

1 UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF WASHINGTON
3 AT SEATTLE

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

7 PETER EGNER,

8 Defendant.
9

Case No. C08 1078 JPD

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11 COMPLAINT

12 Plaintiff, the United States of America, by and through its attorneys, alleges:

13 1. This is an action pursuant to Section 340(a) of the Immigration and Nationality
14 Act of 1952, as amended ("INA"), 8 U.S.C. § 1451(a), to revoke the citizenship of Defendant
15 Peter Egner ("Defendant").

16 JURISDICTION AND VENUE

17 2. Jurisdiction is conferred upon this Court by 28 U.S.C. §§ 1331, 1345 and by INA
18 § 340(a), 8 U.S.C. § 1451(a).

19 3. Venue is proper in this District under INA § 340(a), 8 U.S.C. § 1451(a), because,
20 upon information and belief, Defendant resides in this District.

21 4. As required by INA § 340(a), 8 U.S.C. § 1451(a), an affidavit showing good cause
22 for this action is attached.

23 FACTUAL ALLEGATIONS

24 5. Defendant served during World War II in the Security Police and Security Service
25 ("SPSS") of the Nazi SS and Police in German-occupied Belgrade, Serbia, from on or about

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27 Complaint

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1 April 28, 1941, until he was wounded on or about September 29, 1943.

2 6. During the period of Defendant's service, the Belgrade-based SPSS participated in
3 the mass murder of more than 17,000 Serbian civilians, most of whom were killed solely because
4 they were Jews, Gypsies, and/or were considered politically suspect by German occupation
5 authorities. During the first approximately nine months of Defendant's service, the SPSS
6 operated as the Belgrade *Einsatzgruppe*, a special mobile unit of the German extermination
7 program. The organization played a leading role in the Nazis' mass murder of 6,280 Jewish
8 women and children (all of whom were inmates at Semlin concentration camp, under SPSS
9 control, near Belgrade), who were systematically killed over a period of two months in early
10 1942 through asphyxiation with carbon monoxide exhaust in a specially designed mobile gas
11 van. Their bodies were then interred in burial pits at Avala, the primary location for Belgrade-
12 area executions and mass victim graves during World War II.

13 7. By his own admission to federal authorities during a February 2007 interview,
14 Defendant, during his service in the SPSS, guarded prisoners as they were being transferred to
15 Avala and also guarded prisoners as they were being transferred to Semlin.

16 8. As admitted during his February 2007 interview with federal authorities,
17 Defendant, while serving in the SPSS, participated as an interpreter in interrogations of political
18 prisoners.

19 9. Interrogations conducted by SPSS personnel sometimes involved severe torture,
20 often followed by execution.

21 10. On or about March 6, 1960, Defendant entered the United States as an immigrant.

22 11. In November and December 1965, Defendant applied to become a United States
23 citizen. On his Application to File Petition for Naturalization, Defendant falsely answered a
24 question regarding his prior foreign military service and prior membership in any organizations.
25 In his response, which he swore was true, Defendant omitted his SPSS service and instead listed

1 "German Army" for the relevant time period. During his interview with a naturalization
2 examiner, Defendant, while under oath, repeated this false statement, and made the additional
3 false claim that he had served as an infantry sergeant in the German Army.

4 12. On or about January 20, 1966, Defendant was naturalized by the United States
5 District Court of the District of Oregon and received Certificate of Naturalization No. 8858479.

6 COUNT ONE - CONCEALMENT OR MISREPRESENTATION

7 13. Plaintiff incorporates by reference the allegations in paragraphs 1 through 12.

8 14. INA Section 340(a), 8 U.S.C. § 1451(a), provides for revocation of a person's
9 naturalized citizenship if it was procured by concealment of a material fact or by willful
10 misrepresentation.

11 15. Defendant's omission of his SPSS service on his Application to File Petition for
12 Naturalization and his false statement on that same form that he served in the German Army
13 constituted concealment of a material fact or a willful misrepresentation that resulted in
14 Defendant's becoming a naturalized citizen. Defendant's citizenship must therefore be revoked.

15 COUNT TWO - LACK OF GOOD MORAL CHARACTER

16 16. Plaintiff incorporates by reference the allegations in paragraphs 1 through 15.

17 17. INA Section 340(a), 8 U.S.C. § 1451(a), provides for revocation of a person's
18 naturalized citizenship if it was illegally procured. The requirements for legally procuring
19 naturalized citizenship include, *inter alia*, that the applicant possessed good moral character as
20 set forth in INA Section 316(a)(3), 8 U.S.C. § 1427(a)(3).

21 18. Defendant's service in the SPSS, including his escorting prisoners to an execution
22 site and a concentration camp as well his participation in prisoner interrogations, demonstrates
23 that he lacked good moral character. Given his lack of good moral character, Defendant's
24 citizenship must be revoked.

1 COUNT THREE - LACK OF GOOD MORAL CHARACTER (FALSE TESTIMONY)

2 19. Plaintiff incorporates by reference the allegations in paragraphs 1 through 18.

3 20. INA Section 340(a), 8 U.S.C. § 1451(a), provides for revocation of a person's
4 naturalized citizenship if it was illegally procured. The requirements for legally procuring
5 naturalized citizenship include, *inter alia*, that the applicant possessed good moral character as
6 set forth in INA Section 316(a)(3), 8 U.S.C. § 1427(a)(3). Pursuant to INA Section 101(f)(6), 8
7 U.S.C. § 1101(f)(6), someone who gives false testimony for any benefit under the INA, including
8 obtaining citizenship, is statutorily barred from establishing good moral character.

9 21. Defendant's oral statement that he was a sergeant in the German Army's infantry,
10 made under oath during his naturalization interview, constituted false testimony. This false
11 testimony, for purposes of obtaining citizenship, precluded Defendant from establishing the good
12 moral character needed to become a naturalized citizen, and thus his citizenship must be revoked.

13 COUNT FOUR - LACK OF ATTACHMENT TO CONSTITUTIONAL PRINCIPLES

14 22. Plaintiff incorporates by reference the allegations in paragraphs 1 through 21.

15 23. INA Section 340(a), 8 U.S.C. § 1451(a), provides for revocation of a person's
16 naturalized citizenship if it was illegally procured. The requirements for legally procuring
17 naturalized citizenship include, *inter alia*, that the applicant was attached to the principles of the
18 Constitution as set forth in INA Section 316(a)(3), 8 U.S.C. § 1427(a)(3).

19 24. Defendant's service in the SPSS, including his escorting prisoners to an execution
20 site and a concentration camp as well as his participation in prisoner interrogations, demonstrates
21 that he was not attached to the principles of the Constitution. Given his lack of attachment,
22 Defendant's citizenship must be revoked.

23 PRAYER FOR RELIEF

24 Wherefore, Plaintiff requests that this Court:

25 25. Declare that Defendant procured his United States citizenship illegally and by

1 concealment of a material fact or willful misrepresentation.

2 26. Revoke Defendant's United States citizenship, set aside the January 20, 1966
3 Order of the United States District Court of the District Court of Oregon admitting Defendant to
4 citizenship, and cancel Defendant's Certificate of Naturalization No. 8858479.

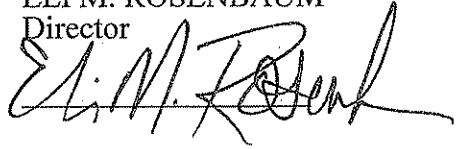
5 27. Restrain and enjoin Defendant from claiming any rights, privileges, benefits, or
6 advantages under any document evidencing United States citizenship.

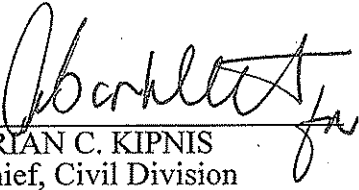
7 28. Require Defendant to surrender immediately and deliver to the Attorney General
8 his Certificate of Naturalization No. 8858479, his United States passport (should he have one),
9 and any other indicia of United States citizenship.

10 29. Grant other and further relief as may be just and proper.

11 Respectfully submitted,

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for the Western District of Washington

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29 Dated: 7/15/, 2008

30 Complaint