

MEMORANDUM ON RAIDS IN DISPLACED PERSONS CAMP

6 May 1948

The magnitude of recent military raids in the Displaced Persons Camps and the attendant news dispatches have aroused many persons who are interested in the welfare and good name of those residing therein. This feeling has been intensified by the realization that the new EUCOM regulations on arrest, search and seizure do not appear to apply to law enforcement activities in Displaced Persons Assembly Centers and that contrasted with the civil rights of the Germans generally, as guaranteed thereby, the residents of such Centers now, in a sense, seem to be regarded by the authorities as "second class citizens".

That there must be obedience to law, there can be no dispute. That there are some law breakers among the DPs cannot be denied. But according to American concepts it is also essential that obedience be enforced and punishment meted out according to due process of law; and this means without discrimination.

By looking back from today's vantage point over the way traveled in the past three years, it is believed that there is some basis for feeling disturbed. There are fears that what is designed as law enforcement activity in fact provides an opportunity for the Germans to point to Army methods as vindication of their repudiated policies of racial discrimination.

In post-combat days when the violent impetus of warfare had not yet spent itself, the Army was then primarily concerned in maintaining security. In those days military commanders of lower units were practically supreme in their sectors of control and could, without much ado, make area searches, mass raids and general roundups of the population. Therefore in those days the voluntary restrictions imposed by the Army on itself in regard to "Check and Search Operations USDP Assembly Centers" (as evidenced by SOP No. 81, Headquarters USFET, 16 May 1946) was indeed a step forward. The enumeration of the grounds upon which the raids could be made, the need for the approval of higher authorities and the practical elimination of the use of German police in Jewish camps, all represented concrete proof of the Army's truly remarkable solicitude for the welfare of the DPs. Likewise was the requirement that such raids were to be "conducted only in cases when reliable information or evidence indicates that such action is demanded and that satisfactory results can not be attained by less than mass action, such as investigation and arrest of individual violators".

However, as time passed, in the larger field of occupation policy the emphasis of the United States Military Government gradually shifted

from the cleansing of Germany of its Nazi taint to a policy of aiding in the rebuilding of its economy and reviving its feeble democratic traditions. Basically, the Army's responsibilities involved enforcement of the laws regulating the conduct of a conquered people. As some elements of normalcy gradually returned it was no longer necessary for the Army to be employed in such matters and to the German law enforcement system was delegated more and more responsibility. This included even minor offenses against the Army.

Concurrently, another trend became apparent. In the absence of a civil police system for the civilians working for the Army, it became increasingly evident that neither the extreme authority granted by martial law nor the military control imposable upon a soldier in camp, suited the requirements of police supervision over these US and Allied civilians. Thus it became necessary to suggest that as to them and their billets, as well as to officers' and enlisted men's family quarters the same standards that guide peace officers in the United States should control the military law enforcement agencies. It was perceived at the same time that if the American concepts of democracy were to have any meaning to Germans and if the US State, War and Navy Departments' "Directive on US Objectives and Basic Policies in Germany" of 15 July 1947, was to be truly implemented, then these same rules must govern US troops when engaged in law enforcement activities among the Germans. Thus it is found that the Revised SOP No. 96 of Headquarters, European Command, on "Arrest, Search and Seizure" applies alike to occupation personnel as well as to the Germans.

Basically this American system that the troops must now follow means that no person shall be detained except when he is charged with a specific offense and is subject to trial by a duly constituted tribunal (except when it clearly appears that detention is necessary for the security of the occupying forces, for example, as in cases involving espionage, sabotage or subversive activities). It means that the people are to be secure in their persons, houses, papers and effects against unreasonable searches and seizures. It means that there shall be no arrest, search or seizure without a warrant therefore, issued only upon probable cause and naming or particularly describing the alleged offender and particularly describing the property to be searched (save and except in those emergency cases recognized in the United States, such as where a serious crime is committed in one's presence and there is not time to procure a warrant). It means that arrests and searches are not to be made on mere suspicion. It means that arrests and searches are not to be made to discover if an offense has been committed but only after the authorities have presented other evidence to an impartial person and have convinced him that there is reasonable cause to believe that an offense has been committed or that evidence thereof is contained in a specific place and that a warrant to make an arrest or search is proper. And especially it means that there will be no mass raids or arrests or searches in the course of law enforcement.

Such then are the rights now given to all in the US Zone except to persons in DP camps. Thus it is seen that advanced as were the provisions

of SOP 81 in 1946, they have now been far surpassed by the Revised SOP No. 96.

The effect of all this is that whereas the German population, as such, is practically never disturbed by US Troops any longer, the United Nations Displaced Persons, the persons who were rescued from the Germans, are now the principal group against which troops are used. The Germans might well congratulate themselves on the turnabout. The individual soldiers involved rarely hear about the evil done by the Germans and rarely are they called out to round up and arrest them or to search their towns and villages. On the contrary, the soldiers are now frequently called out to arrest and search Displaced Persons camps. Can there be any doubt as to the effect on the young men now forming the mass of the troops here? With German viewpoints already acquired from German friends how easy is it for them to conclude that these Germans are surely right about blaming all their "troubles" on DPs. That the Army's large scale operations are usually against DPs is "proof" to the untutored mind that even the US officials think the same way. The Army has day after day taught that Germans are intrinsically good people and deserve help but they hear little good about Displaced Persons.

The thought never occurs to the soldiers that in present day Germany any community of 3000 people, if rounded up and searched, would yield as many, or more offenders as are found in a raid on a DP camp of equal population. Yet because of the methods of enforcement used, the Displaced Persons as a group seem singled out for rigorous action. Not only do such thoughts never occur to them but there is practically nothing to suggest such thoughts. Even those who do not participate in the raids are no better informed. They read the Stars and Stripes and they see the headline news about the operation. But do they know what was uncovered by raids by German police conducted among Germans during the same period? Stars and Stripes reporters naturally do not accompany the German police. Army public information officers do not issue press releases on arrests by the German police. German criminal statistics and German police blotters are not placed on the news service wires because these things are not "news". To the American public, both here and in the United States, what the Army does is news. What the German police does interests no one who is not immediately concerned. That is not to say that public information officers are malicious, or that reporters should be banished or that law enforcement should be given up. But it does mean that the picture is out of focus. It does mean that wittingly or unwittingly, by employing hundreds and thousands of troops, with all the publicity that is the natural concomitant, with all the orientation of the men that is bound to be necessary for such an operation, all to apprehend misdemeanants, not felons, the Army is effecting an injustice to a group of people that it has, and that a great part of the world has, pledged itself to help.

What then is the answer? It is to apply the normal techniques of law enforcement. The answer is to do away with the great military operations that have been outmoded in the US Zone generally for many.

many months but that are inexplicably reserved only for use against Displaced Persons. To catch criminals one needs policemen and detectives, not armies. To catch flies one does not use sledge hammers. To establish an offense in court requires careful detection and preservation of evidence, and careful attention to proof. There is nothing to indicate that the presence of one thousand soldiers make a case easier to prove. Far better is it to recognize the historic individual rights than to wrong an entire community.

The way then is to discard the mass raid concept and to make SOP No. 96 applicable to Displaced Persons Camps. The normal procedures have long been authorized to be used in the camps but they have not been emphasized. Now they should be stressed and invoked.