Ellis Island, New York 4,
New York Harbor.

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Dear Sir:

I respectfully submit attached copy of

PETITION
FOR
RELEASE OF GERMAN CIVILIAN INTERNEES

forwarded to the Judiciary Committee of the Senate and the House of the 80th Congress on January 24, 1947, suggesting that due process of law has not been accorded to the internees in determining their removal from the United States.

Respectfully yours,

Enclosed: 1 Petition.
Registered under Postal Form No. 3817.

PETITION

Petitioners, a group of German civilian internees, detained at Ellis Island, New York Harbor, have been served with removal orders to be deported to Germany. This group consists of internees arrested either in the United States or the Central and South American Republics. In contrast to the latter group of which the members were forcibly taken to the United States for internment, the former consists of lawfully admitted residents of this country. A number of this group are former naturalized citizens whose status is still in litigation. The majority are alliens arrested during or after the war. Criminal cases are held separately from this entire group of alien civilian internees.

In the absence of appeal machinery as to administrative removal orders, petitioners are formally addressing the 80th Congress through its Senate and House Judiciary Committees and, severally and as a group, respectfully submit:

A.

They, as legal residents, protest emphatically and vehemently against their forceful removal from this country without trial or fair hearing. Were they to remain silent now, the implication would be forever inescapable that they admit the removal orders to be justified and that the Attorney General had good and sufficient reason to issue them in their particular cases.

Nothing would be further from the truth. In fact, they emphatically deny the allegations that they are "dangerous to the public peace and safety of the United States" because of their alleged allegiance to "an enemy government or to the principles thereof", the ostensible reason for their forceful removal. Contrary conclusions that the Department of Justice seems to have reached, they consider to be unfounded in fact and unsupported by any evidence that would stand up in an ordinary court of law. They deeply resent the removal orders as wholly arbitrary and unfair, a political action which they feel themselves the innocent victims, under the guise of an administrative procedure.

And, once more, they formally protest the execution of the removal orders.

B.

Petitioners 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 so-called undesirable alien enemies.

The term "removal", as contrasted with "deportation", is itself significant. From it derives the assumed authority of the Department of Justice to deny all ordinary safeguards of civil rights in the processing leading to the removal orders. As you are aware, in the case 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, and 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 victim enjoys all the constitutional safeguards of the protection of his civil rights.

Now, in order to evade responsibility under the laws of the country for the processing 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 are before a three man Board whose members were appointed by the Attorney General. They were not public. Counsel was allowed to sit in only as a friend and observer, without power to crossexamine. *Petitioners, to this day, actually, have not been informed* — incredible, as it may seem — *what the government claims to have against them.* In fact, no attempt was made on the part of the Board to present full and definite charges against which counsel of petitioners or petitioners themselves might have been able to defend themselves successfully before the Board.

The attitude of the Board seemed to reflect that the government had already decided to remove the petitioners for good and sufficient reasons of its own, and that, if by any chance, they knew anything in their favor, they might as well convey it. Thus, petitioners were allowed to make statements and submit affidavits (in Latin American cases time was too short even to file affidavits), but as long as they and their counsel were left in the dark as to the nature of the charges, this privilege seemed rather innocuous and, at the same time, constituted an effective way of giving petitioners some latitude to get . . . . exactly nowhere.

As a result, petitioners have reluctantly come to the point where they must question the good faith of the whole procedure. To them the hearings appear to have been, not so much to get at the bottom of credible and well-founded charges as, moreover, a rather transparent window dressing of democratic procedure,

cynical because it preserves the form while omitting the substance, thus, providing easily prestige to the Department of Justice for seeming to have given them a fair show, while backstage the Department goes 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 hearing. 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 not open to appeal, should not have been prompted by considerationsimmaterial to the ostensible issue.

Petitioners are inclined to see the real reason for removal orders in pressure brought upon the Department of Justice by certain groups interested in disposing of opponents of their hate-prolonging purposes, by creating a number of scapegoats who might be made an example of. The Department would use them as evidence that actual danger existed and point out 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 permitted to remain at large in this country; an evil sediment of some hundred 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 the deportees would be very effectively silenced, once they are beyond the confines of America.

That the majority of petitioners consists of hard-working, peace-loving, and law-abiding people of the laboring class who never fomented strikes or disorders, taxpayers for years, providers for their disrupted American families, some old and in frail health, some women and children and that a great number were free on parole during actual hostilities, all this does not seem to matter. For the cases will be closed, once they are forced out of the country, and nobody else will be in a position to bring out the true facts.

That petitioners will arrive in Europe indelibly branded as people whom even America considered too dangerous to keep, that thus stigmatized they shall immediately be candidates again for internment or worse, that deportation under these auspices quite likely means an automatic sentence at forced labor, all that may be tough, but it is, after all, no further concern of the Department of Justice. Their responsibility ends when petitioners are turned over to the occupation authorities, in a good number of cases, of the Russian zone. They can wash their hands of them and point to a remarkably efficient record.

This has been the administrative processing in the case of the petitioners. It has been done and is carried out under the Proclamation of July 14, 1945 of the President of the United States, acting under the authority of the Alien Enemy Act of 1798, which proclamation delegates execution to the Attorney General.

This is not the place to argue the legal validity of the proclamation. The Court will rule on that part. The point is, however, that the Alien Enemy Act was, as is clearly indicated by its language, intended by Congress for times of emergency only, when foreign danger makes the safety of the country paramount, and when civil liberties must subordinate themselves to the common weal and yield the important place they rightfully hold 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 state of war had not ended, but the emergency had passed. *Germany had unconditionally surrendered more than two months before issuance of the proclamation*, and it is more than obvious that no danger of foreign invasion threatened from that quarter.

Under these circumstances, petitioners respectfully suggest that the procedure employed by the Department of Justice is a flagrant abuse of executive powers, from the point of view of equity at least, if not from that of letter of the law and they resent the unfairness and irrelevancy of the administrative processing as a travesty on justice.

C.

If by filing this appeal, petitioners have violated any form or have offended the sensibility of any Member of Congress, they wish to apologize. However, they owe it to their families, to their personal integrity, and to their self-respect to submit this petition and pray for appropriate legislative action to quash the deportation orders and to release petitioners without delay. They express the hope that such action may help their fellow-internees at Crystal City, Texas, and various detention centers in this country.

Respectfully submitted,

(signed) : Paul Knauer.
ORF-18, Ellis Island,
New York 4, N. Y. H.

January 24, 1947.

Additional Signatures.

Albert Bruckner
Karl Ueberschaer
Gottfried Fanger
Paul Zitzmann
Wilhelm Mank
Henry Reese
John Olden
Kurt Schmidt
Martin J. Jung
Paul Benzenhofer
Hans J. Lochman
Karl Furrer
George Grytzyk
Paul Bante
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Martin Hoisl
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Karl Aldag, Sr.
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John Stoll
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Albert Haug
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Georg M. Zimmermann
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Maria Willumeit
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Paul Slavik
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