissioner

November 26, 2014

The Honorable Michael F. Bennet  
United States Senate  
Washington, DC 20510

Dear Senator Bennet:

I want to let you know that we received your October 29, 2014 request to Attorney General Eric Holder and me regarding former Nazi persecutors who have received Social Security benefits.

I assure you that your request, which involves reviewing decades of records, is a priority for us. We are working to respond as expeditiously as possible to your question about the number of individuals who were determined to be former Nazi persecutors who received Social Security benefits, as well as the total amount of benefits received. We understand that the Department of Justice will respond separately to your letter.

I want to let you know that I appreciate your patience and understanding. We are gathering and reviewing the information necessary to respond and will have a reply for you as soon as possible.

In the meantime, if you would like to discuss this matter further, please do not hesitate to contact me. Your staff may contact Judy Chesser, our Deputy Commissioner for Legislation and Congressional Affairs, at (202) 358-6030.

Sincerely,

Carolyn W. Colvin  
Acting Commissioner

# United States Senate

WASHINGTON, DC 20510

December 1, 2014

## **VIA ELECTRONIC TRANSMISSION**

The Honorable Carolyn W. Colvin  
Acting Commissioner  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235-6401

Dear Commissioner Colvin:

A recent news report revealed that the United States has paid millions of dollars in Social Security to former Nazis living abroad. This is happening because the Department of Justice (DOJ) is allegedly allowing former Nazis to retain their Social Security benefits in exchange for renouncing U.S. citizenship and leaving the country voluntarily.<sup>1</sup> Under law, participating in Nazi persecution is a deportable offense.<sup>2</sup> However, former Nazis who leave the U.S. voluntarily may maintain their Social Security benefits because Nazi participation is not ground for benefit termination unless it is first used as a ground for deportation.<sup>3</sup>

These beneficiaries include people who committed egregious crimes during the Holocaust, such as SS guards from some of the Holocaust's most notorious death camps and a Nazi collaborator who was responsible for the execution of thousands of Jews.<sup>4</sup> According to the Associated Press, "at least 38 of 66 suspects... kept their Social Security benefits."<sup>5</sup>

---

<sup>1</sup>David Rising, Randy Herschaft, and Richard Lardner, *Millions in Social Security for Expelled Nazis*, ASSOCIATED PRESS, Oct. 20, 2014, <http://bigstory.ap.org/article/6ae3352f4d474b028c84be0c627e7780/expelled-nazis-paid-millions-social-security>

<sup>2</sup>*Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

The Social Security Administration (SSA) and the State Department objected to the DOJ practice of allowing ex-Nazis to continue receiving Social Security benefits.<sup>6</sup> In 1997, SSA Acting Commissioner John Callahan stated: "Social Security benefits cannot, and should not, be used as a bargaining tool."<sup>7</sup>

Even with these objections, DOJ has continued the practice to this day. (b) (6) (b) (6) a 90 year old former Auschwitz guard who later became an American citizen, collects approximately \$1,500 per month in Social Security payments.<sup>8</sup> (b) (6) has long since renounced his American citizenship and now lives in Germany, yet the payments continue. At least three other ex-Nazis are still alive and continue to receive Social Security benefits abroad.<sup>9</sup>

Furthermore, newly discovered Nazi suspects who currently live in the U.S. could retain their Social Security benefits if they are removed to another country. Alleged SS commander (b) (6) currently lives in Minnesota and is under investigation in Germany for ordering his unit to attack a Polish village, killing dozens of women and children.<sup>10</sup> Like (b) (6), (b) (6) could potentially retain his Social Security benefits even if he leaves the U.S.

In addition, this case raises important questions regarding the accuracy and consistency of SSA record-keeping. The Associated Press states that information provided by SSA was "directly inconsistent" with information contained in prior communications to the AP.<sup>11</sup> Specifically, SSA stated in 2013 that (b) (6) a suspected Nazi who returned to Germany in 2007, received his last Social Security payment in 2008 after he returned to Germany.<sup>12</sup> But in a 2014 disclosure, SSA said that (b) (6) received his last payment in 2007 while still living in the United States.<sup>13</sup>

The Associated Press also found discrepancies in the information retained by SSA's FOIA department and its press department. The AP reported that SSA's FOIA office could not identify certain individuals, although the SSA Press Office had previously identified the "exact same individuals using the exact same information" provided by the AP in the FOIA request.<sup>14</sup> It appears that SSA is not tracking this

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Letter from Brian Barrett on behalf of reporter Randy Herschaft, Counsel, Associated Press, to Kirsten Moncada, Executive Director, Office of Privacy and Disclosure, Social Security Administration (Oct. 16, 2014), available at <http://hosted.ap.org/interactives/2014/nazi-social-security/>

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

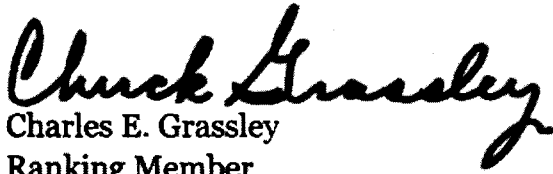
information carefully or ensuring that all departments within the agency have the correct records.

We have introduced bi-partisan, bi-cameral legislation to close the Social Security loophole in order to prevent this practice in the future and hope that it will become law soon. However, there remain questions about DOJ's actions and what will be done in current cases if the law is not passed before they are resolved. Therefore, we ask that you please provide the following information:

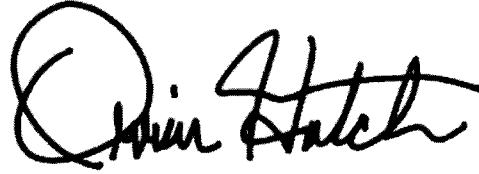
1. What is the total number of Nazi suspects who received Social Security benefits after leaving the United States? How many suspected Nazis currently receive Social Security benefits and live outside the country?
2. What is the total dollar amount of Social Security benefits that have been paid to date to suspected Nazis residing outside the US?
3. If (b) (6) leaves the United States and renounces citizenship will he be permitted to retain his Social Security benefits?
4. What communications does SSA have with DOJ regarding suspected Nazis who have left the US? When SSA objected to DOJ's practice, what was DOJ's response?
5. When did (b) (6) receive his last Social Security payment? Why was the AP provided contradictory information about him and 6 other suspected Nazis?
6. Does SSA have procedures in place to ensure the accuracy of records regarding Social Security payments? If so, what are they? If not, why not?
7. Does SSA have procedures in place in order to ensure that all divisions of the agency retain the same information? If so, what are they? If not, why not?
8. Please explain why separate divisions within SSA provided differing information to the AP, and whether SSA has taken any steps to address it.

Thank you for your attention to this matter. We would appreciate a response by December 15, 2014. If you have any questions, please do not hesitate to contact Tegan Millspaw at (202) 224-5225 or Kim Brandt at (202) 224-4515.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Judiciary



Orrin G. Hatch  
Ranking Member  
Committee on Finance

SAM JOHNSON, TEXAS  
SUBCOMMITTEE CHAIRMAN

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KATHRYN OLSON, SUBCOMMITTEE MINORITY STAFF

**Congress of the United States**  
**House of Representatives**

**COMMITTEE ON WAYS AND MEANS**

WASHINGTON, DC 20515

SUBCOMMITTEE ON SOCIAL SECURITY

December 15, 2014

The Honorable Carolyn Colvin  
Acting Commissioner of Social Security  
Social Security Administration  
6401 Security Boulevard  
Woodlawn, MD 21207

Dear Acting Commissioner Colvin:

As you know, we recently discovered that a small number of known Nazi persecutors had slipped through a loophole in our laws and were receiving Social Security benefits, which was never Congress's intention. The House and Senate have unanimously passed legislation to close the loophole and cut off the benefits, and we expect that the President will sign it into law very shortly.

We appreciate the technical assistance the Social Security Administration provided to help tightly close this loophole, and are writing to urge you to act quickly once the Department of Justice notifies you of the affected individuals. By acting promptly, you will ensure that those who participated in Nazi persecutions will not receive January Social Security benefits.

Thank you very much for your prompt attention to this matter.

Sincerely,



SAM JOHNSON  
Chairman

  
XAVIER BECERRA  
Ranking Member









U.S. Department of Justice

Criminal Division

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Washington, D.C. 20530

December 30, 2014

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Carolyn W. Colvin  
Acting Commissioner  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235-0001

Dear Acting Commissioner Colvin:

Pursuant to the notification provisions of P.L. 113–270, this letter and the enclosed notice provide information regarding alleged participants in World War II-era Nazi-sponsored persecution.

As you know, P.L. 113–270 directs the Department of Justice to notify the Social Security Administration of certain concluded Nazi persecutor cases. The statute states that the Department is to provide the Social Security Administration the names of:

- persons whose citizenship was revoked “based on conduct described in section 212(a)(3)(E)(i) of [the Immigration and Nationality] Act (relating to participation in Nazi persecution)” or due to the persons’ concealment or misrepresentations regarding such conduct;
- persons who renounced their citizenship pursuant to a settlement agreement in which they “admitted to conduct” described in section 212(a)(3)(E)(i) of the Immigration and Nationality Act; and
- persons who were removed from the United States based on conduct described in section 212(a)(3)(E)(i) of the Immigration and Nationality Act.

In order to satisfy the statute’s notification provisions, the Criminal Division’s Human Rights and Special Prosecutions Section, successor to the former Office of Special Investigations, has reviewed available information pertaining to Nazi cases pursued by the Department since 1945. Based on this review, we have prepared the enclosed notice that identifies persons that we believe are encompassed within the above-referenced categories. The Department has previously provided to the Social Security Administration the names, dates and places of birth of these individuals. In compiling this notice, we have included individuals who are deceased and are thus not impacted by the new law.

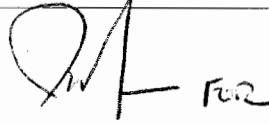
I am pleased that the outstanding cooperation between our agencies over more than thirty years has resulted in termination or suspension of benefits in scores of Nazi cases. Should you have

any questions or wish to receive further information about the methodology we have employed in identifying the persons listed in the enclosed notice, please do not hesitate to contact the Criminal Division.

If we may be of any further assistance in this matter, please do not hesitate to contact me.

Sincerely,

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A handwritten signature in black ink, appearing to read 'D. M. Bitkower', written over a horizontal line.

David M. Bitkower  
Deputy Assistant Attorney General

Enclosure



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

December 30, 2014

**NOTICE TO THE ACTING COMMISSIONER OF SOCIAL SECURITY**  
**PURSUANT TO SECTION 4 OF P.L. 113-270**

P.L. 113-270 directs the Department of Justice to notify the Social Security Administration of certain concluded Nazi persecutor cases. The statute states that the Department is to provide the Social Security Administration the names of:

- persons whose citizenship was revoked “based on conduct described in section 212(a)(3)(E)(i) of [the Immigration and Nationality] Act (relating to participation in Nazi persecution)” or due to the persons’ concealment or misrepresentations regarding such conduct;
- persons who renounced their citizenship pursuant to a settlement agreement in which they “admitted to conduct” described in section 212(a)(3)(E)(i) of the Immigration and Nationality Act; and
- persons who were removed from the United States based on conduct described in section 212(a)(3)(E)(i) of the Immigration and Nationality Act.

In order to satisfy the statute’s notification provisions, the Criminal Division’s Human Rights and Special Prosecutions Section, successor to the former Office of Special Investigations, has reviewed available information pertaining to Nazi cases pursued by the Department since 1945. Based on this review, we have prepared the below chart that identifies persons that we believe are encompassed within the above-referenced categories. The Department has previously provided to the Social Security Administration the names, dates and places of birth of these individuals. In compiling this notice, we have included individuals who are deceased and are thus not impacted by the new law.

Should you have any questions or wish to receive further information about the methodology we have employed in identifying the persons listed below, please do not hesitate to contact the Criminal Division.


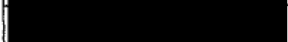
Name	Citizenship Revoked	Removed	Renounced	Default Judgment
(b) (6)			X	
	X			

Name	Citizenship Revoked	Removed	Renounced	Default Judgment
(b) (6)	X			
	X			
	X			X
		X		
	X			X
	X			
	X			
	X	X		
	X	X		
	X	X		
	X			X
	X			
		X		
(b) (6)	X	X		
	X			
	X			
	X			
	X			X
	X			X
		X		
	X			
	X	X		
		X		
	X			
	X			X
	X			
(b) (6)	X			
	X	X		
	X	X		
	X			

<sup>1</sup> Although (b) (6) was denaturalized after being found by a court to have participated in Nazi-sponsored persecution, he was later adjudged by a U.S. court of appeals to be entitled to be recognized as a U.S. citizen from birth. He died in the United States in 2014.

Name	Citizenship Revoked	Removed	Renounced	Default Judgment
(b) (6)		X		
	X	X		
	X			
	X			
	X			
	X			
	X	X		
			X	
	X			
			X	
	X			
	X			
	X	X		X
			X	
	X			
	(b) (6)	X		
X				
X				
X				
			X	
				X
X		X		
X		X		
			X	
X		X		
(b) (6)	X			
	X			
	X			
	X			
	X	X		X
	X			
			X	
	X			

<sup>2</sup> Vajta was deported in 1950, prior to the enactment of the Immigration and Nationality Act.

Name	Citizenship Revoked	Removed	Renounced	Default Judgment
(b) (6) 	X			X
	X			X

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