RSL:rmb

Peyton Ford,
The Assistant to the Attorney General
George T. Washington, Assistant Solicitor General

February 10, 1948

German scientist program of the armed service departments.

With reference to our previous correspondence concerning the above-mentioned program, I now forward for your consideration and signature, if you approve, a proposed memorandum to the Commissioner of Immigration and Naturalization wherein you state the conclusion that the immigration into the United States for permanent residence of HEINZ EUGENE SCHMITT, one of the German scientists involved in this program, would not be prejudicial to the interests of the United States with respect to internal security or national security.

The memorandum to the Commissioner of Immigration and Naturalization also forwards certain documents relating to HEINZ EUGENE SCHMITT, for use by the Immigration and Naturalization Service for conducting pre-examination of the alien. The memorandum is transmitted pursuant to procedures developed in conferences between the Office of The Assistant to the Attorney General, my office, the Immigration and Naturalization Service, and other interested agencies of the Government.

I believe that the several questions of law which had been raised with relation to aspects of this program have now been resolved. It appears that the only functions of the Department hereafter with respect to this matter will be the transmission to the FBI of requests for investigation of persons proposed for immigration, the receipt and consideration of investigative reports, and a determination as to whether the immigration of a given person would be prejudicial to the interests of the United States with respect to internal security or national security. Consequently, I am asking Mr. Lazowska, of the staff of my office, to forward all material relating to this program to Mr. Underhill of your office. I trust this meets with your approval.

Attachments

File [redacted]

Alien Property

Mr. Watson B. Miller, February 10, 1948
Commissioner of Immigration and Naturalization Service
Peyton Ford, The Assistant to the Attorney General

German scientist program of the armed service departments.
Immigration of HEINZ EUGENE SCHMITT.

JDPTNS 2/16

There are attached hereto (1) a dossier concerning the above named subject received from the Joint Intelligence Objectives Agency of the Joint Chiefs of Staff, (2) a certificate from the Secretary of the Air Force to the Attorney General dated December 8, 1947, relating to the subject, and (3) a memorandum from the Director of the Federal Bureau of Investigation addressed to me under date of December 22, 1947, enclosing copies of three reports concerning the subject.

Introduced

The Joint Intelligence Objectives Agency has recommended the immigration of this subject to the United States for permanent residence.

The dossier relating to this subject (which is attached) indicates the following facts:

Born November 26, 1909, Pforzheim, Germany.
Citizenship German.
Lived Stuttgart, Dessau, Korntal from 1933 until coming to this country November 16, 1945.
Educated Germany.
Membership in following professional societies: "1942-1945 Lilienthal Society for Aeronautics, member, attending meetings. 1937-1945 Society of German Engineers, member, attending meetings."
Occupation Research and development engineer for jet-propulsion. Worked as chief of research and development section for jet-propulsion for Junkers Works, Dessau, 1939-1945; Independent Research Engineer with Research Institute for Automotive and Aircraft Engines, Stuttgart, 1938-1939; Chief of designing office for light-weight construction RM 7,000, Zorges and Co., Stuttgart, 1937-1938; Design and test engineer, Research Institute, 1935-1937.
Military Service - none.
Membership in Political Organizations: "DAF (German Labor Organization) paying member, no position, no activities 1937-1945. NSV (Public Welfare Organization) paying member, no position, no

activities. 1938-1945. RLB (Civilian Air Defense Organization) Compulsory membership 1939-1945. DLV (German Civilian Aviation Sport Club) 1933-1936."

Alien States that as he was an employee, he had to be a member of the DAF and as a citizen a member of the NSV; for professional reasons he joined the VDI and the "Lillienthal-Gesellschaft," he did not participate in any political activities; and that he was not a member of the NSDAP.

OMGUS Security Report signed July 10, 1947, by C. F. Fritzsche, Col., GSC states: "Based on available records, subject was not a war criminal, was not an ardent Nazi, and in the opinion of the military Governor, is not likely to become a security threat to the United States.

The Secretary of the Air Force in his certificate of December 8, 1947, relating to this subject (also enclosed), recommends him, with two others, for immigration into the United States, and states that the utilization of the service of the subject and his further presence here as an immigrant are considered to be in the interest of national security. The Secretary further states as follows:

"* * * It is believed, based on a careful study and review of all the information available, including a record of his actual work, conduct, and attitude while in this country for a period of not less than six (6) months, that none will become a security threat to the United States.

"The entry of each is considered highly desirable in the national interest and is not deemed to be prejudicial to the interests of the United States. Further, it is considered that failure to immigrate each would be to the detriment of the national interest."

The above-mentioned dossier and certificate were made available by my office to the Federal Bureau of Investigation and it was requested that the Bureau conduct a thorough investigation of the subject, with particular emphasis on the internal security aspects of his immigration into the United States for permanent residence. In his memorandum of December 22, 1947, transmitting the report of Special Agent Francis J. McCarthy, Jr., dated November 26, 1947, at Boston, Massachusetts, the report of Special Agent Lawrence L. Phipps, dated December 11, 1947, at Cincinnati, Ohio, and the report of Special Agent John T. Kerler, dated December 11, 1947, at San Antonio, Texas, the Director of the FBI advised me that the investigation was completed and no further inquiry would be made by the Bureau

concerning SCHMITT. The memorandum and reports are enclosed herewith. The reports indicate that because of the fortitude and cooperation of the subject, German scientific data relating to jet engine development came into possession of United States military authorities rather than Russians, and that the subject did this in the face of death at the hands of Germans or Russians and without any promise of reward from the Americans; that the subject is not considered likely to become a security threat to the United States; that no derogatory information concerning this subject was developed in the course of the investigation of the FBI; and that persons interrogated concerning this matter considered that the subject would make an excellent American citizen and recommended that the subject be granted an immigration visa.

I have examined the case of this subject in the light of the immigration regulations, particularly sections 175.52 and 175.53 of Title 8 of the Code of Federal Regulations, and have reached the conclusion that the admission of this alien, under all the facts, would not be prejudicial to the interests of the United States with respect to internal security or national security.