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MEMORANDUM

The United States Government currently has in custody a considerable number of alien enemies--the majority of them German nationals--who for security reasons were deported to the United States from other American republics during the course of hostilities in Europe. During the last two months, the Department of State has been engaged in carefully reviewing the cases of the individuals held in custody in order to decide which aliens can with relative safety be released and permitted to remain in the hemisphere and which aliens are so clearly dangerous as to make their deportation imperative under the terms of Resolution VII of the Mexico City Conference.

This review is a time-consuming task and has not been completed. A number of individuals, however, have already been released from custody and permitted to return to the country from which they were deported. In making its decisions in these cases, the State Department has been giving great weight to the factor of native American family ties. The Department is prepared to disregard that factor only in those cases where the alien appears to have been guilty of espionage or sabotage, or has been a key figure in Nazi or other enemy activity. Even as to those cases where no native American family ties exist, the Department is willing to release those who, although "pro-Nazi" or otherwise hostile in their sympathies, took no action (such as joining the Nazi Party) in line with their sympathies. These standards are believed to be as lenient to the individual as is consistent with the objectives of Resolution VII of the Mexico City Conference; they are closely parallel to those followed by the Department of Justice in selecting for repatriation alien enemies who were residents in the United States.

With respect to expulsion from the hemisphere of individuals found to be dangerous. It has been the intention of the Department to initiate repatriation proceedings early in 1946, but only after (1) opportunity for a hearing has been given in each case, and (2) the American republic from which the individual came has been consulted.

Recently, however, three of the American republics involved have expressed themselves as not in accord with the above-outlined program. Each has assured the Government of the United States that it is in full sympathy with the purpose of Resolution VII of the Mexico City Conference and intends to carry out its commitments under that resolution, but has stated that the aliens it deported are still under its jurisdiction and that it alone can decide which ones should be excluded from the hemisphere under the terms of that Resolution. Accordingly, each of the three Governments has requested the return of the alien--or some of them--whom it had deported to this country.

In addition, some of the American republics involved in the program have, for various reasons, submitted to the United States Government requests for the return of particular individuals, without questioning the authority of the United States Government to make the ultimate determination in their cases.

In this situation, the Government of the United States wishes to follow a policy which will be uniformly applicable. To each of the other American republics concerned, therefore, the Government of the United States makes the following proposal:

a. The United States Government stands ready upon request to transfer to the other American republic complete responsibility for determining the proper disposition to be made of the aliens whom the latter deported to the United States. In that event, the United States Government will arrange for the prompt return to the other republic's territory of all the aliens it deported to the United States. The United States Government cannot consent under these circumstances to retain any of the aliens in its custody since (1) it can accept the responsibility of deciding on the disposition of cases only on a uniform bases applicable to all the individuals from a particular republic and hence cannot undertake to decide only that portion of the cases in the disposition of which the other republic declares it has no interest, (2) it cannot under its laws undertake to deport any aliens from the hemisphere without itself making the determination as to their dangerousness. After the aliens have been returned to the other republic, the United States Government will if desired collaborate in matters concerning the ultimate disposition of individual cases.

b. If the other American republic so desires, the United States Government will continue to assume primary responsibility in determining which of the alien enemies deported to the United States from the other republic should be excluded from the hemisphere and in taking appropriate action to that end. In that event, the United States Government will of course be ready to consult with the other republic involved as to the disposition of any particular aliens in whom that republic expresses an interest. In particular, the United States Government will arrange for the return to the other republic of persons whom that republic shall declare to the United States Government to be citizens of that republic and whose citizenship that republic has not cancelled or does not propose to cancel. Any alien who is found not to be dangerous will be released and will be allowed to return to the other republic.

In order to know how to proceed in this matter, the United States Government would like to have an early expression from each of the American republics involved as to which of the two courses of action outlined above it wishes to pursue. The United States Government believes that the second alternative represents the more effective procedure. If that course is pursued, decisions can be promptly reached on the basis of all the information available to both Governments and those individuals found to be dangerous can be repatriated direct from the United States without first returning them to the American republics from which they came.

Pending the receipt of word from the other American republics involved, the State Department will in general proceed with its present progress of reviewing the individual cases and releasing those who do not appear to be dangerous. It will not do so, however, in the case of the aliens from the three republics which have already requested that all aliens be returned.

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