

The Hon. William Langer
U. S. Senator from North Dakota
Washington, D. C.

FORT LINCOLN
Bismarck, N. Dak.

January 29, 1946

Dear Senator:

We take the liberty to address you in behalf of a group of almost one hundred German aliens, lawfully admitted residents of the United States, who are at present interned at the Fort Lincoln Internment Camp, Bismarck, N. D.

Within the last few days almost all of us have received written notification by the Commanding Officer of the camp, that the Government has decided upon our removal from the United States.

Our reasons for addressing you, and with you all the other members of the United States Senate, as the elected representatives of the people, are twofold:

In the first place we wish to protest, as strongly as we know how, against our enforced removal from this country. Were we to remain silent now, the implication would be forever after inescapable that we admit the inherent justice of the removal order, and that the Attorney General had good and sufficient reasons to issue it in our particular cases. Nothing could be further from the truth. Severally, and as a group, we emphatically deny the allegation that we are "dangerous to the public peace and safety of the United States" because of our allegiance to an "enemy government or to the principles thereof", the ostensible reason for our enforced removal. Contrary conclusions, that the Department of Justice seems to have reached, we consider to be unfounded in fact and unsupported by any evidence that would stand up in any ordinary court of law. We deeply resent the removal orders as wholly arbitrary and unfair, a political action of which we feel ourselves the innocent victims, selected at random under the guise of an administrative procedure which we can only regard as an utter mockery of justice and fair play; and once more we formally protest its execution.

In the second place, we think it proper and timely that the highest legislative body in the land should be made aware of the kind of procedure adopted in the intended removal of undesirable alien enemies. The term "removal", as contrasted with "deportation", is in itself significant. From it derives the assumed authority of the Department of Justice to deny all ordinary safeguards of civil rights in the steps leading up to the removal orders. As you are aware, in the course of ordinary deportation proceedings, definite charges must be made and proven before a final deportation order can be issued. Every deportee is guaranteed his day in court, in the commonly accepted definition of the term; he may employ legal counsel; the hearings are public; the Government is bound by the same rules of evidence as the man it seeks to deport; the findings are subject to review and appeal, and the intended deportee enjoys all the constitutional safeguards for the protection of his civil rights.

Now, in order to evade responsibility under the laws of the country for the procedure employed to effect the deportation of alien enemies, the term removal has been applied to the hearings held to determine, on the face of it, who should be removed from this country, and on which the current removal orders are supposedly based. The hearings were before a three-men board, whose members were appointed

by the Attorney General. They were not public. Counsel was allowed to sit in only as a friend and as a silent observer, without power to influence the proceedings. In many cases there was no attempt made on the part of the board to prefer full and definite charges, against which we might have been able successfully to defend ourselves. Many of us to this day actually have not been informed--incredible as this may seem--what the Government claims to have against them. The attitude of the board in many cases seemed to be that the Government had already decided to remove us for good and sufficient reasons of its own, and that if by any chance we knew anything in our favor we might as well get it off our chests. Thus we were allowed to make statements and submit affidavits in our behalf, but as long as we were left in the dark as to the specific nature of the charges against us, this privilege seemed a rather innocuous and at the same time effective way of giving us some latitude to get---exactly nowhere! Furthermore, we were told that the decision reached in each individual case on the basis of these "hearings" would be final and not subject to review.

As a result, most of us have reluctantly come to the point where we must question the good faith of the whole procedure. To us the hearings appear to have been, not so much an attempt to get at the bottom of credible and well-founded charges as, moreover, a rather cheap window-dressing of democratic procedure, cynical because it preserved the form while omitting the substance; providing easily prestige for the Department of Justice for seeming to have given us a fair show, while backstage the departmental mill went right on grinding out decisions made long ago.

The recommendations of the hearing board may or may not, as a matter of fact, have been reached on the basis of anything produced at the hearings. The board being prosecutor, judge and jury at one and the same time, there is no reason why the findings, which as formerly stated are open to neither inspection nor review, should not have been prompted by considerations immaterial to the ostensible issue.

We are inclined to see the real and basic reason for the removal orders not in our own political belief or action but in domestic departmental expediency and in the policy, determined apparently already before the end of the hostilities in Europe, to have ready at hand a number of scapegoats who might be made an example of at the psychological moment. The Department of Justice would then later be able to point with pride to their deportation as the last remnant of die-hard, irreconcilable nazis; the irreducible minimum of a number of people so dangerous that they could not possibly be allowed to remain at large in this country; an evil sediment of some hundreds of people, produced by careful screening of thousands of cases in the well known fair and efficient manner of the Department of Justice. There would be nobody to dispute this claim, for all of us would be very effectually silenced, once we were beyond the confines of America.

That some of us never had the least political contact with nazism; that some others are possibly slated for removal for reasons altogether unrelated to the ostensible charge of nazi ideology; seems no deterrent. For our cases will be closed, once we leave this country, and none of us will be in a position to bring out the true facts. It was, however, bluntly stated in the public press, at the time when the intended removals were first disclosed, that the Government intended to use its war powers to get rid of a number of people who could not otherwise be legally deported.

That our little band, now earmarked for removal will arrive in Europe, indelibly branded as incurable nazis, as people whom even America considered too dangerous to keep; that we shall never be in a position to disprove this assumption; that thus stigmatized we shall immediately be candidates again for internment or worse; that deportation under these auspices quite likely means an automatic sentence at forced labor, possibly for life; all that may be tough on us, but it is, after all, no further concern of the Dept. of Justice. Their responsibility ends, when we are turned over to the occupation authorities, adjudged dangerous nazis. They can wash their hands of us and point to a remarkably efficient record.

All this, Senator, the Dept. of Justice has been doing and intends to carry out further under a proclamation of July 14, 1945 by the President of the United States, acting under the authority of the Alien Enemy Act of 1798 (50 USC 21-24), which proclamation delegates execution to the Attorney General. -- This is not the place to argue the legal or constitutional validity of the proclamation. The courts will rule on that point, although for many of us the decision may come too late to be of any practical value. The point we wish to make is that the Alien Enemy Act was, as is clearly indicated by its language, intended by congress for times of emergency only, when dire foreign danger makes the safety of the country paramount, and civil liberties must for the time being subordinate themselves to the common weal and yield the important place they rightfully hold in this country in normal times. But the Presidential Proclamation, invoking that part of the Act relative to the removal of dangerous aliens, was not issued in times of emergency. True, the war had not ended, but the emergency had passed. Germany had unconditionally surrendered more than two months before the issuance of the proclamation, and it is more than obvious that no danger of foreign invasion threatened from that quarter. --- Under these circumstances we think it entirely proper to suggest that the procedure employed by the Dept. of Justice --or, more correctly, by its Alien Enemy Control Unit, to which in turn all discretionary powers seem to have been delegated by the Attorney General--is a gross abuse of executive power, from the point of view of equity at least, if not from that of the letter of the law. We are convinced that this procedure, with its in-camera sessions and onesided adjudication, would not have the approval of the American people, if the facts were known. We are not arguing in this letter the merits of the particular cases. We claim no special virtue. Some of us may have something to reproach themselves for. In isolated cases the removal order may even be justifiable. But all of us to the last man resent the unfairness and irrelevancy of the proceedings as a travesty of justice. If our lives are to be shattered; if many of us are to be separated forever from wife and children; we ask that at least it be done in a reasonably fair manner.

We ask your indulgence for our strong language. Our condition is desperate and urgent and admits of no compromising formality.

It is not our place to suggest any course of action; we can only try to present the matter to you for your consideration exactly as we see it, and to state our point of view as fairly and completely as we know how. To say more at this time would be cumulative; yet we owe it to ourselves and to our personal integrity to have said no less.

Very truly yours,

FOR THE NORTH AMERICAN INTERNEES
AT FORT LINCOLN BISMARCK, NORTH DAKOTA

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