


United States Senate

WASHINGTON, DC 20510

March 6, 2023

VIA HAND DELIVERY

Senator Sheldon Whitehouse
Chairman
Committee on the Budget

Dear Chairman  Whitehouse:

Last month, attorneys representing the Simon Wiesenthal Center (SWC) confidentially approached my Oversight and Investigations Unit with information and allegations relating to a foreign bank, Credit Suisse AG, secretly housing Nazi bank assets during and after World War II. My outrage at these credible allegations demands that I write this letter to you.

According to information provided to my office, several years ago SWC began a global investigation into allegations that foreign banks retained, concealed and destroyed evidence related to extensive Nazi financial transactions. Some of those transactions included certain assets held by Credit Suisse AG. The investigation found that the bank concealed Nazi assets during two time periods: (1) after World War II; and (2) before and after litigation *In re Holocaust Victim Assets Lit.*, 105 F. Supp.2d 139 (E.D.N.Y 2000). Accordingly, these Nazi assets were not addressed during previous litigation.

SWC approached Credit Suisse AG in 2021 with their findings and the bank agreed to investigate. The bank retained Neil Barofsky as an Independent Ombudsman and Ira Forman as an Independent Advisor to conduct a full and complete forensic investigation and encouraged SWC to share its findings with them. This investigation was done in exchange for SWC's non-disclosure of their own investigation and pausing any available causes of action related to the true owner of the bank assets. Mr. Barofsky, a former prosecutor with the United States Attorney's Office for the Southern District of New York, currently serves as the Department of Justice's appointed Monitor of Credit Suisse AG for the RMBS settlement, and previously monitored Credit Suisse AG for the New York State Department of Financial Services as part of its \$5.3 billion tax settlement. Mr. Forman previously served as the United States Special Envoy for Monitoring and Combating Anti-Semitism.

SWC cooperated and coordinated with Credit Suisse AG for purposes of the forensic investigation. However, it's been alleged to me by SWC that **after** sharing its investigative findings with Mr. Barofsky and Mr. Forman and **after** they used that information to begin a focused review of Credit Suisse AG's records pursuant to their contractual obligations to the bank, **Mr. Barofsky and Mr. Forman were terminated by the bank**. The fact that they were terminated before they could complete their investigation is beyond suspect considering the credible allegations of wrongdoing presented to my office. However, it's been alleged to me that a report was completed by Mr. Barofsky based on the records reviewed up to that time and that it was presented to the bank upon his untimely termination. It's been further alleged to me that the report will show that Credit Suisse AG knew that it held Nazi assets and that the bank concealed that fact from the courts and World Community for many decades and continues to do so today.

Accordingly, with your support, I request that the Senate Committee on the Budget issue a subpoena to Mr. Barofsky requesting all written reports he has prepared concerning Credit Suisse AG so that Congress can perform an objective and independent review of this matter. As you are aware, the Committee on the Budget maintains jurisdiction over the entire federal government, including budget requests that support governmental commissions, special envoys such as the Office of the Special Envoy for Holocaust Issues, prosecutions and related efforts regarding the recovery and receipt of assets stolen by the Nazis.¹

Should the allegations made to my office be true and accurate, we have a moral obligation to do what we can as United States Senators to right this historic wrong. As Mr. Wiesenthal once said, "Justice for crimes against humanity must have no limitations." Let us together ensure that justice is done here on behalf of the Jewish people and the World Community.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Budget

¹ FY 2022 Congressional Budget Justification for the State Department (includes the Office of the Special Envoy for Holocaust Issues) <https://www.state.gov/wp-content/uploads/2021/07/FY-22-CBJ-A1-Full-Book-Final-as-of-07092021.pdf>; FY 2023 Congressional Budget Justification for the State Department (includes the Office of the Special Envoy for Holocaust Issues) <https://www.state.gov/wp-content/uploads/2022/05/FY-2023-CBJ-Appendix-1-Full-Documents-Final.pdf>; *see also* Office of the Special Envoy for Holocaust Issues, "The office of the Special Envoy for Holocaust Issues (SEHI), established in 1999, develops and implements U.S. policy to return Holocaust-era assets to their rightful owners, secure compensation for Nazi-era wrongs, and ensure that the Holocaust is remembered and commemorated appropriately." <https://www.state.gov/about-us-office-of-the-special-envoy-for-holocaust-issues/>