March 18, 2008

MEMORANDUM

To: Members, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law

From: Ur Mendoza Jaddou, Chief Counsel, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law

Re: Thursday, March 19, 2009, Hearing on the Treatment of Latin Americans of Japanese Descent, European Americans, and Jewish Refugees During World War II

I. Introduction

The Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law will hold an oversight hearing on Thursday, March 19, 2009 at 12:00 p.m. in 2237 RHOB on the treatment of Japanese and European Latin Americans, European Americans, and Jewish refugees during World War II.

II. Witnesses

Panel I: Japanese of Latin American Descent

• Daniel Masterson
  Professor of Latin American History
  U.S. Naval Academy

• Grace Shimizu
  Director
  Japanese Peruvian Oral History Project (JPOHP)

• Libby Yamamoto
  Former Japanese of Latin American descent internee

Panel II: European Americans

• John Christgau
  Author of “Enemies: World War II Alien Internment”

• Karen Ebel
  President
  German American Internee Coalition
Panel III: Jewish Refugees

- **Valery Bazarov**  
  Director of Location and Family History Service  
  Hebrew Immigrant Aid Society (HIAS)

- **David A. Harris**  
  Executive Director  
  American Jewish Committee (AJC)

- **Leo Bretholz**  
  Author of “Leap into Darkness”

- **Michael Horowitz**  
  Senior Fellow  
  Hudson Institute

### III. Background

Much is known about the internment of 120,000 Japanese Americans during World War II, partly due to the enactment of the Commission on Wartime Relocation and Internment of Civilians Act in 1980. This Act established a commission to review the history of the internment and relocation of Japanese Americans and legal permanent residents and to recommend appropriate remedies.  

As a result of twenty days of public hearings, testimony from 750 witnesses, available government archival materials, and many secondary source materials, on February 24, 1983 the 1980 Commission produced an extensive report entitled “Personal Justice Denied.” On June 16, 1983, the report’s recommendations were issued.

The report centered on the “treatment during World War II of persons of Japanese ancestry from the contiguous 48 states, the territories of Hawaii and Alaska, and various Latin American countries....” It conclusively determined that the detention of 110,000 people of Japanese ancestry during WWII was a “grave injustice” and it was not justified.

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2 Id.
by military necessity. Instead, the decision to intern, exclude, remove, and detain Americans of Japanese descent was based on “race prejudice, war hysteria and a failure of political leadership.”

Based upon its findings, the Commission recommended:

1. That Congress pass a joint resolution, signed by the President, which recognizes that a grave injustice was done and offers the apologies of the nation for the acts of exclusion, removal, and detention.

2. That the President pardon those who were convicted of violating the statutes imposing a curfew on the basis of ethnicity and requiring the ethnic Japanese to leave designated areas of the West Coast or to report to assembly centers. Further, the Department of Justice is urged to review other wartime convictions of the ethnic Japanese and recommend to the President that he pardon those whose offenses were grounded in a refusal to accept treatment that discriminated among citizens on the basis of race or ethnicity.

3. That Congress direct the Executive agencies to which Japanese Americans may apply for the restitution of positions, status or entitlements lost in whole or in part because of acts or events between December 1941 and 1945 to review such applications with liberality, giving full consideration to the historical findings of the Commission.

4. That Congress appropriate monies to fund a special foundation. The foundation would focus on educational and humanitarian purposes related to World War II wartime events. The fund would sponsor research and public educational activities so that the events which were the subject of the Commission inquiry would be remembered, and so that the causes and circumstances of this and similar events would be illuminated and understood.

5. That the Congress establish a fund which would provide personal redress to those who were excluded, as well as serve the purposes set out in Recommendation 4. This fund would be used to provide a one-time per capita compensatory payment of $20,000.00 to each of the approximately 60,000 surviving persons excluded from their places of residence pursuant to Executive order 9066.

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4 Id. at 459.
As recommended by the Commission, the Civil Liberties Act of 1988\(^6\) was enacted and it did the following:

1. Required the Attorney General to review any case in which a living individual on the date of enactment was convicted of a violation of: Executive Order 9066; an Act approved by Congress on March 21, 1942, "to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, leaving, or committing any act in military areas or zones;"\(^7\) or any other Executive order respecting the evacuation, relocation, or internment of individuals solely on the basis of Japanese ancestry;\(^8\)

2. Required that each department and agency of the U.S. Government review any application by an eligible individual for the restitution of any position, status, or entitlement lost in whole or in part because of any discriminatory act of the U.S. Government against such individual which was based upon the individual's Japanese ancestry and which occurred during the evacuation, relocation, and internment period;\(^9\)

3. Established the Civil Liberties Public Education Fund ("Fund") to be administered by the Secretary of the Treasury;\(^10\) and

4. Required the Attorney General to pay out of the Fund to each eligible individual the sum of $20,000.\(^11\)

Although the Commission’s report has been widely accepted as a thorough examination of the facts surrounding the WWII internment of 120,000 Japanese Americans, and the subsequent Civil Liberties Act implementing the recommendations of the Commission as an appropriate apology, there is additional history involving other populations that were also mistreated during WWII, but either not sufficiently examined, or not studied at all, by the Commission. This history involves the mistreatment of thousands of Japanese and European Latin Americans, European Americans, and Jewish refugees during WWII.

The Commission did detail the mistreatment of Japanese, German, and Italian Latin Americans, but only in the appendix of their report.\(^12\) In addition, the Commission admitted that "historical documents concerning the ethnic Japanese in Latin America

are, of course, housed in distant archives, and the Commission has not researched that body of material.\textsuperscript{13}

Despite the admittedly minimal review of the mistreatment of Japanese, German, and Italians in Latin America by the U.S. Government in the Commission’s report, the appendix does state that:

“approximately 3,000 residents of Latin America were deported to the United States for internment to secure the Western Hemisphere from internal threats and to supply exchanges for American citizens held by the Axis. Most of these deportees were citizens, or their families, of Japan, Germany and Italy.”\textsuperscript{14}

Over eighty per cent of the 3,000 residents of Latin America deported to the U.S. were from Peru and the majority were of Japanese descent.\textsuperscript{15}

The appendix also states that:

“[n]ormal legal proceedings were ignored and none of the Peruvians were issued warrants, granted hearings, or indicted after arrest. On entering the United States, officials of Axis nations were placed in State Department custody and private citizens were sent to INS internment camps in Texas. In most cases passports had been confiscated before landing, and the State Department ordered American consuls in Peru and elsewhere to issue no visas prior to departure. Despite their involuntary arrival, deportees were treated by INS as having illegally entered this country. Thus the deportees became illegal aliens in U. S. custody who were subject to deportation proceedings, i.e., repatriation.”\textsuperscript{16}

In addition to an appendix on Japanese, German, and Italian Latin Americans, the Commission included one chapter of thirteen on mistreatment of German and Italian Americans in the U.S. The other twelve chapters were dedicated to the mistreatment of Japanese Americans.

In the single chapter on German and Italian Americans, the Commission noted that “[b]y February 16, 1942, the Justice Department had interned 2,192 Japanese; 1,393 Germans and 264 Italians.”\textsuperscript{17} However, the Commission noted that “[w]ith about one million German and Italian aliens in the country, it was quickly recognized that moving such a

\textsuperscript{13} Id. at 314.
\textsuperscript{14} Id. at 305.
\textsuperscript{15} Id.
\textsuperscript{17} Id. at 284.
large group *en masse* presented enormous practical difficulties and economic dislocations. Therefore, the Commission explained,

"No effective, organized anti-German and anti-Italian agitation aroused the public as it had against the ethnic Japanese on the West Coast, and the War Department, although it considered moving some classes or categories of Germans, was not sufficiently persuaded to press the President to allow it."

Through a series of hearings in 1999 and 2000, the Congress began to recognize that the history of mistreatment of Italian Americans, but not that of German Americans, during WWII was not sufficiently understood. As a result, the Wartime Violation of Italian-American Civil Liberties Act was enacted. Unlike the Civil Liberties Act of 1988 that created a *federal commission*, the Italian-American Civil Liberties Act required the Attorney General,

"to conduct a comprehensive review of the treatment by the United States Government of Italian Americans during World War II (between September 1, 1939, and December 31, 1945) and to submit to Congress a report that documents the findings of such review."

Also, unlike the Civil Liberties Act of 1988, the Italian-American Civil Liberties Act did not require recommendations from the reviewing group, in this case, the Attorney General. Instead, the Italian-American Civil Liberties Act included only a "Sense of Congress" expressing that:

1. The story of the treatment of Italian Americans during World War II needs to be told;

2. Federal agencies, including the Department of Education and the National Endowment for the Humanities, should support projects such as conferences, seminars, and lectures to heighten awareness of this unfortunate chapter in our nation’s history, the refurbishment and payment of all expenses associated with the traveling exhibit "Una Storia Segreta," and documentaries allowing this issue to be presented to the American public;

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18 Id. at 286.
19 Id.
20 145 CONG. REC. H11904 (1999); 146 CONG. REC. H10627 (2000).
3. An advisory committee should be established to assist in the compilation, research, and dissemination of information on the treatment of Italian Americans; and

4. Financial support should be provided for educating the American public through the production of a documentary film suited for public broadcast.\(^\text{23}\)

The Italian American Civil Liberties Act also urged the President to formally acknowledge that these events during World War II represented a fundamental injustice against Italian Americans.\(^\text{24}\)

Unlike the Civil Liberties Act of 1988’s apology for Japanese internment that followed the 1983 Commission’s report and recommendations, no further action was taken by Congress, nor the President, to apologize or take other action with regard to the Italian American community.

IV. Issues

As described above, there remain other populations mistreated during WWII whose histories have not been fully examined by the Federal Government in a similar manner as the histories of the Japanese and Italian Americans mistreated during WWII. In addition, the Italian American community has expressed some concern that the Italian American Civil Liberties Act and the subsequent report by the Department of Justice did not provide an adequate response to the mistreatment they endured during WWII.

A. Japanese, German, and Italian Latin American Mistreatment During WWII

The Japanese, German, and Italian American communities have long advocated for an official federal government study of the mistreatment of their communities in Latin America by the U.S. government in a similar manner as was completed for Japanese Americans interned during WWII. These communities feel that an appendix in the 1983 Commission’s report without any recommendations is not enough. They particularly note that the Commission admitted in their report that it did not thoroughly investigate this part of history. Invited witnesses on the first and second panels will explain this history and their concern with not being considered more thoroughly by the Commission.

The mistreatment of Japanese Latin Americans is the subject of H.R. 42, a bill that has been referred to this subcommittee. H.R. 42 would:

\[\text{Establish a fact-finding Commission to extend the study of the Commission on Wartime Relocation and Internment of Civilians to}\]


investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.\textsuperscript{25}

The mistreatment of German and Italian Latin Americans is the subject of section 102 of H.R. 1425, a provision that would “review the United States Government’s wartime treatment of European Americans and European Latin Americans”\textsuperscript{26}

B. German and Italian American Mistreatment During WWII

The German and Italian American communities have also long advocated for a similar study as the one completed by the Commission in 1983. Although the story of the internment and other mistreatment of these communities during World War II was told in a single chapter by the Commission, the German and Italian Americans have felt their community was not given a proper and thorough review by the federal government.

Furthermore, although the Italian American community mistreatment during WWII was the subject of the Italian American Civil Liberties Act in 2000 and a subsequent report by the Department of Justice, the Italian American community believes their community suffered similar injustices as the Japanese American community and they should have been treated equally to the Japanese American community. Unlike the Japanese American community that received a federal commission’s report and recommendations, the Italian Americans feel they received less with an Act requiring a Department of Justice report with no recommendations for follow up action. Invited witnesses from the second panel will explain this history and their view that they too should be the subject of a bill to create a federal commission with full powers to provide recommendations to Congress.

The mistreatment of German and Italian Americans during WWII is the subject of section 102 of H.R. 1425, a bill referred to this subcommittee, which would establish a commission to “review the United States Government’s wartime treatment of European Americans ….”\textsuperscript{27}

C. Jewish Refugee Mistreatment During WWII

The Commission did not report on treatment of Jewish refugees seeking refuge in the U.S. during WWII. However, the Jewish community has advocated for a federal

\textsuperscript{25} H.R. 42, introduced on January 6, 2009, in 111\textsuperscript{th} Congressional session by Representative Becerra.
\textsuperscript{26} H.R. 1425, Wartime Treatment Study Act, introduced March 10, 2009 by Representative Wexler, §102(a).
\textsuperscript{27} \textit{Id.}
commission to study this history and report to Congress with findings and recommendations. The third panel of witnesses will include members of the Jewish community that will provide the history of mistreatment of Jewish refugees during WWII and the need for a federal commission on this subject.

The mistreatment of Jewish refugees during WWII is the subject of Title II of H.R. 1425, a bill referred to this subcommittee, which would establish a commission to study “the United States Government’s refusal to allow Jewish and other refugees fleeing persecution or genocide in Europe entry to the United States.”

\[28\] Id. at §201.
SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY AND INTERNATIONAL LAW

Madam Chairwoman and Members of the Subcommittee:

My name is Michael Horowitz. I am a Fellow of the Hudson Institute, and I thank you for inviting me to testify at today’s important hearings.

I testify as a person whose career has been significantly focused on the promotion of human rights and civil liberties. I taught civil rights law at the University of Mississippi Law School during its first years of racial integration, and have spent my life in opposition to the curse of racism in a country my immigrant father and grandparents regularly admonished me to regard as “the blessed land.” During the past decade, I have helped organize coalitions that worked to pass such human rights laws as the International Religious Freedom Act, the Sudan Peace Act, the North Korea Human Rights Act, the Trafficking Victims Protection Act, the Prison Rape Elimination Act, the Advance Democracy Act and the Leahy-Wolf Internet Freedom Initiative. A Republican, my last Judiciary Committee appearance occurred when I testified before the Senate Judiciary Committee to condemn Bush administration constructions of the Real ID and Patriot Acts that treated terrorist victims as “material supporters” of terrorism. I am proud of the role I played at that time to ensure that rape victims obliged to launder the clothing of their predators would never be treated as terrorists for immigration or any other purpose.

In short, I come before the committee as a person who deeply believes that American interests are advanced when American values are honored.

These views, and my experience as a pro-immigration human rights advocate, lead me to express grave concerns about H.R. 1425, the Wartime Treatment Study Act.

I do so for such reasons as these:

- The bill profoundly fails to take context into account – as evidenced by its failure to acknowledge that World War II was a desperate period in which America was fighting for its very
survival, when the survival of freedom throughout the world hung in the balance and when America's success in this struggle was by no means assured.

- The bill's findings – in particular the numbers it cites – do not reflect the consensus views of historians, and the bill thus runs the risk of legislating rather than reflecting history and doing so in the service of an effort to prejudge and condemn America's World War II conduct;

- The bill's tone, findings and imperatives reflect prejudgment of the issues that the Commission on the Wartime Treatment of European Americans whose establishment is the centerpiece objective of H.R. 1425 is ostensibly supposed to study. The bill clearly reads as a mandate to condemn the United States for its World War II treatment of German-American and Italian-American resident aliens.

- The bill's mandate that four of the seven members of its proposed Commission on Wartime Treatment of European Americans should "represent... the interests of" German-Americans and Italian-Americans is an outrageous invitation to if not literal guarantee of prejudgment, an invitation to demands for reparations and an invitation to distorted history. In not requiring all Commission members to be distinguished and expert historians, H.R. 1425 reveals a clear bias in favor of prejudgment rather than facts – all the more so because the long passage of time since the relevant events have taken place makes the need for the expert skills of historians imperative if truth and balance is to be achieved by the Commission.

- The bill attempts to blur clear differences that took place in the treatment of German-American and Italian-American citizens of the United States and German and Italian resident aliens who were citizens of countries with which the United States was at war. As such, the bill ignores the particular right of governments – particularly in moments of high crisis – to exercise particularly careful scrutiny towards the latter.
The bill implicitly ignores the deep patriotism of most Italian-Americans and German-Americans, who saw nothing wrong in being made subject to heightened scrutiny when America was engaged in a life and death struggle against the Fascists who had taken over their home countries.

The bill ignores the active and overt Nazi Bund and Italian Black Shirt organizations that had been flourishing in America prior to World War II and the fact that they had been intimidating and terrorizing many German-Americans and Italian-Americans.

The bill ignores the efforts being made by the Hitler and Mussolini regimes to run spy networks and undermine America's capacity to win the war, and ignores America's right to regard the need to defeat such efforts as survival-based imperatives.

The bill subtly but clearly seeks to blur the distinction between the large number of resident aliens who were subject to interrogation and, in context, not-unreasonable restrictions, and the relatively small number of German and Italian aliens who were actually incarcerated.

The bill would subject the conduct of American officials during World War II to utopian standards, and would implicitly but clearly treat the common sense war concerns of those officials – and most Americans – as evidence of bigotry.

The bill's utter lack of balance subtly legitimizes revisionist historians who reject the notion that America was decent, heroic and deeply principled in its act and manner of saving itself and the world from Nazi and Fascist aggression.

The bill outrageously seeks to elide the well documented conduct of a handful of State Department officials who, in violation of American immigration laws, condemned European Jews to death by refusing to allow them to prove their loyalty to America, and the conduct of the officials who sought, during perilous times and under great pressure, to determine whether enemy citizens were loyal to America or posed dangers to our fragile wartime efforts.
H.R. 1425’s efforts to legislate history and to retroactively condemn America for seeking to exercise careful scrutiny towards citizens of countries with which we were in a desperate war for survival is ground enough to criticize it. So too is H.R. 1425’s effort to link such conduct with America’s failure to allow our own laws to be enforced towards people who sought nothing more than the right to come to America after their loyalties had been carefully scrutinized and fully proven. So too is the use the bill will be put, intendedly or otherwise, to reject the “last best hope of mankind” view of America that is and was deeply held by most Italian-Americans and German-Americans.

But there is more to the bill that I hope will be of grave concern to the Subcommittee – its likely and intended effect on current and future American crisis-period policies.

America is of course not perfect in what we are or have done; to state this is to state the obvious. But the tone, clear purport and almost certain takeaway outcome of H.R. 1425 can be best seen if its focus had been placed on an earlier war time period in American history, the Civil War. Then, President Lincoln’s suspension of habeas corpus and his initiation of summary arrests and military justice were acts that were, at the least, questionably necessary violations of civil liberties. Distinguished American historians have long debated these acts – but have done so in the context of Lincoln’s ultimate objective of, and success in, saving the Union and ending slavery. Respect for this context is nowhere to be seen in H.R. 1425’s evident rush to condemn President Roosevelt for his treatment of alien citizens of Axis powers. It is possible – indeed necessary – for America to learn from our past, and from our past mistakes. But by being neither respectful of the challenges faced by the American people and its leaders during World War II, nor understanding of the imperatives involved when survival crises are faced by nations, H. R. 1425 will harm rather than help America to better confront our present and future crises.

I do not know whether America’s World War II policies towards resident aliens who were citizens of Axis powers were the best they could have been, nor do I necessarily defend each of Franklin Roosevelt’s efforts to protect the country against Nazi and Fascist acts of espionage and sabotage. What I do believe, and deeply believe, is that H.R. 1425 will neither be a useful means of examining these questions, nor a useful means of influencing current American anti-terrorism policies for the better.
H.R. 1425 would make its Olympian, after-the-fact standards for judging American officials and policies the basis for judging America’s current anti-terrorism officials and policies. By so doing, the bill would:

- condemn as bigoted the commonly held, common sense views of most Americans on how to deal with today’s terrorism threats;
- help impose dangerously utopian standards of judgment on the American policies and officials now responsible for protecting America from terrorist attacks;
- legitimize zero tolerance of error standards for officials charged with making hard, day-to-day decisions about protecting American security interests;
- send clear signals to American public officials that they are at risk of being condemned for good faith, reasonable efforts to protect the American people from today’s threats of terrorism; and
- help create powerful and highly dangerous incentives for such officials not to be proactive in protecting the country against terrorist threats, and reward officials who are laziest and most self-protective in the performance of their duties; and in the end and most dangerously.

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At root is the bill’s definition of crisis-based, reasonable concerns based on citizenship, nationality or ethnicity as acts of bigotry. In fact, the bill’s politically driven, politically correct effort to legislate away the common sense concerns of most Americans when confronted with severe threats to their security will lead to increases in the very bigotry the bill purports to limit and condemn.

With every fiber within me, I reject anti-Muslim bigotry and regard the need to curb its spread as essential. But I also reject – both in the service of enhancing American security in an age of Islamist terrorism and in the service of curbing anti-Muslim bigotry in America – the shrill cries of bigotry that arise every time American Muslims are treated in any way
differently from others. And it is for this reason as well that I am deeply troubled by H.R. 1425.

Here is what Jesse Jackson said in 1993 – reflecting a common sense view of the world that, because of its very honesty, was a powerful force against political correctness and a powerful tool against racial bigotry:

There is nothing more painful to me at this stage of my life than to walk down the street and hear footsteps and start thinking about robbery – then look around and see somebody white and feel relieved.

If a Jesse Jackson Commission of Inquiry had been convened to condemn his remarks as racist, would Americans have been more or less understanding of inner city poverty, more or less likely to condemn all black Americans when reading of racial disparities in crime rates, more or less likely to have elected an African-American President? To me, the answer is obvious.

That we are a nation of immigrants is our glory, and an essential element of America’s strength. But this does not mean that each of us is alike the minute we come to America. It does not mean that if America finds itself at war with the countries from which we came that we should not be, nor even want not to be, subject to greater scrutiny than that faced by our fellow Americans. Not allowing this to happen, not recognizing that German-American aliens during World War II needed to be more closely watched than, say, African-Americans, would have ensured far greater acts of bigotry against German-Americans after German acts of sabotage against America had taken place.

These questions are pertinent as Congress considers H.R. 1425, and as it considers – as it must – how best to protect America from acts of terrorism and how best to curb the anti-Muslim bigotry certain to occur if, God forbid, Islamist terrorists commit another 9/11 atrocity. These are difficult issues that require balanced judgment, openness to fact-based reality and recognition of common sense wisdom. H.R. 1425 evidences none of these necessary qualities. The bill will thus disserve both its ostensible purpose and current, critical American interests.
Testimony before the U.S. House of Representatives Hearing

Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law

Mistreatment of Latin Americans of Japanese Descent, European Americans, and Jewish Refugees During World War II

War-time Jewish Refugee Experience

Valery Bazarov

HIAS, Director Location and Family Service
The Hebrew Immigrant Aid Society (HIAS), which I have the honor to represent at this hearing, opened its doors in 1881 to assist Jews and others whose lives and freedom were in danger. To this day, HIAS helps people escaping persecution and poverty; provides resettlement and integration assistance to refugees and migrants through a network of agencies across the United States; and works to ensure that U.S. refugee and immigration policy is generous, fair and humane.

The objective of this statement is to demonstrate that the Holocaust could have claimed the lives of far fewer victims, but for the restrictive immigration policies of the U.S. State Department towards European Jews. Especially tragic was that between 1933 and 1941, the Nazis were actively seeking to expel Jews from Germany, occupied and satellite countries. Obtaining exit visas was not a problem for the Jews residing on these territories, the problem was that few countries would take them in. It was only at the end of 1941 that the Nazis instituted the infamous Final Solution and the fate of millions of Jews was sealed.

After a brief review of State Department immigration policies during this period, I will show the impact these policies had on real people, whom HIAS was trying to assist in escaping inevitable death by Nazi hands.

In 1938, finally responding to the evidence of the targeted, widespread persecution of Jews in Germany that had been mounting for years, President Franklin Delano Roosevelt appealed to a number of states to coordinate their efforts to save the victims of religious, racial and political persecution in Nazi Germany. As a result of President’s Roosevelt appeal, a conference attended by representatives of thirty-two governments assembled at Evian, Switzerland, July 6-15, 1938.  

Unfortunately, the Evian yielded little in the way of results. In fact, some countries increased immigration restrictions after Evian. Unlike other leaders, President Roosevelt became more involved in the refugees issue and combined the German and Austrian quotas to facilitate wartime immigration to the U.S. Due to Roosevelt’s intervention, in 1939 the number of Jewish refugees who arrived in the U.S. reached its peak for the period between 1933 and 1945 at 43,350 (see Appendix 1). 1939 also marked the first time the United States filled its combined German-Austrian quota (which now included annexed Czechoslovakia). It is important to note that this limit did not come close to meeting the demand; by the end of June 1939, 309,000 German, Austrian, and Czech Jews had applied for the 27,000 visas available under the quota.

By the middle of 1940, Breckenridge Long, the Assistant Secretary of State in charge of the Visa Department, had begun to close the door to the refugees. Under the pretext that Nazi spies were hiding among the refugees seeking admission to the U.S., an
attitude shared by many government officials and ordinary Americans, Long designed a policy to tighten immigration requirements, effectively slashing admissions by half. A year later, Long's department cut refugee immigration once more, this time reducing admission to about a quarter of the relevant quotas. A new State Department regulation included a provision known as the "relatives rule" which required any applicant with relatives in German, Russian, or Italian territory to undergo an extremely arduous security test. This was in addition to the inter-departmental security screening required of all would-be immigrants at that time. If the committees gave an applicant an unfavorable review, a visa was refused. Because of these restrictions, there was no need for government officials who opposed immigration to cut quotas - during American involvement in the war, the quotas for immigrants from countries under German and Italian control were never filled.

In an inter-department memo Long circulated in June 1940, he wrote:

"We can delay and effectively stop for a temporary period of indefinite length the number of immigrants into the United States. We could do this by simply advising our consuls to put every obstacle in the way and to require additional evidence and to resort to various administrative devices which would postpone and postpone and postpone the granting of the visas."

I emphasize this quote because it illustrates that the barriers to Jewish refugees were not an unfortunate accident, but the deliberate policy of the bureaucrats who managed to achieve their decreasing immigration without lowering quotas. In effect, these policies were a death sentence for thousands of innocent people, and deprived countless Americans of the chance to save the lives of their loved ones abroad.

The effects of Long delaying tactics made refugee aid workers despair. One of them wrote: "We cannot continue to let these tragic people [German Jews] go on hoping that if they comply with every requirement, if they get all the special documents required...if they nerve themselves for the final interview at the Consulate, they may just possibly be the lucky ones to get visas when we know that practically no one is granted visas in Germany today."

Various other initiatives to save Europe's Jews were met with obstruction from Long. For example, in April 1943, Gerhart Riegner, the World Jewish Congress representative in Geneva, suggested a plan to save thousands of French and Romanian Jews. Even after the proposal had the support of the president, Long and his subordinates delayed acting on it for eight months. Long obstructed rescue efforts again in November 1943, when the House of Representatives was considering a resolution that would establish a separate government agency charged with rescuing refugees. In a closed hearing on the matter, Long gave testimony that was filled with inaccuracies. He greatly exaggerated the number of refugees to have reached the U.S. since Hitler came to power. He also claimed that everything that could be done to save the Jews was being done. Long's presentation effectively crippled support for the
measure, but only for a time. Eventually publication of his testimony revealed the apathy and even callous attitude of Long and his associates\textsuperscript{iii}.

In 1943, Quaker and HIAS personnel in Casablanca attempted to open a refugee outlet through that port. Despite the State Department’s unremitting insistence that American ships were totally occupied in the war effort and could not possibly assist in transporting refugees, relief workers discovered that the U.S. military authorities in Casablanca thought otherwise. They were willing to take refugees on ships returning empty to the United States, provided that the refugees had visas and quota numbers. The American Consulate in Casablanca agreed to cooperate. Fourteen refugees reached New York via military transport. Then the State Department’s Visa Division halted the apparent breakthrough by refusing to dispatch quota numbers for the people in North Africa until after they had an assurance of transportation. The military in North Africa would not assure transportation until refugees had their quota numbers\textsuperscript{iv}.

A similar situation occurred in France. To leave France, a refugee needed an exit visa, a transit visa, affidavits of support, moral and political affidavits, certificates of good behavior and paid tickets for the ship destined for the U.S. or other country of immigration. Documents with the expiration date had to be valid on the day of departure; if only one document had expired, the refugees were required to start the process from the beginning, losing months or even years of valuable time. In addition, visas were valid for up to four months and tickets overseas were sold out many months ahead. Moreover, the tickets would not be sold without an issued entry visa, and of course the U.S. Consulate would not issue a visa without a ticket. It is not surprising that the majority of refugees could not make it.

The HIAS office in France finally broke this vicious cycle. HIAS negotiated an agreement with the American Consulate in Marseille in 1940. The U.S. Consulate agreed that if HIAS could guarantee passage, the visa would be issued, which in turn, would allow the refugee to purchase of the ticket.

Still, the numbers of the Jews who could qualify for the visas was small. Some time ago I interviewed Hellen Katel, who worked for HIAS in France in 1940-1941. She remembered that she and her colleagues wept when they were obliged to choose, from among the thousands of applicants, only a few who met the requirements of the State Department.

As an example of the consequences of State Department policies, Alfred Eisinger and his wife left Germany on May 16, 1941 and arrived in Lisbon, Portugal on May 20. They had entry visas to the U.S. which expired on May 28, while they were still in Portugal. They had to wait for six years before their visa were renewed, and it wasn’t until December 12, 1947 they were able to reach America. Until the end of the war they lived with the constant fear that they could be deported back to Germany.\textsuperscript{v}
But at least they were in neutral Portugal. Leo Bretholz who also arrived in the US in 1947 was not so lucky. He was a young man when he escaped from Belgium to France in 1940. Having relatives in the United States, he started the immigration process with the help of HIAS. By May 1941 his immigration documents were ready in the U.S. Consulate in Marseille. He had a French exit visa; his American visa was guaranteed; and his passage from Lisbon to the United States was secured. HIAS sent Leo a confirmation on May 26 and he also received a confirmation letter from the U.S. Consulate in Marseille on May 31. Leo might reasonably think that his escape from the Nazi predators had been accomplished. Not so. On July 31, 1931, the very same Consulate advised him that, despite the fact that his papers were in order, the Consulate had new regulations related to the issuance of the immigration visas. As a result, Leo's visa to the United States was canceled.

In November of 1941, Leo Bretholz received another notification from the Consulate. Finally his visa was approved and he was scheduled to present himself at the Consulate on December 8, 1941. Again his hopes to escape were crushed. After Pearl Harbor, all issued visas were canceled.

Leo was caught by the French police and deported to Auschwitz. He managed to escape before the train crossed the Franco-German frontier, fought Nazis in the French resistance and finally immigrated to the U.S. in 1947vi.

Leo Bretholtz was not alone. Kurt Klein immigrated to the U.S. with the help of HIAS in 1938. For more than three years, he tried to get his parents, Ludvig and Alice, first out of Germany, and then out of France. All his efforts were unsuccessful. Finally, in November of 1941, Ludwig and Alice Klein were summoned to the American Consulate in Marseilles. They planned to leave Lisbon for the U.S. on December 26. The Japanese attack on Pearl Harbor sent them back to the beginning of the application process. On November 4, 1942 the U.S. State Department authorized its Consul in Marseilles to issue immigration visas for the Kleins. Kurt was overwhelmed with joy, enhanced by his just having enlisted in the U.S. Army. He was ready to fight for his new country. Alas, his joy did not last long -- ten weeks before the visas were approved, Ludvig and Alice Klein had been deported to Auschwitzvii.

Everybody in the world knows the name of Anne Frank and her story. But it is only now, with the opening of files containing correspondence between her father Otto Frank and friends, relatives and agencies in America, do we glimpse the despair and defeated hope the family endured before going into hiding. Restrictive U.S. immigration regulations made the family's emigration from Holland impossible. The famous Frank name now also is a symbol for those who tried and failed to escape because of the arbitrary obstacles placed in their way.

Recently declassified documents reveal a lesser-known fact that during the war, the immigration activity of HIAS was under scrutiny by the Federal Bureau of
Investigation. The attention paid by the Bureau to an agency in the business of bringing immigrants to the country during the war is understandable. What is notable is that these materials provide additional evidence that the State Department was overtly biased against Jews during the war. Information below was received from the FBI under the provision of FOIA. In September 1941, the FBI sent a letter to the State Department concerning the use of HICEM (another name for HIAS) by the German government for “the purpose of endeavoring to bring the latter’s agents into the United States.” The State Department forwarded the request to the American Consulates in Marseille and Lyon in France, asking them to confirm the information and report back to the Department.

Here are the excerpts from their reports:

*In reply it should be stated that although the consulate has been in almost daily contact with Marseille members of the Jewish organization in connection with application for visas presented by aliens sponsored by it, there has never to my knowledge been the slightest indication that HICEM or the applicants concerned have had any connection with the Gestapo or that other ulterior motive has actuated the organization in pressing the claims of the aliens for visas.*

*H. F. Hawley, American Consul, Marseille*

*No direct proof can be found of duplicity in HICEM dealings with this Consulate. As it has been indicated above, the opportunities to deal double have presented themselves often in the past and to a limited extent at present.*

*Marshall M. Vance, American Consul, Lyon*

These responses left no doubt about HICEM’s integrity. But this was not enough for the State Department. After they received the colleagues’ reports, the State Department sent a new letter to American Consulates. The document, dated January 27, 1942, was issued three weeks after the Department received the original Consulate reports. Here is the complete text of the document:

*The Department received information from reliable confidential sources indicating that that the Gestapo is using the Jewish Refugee Organization HICEM in getting their agents into the United States and other Western Hemisphere countries. It is understood that the inducement to the refugee organizations to lend their services to the German Government to permit certain Jewish refugees to leave Germany for Emigration to Western Hemisphere countries. It is suggested that any application for visas of persons to whom this information applies be examined in the light thereof.*

These circulars were issued in 1942, after the Nazi’s “final solution” was well underway and the Jews no longer had an option of leaving. The responses from the Consulates did not present any evidence of the HIAS foul play nor did the FBI
documents from that period. Therefore, the only plausible reason for the State Department to issue such decrees was as an attempt to restrain lifesaving Jewish immigration.

Every family’s history is different. And yes, it is very easy with the benefit of hindsight to judge the correctness of this or that step, made by desperate people in their effort to escape a deadly threat. Some of them made mistakes that caused delays, which were sometimes fatal. However, it is undeniably clear that the U.S. immigration policy during the darkest time of human civilization was detrimental to the great humanitarian traditions of the American nation.

In January 1944, President Roosevelt established the War Refugee Board, which relieved the State Department of responsibility for rescue efforts. The Board had some success in rescuing Jews and may have been responsible for saving as many as 200,000 lives.

According to Jewish tradition, to save a life is to save a world. We will never know the exact number of those who might have been saved were it not for U.S. State Department policies in effect during the war. What we do know is that the loss is incalculable – as millions of universes were extinguished forever.
Appendix 1

Jewish Immigration to the United States from 1933 to 1945

<table>
<thead>
<tr>
<th>Year</th>
<th>Immigration</th>
</tr>
</thead>
<tbody>
<tr>
<td>1933</td>
<td>2,372</td>
</tr>
<tr>
<td>1934</td>
<td>4,134</td>
</tr>
<tr>
<td>1935</td>
<td>6,252</td>
</tr>
<tr>
<td>1936</td>
<td>6,252</td>
</tr>
<tr>
<td>1937</td>
<td>11,352</td>
</tr>
<tr>
<td>1938</td>
<td>19,736</td>
</tr>
<tr>
<td>1939</td>
<td>43,450</td>
</tr>
<tr>
<td>1940</td>
<td>36,945</td>
</tr>
<tr>
<td>1941</td>
<td>23,737</td>
</tr>
<tr>
<td>1942</td>
<td>10,608</td>
</tr>
<tr>
<td>1943</td>
<td>4,705(^1)</td>
</tr>
<tr>
<td>July 1, 1943 to December 1945</td>
<td>18,000(^2)</td>
</tr>
</tbody>
</table>

\(^1\) That is, the fiscal year of July 1942 to June 30, 1943
\(^2\) The figure for July, 1943 to December, 1945 is an estimate.
i Mark Wischnitzer. *To Dwell in Safety*, Philadelpia, PA, p. 201


viii State Department-FBI Correspondence, January – March, 1942, FBI Archive, File 100 – 13876, F2, F2A, F2B, F2C.

ix Wischnitzer, p. 289
House of Representatives
Judiciary Committee
Subcommittee on Immigration, Citizenship, Refugees, Border
Security, and International Law

Hearing on: the Treatment of Latin Americans of Japanese Descent,
European Americans, and Jewish Refugees During World War II

Testimony By:

Grace Shimizu
Director
Japanese Peruvian Oral History Project
Coordinator
Campaign For Justice: Redress Now for Japanese Latin Americans!

March 19, 2009
My name is Grace Shimizu. I am the director of the Japanese Peruvian Oral History Project and the daughter of a Japanese internee from Peru. On behalf of the former Japanese Latin American internees and our families, I would like to express our appreciation to Chairperson Zoe Lofgren and members of the House Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law. It is so heartening to be able to share our wartime experiences. This hearing is very significant to us because our experiences have never been part of the mainstream historical narrative of this country, nor have our experiences been included as part of our own community’s narratives — both Japanese American and Latino communities. Our story is a hidden part of our community history and a suppressed part of US wartime history.

My father was born in 1906 in Hiroshima, Japan and immigrated to Peru when he was 18 years old. He joined his brother who had arrived earlier as a contract laborer and begun to develop a family business. During World War II, our family charcoal business was put on “La Lista Negra,” the blacklist, the informal name for what the US called “The Proclaimed List of Certain Blocked Nationals.” This list of “potentially dangerous enemy aliens” affected businesses and individuals, often with no connection to the Axis powers, like journalists, teachers, business owners, priests, or anyone who held a position in the many prefecture clubs or cultural organizations. My family members and others on this list were never charged with a crime. There were no search warrants issued, no hearings held.

When the US transport ships would come into the harbor of Callao, many on the blacklist would go into hiding, my uncle included. The first time the Peruvian authorities came looking for my uncle who headed our family business, they took my cousin instead. My cousin was interned in the US and used in the second prisoner exchange. In 1944, when my father was 38 years old, he was taken by the authorities. He was forcibly deported from his home in Peru to a US military camp in the Panama Canal Zone for detention and put to hard labor, which was in violation of the Geneva Convention. My father never shared his experience in the Panama camp but we do have an interview of another Japanese Peruvian who recalled being put to work clearing the jungle around the camp. One humid day, the internees, many of whom were elderly, were told to dig a pit. He thought that he was digging his own grave. Then they were told to fill the pit with buckets of human waste from the guards’ latrines. When the older men were so tired that they could not run fast enough to please the guards, they were poked and shoved by the guards with bayonets. After three months at hard labor, the young man was taken to the US for internment.

My father was detained in the Panama camp for several months. When the next US transport arrived, the prisoners included his first wife, his brother and his brother’s wife and children. They were taken to the US for indefinite internment at Crystal City, Texas for the purpose of hostage exchange. During internment, my father’s wife died in that Texas camp due to the trauma of imprisonment and lack of adequate medical care. My father also learned that seven other members of our family who remained in Peru had been killed and circumstances surrounding their murders were never resolved.

At the end of the war, my uncle and his family were deported to Japan and dumped off to find their way to the home of my grandmother in Hiroshima. My father was released on parole from camp under the sponsorship of Japanese American relatives living in northern California. His intention was to return to his home, business and surviving relatives in Peru, but he along with other Japanese Peruvians were initially not allowed reentry by the Peruvian government. He eventually remarried and started a family with my mother.
in Berkeley, California. In the 1950s, with changes in the immigration laws, he was allowed to change his status from “illegal alien” to legal permanent resident. Despite his decision to live the rest of his life in the US, he never became a US citizen. Part of his thinking was, if the US were ever to violate the rights of persons of Japanese ancestry again, he and his family would not become stateless and would be able to find refuge in the country of his birth.

I didn’t understand the significance of my father’s wartime experience until I began to work with the Japanese Peruvian Oral History Project, which was established in 1991 by six families in the SF Bay Area. Like other Japanese Americans of my generation born in the US, I was lucky to have read about the Japanese American incarceration in a US history book, even if it was just one sentence. And there was never mention about the internment of Japanese Peruvians. Also, my parents and I, like so many other Japanese Americans and Japanese Latin American families at that time, didn’t talk much about the war, internment or the traumatic impact that experience had on us personally, our families and community.

Through our work in the Japanese Peruvian Oral History Project, we are learning how the WWII internment history of Japanese Americans and Japanese Latin is integrally linked. We share many similarities with Japanese American families, including our immigrant roots. We formed community with Japanese Americans while living side by side in Department of Justice internment camps and US Army facilities and being used as human pawns in hostage exchanges. During the resettlement years after the war, Japanese American and Japanese Latin American families in the US struggled to reestablish our lives, with many Japanese Latin Americans becoming part of Japanese American neighborhoods and marrying into Japanese American families.

Through our work, we are learning that our families’ wartime experiences were part of a larger Latin American program whereby the US government went outside its borders to 13 Latin American countries and seized 2264 men, women and children of Japanese ancestry (both citizens and immigrant residents), forcibly transported them to US internment camps without legal extradition, without due process, without charges and deprived of legal counsel.

We are also learning that such wartime experience of civil and human rights violations was not limited to persons of Japanese ancestry. German and Italian communities in the US and Latin America were also swept up in this turmoil. Following the Japanese military attack on Pearl Harbor, over one million immigrants in the German, Italian and Japanese American communities in the US became “enemy aliens” overnight. From about 19 Latin American countries, over 200 persons of Italian ancestry and over 4,000 persons of German ancestry (including 81 Jewish refugees) were seized and deported to the US for internment. In total over 31,000 enemy aliens of German, Italian and Japanese ancestry in the US and from Latin America were apprehended and detained. Many thousands of them were interned for reasons of “national security” in over 50 facilities run by the US Department of Justice and the US Army, which were different from the ten War Relocation Authority camps where Japanese Americans were incarcerated.

We are also learning more about the hostage exchange program. In time of war, civilians from warring nations should be allowed safe passage to their home countries. But what should have been a humanitarian program became a program of human rights violations. Over 4,800 men, women and children were forcibly deported to war zones of the Far East and Europe in the prisoner exchange. These included US citizens who
were the minor children of permanent resident aliens. For persons of German ancestry in the US and from Latin America, there were about six separate exchanges with a total of at least 2,000 people. Of them, it is unclear how many were German Latin Americans. For persons of Japanese ancestry, there were two separate exchanges with over 2,800 civilians, half of whom were Japanese Latin Americans.

It is now widely recognized that the incarceration of 110,000 US citizens and residents of Japanese ancestry during WWII was one of the worst violations of the constitution in our nation’s history based on wartime hysteria, racial prejudice and failure of political leadership. With growing knowledge of the WWII Enemy Alien Program and its Latin American component, that mass imprisonment of the Japanese American community is now put into a broader international context of relocation, internment and forced deportation of persons of Japanese, German and Italian ancestry. What is being uncovered is a shocking picture of how the US government initiated and orchestrated a program of massive civil rights violations, crimes against humanity and war crimes spanning two continents before, during and after WWII.

Later review of records of these so-called “dangerous” enemy aliens shows there was often no specific evidence of subversive activities. Rather they lost years of their lives on the basis of “potential” danger. The impact of these violations has been long lasting in our communities and has current day significance for our democratic institutions and freedoms.

We, former internees and our families, are here today to register our plea with you, members of the House Judiciary Subcommittee on Immigration. We ask for your support of HR 42, the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act, to investigate the treatment of Japanese Latin Americans during WWII.

In 1980, the Congress authorized a similar fact finding study which examined the treatment of Japanese Americans during WWII. During the course of that study, information began to be uncovered about the treatment of the Japanese Latin Americans. Such information was found significant enough to be included in the published Commission report and warrants deeper investigation. The Japanese Latin American commission bill would extend the initial investigation of the 1980 Commission.

We ask your support to get this commission bill passed.

The Japanese of Latin America and the United States Government During World War II

Testimony By:

Professor Daniel M. Masterson
Department of History
U.S. Naval Academy

Hearing Before the House Subcommittee on Immigration, Citizenship Border Security and International Law

March 19, 2009
It is well known that the great trauma of World War II caused untold suffering for tens of millions of people throughout the world. Nearly forgotten in the context of this enormous tragedy is the fate of more than two thousand Japanese Latin Americans. Their wartime experience in many ways mirrors that of the 120,000 people of Japanese heritage in the United States who were interned for most of the duration of the War in camps throughout the Western United States. But in important ways these Japanese Latin Americas were even more vulnerable and their circumstances even more devastating than their U.S. counterparts. These Japanese residents of eight different Latin American nations, were arrested often without charges, briefly detained and then deported to the United States for internment in camps in the Southwest. Most significantly, before entering the United States these deportees were compelled to turn over their passports to U.S. officials. They thus entered the United States as “illegal aliens’ making them subject to deportation once their internment in the U.S came to an end. When the vast majority of their former Latin American nations refused to allow them to return after the War, these detainees became “stateless” and unwilling refugees who were powerless to prevent their deportation to devastated post war Japan. Over the past two decades a handful of historians, journalists and activists have attempted to shed light on the story of these individuals whom one historian called “Pawns in a Triangle of Hate.” This committee hearing represents a very important effort to further U.S. government awareness of misguided U.S. policy during the World War II years.
Japanese Latin Americans

Who were these Japanese Latin Americans, why did they emigrate, and what prompted some Latin American governments to willing cooperate in their deportation to the U.S. and not others? The first Japanese emigrants arrived in Mexico and Peru in the late 1890’s. Within a decade thousands more would settle in Brazil, which would become home to nearly 200,000 Japanese-Brazilians by the beginning of World War II. These emigrants came mainly from the poorest southern prefectures of Japan and the Ryukyu islands, mainly Okinawa. Seeking relief from increasing agrarian and working class unrest, the Japanese government saw emigration as a “safety valve” that might relieve some of the suffering caused by the nation’s rapid modernization during the Meiji era.¹

In Mexico these Japanese emigrants settled in Baja California and successfully raised cotton. They also worked in the mines and on the railroads of the Northern states of Coahuila, Sonora, and Durango. In Peru, mostly male Japanese emigrants were enlisted as contract laborers to work in coastal sugar and cotton plantations. Terrible working conditions on these coastal estates drove many of them to flee and settle in Lima where they turned to small scale commerce and the building trades with good success. By World War II, at least 75 per cent of Peru’s Japanese lived in the Lima metropolitan area where they proved vulnerable to government agents once the deportation process began. Brazil received the largest number of Japan emigrants because it needed laborers for its huge coffee estates and because large tracts of land were available in its Southern states.

of Rio de Janeiro and Sao Paulo. Japan heavily subsidized the establishment of Japanese colonies in Brazil in the hope that it would become the principal haven for its overseas Japanese. This policy succeeded as Brazil today has more people of Japanese descent (1.2 million) than any nation outside of Japan.

Most Japanese who migrated to Latin America did so with a sojourner mentality. That is, they firmly intended to return to Japan after their hard earned savings allowed them to live comfortably “near the bones of their ancestors.” But this hope was rarely realized. Instead, the vast majority of the Japanese established tightly knit and comforting communities within the Latin American nations. Japanese culture flourished within these communities, Japanese schools taught the Japanese language and Japanese language newspapers kept the news of Japan and these communities available to their readers. The vitality of the Japanese communities cultural bonds was both a great strength, and a telling weakness. The insularity of the Japanese in Latin America caused them to be accused of being unwilling to assimilate. Of course, this same accusation could have been leveled against other ethnic groups, but it rarely was. In fact, Peru’s most prominent Japanese, Alberto Fujimori took pride in being more Peruvian than Japanese. He was educated in non Japanese Schools in Peru, France and Milwaukee and distanced himself from the Japanese community when he ran for president in 1990.

The 1930’s saw Latin America’s Japanese face increasing resentment brought on by their relative economic success in the midst of the Depression as well as Japan’s increasing militarism. Prior to World War II, for example, Japanese-Brazilian farmers
were eight times as productive as their Brazilian counterparts. Still, the nations with the two largest Japanese populations, Brazil and Peru enacted legislation that effectively ended Japanese emigration to their countries. Brazil’s president Getulio Vargas issued decrees that severely restricted the Japanese communities’ activities. Most importantly, Japanese-Brazilian schools were closed and the use Japanese language was prohibited in public. In May 1940, the worst anti-Japanese riots to occur in the Western Hemisphere flared in the capital’s Japanese neighborhoods and in the agricultural centers of Chancay and Huaral. Fueled by false rumors Japanese military activities, two days of nearly unrestrained destruction and looting of Japanese properties ruined the livelihoods of many Japanese-Peruvians. Nearly every Japanese-Peruvian business was either completely destroyed or badly damaged. In Lima police stood by while the rioters wrought their havoc. The capital’s major newspapers choose not to report on the riots.3

Arrest, Deportation and Internment:

Washington had plans for the internment of Japanese-Latin Americas a few months before Pearl Harbor. These plans called for the round up of Panama small group of four hundred Japanese and relocate them on the isthmus. The protection of the Canal was indeed the primary reason given for the interment of Japanese Latin Americans on the west coast of South America. The other primary reason: the exchange of Japanese-Latin Americans for United States citizens caught behind Japanese military lines seems to have been suggested by the Chairman of the Joint Chiefs of Staff, George Marshall and

2 Daniel M. Masterson, with Sayaka Funada Classen, The Japanese in Latin America (Urbana, Illinois: 2003), 131
3 Ibid, 156-157.
Secretary of State Cordell Hull in late 1942. The U.S. citizens in question numbered 7,000 civilians captured in China, the Philippines, Guam and Wake Island. Hull advocated the deportation and internment of Japanese Latin Americans for the specific purposes of exchange. The Secretary of State seemed indifferent to the fact that many of these potential deportees were second generation Nisei and had never seen Japan. Hull at one point advocated the removal of all Japanese from Latin America for security purposes, not seeming to be aware of the enormous logistical, diplomatic or legal implications of this policy. Relocating Brazil 200,000 Japanese was never even a remote policy, even if the that country’s leadership had that intention. Since the Japanese were Brazil’s most productive farmers, that hardly seemed possible. President Franklin Roosevelt even weighed in on the issue of internment. Commenting on the supposedly delightful climate of the Galapagos Island, F.D.R. suggested that the Japanese from the west coast of South America could be interned on one or more of the island off Ecuador.

Not all Latin American nations allowed their Japanese residents to be deported to the United States for reasons of security or possible exchange. Mexico, seeking to maintain a nationalist and independent status relocated its Japanese from Baja California and it northern states to centers in the Federal District in central Mexico. Much of their property was lost as a result but most were able to rebuild their lives in Mexico City after

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5 Connell, America’s Japanese Hostages, 5
the War. Brazil confined its Japanese to their remote agricultural cooperatives in the states of Sao Paulo and Rio de Janeiro during the war but did not technically intern them. Very importantly, families were allowed to remain intact and the property of the Japanese-Brazilians remained largely intact. After the War, the large Japanese-Brazilian community thrived.

The Internees and their Fate

More than 3 of 4 of the more than 2,000 deportees from Latin American from 1942 to 1945 were from Peru. The government of President Manuel Prado saw the expulsion of the Japanese from his nation as benefit to his political popularity. He pursued this process of deportation with vigor. Additionally, some in Peru wanted to take advantage of the dilemma of the Japanese-Peruvians for their own financial benefit. U.S. officials were fully aware of this. One U.S. intelligence official noted in late 1941 that "for every Japanese owner of a hardware or price goods store or barber shop, there are at least three (Peruvian) candidates (waiting) to take over their business." 6

How were these Japanese Latin America identified for deportation? In the case of most Latin American nations, F.B.I. agents assigned to intelligence work in Latin America worked with the U.S. Embassy and Latin American governments to create "Black Lists" of suspect Japanese for possible deportation. Since none of the F.B.I. agents in Peru, for example, spoke or read Japanese, these blacklists were largely drawn from membership lists of prominent Japanese associations. Further, when many of these suspects went into hiding or bribed Peruvian officials, Prado's police in exasperation arrested the majority of detainees haphazardly to fulfill arrest quotas.

6 Office of Strategic Services Memo, 12294, 20 December 1941, RG 226, U.S. National Archives.
These injustices were compounded when the deportees reached their debarkation location at New Orleans. Their passports were taken from them and never returned. They were thus declared illegal enemy aliens and were subject to deportation when their confinement in the United States came to an end. Taken from their families, these early internees were without a family and without a country. A good number of these detainees were reunited with their families when their wives and children chose to join them in confinement. The vast majority of these nearly 2,000 Japanese-Peruvian never returned to Peru. The Peruvian government refused to readmit all but seventy-nine in a policy that remained firm through the 1950’s. Peru has not issued a formal apology for its war time deportation, but in the mid 1960’s the government of Fernando Belaúnde Terry donated a sector of land in central Lima for the construction of the Japanese Cultural Center. Of the 2,200 Latin American deportees only about 15 per cent were able to remain in the United States. The case of the “stateless” internees was taken up by the lawyer Wayne Collins who successfully argued for their continued residency in the U.S. The remainder of these unfortunate Japanese Latin Americans were deported to a Japan that lay in ruins. It was a country most had never seen and only existed in the images wrought by their parents or in their schoolbooks. The reality of the destruction and death they encountered was a great trauma. Nearly unbelievably, some of these Japanese Latin Americans were “relocated” to Hiroshima!

The narrative of these Japanese Latin American during World War II has been told in books, articles and movies by talented filmmakers. But it is narrative that is still not widely known. Almost every U.S. citizen knows the story of the internment of our own
120,000 Japanese American. Congress needs to encourage the discussion of U.S. policy toward the Latin American Japanese during World War II. U.S. archivists have diligently collected and declassified the documentation in thousands of pages in material in the Special War Problems Division files of the Department of State. Our full understanding of this injustice in the past, may help the prevention of this type of policy in the future.
House of Representatives
Judiciary Committee
Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law

Hearing on: the Treatment of Latin Americans of Japanese Descent, European Americans, and Jewish Refugees During World War II

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were eight times as productive as their Brazilian counterparts.2 Still, the nations with the two largest Japanese populations, Brazil and Peru enacted legislation that effectively ended Japanese emigration to their countries. Brazil’s president Getulio Vargas issued decrees that severely restricted the Japanese communities’ activities. Most importantly, Japanese-Brazilian schools were closed and the use Japanese language was prohibited in public. In May 1940, the worst anti-Japanese riots to occur in the Western Hemisphere flared in the capital’s Japanese neighborhoods and in the agricultural centers of Chancay and Huaral. Fueled by false rumors Japanese military activities, two days of nearly unrestrained destruction and looting of Japanese properties ruined the livelihoods of many Japanese-Peruvians. Nearly every Japanese-Peruvian business was either completely destroyed or badly damaged. In Lima police stood by while the rioters wrought their havoc. The capital’s major newspapers choose not to report on the riots.3

**Arrest, Deportation and Internment:**

Washington had plans for the internment of Japanese-Latin Americas a few months before Pearl Harbor. These plans called for the round up of Panama small group of 400 Japanese and relocate them on the isthmus. The protection of the Canal was indeed the primary reason given for the interment of Japanese Latin Americans on the west coast of South America. The other primary reason: the exchange of Japanese-Latin Americans for United States citizens caught behind Japanese military lines seems to have been suggested by the Chairman of the Joint Chiefs of Staff, George Marshall and

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3 Ibid, 156-157.
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5 Connell, America's Japanese Hostages, 5
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The Internees and their Fate

More than 3 of 4 of the more than 2,000 deportees from Latin American from 1942 to 1945 were from Peru. The government of President Manuel Prado saw the expulsion of the Japanese from his nation as benefit to his political popularity. He pursued this process of deportation with vigor. Additionally, some in Peru wanted to take advantage of the dilemma of the Japanese-Peruvians for their own financial benefit. U.S. officials were fully aware of this. One U.S. intelligence official noted in late 1941 that “for every Japanese owner of a hardware or price goods store or barber shop, there are at least three (Peruvian) candidates (waiting) to take over their business.”

How were these Japanese Latin Americans identified for deportation? In the case of most Latin American nations, F.B.I. agents assigned to intelligence work in Latin America worked with the U.S. Embassy and Latin American governments to create “Black Lists” of suspect Japanese for possible deportation. Since none of the F.B.I. agents in Peru, for example, spoke or read Japanese, these blacklists were largely drawn from membership lists of prominent Japanese associations. Further, when many of these suspects went into hiding or bribed Peruvian officials, Prado’s police in exasperation arrested the majority of detainees haphazardly to fulfill arrest quotas. These injustices were compounded when the deportees reached their debarkation location at New Orleans. Their passports were taken from them and never returned. They were thus declared

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6 Office of Strategic Services Memo, 12294, 20 December 1941, RG 226, U.S. National Archives.
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with their families when their wives and children chose to join them in confinement. The
vast majority of these nearly 2,000 Japanese-Peruvian never returned to Peru. The
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diligently collected and declassified the documentation in thousands of pages in material
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understanding of this injustice in the past, may help the prevention of this type of policy
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House of Representatives
Judiciary Committee
Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law

Hearing on: the Treatment of Latin Americans of Japanese Descent, European Americans, and Jewish Refugees During World War II

Testimony By:

Professor Daniel M. Masterson
Department of History
U.S. Naval Academy

March 19, 2009
It is well known that the great trauma of World War II caused untold suffering for tens of millions of people throughout the world. Nearly forgotten in the context of this enormous tragedy is the fate of more than two thousand Japanese Latin Americans. Their war time experience in many ways mirrors that of the 120,000 people of Japanese heritage in the United States who were interned for most of the duration of the War in camps throughout the Western United States. But in important ways these Japanese Latin Americans were even more vulnerable and their circumstances even more devastating than their U.S. counterparts. These Japanese residents of eight different Latin American nations, were arrested often without charges, briefly detained and then deported to the United States for internment in camps in the Southwest. Most significantly, before entering the United States these deportees were compelled to turn over their passports to U.S. officials. They thus entered the United States as “illegal aliens,” making them subject to deportation once their internment in the U.S came to an end. When the vast majority of their former Latin American nations refused to allow them to return after the War, these detainees became “stateless” and unwilling refugees who were powerless to prevent their deportation to devastated post-war Japan. Over the past two decades, a handful of historians, journalists and activists have attempted to shed light on the story of these individuals, whom one historian called, “Pawns in a Triangle of Hate.” This committee hearing represents a very important effort to further U.S. government awareness of misguided U.S. policy during the World War II years.
Japanese Latin Americans

Who were these Japanese Latin Americans, why did they emigrate, and what prompted some Latin American governments to willingly cooperate in their deportation to the U.S. and not others? The first Japanese emigrants arrived in Mexico and Peru in the late 1890s. Within a decade, thousands more would settle in Brazil, which would become home to nearly 200,000 Japanese-Brazilians by the beginning of World War II. These emigrants came mainly from the poorest southern prefectures of Japan and the Ryukyu islands, mainly Okinawa. Seeking relief from increasing agrarian and working class unrest, the Japanese government saw emigration as a "safety valve" that might relieve suffering caused by the nation’s rapid modernization during the Meiji era.¹

In Mexico, these Japanese emigrants settled in Baja California and successfully raised cotton. They also worked in the mines and on the railroads of the Northern states of Coahuila, Sonora, and Durango. In Peru, mostly male Japanese emigrants were enlisted as contract laborers to work in coastal sugar and cotton plantations. Terrible working conditions on these coastal estates drove many of them to flee and settle in Lima where they turned to small scale commerce and the building trades with good success. By World War II, at least 75 percent of Peru’s Japanese lived in the Lima metropolitan area where they proved vulnerable to government agents once the deportation process began. Brazil received the largest number of Japan emigrants because it needed laborers for its huge coffee estates and because large tracts of land were available in its Southern states.

of Rio de Janeiro and Sao Paulo. Japan heavily subsidized the establishment of Japanese colonies in Brazil in the hope that it would become the principal haven for its overseas Japanese. This policy succeeded as Brazil today has more people of Japanese descent (1.2 million) than any nation outside of Japan.

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in the Special War Problems Division files of the Department of State. Our full understanding of this injustice in the past, may help the prevention of this type of policy in the future.
The World War II Alien Enemy Control Program

The United States is a nation of immigrants who were drawn here by economic opportunity and the promises of democracy. The fragility of immigrants' rights in times of war and economic stress is a global concern. An understanding of the history of the WWII Alien Enemy Control Program is important to the creation of effective national security policy.

Italian and German immigrants began arriving in the U.S. in large numbers in the 19th century, with influx to the West beginning during the 1850s Gold Rush. Japanese immigration began in 1868 to Hawaii for plantation labor. Later, many went on to the U.S. mainland, mostly California. By 1940, Italians constituted the largest foreign-born group in the U.S., with Germans as the second largest.

In 1936, the Federal Bureau of Investigation (FBI) started compiling lists of so-called "dangerous persons." The lists included prominent business, cultural, and religious leaders in the German, Italian and Japanese communities. Officially known as the "Custodial Detention Index," the list identified those "potentially dangerous" persons who would be arrested if the U.S. entered the war. The lists were the product of rumor, hearsay, gossip, and ethnic and racial prejudices gathered from confidential informants. The FBI also maintained a "Suspected Organizations List" for Italians, Germans, and Japanese in the USA.

In 1940, as fears of German and Japanese aggression escalated, the Federal Alien Registration Act ("Smith Act") required all aliens to register, to be fingerprinted, to provide information about their membership in organizations, and to report regularly to designated authorities. By the spring of 1941, the Justice Department had developed procedures to detain and intern aliens and "potentially dangerous persons."

At dawn on December 7, 1941, the Japanese military attacked the U.S. Naval base at Pearl Harbor, Hawaii. Later that day, Franklin D. Roosevelt issued Presidential Proclamation 2525, authorizing FBI agents to arrest without warrants any Japanese citizen fourteen years or older. On the following day, the President issued similar proclamations against German and Italian aliens,
and declared war on Japan. Overnight, a million immigrants were transformed into "enemy aliens."

The Justice Department’s arrest and detention of thousands of Germans, Italians, and Japanese was authorized by the Alien Enemies Act of 1918—US Code, Title 50, Sections 21-24—which governs war and national defense. The Alien Enemies Act is based on the 1798 Alien and Sedition Laws, which specified that citizens (age 14 and over) of enemy nations can be “arrested, restrained, secured and removed” in case of declared war, or actual or threatened invasion by a foreign nation. No distinction is made between resident immigrants and aliens in the U.S. on a temporary basis.

Restrictions, Evacuation, Individual Exclusions

By nightfall of December 7, 1941, even before the U.S. formally declared war, FBI and other agents of the government descended upon the homes and businesses of people they had deemed to be dangerous. Three days after Pearl Harbor, 3,846 Germans, Italians, and Japanese had been apprehended without being charged with any crimes. Local FBI agents especially targeted community and religious leaders, people with business, cultural, or political ties to their home country, editors/publishers of German, Italian, and Japanese language newspapers, and teachers at language schools. Homes were searched and possessions seized. Many were arrested and jailed without explanation. Their families had no idea where or why their loved ones were taken.

Within a month, all German, Italian, and Japanese aliens residing in the U.S. were ordered to be fingerprinted, photographed, and to carry photo-bearing "enemy alien registration cards" at all times. German, Italian, and Japanese immigrants who were designated as enemy aliens were ordered to turn over “contraband” to local police. Prohibited items included all firearms, short-wave radios, cameras, knives, and “signaling devices” such as flashlights. FBI agents searched homes and confiscated personal property, much of which was never returned. Ownership of such property could later be grounds for internment. The Coast Guard appropriated fishing boats belonging to Italian and Japanese fishermen, depriving them of their livelihood. In addition, all German, Italian, and Japanese enemy aliens in the Western Defense Command were subject to a curfew between 8 p.m. and 6 a.m. daily and were not allowed to travel more than five miles from home unless a travel permit was applied for and granted. Many aliens’ assets, such as bank accounts, were frozen, making life even more difficult for those affected.

In January of 1942, the Department of Justice designated restricted areas around military sites. By the first week of February, the Attorney General had designated 133 prohibited zones for “any person” around airports, dams, power plants, and military installations. In addition, the DOJ set up 88 prohibited zones in California for German, Italian, and Japanese enemy aliens. Thousands of enemy aliens living in the prohibited zones were ordered to move
elsewhere. These individuals were given ten days to close their businesses and homes. Most sought out family and friends in other states who could help them relocate and find jobs. In many cases, the government advised new employers of the excludees' circumstances, making resettlement even more difficult. Some excludees had been U.S. citizens since the turn of the century and many had been in the U.S. for at least twenty years. To keep families together, many citizen spouses and children went with the alien head of the family, who was often the only breadwinner. Families who stayed behind were left without financial support.

Not all government officials agreed with the mass orders. U.S. Attorney General Francis Biddle, head of the Justice Department, issued a memo in July 1943 stating that the FBI should only investigate activities of persons who may have violated the law, rather than classifying persons as to dangerousness. "The notion that it is possible to make a valid determination as to how dangerous a person is in the abstract and without reference to time, environment and other relevant circumstances is impractical, unwise and dangerous," he wrote. The "dangerous person" label should never again be used to justify arrests or internment because it was not based on valid evidence.

Biddle ordered the FBI to abolish its Custodial Detention Index, but FBI Director J. Edgar Hoover simply changed the name to "Security Index" and concealed its existence from the Justice Department. Nevertheless, the Justice Department relied on FBI reports to support its program of arrests and detention of German, Italian, and Japanese nationals in the U.S. and Latin America, which continued throughout the war, with some Germans held in U.S. camps until 1949.

Restrictions on Italian aliens were lifted in October 1942, largely because of the impending Congressional elections that November, and because of the reported morale problems among military personnel due to restrictions on their parents. The support of Italian Americans was needed for the impending U.S. invasion of Italy and for the Italian population's own revolt against Mussolini. However, the status of Italian excludees and internees remained unchanged until late 1943 after an armistice with Italy.

Detention and Internment

The arrest and internment of U.S. resident enemy aliens began the evening of December 7, 1941. The arrests were done on the basis of the Security Defense Unit's ABC lists, which were in turn based largely on hearsay information gathered from confidential FBI informants. Among those arrested and detained was Eddie Friede, a Jewish immigrant in San Francisco who had narrowly escaped death in a concentration camp in Germany. Eddie was arrested the evening of December 7, detained, and then interned in North Dakota. In a letter to Eleanor Roosevelt, he pleaded with her, "Please, would you see what you can do to get me released from internment."

By war's end, the number of aliens arrested and detained had reached 31,275: 16,849 Japanese, 10,905 Germans, and 3,278 Italians, and some 200
Hungarians, Bulgarians and Romanians. Some were U.S. citizens. Though not all were formally interned, they were held for periods ranging from a few days to several years without ever learning the charges against them. After arrest, the aliens were turned over to the Immigration and Naturalization Service (INS) for detention. The detainees received cursory hearings, in some cases not until after months of detention. During the hearings, they were not able to have an attorney, question witnesses, or see the evidence against them. The hearing boards recommended release, parole, or internment. There were eventually eight permanent INS internment camps—in North Dakota, Idaho, New Mexico, and Texas—and over fifty additional detention centers and internment facilities, from small local jails to Army POW camps, that held enemy aliens.

Detainees’ families often did not know where they were for weeks. Sometimes both parents were taken and the children were left to fend for themselves until relatives or the local government took custody. Many women struggled to support their families and, having lost everything, sought refuge in a family internment camp. Border Patrol agents of the INS operated the DOJ camps, located at migrant worker and Civilian Conservation Corps camps, military bases, and prisons. Some housed men only, others women only, still others married couples. Camp conditions varied widely.

Many internees were shifted from camp to camp. Italian internees at Fort Meade were sent after some months to a similar facility at Fort Mc Alester, Oklahoma. The very first West Coast German, Italian, and Japanese internees, arrested in early December 1941, were sent to the INS internment camps at Fort Missoula, Montana, and Fort Lincoln, North Dakota, before they had hearings. After hearings, they were either transferred to army-run internment camps in Texas and Oklahoma, or paroled.

In May of 1943, with captured Axis military personnel coming to the United States for imprisonment, the Army asked to be relieved of its civilian internees. Thus, all internees were returned to the custody of the INS, with Italians returning to Fort Missoula, and most Germans sent to Fort Lincoln. Japanese internees were kept mainly at Fort Lincoln, Fort Missoula and Santa Fe in New Mexico, until many went to War Relocation Authority camps to join their families.

In addition, nearly 3,000 German and Italian merchant seamen whose ships happened to be docked in U.S. or Latin American ports were also turned into “illegal aliens”. Their ships impounded, these sailors were sent to internment at Fort Lincoln, North Dakota and Fort Missoula, Montana.

**Release from Camp: Hostage Exchange and Postwar Deportation**

When the German government learned that some of its overseas citizens had been seized in Latin America and interned in the United States, it ordered the seizure of U.S. and Latin American citizens living in Europe. Complex negotiations followed, resulting in several exchanges of civilian prisoners. From 1942 to 1945, at least 2,000 persons of German ancestry and at least 37 Italians, including women and children, from the U.S. and Latin America were sent to
Europe in six exchanges across the Atlantic Ocean at the height of the war. The U.S. did not want to return any aliens who might aid the Axis war effort, and State Department policy was to exchange only harmless people of German or Japanese ancestry. Repatriates to Germany signed an oath not to perform military service. Some died as civilians, killed by Allied bombs, while others were imprisoned under suspicion of being US spies. Japan also agreed to prisoner exchanges but did not want to accept "repatriates" who did not want to return. There was also difficulty in finding ships. Two exchanges occurred in 1942 and 1943 involving 2,800 persons of Japanese ancestry from the U.S. and Latin America. Some deportees were drafted into the military service of Japan and died in combat. Others lost their lives in air raids as civilians.

The Alien Enemy Act only permitted internment for the duration of the war. After the European hostilities ended in May 1945, President Harry Truman issued Presidential Proclamation 2655 ordering deportation of “dangerous enemy aliens” who were still interned. Thus, many Germans and their U.S. citizen families were involuntarily "repatriated" to war-devastated Germany and left there to fend for themselves. Germans who did not want to repatriate remained interned and fought desperately for years to avoid being deported. By mid-1948, the camps were empty, though some internees remained in custody on Ellis Island until 1949. Some had been interned for seven years.

Impact On Families, Uncovering Hidden Stories, Breaking The Silence

During WWII, the U.S. government assured the public that it was protecting national security by publicizing arrests of enemy aliens. However, officials made efforts to conceal specific details of the Justice Department camps and the hostage exchange program from the American public. Guards at the alien internment camps were required to sign statements agreeing not to reveal information about the camps. The internees themselves were also warned not to talk. Some have reported signing oaths of silence with which they complied all their lives, fearing the FBI would again come to their doors.

For half a century, internees kept their stories hidden. Many felt shame and fear long after the war and refused to discuss their experiences, even with their families. Even today, after more than six decades, many internees are reluctant to talk to researchers or allow their real names to be used in books and articles. Yet the emotional toll from their wartime trauma was extensive. After being labeled as enemy aliens and incarcerated, internees conducted daily life behind barbed-wire fences, klieg lights, and watchtowers patrolled by armed guards with dogs, experiencing all the problems associated with imprisonment. Mail was restricted and heavily censored, with no drawings, erasures or references to movements of internees or to the enemy nation allowed. For those in camps far from home, visitors were rare. Most of the internees were men separated from their families and loved ones. Army restrictions for
internees tended to be even more severe than those imposed by the INS. Internees were housed in tents with wooden floors, four to a tent. Most were given POW uniforms to wear. Any lapse into the "enemy language" was forbidden. Internees were paid 10 cents a day for chores they performed.

Having lost the fruits of a lifetime of labor, and facing an uncertain future, many adults suffered depression, listlessness, and despair. Many had grown children in the U.S. military, fighting overseas for a country which had locked up their parents. Many internees spent their days appealing to the government for release. Their pleas for rehearings were generally ignored. When the government persistently asked whether they wanted to repatriate to Germany or Japan, some grudgingly accepted this alternative to indefinite internment. Some were offered the chance to work outside the camps, such as on railroad construction. Most preferred the hard labor to incarceration.

There were also tensions and violence in some camps. A few hard-core German loyalists in the camps occasionally quarreled with and intimidated those with whom they disagreed politically. Jewish internees, unaccountably placed near pro-Nazi prisoners, were harassed and sometimes beaten. Pro- and anti-fascist factions among the Italians occasionally scuffled.

Most internees had a very difficult time reentering society after their long incarceration. They had lost their homes and belongings and could not go back to their old jobs. Many were stigmatized, particularly in the communities where the arrests and internment were well publicized. Others, particularly children, had their educational and economic opportunities seriously curtailed. Most internees never completely made the transition back to life before the FBI first knocked on their doors. Deportees trying to return to the United States had an even more difficult time adjusting.

Legacy of the World War II Experience

The Alien Enemy Act of 1918, which authorized internment of "enemy aliens" during WWII, remains intact. It permits arrests, evacuation, internment and other actions against "enemy aliens" if the United States becomes involved in a war, or a foreign country threatens invasion. Resident aliens who have not become naturalized citizens are still vulnerable any time their birth-country is perceived as a threat to U.S. interests.

All of the communities affected by the wartime treatment of enemy aliens agree that public education about the past is vital to preventing future mistreatment of immigrants. As former Chief Justice Charles Evans Hughes wrote during his term from 1930-42:

"You may think that the Constitution is your security—it is nothing but a piece of paper. You may think that the statutes are your security—they are nothing but words in a book. You may think that [the] elaborate mechanism of government is your security—it is nothing at all, unless you have sound and uncorrupted public opinion to give life to your Constitution,
to give vitality to your statutes, to make efficient your government machinery."

An understanding of the history of the Alien Enemy Control Program can help policy makers avoid the mistakes of World War II. What were those mistakes?

First, we relied on weak intelligence to help us separate the very few who were truly dangerous from the many who were innocent.

Second, we assumed that aliens are the enemy. The very title of the Alien Enemies Act weds the two ideas. It led to a dragnet approach in which a net was thrown over entire German, Italian, and Japanese communities in the hopes of catching a few spies or saboteurs.

Finally, in dealing with our immigrant population, we ignored the very due process provisions of the Constitution that bought those immigrants here seeking freedom and opportunity.

So why has so little historical attention been paid to the Alien Enemy Program which affected so many thousands of people from German, Italian, and Japanese communities? The simple answer is historical neglect and governmental shame. But perhaps the answer also lies in something one German internee chose to call “Gitterkrankheit,” the fence sickness. After you've been behind barbed wire for months and years, the internee explained, a part of you begins to feel like a criminal. When you finally get out, he said, you would rather not talk about the past.
ALIEN ENEMIES ACT

TITLE 50--WAR AND NATIONAL DEFENSE

ALIEN ENEMIES 50 USC 21-24

Section


22. Time allowed to settle affairs and depart.

23. Jurisdiction of United States courts and judges.

24. Duties of marshals.

Sec. 21. Restraint, regulation, and removal

Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety. (R.S. Sec. 4067; Apr. 16, 1918, ch. 55, 40 Stat. 531.)

Codification: R.S. Sec. 4067 derived from act July 6, 1798, ch. 66, Sec. 1, 1 Stat. 577.

Amendments: 1918--Act Apr. 16, 1918, struck out provision restricting this section to males. World War II Proclamations: The following proclamations under this section were issued during World War II:


World War I Proclamations: Proclamations issued under this chapter during the years 1917 and 1918 will be found in 40 Stat. 1651, 1716, 1730, and 1772.

Sec. 22. Time allowed to settle affairs and depart

When an alien who becomes liable as an enemy, in the manner prescribed in section 21 of this title, is not chargeable with actual hostility, or other crime against the public safety, he shall be allowed, for the recovery, disposal, and removal of his goods and effects, and for his departure, the full time which is or shall be stipulated by any treaty then in force between the United States and the hostile nation or government of which he is a native citizen, denizen, or subject; and where no such treaty exists, or is in force, the President may ascertain and declare such reasonable time as may be consistent with the public safety, and according to the dictates of humanity and national hospitality. (R.S. Sec. 4068.)

Sec. 23. Jurisdiction of United States courts and judges

After any such proclamation has been made, the several courts of the United States, having criminal jurisdiction, and the several justices and judges of the courts of the United States, are authorized and it shall be their duty, upon complaint against any alien enemy resident and at large within such jurisdiction or district, to the danger of the public peace or safety, and contrary to the tenor or intent of such proclamation, or other regulations which the President may have established, to cause such alien to be duly apprehended and conveyed before such court, judge, or justice; and after a full examination and hearing on such complaint, and sufficient cause appearing, to order such alien to be removed out of the territory of the United States, or to give sureties for his good behavior, or to be otherwise restrained, conformably to the proclamation or regulations established as aforesaid, and to imprison, or otherwise secure such alien, until the order which may be so made shall be performed. (R.S Sec. 4069.)

Sec. 24. Duties of marshals

When an alien enemy is required by the President, or by order of any court, judge, or justice, to depart and to be removed, it shall be the duty of the marshal of the district in which he shall be apprehended to provide therefor and to execute such order in person, or by his deputy or other discreet person to be employed by him, by causing a removal of such alien out of the territory of the United States; and for such removal the marshal shall have the
warrant of the President, or of the court, judge, or justice ordering the same, as the case may be. (R.S. Sec. 4070.)
August 9, 1948

Mr. A. Vulliet
World Alliance of Young Men's
Christian Associations
347 Madison Avenue,
New York 17, N. Y.

Dear Mr. Vulliet:

This is in response of your letter of July 30, concerning
information desired for the history and final report of the
New Prisoners' Aid of the Y.M.C.A.

Our records indicate the following totals of persons re-
sieved by the Immigration and Naturalization Service un er the
alien enemy program, including those received from outside
continental United States and those who were voluntarily in-
terned in or to join the internes-head of the family:

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Total: 21,275

Very truly yours,

V. P. Watson
Assistant Commissioner
Immigration & Naturalization Service

ILLINOIS
cc: For the file 6/164/77.
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Written Statement of Karen E. Ebel

March 19, 2009

Hearing on the Treatment of Latin Americans of Japanese Descent, European Americans and Jewish Refugees during World War II by the US Government

before the

House Judiciary Committee's Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law
Karen E. Ebel  
Written Statement  
March 19, 2009  

House Judiciary Committee’s Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law  

Hearing on Latin Americans of Japanese Descent, European Americans and Jewish Refugees During World War II by the US Government  

My father, Max Ebel, a German internee, died in May 2007. During one of our last conversations, he told me how disappointed he was that the Wartime Treatment Study Act hadn’t passed. He said not to give up. One of my first thoughts after he died was that I had failed. He was 87, but that still wasn’t old enough to see the US government agree to study what had happened to him and almost 11,000 other Germans during World War II. He did not even talk about his internment until he was almost 80, and only with much prodding. He was never bitter. He loved this country and never regretted leaving Germany. As he said: “I was an American right from the beginning, and I always will be. I think I appreciated my freedom as much as a fish let out of a bowl.” That is why his internment hurt so much. In this, he was no different than most of the immigrants who landed in the many Department of Justice camps. I did not know about those camps until a few years ago. Growing up, all I knew was that he lived in a boxcar during the war years, laying rails across the North Dakota plains and that he met Native Americans there. It seemed exotic, but frankly, it did not make much sense to me.  

My father arrived in New York Harbor in 1937 from Speyer, Germany days before his 18th birthday. After a dangerous knife fight with Hitler Youth angry at his refusal to join, the family felt Dad needed to follow his father to America. He boarded the SS New York with a nickel in his pocket, new woolen knickerbockers and dreams. He lived in Boston with his father, a naturalized German American citizen, working at his father’s cabinetmaking shop. He joined the Boy Scouts, of which he was a member in Germany before the Hitler Youth took over, studied for his citizenship and signed on to become a junior air raid warden. As required, he registered for the Selective Service. He enjoyed his freedom and the company of other German immigrants in the active German American community.  

A letter postmarked December 5, 1941 notified my father that his application for intention to become a citizen of the United States had been accepted. We all know what happened on December 7. When the Japanese bombed Pearl Harbor, America was at war. Dad’s citizenship application was put on hold, when FDR issued Presidential Proclamations 2525-2527 pursuant to the Alien Enemies Act deeming all German, Japanese and Italian aliens residing in the United States "enemy aliens." Not even Jews who had recently fled persecution in Germany avoided this fate. The Alien Enemy Control Program, soon to overwhelm the lives of my father and untold other “enemy aliens,” shifted into high gear. He joined about a million immigrants who had to register with the US as “enemy aliens,” carry Certificates of Identification, report travel and give up their radios.  

Of course, these were very desperate times and unquestionably America had to protect itself. Our country was in very grave danger. U-boats were patrolling our shores. The arrival of the highly-publicized German saboteurs on our shores gave our government even further cause for concern. The fighting overseas was intense. Even so, there had to be a better way to protect our country than treating a million immigrants as the enemy and operating a massive, expensive
internment program. True, most enemy aliens escaped the internment disaster and some
definitely deserved what they got. But thousands didn't. My father was one of them.

Few know of the Alien Enemy Control Program, the bad seed that formed the basis of
the well-known Japanese American tragedy. Soon after Pearl Harbor, years of planning by J.
Edgar Hoover and his FBI became reality. Thousands of Japanese, Germans and Italians were
swiftly arrested. The Department of Justice, working with the War Department, established
prohibited zones where no enemy alien could remain and scrambled to figure out where to send
the thousands of anticipated internees. Martial law was imposed in Hawaii where citizens and
aliens of all three "enemy nationalities" were put into camps. The Attorney General issued a
Presidential Warrant allowing the FBI to enter any home occupied by an enemy alien to search
for incriminating evidence. FBI agents performed these duties with varying degrees of hostility.
Most recall their home being ransacked at odd hours, frequently at gunpoint. The arrests often
were the most traumatic because families did not know why their loved ones were being
arrested, and where they were being taken. They just disappeared. Children left behind had to
find for themselves, many eventually ending up with family members ashamed of them, in
orphanages or in foster homes.

Those arrested were initially held in temporary detention facilities scattered across theUS
--hospitals, jails, for women -- convents and homes for wayward girls, INS facilities for seamen,
and barracks. After a period of weeks or months, the detainees were called for a hearing.
Civilian hearing boards, created by the Department of Justice, reviewed the cases of enemy
aliens ensnared by largely unsubstantiated rumors and innuendo gathered for years by the FBI.
The hearings, purportedly instituted by the Attorney General to give some measure of fairness,
permitted the aliens no right to counsel or to question the proceedings or their accusers, but did
allow two character witnesses to appear on their behalf. Suspected aliens were given little or no
notice of the hearings, which could be quite adversarial. Generally, the local district attorney
presented the evidence and conducted the questioning. Investigating FBI agents were present.
Recommendations of release, parole or internment went to the Alien Enemy Control Unit at the
Department of Justice in Washington, DC, for review and final decision. That decision could
take weeks or months while the aliens awaited their fate.

If an internment order was issued, the alien became an internee and was sent into the
nationwide internment system -- family camps, camps for men, camps for women, Army camps,
migrant worker camps and prisons, scattered across the country. While there are few allegations
of outright mistreatment, camp life was clearly challenging and the internment of unspecified
duration. No attempt was made to place an internee in a camp near their home and their family
rarely knew where and when their loved one would be transferred. Families were torn apart and
lives disrupted, many irreparably. Some had fathers and brothers fighting for the United States
overseas. Even the father of member of Jimmy Doolittle's flight crew was interned. Even some
Jews were interned. Family members left at home were shunned due to fear of the FBI and
spite. Newspapers published stories and incriminating lists. Eventually destitute, many families
lost their homes and had to apply to the government to join spouses at the large family camp in
Crystal City, Texas. These are the so-called "voluntary internees." Additionally, thousands of
German and Japanese Latin Americans, including Jews who had fled persecution in Germany,
were brought here from 19 Latin American countries under horrendous conditions. Upon
arrival, they, too, landed in our government's internment camps.

The camps were surrounded by barbed wire and search lights and were under armed
guard patrolling with dogs. Guard towers loomed. All incoming and outgoing mail was censored.
Time passed agonizingly slowly. Camp conditions varied, but they were all unsettling places, rife
with suspicion, everyone wondering why the other guy was there. Clearly, some internees vociferously espoused troublesome views. Many internees came to resent their adopted land and feel bitter and betrayed. But no internee I am aware of was ever convicted of a war-related crime. They were interned because they were deemed potentially dangerous. The government dealt with spies and known subversives much more harshly, as it certainly should have.

Internees and their families begged for release, writing letters constantly to the Department of Justice in Washington. Rehearings were granted rarely and only when the internee could produce new evidence. This was an almost impossible task for those interned. When offered the opportunity to return to Germany or Japan to be exchanged for Americans and Latin Americans there, many agreed. Feeling betrayed, they gave up their American dream just to escape the limbo. Others were sent against their will. Living in a censored world, they knew little about the war-ravaged countries to which they were returning or how they would be greeted when they got there. Their families resented having to feed newcomers they had not seen or heard from in years. Germans thought they were crazy to come back, or worse, that they were American spies. Some were beaten, others died from Allied bombs. English-speaking, American-born children going to German schools faced particular scorn. Few found happiness when they left the United States, and they deeply regretted their decision.

Soon after hostilities with Germany ceased, on July 14, 1945, President Harry Truman issued President Proclamation 2655 stating that the many internees still in the camps were subject to deportation upon order of the Attorney General, following review of their cases. The camps were progressively closed. Those jubilant at war's end believing that they soon would be released were astonished to learn that they could be heading to Germany instead. Those who were allowed to go home had to sign oaths of silence not to talk about their internment. Remaining internees were consolidated at Ellis Island, a facility used longer for internment than any other in the United States. With varying degrees of success, many fought deportation through a petition to Congress and litigation. Finally, someone cared. In 1947, Senator William Langer introduced a bill in Congress to free the hundreds in Ellis Island. It never passed, but the effort did result in individual hearings for all those on Ellis Island. One 5-year internee, Eberhard Fuhr, who had been arrested in his high school at age 17, recalls this as the first time he felt his release was imminent. He was right. The hearings led to the release of hundreds, until the last internee left in 1948. Notably, in June 1948, the Supreme Court, in Ludecke v. Watkins, determined that pursuant to the Alien Enemies Act, enemy alien internees had no right to release until a peace treaty was signed with the foreign government with which the US was at war.

The internees returned home and tried to reconstruct their lives. Many were never the same again. Exchanged families, facing years of separation, often sent their American-born children back to the US to family, friends and those looking for good workers. A cloak of silence, unfounded guilt and shame was thrown over the events. Just as the internees once disappeared, so did those years of internment.

This is what happened in my family, but now I know why my father was laying rails in North Dakota. In mid-1942, the FBI came with guns drawn to the Ebel house and tore things apart searching for incriminating items, finding nothing. My grandfather and father were taken in for questioning in September 1942. My grandfather, an American citizen, was released, but the US Army issued an Exclusion Order pursuant to Executive Order 9066 requiring him to leave the East Coast in a matter of days. His attorney successfully sought an injunction, not contesting the allegations which were specious, but asserting that he was not a threat to the United States. Despite the injunction, the US Army did not withdraw this order until early 1944,
after first seeking to limit the geographic area covered by its exclusion order, an offer the court rejected, and working with the Department of Justice to denaturalize and deport him. This effort was finally abandoned. Although the family was in great turmoil during this time, not all German American citizens were as fortunate as my grandfather. He remained in his home and free. Others were excluded or denaturalized (many to have their citizenship reinstated after the war by courts overturning the original denaturalization) and interned as enemy aliens or deported.

My dad, then 22, the enemy alien, remained in custody in a small INS facility in Boston Harbor with other German, Japanese and Italian aliens. After an extremely adversarial hearing during which the district attorney told him that it had been his pleasure to take out Germans during World War I and it would be his pleasure to take out my father, parole was recommended. However, the Department of Justice deemed him “potentially dangerous to the public peace and safety of the United States” and ordered internment. After three months in a Boston detention center, he was shipped to Ellis Island where he joined hundreds of other German internees living in squalid conditions. Then, by blacked out railcar under guard, it was on to Army facilities at Ft. Meade and later Camp Forrest in Tennesee. Finally, he landed at Ft. Lincoln in Bismarck in May 1943. The only descriptive note in his calendar says "Arrived North Dakota. This is hell." Dad was behind barbed wire -- back in the fish bowl he thought he had escaped when he left Germany, with no idea why he was there or when he would get out. Ft. Lincoln was an unhappy place filled with depressed, bored, increasingly bitter Germans and Japanese. This was not the America he expected and he wanted out.

That fall, he found a way. About 100 trustworthy internees, including Max Ebel, marched out of the camp in September 1943 to work for the Northern Pacific Railroad. Under guard, they spent the next several months living in boxcars replacing rails on the North Dakota plains. Those rails could accommodate the frequent, heavy wartime munitions being shipped cross-country. A spur was laid near the Standing Rock Indian Reservation. There, the Native Americans approached the internee workers to offer them handmade items: two outcast groups coming together on the plains. Dad spoke often of a little Native American girl gravely ill with TB. The internees donated what money they had to help. This was the only part of the story I knew.

Ironically, in April 1944, while he was still interned, the Army drafted my father. This "dangerous" internee was considered trustworthy enough to fight in the war. By himself, he traveled from Ft. Lincoln to Ft. Snelling for his pre-induction physical. He flunked due to a “bad ankle” and his internment continued. Because of the railroaders' good work, perceived to have been helping the war effort, he was then granted a rare rehearing. The hearing board recommended unconditional release. Obtained years later, the release recommendation reflects why he was interned. He did not want to fight potential family members in Europe. He made pacifistic remarks. He said Hitler built good roads. It concludes that Dad was in no sense disloyal and that his further internment was unjustifiable. Nevertheless, in June 1944, the Department of Justice ordered parole. Back in Boston, he went back to work with his father, reporting to his parole officer weekly. He was not allowed to go near railroads per his parole order. Three years after his arrest, in November 1945, it was over. He was free. He became a citizen in 1953, married and had children, living the American dream. We loved hearing about the little Lakota girl he helped and his railroad adventures in the Wild West. Barbed wire was not mentioned.

Years went by. One day, listening to breaking news about the Japanese Americans, Dad said “something like that happened to me.” I was shocked, but did not pursue it. He didn’t
either. Ten years ago, it was time to understand. Over a period of several months, he finally told
me what really happened to him. I learned about the enemy alien laws, the camps, the
exchanges and the German Latin Americans. I discovered silence cast over the experience by
society, by the shamed internees and by history. I met a wonderful group of former internees
and their families who increasingly shared their stories. But in 2005, with fellow internees, we
formed the German American Internee Coalition of which I am president to work on behalf of
the German internees and to educate the public about the Department of Justice camps. It has
been an emotional journey for me – not just as the daughter of an internee, but as an American
who loves her country and believes it is better than this.

When Ronald Reagan signed the Civil Liberties Act of 1988 into law, it was a watershed
moment for the country and for the Japanese Americans. It was a difficult moment for the
Germans, Italians and Japanese Latin Americans who were not included, even though Japanese
aliens interned at the Department of Justice camps were. This is not because of the reparations
or the apology given, but because it seemed their experience was not considered worthy of
acknowledgment. There is disagreement as to whether they should have been included. Some
assert that because international law permits the internment of enemy aliens, the United States
really did nothing wrong. Others state that since those interned under the Alien Enemies Act
were just aliens, not citizens, their internment is not significant. Some feel this was too long ago
to worry about. Yet others note that the percentage of Europeans interned is tiny compared to
the total population. For the over enemy alien internees and their children who lived through
the internment experience, the enemy alien program is more than interesting footnote to history
to be minimized, ignored or denied. People of a specific nationality were categorically declared
the enemy in a way that damaged thousands of lives. It shouldn’t have happened. Those who
survived at least deserve to have their experience studied and acknowledged. The Japanese
Americans who suffered in the camps understand what acknowledgment means. Few would say
that the Japanese American incarceration should have remained buried. Most would agree it is
an important, cautionary component of US history. Most would agree that it was the right thing
to do.

The German Americans and German Latin Americans deserve such acknowledgment
and the history of enemy alien internment should be known, but to date that has not happened.
No former German internees were invited to testify before the Commission on Wartime
Relocation and Internment of Civilians (“CWRC”), although several requested the opportunity.
*Personal Justice Denied*, the CWRC report, says very little about enemy alien internment, most of it
in several paragraphs of Chapter 12 entitled “Germans and German-Americans.” The chapter
includes little about the Alien Enemies Act. The CWRC recognized that hearings provided by
the Department of Justice hearing boards were adversarial and hardly fair, but asserted that
“because the government had unquestioned authority to detain aliens of enemy nationality in
time of war, these procedures did represent an effort to provide rough fairness” Little is
mentioned of the vast web of DOJ camps, thousands of families torn apart or repatriation.
Based on the CWRC’s recommendations, the Civil Liberties Act was passed. We all know that
the Japanese American citizens and aliens held in the War Relocation Authority camps got
reparations, but the Japanese enemy aliens held in the Department of Justice camps also did. In
the 1990s, Major Arthur D. Jacobs, a former German internee and longtime advocate of equal
treatment for the Germans who were interned along with the Japanese, sought recourse
unsuccessfully in the courts. Years later, most think only Japanese Americans were placed in
camps. That is the accepted historical narrative. That is what the media says. That is what
school books say. The Alien Enemy Control Program has gone unnoticed and uninvestigated,
except by a few.
In 1999, eleven years after the Civil Liberties Act passed and I first heard of Dad's internment, I finally started researching my father's story. My father courageously decided to allow a local paper to publish it. Having been one accused and interned, it is a leap of faith, but one he decided to take because he said "it's not right that no one knows this happened." Shortly thereafter, in 2000, we learned that the Wartime Violations of Italian Americans Civil Liberties Act passed requiring the Department of Justice to issue a report on their wartime experience. The report was issued in November 2001. Although not an independent investigation, this started to open the door on the Alien Enemy Control Program, but focused primarily on the Italians per the legislation. Again the whole story remained untold. Dad and I both believed that a federal study commission was needed, but did not know where to start. The few former internees who were talking were scattered across the country. It would take a grassroots effort and there were formidable hurdles. Fortunately, German American leaders in Wisconsin, including Frederick Kessler and Elsbeth Seewald, approached Senator Russ Feingold to discuss the introduction of legislation to study the European wartime experience and he agreed to do so.

In August 2001, sixty years after Pearl Harbor, Senators Feingold and Charles Grassley introduced the Wartime Treatment Study Act. Shortly thereafter, Representative Robert Wexler introduced the legislation in the House. That act would simply create commissions to study the wartime treatment of European Americans and Latin Americans, as well as the denial of asylum by the United States to Jews fleeing persecution in Germany. With respect the European American Commission, the bill requires the development of lists of internees, camps, and exchange voyages, as well as an analysis of the facts, circumstances and underlying rationale for the related government polices. We are more indebted to these men than I can begin to say. It was a miraculous day for internees whose experience had been hidden and denied for so long. It gave many internees the confidence to tell their stories. My father was elated. That was several Congresses ago. Dad always asked me "how are things in Washington?" He did not really understand all the details, but he tried to be optimistic as the years passed and his health failed. The bill was reported favorably out of the Senate Judiciary Committee four times. Finally, it passed the Senate as an amendment to the omnibus immigration reform legislation in June 2007, one month after my father died.

Other federal actions have been taken during the past several years. In 2004 and 2007, the House passed resolutions calling for a National Day of Remembrance to commemorate the signing of the now infamous Executive Order 9066, officially naming the German and Italian communities. In December 2006, legislation providing for the preservation of Japanese American confinement sites passed. Even though sites eligible for funding included Department of Justice and US Army sites where Europeans and Japanese Latin Americans were interned, they were not mentioned in the bill. The National Park Service, which is administering the as yet unfunded program conducted listening sessions around the United States which former German internees attended. The German internee community submitted comments unsuccessfully requesting that the NPS require grantees to tell the full internment story when camps were preserved. NPS advised that although other affected ethnic groups could request grants and tell their story as part of a camp preservation effort, NPS could only require that Japanese American story to be told per the terms of the legislation. On July 31, 2008, the House passed H. Res.1357 commemorating the signing of the Civil Liberties Act and resolving to review the wartime treatment of Japanese of Latin American descent, German Americans and Italian Americans. That was another wonderful day for former German internees. But then another Congress ended and the Wartime Treatment Study Act still had not passed. Without my father, I questioned my future involvement.
Just recently, the legislation was reintroduced for the fifth time. Of course, we are hopeful that this time, finally, it will pass. It is my honor to be a witness representing the thousands who lived through the internment experience for which I thank you. The Wartime Treatment Study Act needs to pass now before more die or are too old to understand. The advanced age of the remaining internees weighs heavy on my mind. Study and acknowledgment of their internment is long overdue. Sadly, my father cannot be here to see it, but others are still here who will.

Thank you.

Attachments:
Internment Order of Max Ebel, dated January 9, 1943
 Alien Enemy Hearing Board Report and Recommendation dated April 13, 1944
 Ft. Lincoln Internee List, page 4, dated February 29, 1944
 German American Internee Coalition Fact Sheet
 S. 1749, dated July 27, 1947 – A bill for the relief of enemy aliens
 Story Summaries of Certain German Internees
 Senate Judiciary Committee Report re: Wartime Treatment Study Act, May 4, 2007
In the Matter of
MAXIMILLIAN F.J. BIEL, JR.
Alien Enemy

ORDER

WHEREAS, Maximilian F.J. Biel, Jr., of Jamaica Plain, Massachusetts,
a citizen of Germany, over the age of fourteen years, is within the
United States and not a naturalized citizen thereof and has heretofore
been apprehended as being potentially dangerous to the public peace
and safety of the United States; and,

WHEREAS, the Alien Enemy Hearing Board has recommended that said
alien enemy be paroled; and it appearing from the evidence before me
that said alien enemy should be interned; NOW, THEREFORE,

IT IS ORDERED that said alien enemy be interned.

[Signature]

ATTORNEY GENERAL

January 9, 1943

Copy to Assistant Director, Boston, Mass.
and Alien Enemy Internment Bureau
on completion of internment
Alien detained at Fort Warren, Mass.
DEPARTMENT OF JUSTICE
ALIEN EMERGENCY SPECIAL HEARING BOARD

In the matter of the detention of

MAXIMILIEN V. J. BEHL
Interned of the District of _____

REPORT AND RECOMMENDATION

To the Attorney General:

The above matter came on for rehearing before this Board at

FORT LINCOLN, NORTH DAKOTA on April 18, 1943

Upon reconsideration thereof it is hereby recommended that the said alien enemy be: (check one)

Interned    Released    X    Paroled

SUMMARY OF FACTS AND OPINION:

This alien was born in 1919 and came to the United States at the age of 17 in the year 1937. He has a mother, brother and sister living in Germany. His father and stepmother were divorced and since his coming to this country, he has lived with his father and stepmother. His father became an American citizen in 1934 and probably, except for the divorce, the alien would have acquired derivative citizenship.

It should be noted that at his original hearing the Board recommended parole. It seems that due to some pacifist remarks attributed to the alien and the fact that in his draft questionnaire he stated he did not want to fight against Germany, and that he had made statements complimentary of the roads constructed in Germany under the Hitler regime, and because he was not a citizen, he was dismissed as an Air Raid Warden, which post he had filled with credit. As a result of the foregoing, he was called before a military hearing board which recommended his exclusion but because of his internment by the Attorney General the exclusion proceedings were suspended.

This alien made a very favorable impression upon rehearing. He is frank and, in the opinion of the Board, sincere and entirely loyal to the United States. There is no doubt that he was a pacifist and because he had already done some Red Cross work he preferred this sort of service to military service. He has been active in boy scout work and all who know him in this work certify as to his good character and loyalty.

His camp record is excellent as is also his work on the railroad. He has, for some time, expressed a desire to be induced into military service having, in the opinion of the Board, sincerely come to the conclusion that as a young man loyal to this country he should fight for it. Through his draft Board he was recently examined for induction at Fort Snelling and exhibits great disappointment that he failed to pass the physical because of a weak ankle. Prior to his internment the alien worked for his father and he and his father did construction work for the Navy.

This Board believes that this alien's further internment is unjustifiable; that he is in no sense disloyal to this country; that he is willing to fight for this country and that he ought to be released. The Board therefore recommends release. Mr. A. di Cirolano conurs.

C. V. D. Cirolano
As. di Cirolano, Spec. Asst. to the Attorney General

(Original to the Attorney General, with copy to the Federal Bureau of Investigation, the Immigration and Naturalization Service and the United States Attorney for the District of _____)
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S. 1749

IN THE SENATE OF THE UNITED STATES

June 25 (legislative day, June 28), 1947

Mr. Lausen introduced the following bill; which was read twice and referred to the Committee on the Judiciary.

A BILL

For the relief of all persons detained as enemy aliens.

1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2. That the Attorney General be, and he is hereby, directed to cancel forthwith the outstanding warrants of arrest, removal, or deportation in the cases of Charles Aigner; Karl F. Aldage, Senior; Karl F. Aldage, Junior; Max Armbuster; Paul Baute; Frederick E. Bauer; Willma Bauer; Paul Albert Benzeuberger; Otto Brounger; Rudolf Fotl; Margaret Bertelmann; Heinrich Bode; Adolph Benchert; Wilhelm Bach; Achim Bach; Werner Brinck; Else Brinck; Willy Backofen; Gertrude Backofen; June Backofen; Willy Boeck;
1. Albrecht: Albert: Wiktor: Walter G. Bejuev:
12. C. Felix: Walter: Felix: John C. Fritting: Rudolf F. Funk:
24. Bernard: Kaeber: Julius B. Kaeber: Hans: Kippenberg:
1 Koehler; Heinz H. Krebs; George B. Knepper; Alfred
2 H. Kraka; Marie Kerling; Karl Kubisch; Joseph Kuehn;
3 Arthur Kuehn; Martin J. Kessler; Bruno O. P. Koop;
4 August Klapprott; Bernhard Kraka; Joseph Krakau; Bruno
5 Koop; Paul Knauer; Chris Lamme; Kurt W. G. Ladecke;
6 William Lachnicht; Alois V. M. Leih; Hans Landege;
7 Ernest L. Lack; Greta Leighton; Hans Lochmann; Manfred
8 Meister; William Mann; Elizabeth Mueser; Waldemar
9 Mueser; Hans P. Mann; Otto Neubacher; Matilda Neu-
10 bacher; Karl Nurnberger; George Neupert; Fred J.
11 Nevarling; Willy Ortho; Martin Orthner; John Older, Hans
12 Pfeiffer; Adolf Pasqua; Henry Reese; Hartwig Reese;
13 Kasper Rahle; Anton Ruehle; George Reinschneider; Lod-
14 wig Reusch; Werner Reimann; Frank Ritz; Hermann
15 Hochim; Maximilian Reichel; Erich L. Baubenstein;
16 Max B. Rapp; Rosina Rapp; Edwin Rubiehseh; Anna
17 Rubiehseh; Theodor Roehner; Meta Stohr; William T.
18 Schaudmann; Karl F. Schellishorn; Kurt Schmidt; Franz
19 W. L. Schrader; Hans J. Schmidt; Gerhard Sprenger; Mar-
20 tin Schlesker; Hans W. Schroder; Bernard Schmidtke;
21 Gerhard Schacht; Johann Stoll; Walter E. Sykora; Her-
22 mann M. Schwinn; Agnes Stephan; Albert Scherlitz; Carl
23 Schwitzger; Albert P. Schroeder; Peter Schau; Siegfried
24 Schulte; Herbert Seyfarth; Elizabeth Seyfarth; Dietmar
25 Seyfarth; Karl Schrock; Marie Schrock; Kurt Schweitzer:
Richard Ernst Schwenk; Franz Charles Unger; Anton Hugo Utrecht; Karl H. Ueberschaer; Antonette Uhlig; Eberhard von Aschenberg; Gregor Volkeimer; Friederich Bank; Hans Wesemann; Karl Ludwig Przibislawsky; Victor Franz Pullwitt, alias Phillip Brechtel; Otto Willumeit; Maria Willumeit; Martin Hans Walter; Otto Wagner; Johann F. Wiechers; Selma A. Wiechers; Hans G. Wiechers; Paul C. Zitzmann; Max Zeller; Eugene Zimmermann; Marie Zimmermann; George M. Zimmermann; and all other persons detained by the Immigration and Naturalization Service of the Department of Justice as enemy aliens, and is directed not to issue any further such warrants or orders in the cases of such persons, insofar as such further warrants or orders are based on any act, acts, or status which served as a basis for the warrants of arrests, removal, or deportation that are being canceled by this Act; and that such persons shall not again be subject to removal or deportation by reason of the same facts upon which such removal or deportation proceedings were commenced or such warrants have been issued.
US World War II Treatment of German Americans and Latin Americans

During World War II, the US violated the civil liberties of American citizens and resident aliens of "enemy" ethnic groups, primarily those of German, Italian and Japanese ancestry. Violations included internment and relocation. Members of these ethnic groups, including millions of European Americans, served in the US armed forces. Some were immediate family members of internees. The Wartime Treatment Study Act (H.R. 1425/S. 564) would require study of these issues, among others, with respect to European Americans. The Act is summarized on page 2. Specific discriminatory government policies are listed below.

**US Government Wartime Policies.** All numbers are estimates and are likely higher.

- Alien registration branding 300,000 Germans as "enemy aliens," restricting travel and property ownership rights.
- Exclusion from large military areas under military orders causing family disruption, loss of homes and jobs. Relocated families subject to hostility and suspicion in new homes. Employment was difficult to find. No government support for relocation. At least 50,000 Germans subject to removal from California prohibited areas.
- Hostile FBI raids and ransacking of homes and arrests with no warrants, unlimited imprisonment while awaiting parole and interment hearings. Hearings with minimal, if any, due process at which no witnesses or counsel were allowed. Internees did not know why they were interned. Families did not know where their loved ones were taken for days or weeks.
- Internment of at least 11,000 German aliens and their families, including US-born children. Families separated, homes and belongings lost. Little or no government support for families left behind. Limited admittance to family camps based upon application to government. Some children placed in orphanages when parents arrested and interned. At least 2,650 German Americans, including families with US-born children, exchanged for Americans held in Germany. Exchanged families survived cruel wartime conditions, such as hunger and Allied bombing.
- Persons of German ancestry were last ethnic group released from camps, some held till late 1948.
- Deportation, expatriation and repatriation of German Americans—resident German aliens and US citizens.
- Internes and excludees returned to communities facing unemployment, financial straits, loss of homes and belongings and stigmatization. No government support. Many families disrupted permanently. Many internees forbidden to speak of internment. Most internees have not spoken out of fear of the government, shame or other personal reasons.

**Pursuing the “Good Neighbor Policy,” the US government pressured Latin American countries to do the same, with similar results.** Originally the State Department, through the Special War Problems Division, targeted individuals and businesses considered a threat to national security, using informants of dubious quality. Two other reasons for this secretive program are clearly stated in US documents: 1) the US wanted to supplant German businesses in Latin America with their own 2) some of those arrested were to be used in exchange for American prisoners behind enemy lines in Europe. Corrupt governments in Latin America also used the program to acquire significant properties by expelling their owners.

- US government financed prison building and operation, as well as deportation proceedings in Latin America.
- Approximately 8500 civilians of German ethnicity arrested and held without charges in prisons throughout Latin America. An unknown number sent directly to Germany.
- 4058 Germans, many of them with their native born wives and children, deported from Latin America to the US between 1941 and 1945 and interned.
- Consulates and embassies ordered not to issue visas to the deportees. On arrival, prisoners charged with illegal entry into the country, allowing indefinite detention.
- At war's end, the US worked vigorously to repatriate all remaining prisoners rather than allow them to return to their chosen country. Many never saw their homes again.
- No legal basis existed for this secret State Department program.

**Additional Information:** See www.gaic.info or contact Karen Ebel at kebel@gaic.info
Wartime Treatment Study Act – H.R. 1425/S. 564. The Act would establish two commissions. One commission would review the US government's World War II policies regarding European Americans (resident aliens and US citizens) and European Latin Americans and related civil liberties violations. The second commission would review the US government's refusal to allow Jewish refugees fleeing persecution entry to the US during World War II. Significant features of the WTSA:

- Duties include reviewing the facts and circumstances of and underlying rationale for governmental wartime policies regarding US resident and Latin American "enemy" Europeans and granting asylum to Jewish refugees fleeing persecution. Written report of findings and recommendations must be submitted to Congress 18 months after first meeting. (Sec. 102 & 202)
- Seven members per commission appointed by President, Senate and Congress, respectively. Two representatives each from the German and Italian American communities on one and two representatives of Jewish refugees on the other. (Sec. 101 & 201)
- Commissions authorized to hold hearings and obtain information from government entities to perform their duties. (Sec. 103 & 203)
- Congress could act on Commissions' recommendations, which might include, among other things, formal acknowledgement and establishment of education fund, as it seems appropriate.

Selected Bibliography


Donald, Heidi Gurcke. We Were Not the Enemy: Remembering the United States' Latin-American Civilian Internment Program of World War II. iUniverse.com, 2007. (a family memoir)


Krauter, Anneliese Wiegand. From the Heart’s Closet--A Young Girl’s World War II Story. Schatzi Press McCordsville, IN 2005


Potter, Ursula Vogt. The Misplaced American. Istbooks Library 2003 (now Authorhouse) (a family memoir)

ENEMY ALIEN CURRICULUM GUIDE developed by enemy alien experts and underwritten by the California Civil Liberties Protection Education Project, including three one-act plays by author John Christgau: http://www.gaic.info/academic_resources.html#ips

Websites

www.gaic.info
www.traces.org
www.johnchristgau.com/enemies/enemies.html
www.fear-itself.com
www.foitimes.com

March 2009
Story Summaries of Several German Internees

The following summarizes the stories of several German families and how the Alien Enemy Control Program affected their lives during World War II.

**Exchange Families:** The Eiserlohs, a family of 5, including 3 young American-born children, ages 11, 6 and 11 months, lived in rural Ohio in a home built by Mr. Eiserloh, a German-born engineer. In December 1941, the FBI took Mr. Eiserloh away. The family didn’t know where he was for weeks. Mrs. Eiserloh tried to survive alone, shunned by her previously friendly community, but finally had to sell their house far below its value. The government immediately froze the proceeds, severely restricting their meager funds. The young family had to live in the basement of a relative’s home for 2 years until finally they were reunited with Mr. Eiserloh in the Crystal City family internment camp in Texas. After several inquiries by the government, in desperation, Mr. Eiserloh reluctantly agreed to repatriation. The family, all slated for exchange for Americans held in Germany, was loaded onto a train in late December with many other internees bound for New York. The SS Gripsholm waited there for its 1000-person cargo, scheduled for a January 1945 departure. This was one of six exchange voyages negotiated between Germany and the US. The government got a bonus. Mrs. Eiserloh gave birth to a boy on the train. The Eiserlohs, now 6 members, crossed the Atlantic during the height of the war. They landed in Marseilles, hitting a harbor mine en route and traveled eventually to Bregenz in boxcars where they were exchanged for Americans, primarily civilians. Virtually all their meager belongings were stolen. The Eiserlohs walked into a world of turmoil and Allied bombs. No one welcomed them back. Their family in Germany, mystified by their return and struggling to survive, hardly expected or wanted them. In the dead of one of the coldest, snowiest winters on record, the young family traveled north toward Frankfurt with their few remaining belongings, constantly in fear of Allied attacks, sometimes walking, sometimes on a train, any way they could. They abandoned one train quickly while being strafed by American planes. In late February, after two months of difficult travel from Texas, they were forced to live in a relative’s cramped basement again. The children, Americans, barely spoke German. The family was viewed with hostility and ridiculed, not unlike their American experience. Understandably enough, the Gestapo suspected Mr. Eiserloh of being an American spy for the advancing US Army. He was questioned, beaten severely by six SS men in front of the young family and dragged away. Mrs. Eiserloh, alone again and bordering on a nervous breakdown, despaired of her husband’s survival. Her mental health was never the same again. Several months later, advancing US Army troops freed those imprisoned in the camps. Mr. Eiserloh returned home and the family managed to survive in the difficult years following the war. Years
later, the two oldest children, now teenagers, left their parents to return to the US. Perhaps coincidentally, after brother Lothar received a US Air Force security clearance, his parents and two younger siblings were allowed to return to the US. The baby boy born on the train was killed in a car accident shortly thereafter. Mr. Eiserloh could never find a good job again in Germany or the US. A broken man, he died at age 65 in a supermarket aisle. At 59, his wife was alone again. The deep scars of the experience still color the lives of the remaining Eiserloh children. To this day, the family does not know exactly why Mr. Eiserloh was interned, but they think it was because of his membership in a German musical society.

The **Grabers**, two young boys and their German-born parents, lived in New Jersey in an apartment building owned by a Polish landlord. When Hitler invaded Poland, the relationship became strained, so the Grabers moved. The landlord contacted the FBI. Mr. Graber worked on "war sensitive technology" for the International Nickel Company. The FBI began to watch their home. In September 1942, they took him for several hours of questioning. In November, they ransacked the house. Mrs. Graber, several months pregnant, fainted and fell down the stairs. Shortly thereafter, Teddy was born, premature and handicapped, and had to remain hospitalized. The family was advised that they would be interned after Christmas. Mr. Graber wrote to President Roosevelt pleading for mercy. The agents came without notice in mid-January. The family threw together their belongings and picked up Teddy at the hospital. The family was interned with hundreds of others at Ellis Island until they were shipped to Seagoville, Texas, several months later. One and one-half years later they were sent to Crystal City. In despair, after being pressured to repatriate, the Grabers agreed to return to Germany. With the Eiserlohs and many others, they were shipped to New York and set forth on their hazardous journey. In the camps and on the SS Gripsholm, they met many Latin Americans, also to be exchanged. At least one German Jewish man was also sent back. Exchanged and dumped in Germany, they made their way through the ravaged terrain to Mr. Graber's family. Unable to find work, Mr. Graber and the eldest child, age 5, hitchhiked some distance to Mrs. Graber's hometown. Along the way, French agents stopped them, tore up Mr. Graber's American ID and spat in his face. Only young Werner's American citizenship saved them. Mr. Graber and Werner lived in a wooden barracks temporarily, refugees from the West. Mr. Graber's application for assistance was denied. How could an impoverished German refugee from America exist? In mid-April Mrs. Graber's parents' home where the family was living was destroyed in a tank attack. The post-war years were extremely difficult. Food and medication were scarce. Teddy died in 1948 of pneumonia. Mr. Graber took over his father's tooling business because a US Army truck accidentally killed his father while he was getting milk from a local farmer for the grandchildren. The boys exercised their birthright and returned to the US in the late 50s. Mr. and Mrs. Graber never returned. Mr. Graber always tried to justify the decision to repatriate to himself. Was it the right thing to do? Did he deprive his children of a normal life? Should he have stayed in the camps and returned to New Jersey again? Who knew how long they would be imprisoned? Would life have been easier had he stayed in the US? Mr. Graber's lifelong bitterness and self-doubt are another cruel legacy of internment. The Grabers have
tried to learn why they had to endure such an experience. What had their landlord said? Was it Mr. Graber's job?

**A Jewish Internee: Eddie Friedman** was born of Jewish parents in Hamburg in 1892. Doctor Friedman, as attorneys are known in Germany, practiced law until forbidden to do so by Nazi edicts. Mr. Friedman and his wife, Liesl, were granted exit permits in 1938. However, before they could escape, Mr. Friedman was arrested and imprisoned in Oranienberg-Sachsenhausen concentration camp outside Berlin. Relying upon his connections to the legal community, Mr. Friedman was able eventually to secure his release from Sachsenhausen. He fled to America and freedom with Liesl. In San Francisco, his English was too broken to pursue law, so he found work delivering Viennese pastries door-to-door in the German community. To the FBI agents who were secretly monitoring Mr. Friedman's activities, this connection to suspicious German Americans indicated that Mr. Friedman was a dangerous Nazi. During the December 8 raids following Pearl Harbor in which hundreds were arrested, the FBI took him into custody in his San Francisco apartment. Eddie Friedman, the Jew who had narrowly escaped extermination in Germany, wound up behind barbed wire at Ft. Lincoln internment camp outside Bismarck, North Dakota. There, he fought "Gitterkrankeit" (fence sickness) for six months before his protests of innocence were finally heard. He was released to return to San Francisco, marked for life by the internment experience. He never returned to the practice of law, and spent thirty-nine years as a door-to-door cosmetics salesman. He always fixed his deep, sad eyes on his customers and introduced himself as Doctor Friedman. Years later, the Friedmans were still so terrified by their experience and the power of the FBI that they would never allow their real names to be used when their story was published. Friedman is a pseudonym.

**Internee Laborers:** Objecting to their violent militarism and Hitler's totalitarianism, Max Ebel resisted increasing pressure to join the other boys in the Hitler Youth. He and his family knew he had to get out after he was stabbed for his recalcitrance in a knife fight with Hitler Youth members. In 1937 he left, a month before his 17th birthday, to join his father, a German-born naturalized US citizen in Boston. Like so many immigrants, Mr. Ebel rejoiced in America's promise of freedom. As required, he registered with the Selective Service. Although he agreed to fight in the Pacific, he was classified as 4C, a conscientious objector, because he did not want to fight in Germany against his brother, cousins and friends. In September 1942, months after filing his naturalization papers, Mr. Ebel was arrested. He was not released until June 1944. At a typically hostile hearing with little or no notice, the aggressive US Attorney presented uncorroborated tips as fact. Equally zealous FBI reporters supported the fervent prosecutor's allegations. With only his father by his side, himself the subject of a contested exclusion order, no counsel was permitted. Mr. Ebel was given no opportunity to question his accusers. He was castigated for not wanting to fight in Germany. The hearing board recommended parole. He awaited the US Attorney General's decision for three months in the small Boston INS facility, pacing the rooftop barbed wire exercise cage. One internee slit his own throat with a razor. Mr. Ebel helped save his life. In January, the internment order came overruuling the board's parole recommendation. He
was shipped to Ellis Island where he lived in the Great Room that had recently welcomed immigrants. Hundreds lived side by side in bunks with blankets hung for privacy. Rats ran freely. Medical care and food was poor. The barred wire exercise cages overlooked the Statue of Liberty. Weeks later, the military, brandishing their weapons, took charge of internee transfers to Ft. Meade, threatening to take them feet first, if necessary. After required physicals, the hapless internees were shipped in heavily guarded, shuttered railroad cars to Camp Forrest near Tullahoma, Tennessee. The men lived in huts, heated by coal stoves, with black widow spiders. Mr. Ebel volunteered as a medical aide in the camp hospital and was commended for his work. In May 1943, the internees were transferred yet again to Ft. Lincoln, North Dakota, a large, men’s facility. In September, Mr. Ebel was one of 100 men selected for a work detail on the Northern Pacific Railroad. They replaced rails that could accommodate heavy wartime traffic, thereby helping the American war effort. They worked outside braving the frigid North Dakota winter on the plains. The railroaders lived in boxcars heated by single coal stoves, sleeping in cots, with open bucket bathrooms. Here they celebrated Christmas. Mr. Ebel preferred the harsh living conditions to living behind barbed wire guarded by dogs and armed men like a criminal. The Sioux Indians tried to sell their handicrafts to the impoverished railroaders. The railroad gang attended the Reservation’s church. Mr. Ebel helped convince the others to pool their meager funds to save the life of a 10-year-old Sioux princess with tuberculosis. In the spring, acknowledging that the railroaders performed a valuable service for the US, DOJ finally agreed to special hearings to reconsider their internment. The special hearing board recommended Mr. Ebel’s release, surprised that he had ever been interned. Before DOJ’s final determination, he was processed for Army induction, but failed his physical. In June, the DOJ ordered parole the terms of which included a prohibition against walking under or near the railroad.

**Individual Exclusion:** The Franke family experience provides ample evidence that once one came into its sights, the government had many techniques to rid itself of the danger the suspect presented. It was relentless. Living contentedly in their Baltimore, Maryland neighborhood, Otto Franke, his wife and 2 children did not know that the FBI was watching them closely. Mr. Franke, a US-born citizen of German parents, came under suspicion in 1940 when the FBI got an unsigned, semiliterate letter accusing Mr. Franke of coordinating "German underground work." His FBI dossier was opened and through diligent gumshoe work, the FBI got other unsubstantiated tips. Little was done to confirm any of the serious allegations and their work was so sloppy that it took more than a dozen tries for the FBI to get his address right. In June 1941, with the apparent prodding of the FBI, Mr. Franke was asked to resign from his draftsman’s job. His supervisor’s recommendation letter stated that he was a "man of excellent character and integrity." Confused about his citizenship status, the FBI finally realized that he wasn’t an alien and couldn’t be interned. It sent his case to another DOJ branch for his prosecution as a subversive. The Attorney General’s office demanded verification of what it deemed insufficient FBI evidence. In January 1942, an FBI search of Mr. Franke’s home yielded no incriminating evidence. The 1940 tips were reviewed, but could never be corroborated. There was no prosecution. In February 1942, Roosevelt issued Executive Order 9066 authorizing the military to exclude citizens and
aliens from militarily sensitive coastal areas. This order provided the legal basis for general exclusions from military zones, relocation and individual exclusions. A military review board was established in each military district giving the appearance of due process. Mr. Franke's file was forwarded to the military. On October 1942, having already lived for months in fear of the government's next tactic, Mr. Franke appeared before his review board. Relying on spotty FBI information which now actually included some countervailing facts, the board still ordered him out of the Eastern Defense Command—the eastern seaboard. No government assistance facilitated the move. Fortunately for Mr. Franke, his company had a Lima, Ohio facility, so he and his family transferred there in March 1943. By June 1943, as they were trying to resettle, the Army's Continuous Security District Office ordered him fired as a subversive. After another aborted hiring and months of unemployment, Mr. Franke found a job in another Ohio town and the family moved again. In July 1944, that company moved to New York. Mr. Franke had to decline the position they offered in New York because of his exclusion order. Isolated, discouraged, stigmatized and in difficult financial straits, the Frankes continued trying to return to Baltimore. In May 1945, the Army lifted its order. The family quickly returned to Maryland and attempted to resume a normal life after years of upheaval. Based on the article "Excluded" by Lewis H. Duiguid published in the Washington Post Magazine, January 3, 1999.

The Latin American Roundup: Hugo Droege emigrated from Germany to the Guatemalan highlands to find a better life. He married and lived quietly for 20 years far from Germany. He established and managed a coffee farm as he raised his family. One night, six Guatemalan police arrived with guns drawn to take him away. Mr. Droege told his wife to save the farm. Forty-eight hours later, the Guatemalan government forced her to abandon it. Pregnant with their third child, she, her two children and a mule, carrying the belongings they were allowed to take, left the farm to live with friends. The Guatemalan police turned Mr. Droege over to American soldiers. He did not see his family again for five years. In December 1942, General George Marshall initiated the secret operation that led to Mr. Droege's capture by sending a secret order to the US Caribbean Defense Command: "These interned nationals are to be used for exchange with interned American civilians." Pursuant to Marshall's order, thousands like Mr. Droege from 12 Latin American countries were forcibly kidnapped and shipped to the US guarded by armed American soldiers. After being told he was going on a boat, he was strip-searched six times. Soldiers held him and hundreds of others in darkness below the ship's deck for what ended up being a month-long voyage to America. After six days in the dark, they were allowed to go on deck for a half an hour to see daylight. They were locked up like criminals and did not speak to each other. Open buckets were placed conveniently among the prisoners for bathroom use. The stench eventually stifled their hunger. Terror reigned. One man died. Many first saw the US in New Orleans. Until their exchanges were scheduled, the Latin Americans were held in various US internment camps. Hugo Droege begged not to be sent back. He was told you have to go, tied up or on your own two feet. One month later, he was shipped to Germany at the height of the Allied bombing. During the five years he was away from Guatemala, survival was very difficult. Mr. Droege believes that the Latin American coun-
tries cooperated with the United States so that they could confiscate the property of those kidnapped. When he finally returned to Guatemala, the family had nothing left. The government had taken the farm. Countries throughout Latin America profited the same way, seizing farms and businesses from those they turned over to the United States. Although the American government settled financially with and apologized to similarly treated Japanese Latinos, the plight of German Latinos has never even been acknowledged. Soon to be 100 years old, the patient Hugo Droge knows he is running out of time.

**Repatriation:** The Jacobs lived in Brooklyn, New York for years. Mr. and Mrs. Jacobs were German-born aliens. Their two boys were American. The family home was raided and ransacked on three separate occasions by the FBI. They never found any contraband (firearms, propaganda, or short-wave radio receivers). Mr. Jacobs was arrested at his job in November 1944. Like many whose spouses were arrested, the family did not know where he was for some time. He was taken to Ellis Island. He was ordered interned even though his hearing board unanimously recommended release. Mrs. Jacobs was ill and unable to maintain the household by herself. Not able to survive alone, she packed up her family's belongings, left her home and arrived at Ellis Island with her two young sons asking for mercy. They were reluctantly admitted. Eventually, the family was sent to the Crystal City family internment camp where they lived until Mr. Jacobs finally agreed to be repatriated under threat of deportation. They were transferred to Ellis Island, boarded the SS Aikin Victory in January 1946, months after the cessation of hostilities with the Axis nations, and returned to Germany. When the family arrived in the dead of winter, they were transported to Hohenasperg in a frigid, locked, heavily guarded boxcar. The bathroom was an open bucket in the corner. Once there, Mrs. Jacobs, still ill, was sent to another facility. Mr. Jacobs and his sons were sent to a military prison and each placed in separate cells. The boys, 12 and 14, were treated like Nazis by the US Army guards. The younger son, Arthur, celebrated his 13th birthday alone in his cell. The guards marched the American boy to meals by the hanging tree, hands above his head, threatening him with death if he did not behave. His fellow inmates included high-ranking officers of the Third Reich who were being held for interrogation and denazification. Eventually, the family was released, reunited and lived with Mr. Jacobs' parents. Arthur was industrious and soon began working with the American GIs living in Germany. An officer's wife worked on the boys' behalf and arranged for them to live in America. Their parents never returned to the US and Arthur didn't see them again for 11 years. Arthur became a major in the US Air Force. For the past 20 years, he has researched the government's wartime treatment of German Americans, sought to include German Americans in legislation recognizing Japanese and Italian Americans, networked with other internees, authored a book on his internment experiences and sponsored an informational web site. He has devoted himself to public education on the events, laws and attitudes that destroyed his family life and that of thousands of others. His work continues.

Karen E. Ebel
WARTIME TREATMENT STUDY ACT OF 2007

MAY 4, 2007.—Ordered to be printed

Mr. LEAHY, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany S. 621]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to which was referred the bill (S. 621), to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II, having considered the same, reports favorably thereon and recommends that the bill do pass.

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I. PURPOSE OF THE WARTIME TREATMENT STUDY ACT OF 2007

The Wartime Treatment Study Act of 2007 would create two fact-finding commissions to supplement the work done in the 1980s by the Commission on Wartime Relocation and Internment of Civilians, which studied the treatment of Japanese Americans during World War II. The Act would create one commission to review the U.S. Government's treatment of German Americans, Italian Americans, and European Latin Americans during World War II, and another commission to review the U.S. Government's treatment of Jewish refugees fleeing Nazi persecution during World War II.
The victory of America and its allies in the Second World War was a triumph for freedom, justice, and human rights. But, at the same time that many brave Americans fought for freedom in Europe and the Pacific, the U.S. Government was curtailing the freedom of a number of people at home.

Many Americans are aware that during World War II, under the authority of Executive Order 9066 and the Alien Enemies Act, the U.S. Government forced more than 100,000 ethnic Japanese from their homes and ultimately into relocation and internment camps. Through the work of the Commission on Wartime Relocation and Internment of Civilians, created by Congress in 1980, this shameful event finally received the official acknowledgement and condemnation it deserved. Under the Civil Liberties Act of 1988, people of Japanese ancestry who were subjected to relocation or internment later received an apology and reparations on behalf of the people of the United States.

The Wartime Treatment Study Act will ensure that the U.S. Government also acknowledges the mistreatment experienced during World War II by many German Americans, Italian Americans, and European Latin Americans, as well as Jewish refugees fleeing Nazi persecution. The Wartime Treatment Study Act would create two independent, fact-finding commissions to review this unfortunate history.

One commission would review the treatment by the U.S. Government of German Americans, Italian Americans, and other European Americans, as well as European Latin Americans, during World War II. Most Americans are unaware that, as was the case with many ethnic Japanese, approximately 11,000 ethnic Germans, 3,200 ethnic Italians, and scores of Bulgarians, Hungarians, Romanians or other European Americans and European Latin Americans were taken from their homes and placed in internment camps during World War II. Following Pearl Harbor, the U.S. Government pursuant to the Alien Enemies Act deemed approximately 600,000 Italian-born and 300,000 German-born United States resident aliens as “enemy aliens,” restricting their travel and personal property rights and requiring them to carry certificates of identification. Extensive prohibited zones were established where “enemy aliens” were forbidden or their movements were restricted. Thousands of European Americans, including American-born children, ultimately ended up behind barbed wire and under armed guard in detention facilities and internment camps, such as the camps operated by the Department of Justice at Crystal City, Texas; Seagoville, Texas; Kenedy, Texas; Missoula, Montana; and Bismarck, North Dakota. The last European American internees, held at Ellis Island, were not released until 1948.

In addition, pursuant to a policy coordinated with 18 Latin American countries, more than 4,000 German Latin Americans, including German and Austrian Jews, and more than 200 Italian Latin Americans were arrested, transferred to the U.S. and interned. Thousands, including in some instances American-born children, were later deported to hostile, war-torn European Axis nations in exchange for Americans and Latin Americans held there.

These policies were devastating to the German and Italian communities, individuals and families, and the effects are still being experienced. The Wartime Treatment Study Act of 2007 will enable
Americans to learn about this history and explore why the U.S. Government violated these individuals' basic rights based on their nationality or ethnicity.

A second commission created by this bill would review the treatment by the U.S. Government of Jewish refugees, like those aboard the German vessel the St. Louis, who were fleeing Nazi persecution and genocide. Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution or genocide and sought safety in the United States. During the 1930s and 1940s, U.S. Government policies affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States. The commission would review these facts, including how U.S. immigration policies failed to provide adequate safe harbor to Jewish refugees fleeing the persecution of Nazi Germany.

The injustices to European Americans, European Latin Americans, and Jewish refugees occurred more than 50 years ago. Enactment of the Wartime Treatment Study Act of 2007 is urgently needed. If Congress further delays enactment, the people who were affected by these policies will no longer be here to tell their stories. As Senator Feingold said in his February 15, 2007, floor statement upon introduction of S. 621, “If we wait, the people who were affected will no longer be here to know that Congress has at last recognized their sacrifice and resolved to learn from the mistakes of the past.” There has been a measure of justice for Japanese Americans who were denied their liberty and property during World War II. Our country benefited greatly from analyzing the Japanese American experience. So, too, will it benefit from understanding the European American and European Latin American experience. The Wartime Treatment Study Act would complete the accounting of this period in our nation’s history and provide a long overdue measure of justice to European Americans and European Latin Americans who also lost their freedoms.

II. HISTORY OF THE BILL AND COMMITTEE CONSIDERATION


The bill was listed on the Judiciary Committee's agenda for the first time on March 22, 2007. On April 12, 2007, the Committee ordered S. 621 to be reported favorably, without amendment, by voice vote.

The Wartime Treatment Study Act of 2007 builds on measures that were reported favorably from the Judiciary Committee in the 107th, 108th and 109th Congresses. In the 107th Congress, Senator Feingold, Senator Grassley and Senator Kennedy introduced S. 1356, the Wartime Treatment of European Americans and Refugees Study Act, on August 3, 2001. On March 14, 2002, the Judiciary Committee reported by voice vote an amended version of the bill. Significant changes included establishing two 7-member commissions rather than one 11-member commission, and changing the
name to the Wartime Treatment Study Act. No further action was
taken in that Congress.

In the 108th Congress, Senator Feingold, Senator Grassley, Sen-
tator Kennedy and Senator Lieberman reintroduced the Wartime
Treatment Study Act as S. 1691 on October 1, 2003. It was re-
ported favorably by the Judiciary Committee on October 16, 2003.
In January 2004, on the Senate floor Senator Feingold sought
unanimous consent that the measure be taken up and passed by
the Senate, but an objection was raised.

In the 109th Congress, Senator Feingold, Senator Grassley, Sen-
tator Kennedy, Senator Lieberman, Senator Corzine, and Senator
Wyden reintroduced the bill as S. 1354 on June 30, 2005. It was
reported favorably without amendment by the Judiciary Commit-
tee on November 17, 2005. No further action was taken.

III. SECTION-BY-SECTION SUMMARY OF THE BILL

Section 1 contains the short title of the Wartime Treatment

Section 2 contains the following findings:

(1) During World War II, the United States Government deemed
    as "enemy aliens" more than 600,000 Italian-born and 300,000 Ger-
    man-born United States resident aliens and their families and re-
    quired them to carry Certificates of Identification and limited their
    travel and personal property rights. At that time, these groups
    were the two largest foreign-born groups in the United States.

(2) During World War II, the United States Government ar-
    rested, interned, or otherwise detained thousands of European
    Americans, some remaining in custody for years after cessation of
    World War II hostilities, and repatriated, exchanged, or deported
    European Americans, including American-born children, to Euro-
    pean Axis nations, many to be exchanged for Americans held in
    those nations.

(3) Pursuant to a policy coordinated by the United States with
    Latin American nations, many European Latin Americans, includ-
    ing German and Austrian Jews, were arrested, brought to the
    United States, and interned. Many were later expatriated, repatri-
    ated, or deported to European Axis nations during World War II,
    many to be exchanged for Americans and Latin Americans held in
    those nations.

(4) Millions of European Americans served in the armed forces
    and thousands sacrificed their lives in defense of the United States.

(5) The wartime policies of the United States Government were
devastating to the Italian American and German American commu-
nities, individuals, and their families. The detrimental effects are
still being experienced.

(6) Prior to and during World War II, the United States re-
    stricted the entry of Jewish refugees who were fleeing persecution
    or genocide and sought safety in the United States. During the
    1930s and 1940s, the quota system, immigration regulations, visa
    requirements, and the time required to process visa applications af-
    fected the number of Jewish refugees, particularly those from
    Germany and Austria, who could gain admittance to the United States.

(7) The United States Government should conduct an inde-
    pendent review to fully assess and acknowledge these actions. Con-
    gress has previously reviewed the United States Government's war-
time treatment of Japanese Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(8) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government's policies. Many who suffered have already passed away and will never know of this effort.

Section 3 defines the key terms of the legislation. It specifies that "during World War II" covers the time period between September 1, 1939, and December 31, 1948. It defines "European Americans" to include U.S. citizens and resident aliens of European ancestry; "Italian Americans" to include U.S. citizens and resident aliens of Italian ancestry; "German Americans" to include U.S. citizens and resident aliens of German ancestry; and "European Latin Americans" to include persons of European ancestry residing in Central America, South America or the Caribbean during World War II.

Title I—Commission on Wartime Treatment of European Americans

Section 101 establishes the Commission on Wartime Treatment of European Americans. It provides that the 7-member Commission be composed of three members appointed by the President, two by the Speaker of the House in consultation with the minority leader, and two by the majority leader of the Senate in consultation with the minority leader. The provision contemplates that the appointing authorities will work together to ensure that the Commission includes two members representing the interests of Italian Americans and two members representing the interests of German Americans.

Section 102 sets out the duties of the Commission, which include a comprehensive review of the U.S. Government's treatment of European Americans and European Latin Americans during World War II, and the compilation of a list of the detention and internment facilities where they were held, and those who died and were born in those facilities. This review also will include an assessment of the underlying rationale for the U.S. Government's actions and recommendations for how civil liberties can be protected during wartime in the future. Section 102 also requires the Commission to submit a written report of its findings and recommendations to Congress no later than 18 months after the date of the Commission's first meeting.

Section 103 sets out the powers of the Commission. The Commission may hold hearings at times and locations of its choosing, and request the testimony of witnesses and the production of books, records, correspondence, memorandum, papers, and documents. If the Commission has difficulty securing such testimony or production, it may ask the Attorney General to invoke the aid of an appropriate federal court to require such testimony or production. In addition, the legislation requires that all executive branch entities comply fully with any requests for information from the Commission.
Section 104 contains administrative provisions regarding the hiring of staff, consultants and details; procuring supplies, services and property; and entering into contracts.

Section 105 authorizes $600,000 in appropriations for the Commission to carry out its duties.

Section 106 sunsets the Commission 60 days after it submits the report to Congress required by Section 102.

**Title II—Commission on Wartime Treatment of Jewish Refugees**

Section 201 establishes the Commission on Wartime Treatment of Jewish Refugees. It provides that the 7-member Commission be composed of three members appointed by the President, two by the Speaker of the House in consultation with the minority leader, and two by the majority leader of the Senate in consultation with the minority leader. The provision contemplates that the appointing authorities will work together to ensure that the Commission includes two members representing the interests of Jewish refugees.

Section 202 sets out the duties of the Commission, which include a comprehensive review of the U.S. Government's treatment of Jewish and other refugees fleeing Nazi persecution or genocide during World War II, and an assessment of the underlying rationale for the U.S. Government's actions and recommendations for how people fleeing persecution or genocide in the future can better obtain refuge in the United States. Section 102 also requires the Commission to submit a written report of its findings and recommendations to Congress no later than 18 months after the date of the Commission's first meeting.

Section 203 sets out the powers of the Commission. The Commission may hold hearings at times and locations of its choosing, and request the testimony of witnesses and the production of books, records, correspondence, memorandum, papers, and documents. If the Commission has difficulty securing such testimony or production, it may ask the Attorney General to invoke the aid of an appropriate federal court to require such testimony or production. In addition, the legislation requires that all executive branch entities comply fully with any requests for information from the Commission.

Section 204 contains administrative provisions regarding the hiring of staff, consultants and details; procuring supplies, services and property; and entering into contracts.

Section 205 authorizes $600,000 in appropriations for the Commission to carry out its duties.

Section 206 sunsets the Commission 60 days after it submits the report to Congress required by Section 202.

**IV. Cost Estimate**

The Committee sets forth, with respect to the bill, S. 621, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:
April 19, 2007.

Hon. Patrick J. Leahy,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the enclosed cost estimate for S. 621, the Wartime Treatment Study Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

[Signatures]

Peter R. Orszag.

Enclosure.

S. 621—Wartime Treatment Study Act

S. 621 would establish two commissions, the Commission on Wartime Treatment of European Americans and the Commission on Wartime Treatment of Jewish Refugees. The first commission would review the conduct of the United States government during World War II towards European Americans and European Latin Americans. The second commission would focus on the government’s treatment of Jewish refugees during World War II.

Each commission, consisting of seven members, would have 18 months to report on its findings and recommendations. Members would serve without pay, but would be reimbursed for travel expenses. In addition, the commissions could hire staff or use personnel from other agencies. Each commission would terminate 60 days after submitting its final report. To fund the costs of the commissions, the bill would authorize the appropriation of $1.2 million ($600,000 per commission).

Assuming the appropriation of the authorized amounts, CBO estimates that implementing S. 621 would cost $1.2 million over the 2008–2009 period. Enacting the bill would not affect direct spending or revenues. The legislation does not authorize any payment of restitution; such authority would require a separate act of Congress.

S. 621 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Pickford. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

V. REGULATORY IMPACT EVALUATION

In compliance with rule XXVI of the Standing Rules of the Senate, the Committee finds that no significant regulatory impact will result from the enactment of S. 621.

VI. CONCLUSION

Passage and enactment of the Wartime Treatment Study Act of 2007, S. 621, is long overdue. This bipartisan legislation will allow for a fuller accounting of this tragic chapter in our Nation’s history.
VII. CHANGES IN EXISTING LAW

Pursuant to paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee finds no changes in existing law made by S. 621, as ordered reported.
Written Statement of Karen E. Ebel

March 19, 2009

Hearing on the Treatment of Latin Americans of Japanese Descent, European Americans and Jewish Refugees during World War II by the US Government

before the

House Judiciary Committee’s Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law
Karen E. Ebel  
Written Statement  
March 19, 2009

House Judiciary Committee’s Subcommittee on Immigration, Citizenship, Refugees,  
Border Security, and International Law

Hearing on Latin Americans of Japanese Descent, European Americans and Jewish  
Refugees During World War II by the US Government

My father, Max Ebel, a German internee, died in May 2007. During one of our last  
conversations, he told me how disappointed he was that the Wartime Treatment Study Act  
hadn’t passed. He said not to give up. One of my first thoughts after he died was that I had  
failed. He was 87, but that still wasn’t old enough to see the US government agree to study what  
had happened to him and almost 11,000 other Germans during World War II. He did not even  
talk about his internment until he was almost 80, and only with much prodding. He was never  
bitter. He loved this country and never regretted leaving Germany. As he said: “I was an  
American right from the beginning, and I always will be. I think I appreciated my freedom as  
much as a fish let out of a bowl.” That is why his internment hurt so much. In this, he was no  
different than most of the immigrants who landed in the many Department of Justice camps. I  
did not know about those camps until a few years ago. Growing up, all I knew was that he lived  
in a boxcar during the war years, laying rails across the North Dakota plains and that he met  
Native Americans there. It seemed exotic, but frankly, it did not make much sense to me.

My father arrived in New York Harbor in 1937 from Speyer, Germany days before his  
18th birthday. After a dangerous knife fight with Hitler Youth angry at his refusal to join, the  
family felt Dad needed to follow his father to America. He boarded the SS New York with a  
nickel in his pocket, new woolen knickerbockers and dreams. He lived in Boston with his  
father, a naturalized German American citizen, working at his father’s cabinetmaking shop. He  
joined the Boy Scouts, of which he was a member in Germany before the Hitler Youth took  
over, studied for his citizenship and signed on to become a junior air raid warden. As required,  
he registered for the Selective Service. He enjoyed his freedom and the company of other  
German immigrants in the active German American community.

A letter postmarked December 5, 1941 notified my father that his application for intention  
to become a citizen of the United States had been accepted. We all know what happened  
on December 7. When the Japanese bombed Pearl Harbor, America was at war. Dad’s  
citizenship application was put on hold, when FDR issued Presidential Proclamations 2525-2527  
puissant to the Alien Enemies Act deeming all German, Japanese and Italian aliens residing in  
the United States "enemy aliens.” Not even Jews who had recently fled persecution in Germany  
avoided this fate. The Alien Enemy Control Program, soon to overwhelm the lives of my father  
and untold other “enemy aliens,” shifted into high gear. He joined about a million immigrants  
who had to register with the US as “enemy aliens,” carry Certificates of Identification, report  
travel and give up their radios.

Of course, these were very desperate times and unquestionably America had to protect  
itself. Our country was in very grave danger. U-boats were patrolling our shores. The arrival of  
the highly-publicized German saboteurs on our shores gave our government even further cause  
for concern. The fighting overseas was intense. Even so, there had to be a better way to protect  
our country than treating a million immigrants as the enemy and operating a massive, expensive
internment program. True, most enemy aliens escaped the internment disaster and some definitely deserved what they got. But thousands didn’t. My father was one of them.

Few know of the Alien Enemy Control Program, the bad seed that formed the basis of the well-known Japanese American tragedy. Soon after Pearl Harbor, years of planning by J. Edgar Hoover and his FBI became reality. Thousands of Japanese, Germans and Italians were swiftly arrested. The Department of Justice, working with the War Department, established prohibited zones where no enemy alien could remain and scrambled to figure out where to send the thousands of anticipated internees. Martial law was imposed in Hawaii where citizens and aliens of all three “enemy nationalities” were put into camps. The Attorney General issued a Presidential Warrant allowing the FBI to enter any home occupied by an enemy alien to search for incriminating evidence. FBI agents performed these duties with varying degrees of hostility. Most recall their home being ransacked at odd hours, frequently at gunpoint. The arrests often were the most traumatic because families did not know why their loved ones were being arrested, and where they were being taken. They just disappeared. Children left behind had to fend for themselves, many eventually ending up with family members ashamed of them, in orphanages or in foster homes.

Those arrested were initially held in temporary detention facilities scattered across the US --hospitals, jails, for women -- convents and homes for wayward girls, INS facilities for seamen, and barracks. After a period of weeks or months, the detainees were called for a hearing. Civilian hearing boards, created by the Department of Justice, reviewed the cases of enemy aliens ensnared by largely unsubstantiated rumors and innuendo gathered for years by the FBI. The hearings, purportedly instituted by the Attorney General to give some measure of fairness, permitted the aliens no right to counsel or to question the proceedings or their accusers, but did allow two character witnesses to appear on their behalf. Suspected aliens were given little or no notice of the hearings, which could be quite adversarial. Generally, the local district attorney presented the evidence and conducted the questioning. Investigating FBI agents were present. Recommendations of release, parole or internment went to the Alien Enemy Control Unit at the Department of Justice in Washington, DC, for review and final decision. That decision could take weeks or months while the aliens awaited their fate.

If an internment order was issued, the alien became an internee and was sent into the nationwide internment system – family camps, camps for men, camps for women, Army camps, migrant worker camps and prisons, scattered across the country. While there are few allegations of outright mistreatment, camp life was clearly challenging and the internment of unspecified duration. No attempt was made to place an internee in a camp near their home and their family rarely knew where and when their loved one would be transferred. Families were torn apart and lives disrupted, many irreparably. Some had fathers and brothers fighting for the United States overseas. Even the father of member of Jimmy Doolittle’s flight crew was interned. Even some Jews were interned. Family members left at home were shunned due to fear of the FBI and spite. Newspapers published stories and incriminating lists. Eventually destitute, many families lost their homes and had to apply to the government to join spouses at the large family camp in Crystal City, Texas. These are the so-called “voluntary internees.” Additionally, thousands of German and Japanese Latin Americans, including Jews who had fled persecution in Germany, were brought here from 19 Latin American countries under horrendous conditions. Upon arrival, they, too, landed in our government’s internment camps.

The camps were surrounded by barbed wire and search lights and were under armed guard patrolling with dogs. Guard towers loomed. All incoming and outgoing mail was censored. Time passed agonizingly slowly. Camp conditions varied, but they were all unsettling places, rife
with suspicion, everyone wondering why the other guy was there. Clearly, some internees vociferously espoused troublesome views. Many internees came to resent their adopted land and feel bitter and betrayed. But no internee I am aware of was ever convicted of a war-related crime. They were interned because they were deemed potentially dangerous. The government dealt with spies and known subversives much more harshly, as it certainly should have.

Internees and their families begged for release, writing letters constantly to the Department of Justice in Washington. Rehearings were granted rarely and only when the internee could produce new evidence. This was an almost impossible task for those interned. When offered the opportunity to return to Germany or Japan to be exchanged for Americans and Latin Americans there, many agreed. Feeling betrayed, they gave up their American dream just to escape the limbo. Others were sent against their will. Living in a censored world, they knew little about the war-ravaged countries to which they were returning or how they would be greeted when they got there. Their families resented having to feed newcomers they had not seen or heard from in years. Germans thought they were crazy to come back, or worse, that they were American spies. Some were beaten, others died from Allied bombs. English-speaking, American-born children going to German schools faced particular scorn. Few found happiness when they left the United States, and they deeply regretted their decision.

Soon after hostilities with Germany ceased, on July 14, 1945, President Harry Truman issued President Proclamation 2655 stating that the many internees still in the camps were subject to deportation upon order of the Attorney General, following review of their cases. The camps were progressively closed. Those jubilant at war’s end believing that they soon would be released were astonished to learn that they could be heading to Germany instead. Those who were allowed to go home had to sign oaths of silence not to talk about their internment. Remaining internees were consolidated at Ellis Island, a facility used longer for internment than any other in the United States. With varying degrees of success, many fought deportation through a petition to Congress and litigation. Finally, someone cared. In 1947, Senator William Langer introduced a bill in Congress to free the hundreds in Ellis Island. It never passed, but the effort did result in individual hearings for all those on Ellis Island. One 5-year internee, Eberhard Fuhr, who had been arrested in his high school at age 17, recalls this as the first time he felt his release was imminent. He was right. The hearings led to the release of hundreds, until the last internee left in 1948. Notably, in June 1948, the Supreme Court, in Ludecke v. Watkins, determined that pursuant to the Alien Enemies Act, enemy alien internees had no right to release until a peace treaty was signed with the foreign government with which the US was at war.

The internees returned home and tried to reconstruct their lives. Many were never the same again. Exchanged families, facing years of separation, often sent their American-born children back to the US to family, friends and those looking for good workers. A cloak of silence, unfounded guilt and shame was thrown over the events. Just as the internees once disappeared, so did those years of internment.

This is what happened in my family, but now I know why my father was laying rails in North Dakota. In mid-1942, the FBI came with guns drawn to the Ebel house and tore things apart searching for incriminating items, finding nothing. My grandfather and father were taken in for questioning in September 1942. My grandfather, an American citizen, was released, but the US Army issued an Exclusion Order pursuant to Executive Order 9066 requiring him to leave the East Coast in a matter of days. His attorney successfully sought an injunction, not contesting the allegations which were specious, but asserting that he was not a threat to the United States. Despite the injunction, the US Army did not withdraw this order until early 1944,
after first seeking to limit the geographic area covered by its exclusion order, an offer the court 
rejected, and working with the Department of Justice to denaturalize and deport him. This 
effort was finally abandoned. Although the family was in great turmoil during this time, not all 
German American citizens were as fortunate as my grandfather. He remained in his home and 
free. Others were excluded or denaturalized (many to have their citizenship reinstated after the 
war by courts overturning the original denaturalization) and interned as enemy aliens or 
deported.

My dad, then 22, the enemy alien, remained in custody in a small INS facility in Boston 
Harbor with other German, Japanese and Italian aliens. After an extremely adversarial hearing 
during which the district attorney told him that it had been his pleasure to take out Germans 
during World War I and it would be his pleasure to take out my father, parole was 
recommended. However, the Department of Justice deemed him “potentially dangerous to the 
public peace and safety of the United States” and ordered internment. After three months in a 
Boston detention center, he was shipped to Ellis Island where he joined hundreds of other 
German internees living in squalid conditions. Then, by blacked out railroad under guard, it was 
on to Army facilities at Ft. Meade and later Camp Forrest in Tennessee. Finally, he landed at Ft. 
Lincoln in Bismarck in May 1943. The only descriptive note in his calendar says "Arrived North 
Dakota. This is hell." Dad was behind barbed wire -- back in the fish bowl he thought he had 
escaped when he left Germany, with no idea why he was there or when he would get out. Ft. 
Lincoln was an unhappy place filled with depressed, bored, increasingly bitter Germans and 
Japanese. This was not the America he expected and he wanted out.

That fall, he found a way. About 100 trustworthy internees, including Max Ebel, 
marched out of the camp in September 1943 to work for the Northern Pacific Railroad. Under 
guard, they spent the next several months living in boxcars replacing rails on the North Dakota 
plains. Those rails could accommodate the frequent, heavy wartime munitions being shipped 
cross-country. A spur was laid near the Standing Rock Indian Reservation. There, the Native 
Americans approached the internee workers to offer them handmade items: two outcast groups 
coming together on the plains. Dad spoke often of a little Native American girl gravely ill with 
TB. The internees donated what money they had to help. This was the only part of the story I 
knew.

Ironically, in April 1944, while he was still interned, the Army drafted my father. This 
“dangerous” internee was considered trustworthy enough to fight in the war. By himself, he 
traveled from Ft. Lincoln to Ft. Snelling for his pre-induction physical. He flunked due to a 
“bad ankle” and his internment continued. Because of the railroaders’ good work, perceived to 
have been helping the war effort, he was then granted a rare rehearing. The hearing board 
recommended unconditional release. Obtained years later, the release recommendation reflects 
why he was interned. He did not want to fight potential family members in Europe. He made 
pacifistic remarks. He said Hitler built good roads. It concludes that Dad was in no sense 
disloyal and that his further internment was unjustifiable. Nevertheless, in June 1944, the 
Department of Justice ordered parole. Back in Boston, he went back to work with his father, 
reporting to his parole officer weekly. He was not allowed to go near railroads per his parole 
order. Three years after his arrest, in November 1945, it was over. He was free. He became a 
citizen in 1953, married and had children, living the American dream. We loved hearing about 
the little Lakota girl he helped and his railroad adventures in the Wild West. Barbed wire was 
not mentioned.

Years went by. One day, listening to breaking news about the Japanese Americans, Dad 
said “something like that happened to me.” I was shocked, but did not pursue it. He didn’t
either. Ten years ago, it was time to understand. Over a period of several months, he finally told me what really happened to him. I learned about the enemy alien laws, the camps, the exchanges and the German Latin Americans. I discovered silence cast over the experience by society, by the shamed internees and by history. I met a wonderful group of former internees and their families who increasingly shared their stories. But in 2005, with fellow internees, we formed the German American Internee Coalition of which I am president to work on behalf of the German internees and to educate the public about the Department of Justice camps. It has been an emotional journey for me — not just as the daughter of an internee, but as an American who loves her country and believes it is better than this.

When Ronald Reagan signed the Civil Liberties Act of 1988 into law, it was a watershed moment for the country and for the Japanese Americans. It was a difficult moment for the Germans, Italians, and Japanese Latin Americans who were not included, even though Japanese aliens interned at the Department of Justice camps were. This is not because of the reparations or the apology given, but because it seemed their experience was not considered worthy of acknowledgment. There is disagreement as to whether they should have been included. Some assert that because international law permits the internment of enemy aliens, the United States really did nothing wrong. Others state that since those interned under the Alien Enemies Act were just aliens, not citizens, their internment is not significant. Some feel this was too long ago to worry about. Yet others note that the percentage of Europeans interned is tiny compared to the total population. For the over enemy alien internees and their children who lived through the internment experience, the enemy alien program is more than an interesting footnote to history to be minimized, ignored or denied. People of a specific nationality were categorically declared the enemy in a way that damaged thousands of lives. It shouldn’t have happened. Those who survived at least deserve to have their experience studied and acknowledged. The Japanese Americans who suffered in the camps understand what acknowledgment means. Few would say that the Japanese American incarceration should have remained buried. Most would agree it is an important, cautionary component of US history. Most would agree that it was the right thing to do.

The German Americans and German Latin Americans deserve such acknowledgment and the history of enemy alien internment should be known, but to date that has not happened. No former German internees were invited to testify before the Commission on Wartime Relocation and Internment of Civilians (“CWRIC”), although several requested the opportunity. *Personal Justice Denied*, the CWRIC report, says very little about enemy alien internment, most of it in several paragraphs of Chapter 12 entitled “Germans and German-Americans.” The chapter includes little about the Alien Enemies Act. The CWRIC recognized that hearings provided by the Department of Justice hearing boards were adversarial and hardly fair, but asserted that “because the government had unquestioned authority to detain aliens of enemy nationality in time of war, these procedures did represent an effort to provide rough fairness.” Little is mentioned of the vast web of DOJ camps, thousands of families torn apart or repatriation. Based on the CWRIC’s recommendations, the Civil Liberties Act was passed. We all know that the Japanese American citizens and aliens held in the War Relocation Authority camps got reparations, but the Japanese enemy aliens held in the Department of Justice camps also did. In the 1990s, Major Arthur D. Jacobs, a former German internee and longtime advocate of equal treatment for the Germans who were interned along with the Japanese, sought recourse unsuccessfully in the courts. Years later, most think only Japanese Americans were placed in camps. That is the accepted historical narrative. That is what the media says. That is what school books say. The Alien Enemy Control Program has gone unnoticed and uninvestigated, except by a few.
In 1999, eleven years after the Civil Liberties Act passed and I first heard of Dad’s internment, I finally started researching my father’s story. My father courageously decided to allow a local paper to publish it. Having been one accused and interned, it is a leap of faith, but one he decided to take because he said “it’s not right that no one knows this happened.” Shortly thereafter, in 2000, we learned that the Wartime Violations of Italian Americans Civil Liberties Act passed requiring the Department of Justice to issue a report on their wartime experience. The report was issued in November 2001. Although not an independent investigation, this started to open the door on the Alien Enemy Control Program, but focused primarily on the Italians per the legislation. Again the whole story remained untold. Dad and I both believed that a federal study commission was needed, but did not know where to start. The few former internees who were talking were scattered across the country. It would take a grassroots effort and there were formidable hurdles. Fortunately, German American leaders in Wisconsin, including Frederick Kessler and Elsbeth Seewald, approached Senator Russ Feingold to discuss the introduction of legislation to study the European wartime experience and he agreed to do so.

In August 2001, sixty years after Pearl Harbor, Senators Feingold and Charles Grassley introduced the Wartime Treatment Study Act. Shortly thereafter, Representative Robert Wexler introduced the legislation in the House. That act would simply create commissions to study the wartime treatment of European Americans and Latin Americans, as well as the denial of asylum by the United States to Jews fleeing persecution in Germany. With respect the European American Commission, the bill requires the development of lists of internees, camps, and exchange voyages, as well as an analysis of the facts, circumstances and underlying rationale for the related government polices. We are more indebted to these men than I can begin to say. It was a miraculous day for internees whose experience had been hidden and denied for so long. It gave many internees the confidence to tell their stories. My father was elated. That was several Congresses ago. Dad always asked me “how are things in Washington?” He did not really understand all the details, but he tried to be optimistic as the years passed and his health failed. The bill was reported favorably out of the Senate Judiciary Committee four times. Finally, it passed the Senate as an amendment to the omnibus immigration reform legislation in June 2007, one month after my father died.

Other federal actions have been taken during the past several years. In 2004 and 2007, the House passed resolutions calling for a National Day of Remembrance to commemorate the signing of the now infamous Executive Order 9066, officially naming the German and Italian communities. In December 2006, legislation providing for the preservation of Japanese American confinement sites passed. Even though sites eligible for funding included Department of Justice and US Army sites where Europeans and Japanese Latin Americans were interned, they were not mentioned in the bill. The National Park Service, which is administering the as yet unfunded program conducted listening sessions around the United States which former German internees attended. The German internee community submitted comments unsuccessfully requesting that the NPS require grantees to tell the full internment story when camps were preserved. NPS advised that although other affected ethnic groups could request grants and tell their story as part of a camp preservation effort, NPS could only require that Japanese American story to be told per the terms of the legislation. On July 31, 2008, the House passed H. Res.1357 commemorating the signing of the Civil Liberties Act and resolving to review the wartime treatment of Japanese of Latin American descent, German Americans and Italian Americans. That was another wonderful day for former German internees. But then another Congress ended and the Wartime Treatment Study Act still had not passed. Without my father, I questioned my future involvement.
Just recently, the legislation was reintroduced for the fifth time. Of course, we are hopeful that this time, finally, it will pass. It is my honor to be a witness representing the thousands who lived through the internment experience for which I thank you. The Wartime Treatment Study Act needs to pass now before more die or are too old to understand. The advanced age of the remaining internees weighs heavy on my mind. Study and acknowledgment of their internment is long overdue. Sadly, my father cannot be here to see it, but others are still here who will.

Thank you.

Attachments:
Internment Order of Max Ebel, dated January 9, 1943
Alien Enemy Hearing Board Report and Recommendation dated April 13, 1944
Ft. Lincoln Internee List, page 4, dated February 29, 1944
German American Internee Coalition Fact Sheet
S. 1749, dated July 27, 1947 – A bill for the relief of enemy aliens
Story Summaries of Certain German Internees
Senate Judiciary Committee Report re: Wartime Treatment Study Act, May 4, 2007
In the Matter of
MAXIMILIAN F.J. EBEL, JR.
Alien Enemy

ORDER

WHEREAS, Maximilian F.J. Ebel, Jr., of Jamaica Plain, Massachusetts, a citizen of Germany, over the age of fourteen years, is within the United States and not a naturalized citizen thereof and has heretofore been apprehended as being potentially dangerous to the public peace and safety of the United States and,

WHEREAS, the Alien Enemy Hearing Board has recommended that said alien enemy be paroled; and it appearing from the evidence before me that said alien enemy should be interned;

IT IS ORDERED that said alien enemy be interned.

January 9, 1943

ATTORNEY GENERAL

FILE

Date Initials
DEPARTMENT OF JUSTICE
ALIEN ENEMY SPECIAL HEARING BOARD

In the matter of the detention of

MAXIMILIAN F. J. BUEHL
Interned of the               District of Maine

REPORT AND RECOMMENDATION:

To the Attorney General:

The above matter came on for rehearing before this Board
Fort Lincoln, North Dakota on April 12, 1943

Upon reconsideration thereof it is hereby recommended that the said
alien enemy be: (check one)

Interned     Released  X Paroled

SUMMARY OF FACTS AND OPINION:

This alien was born in 1919 and came to the United States at the age of
17 in the year 1937. He has a mother, brother and sister living in Germany.
His father and mother are divorced and since his coming to this country, he
has lived with his father and step-sister. His father became an American
citizen in 1934 and probably, except for the divorce, the alien would have
acquired derivative citizenship.

It should be noted that at his original hearing the Board recommended
parole. It seems that due to some pacifist remarks attributed to the alien
and the fact that in his Draft Questionnaire he stated he did not want to
fight against Germany, and that he had made statements complimentary of
the roads constructed in Germany under the Hitler regime, and because he was
not a citizen, he was dismissed as an Air Raid Warden, which post he had filled
with credit. As a result of the foregoing, he was called before a military
hearing board which recommended his exclusion but because of his interment
by the Attorney General the exclusion proceedings were suspended.

This alien made a very favorable impression upon rehearing. He is frank
and, in the opinion of the Board, sincere and entirely loyal to the United
States. There is no doubt that he was a pacifist and because he had already
done some Red Cross work he preferred this sort of service to military service.
He has been active in boy scout work and all who knew him in this work certify
as to his good character and his loyalty.

His camp record is excellent as is also his work on the railroad. He has,
for some time, expressed a desire to be inducted into military service having,
in the opinion of the Board, sincerely come to the conclusion that as a young man
loyal to this country he should fight for it. Through his Draft Board he was
recently examined for induction at Fort Snelling and exhibits great disappointment
that he failed to pass the physical because of a weak ankle. Prior to his inter-
ment the alien worked for his father and he and his father did construction
work for the Navy.

This Board believes that this alien's further interment is unjustifiable;
that he is in no sense disloyal to this country; that he is willing to fight for
this country and that he ought to be released. The Board therefore recommends
release. Mr. A. di Giorlamo concurs.

A. di Giorlamo, Spec. Asst. to the
Attorney General

(Original to the Attorney General; with copy to the Federal Bureau of
Investigation, the Immigration and Naturalization Service, and the United States
Attorney for the               District of )
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S. 1749

IN THE SENATE OF THE UNITED STATES

July 28 (legislative day, June 18), 1947

Mr. Lanham introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

For the relief of all persons detained as enemy aliens.

1. Be it enacted by the Senate and House of Representa-
2. tives of the United States of America in Congress assembled,
3. That the Attorney General be, and he is hereby, directed to
4. cancel forthwith the outstanding warrants of arrest, removal,
5. or deportation in the cases of Charles Aigner; Karl F.
6. Aldage, Senior; Karl F. Aldage, Junior; Max Armbruster;
7. Paul Baute; Frederick E. Bauer; Willma Bauer; Paul Albert
8. Benzenbeker; Otto Braunger; Rudolph Fott; Margaret
9. Bertelmann; Helmuth Bode; Adolph Beuchert; Wilhelm
10. Baehr; Auchen Baehr; Werner Brinck; Else Brinck; Willy
11. Baekofen; Gertrude Baekofen; June Baekofen; Willy Baek;
1. Michael Christoff; Albert Bruckner; Walter G. Rejmer.
2. Heinrich Beseke; Friedrich Beeck; Nannie Behrens; Gisela Behrens.
3. Behrens; Klaus Behrens; Gertrud Behrens; Reimer Behrens.
4. Gustav Blankenburg; Johann Ruhm; Max Blank; Helmut Camp.
6. Alrich Cappelmann; Henry Diebel; August Hans Doelle.
7. George Dorfer; Anna Dorfer; Christian Ebman; Richard.
8. Eichenlauf; Walter Egelbert; Wilhelm Egelbert; Leonard.
9. Eymold; Anna Eymold; Maria Anna Eymold; Heinz Karl Eymold.
10. Eymold; Paula Eymold; Richard Eiders; Mary H. Eiders.
11. Anna E. Eiders; Gertrude Laders; Louise Fritsch; Richard.
12. C. Felix; Walter Felts; John C. Fitting; Rudolf F. Funk.
13. Lina Fitterer; Kurt Fries; Xaver Faller; Anna Faller.
14. Carl Fahr; Anna Fahr; Ernst Eberhard Fahr; Karl Louis.
15. Julius Fahr; Otto Grimm; Rudolf Gudert; Ludwig Gotthold.
16. George Roman Gryzak; Henry B. Grimmcrain; Kurt P.
17. Holz; Albert Hang; Rudolf Hackenberg; Helena S. Hackenberg.
18. Heinz Heinzen; Wilhelm Hau; Erna Haupt; Werner.
19. Holfing; Robert Harmann; Hans Hauswald; Herman.
20. Herm; Erich Oskar Hopf; Paul Hoemann; Hedwig Hoemann.
22. Joachim L. Jung; Heinz P. John; Martin P. Jung; Andreas.
23. H. Jans; Erna Jules; Joseph Kliem; Wilhelm Knap.
25. Albert Koch; Hans L. Kohlpeis; Joseph Kruber; Fritz.
1. Kochler; Heinz H. Krebs; George B. Knepper; Alfred
2. H. Krakau; Marie Kerling; Karl Kubisch; Joseph Kuchu;
3. Arthur Kuehn; Martha J. Kessler; Bruno O. P. Kopp;
4. August Klapprott; Bernhard Krakau; Josef Krakau; Bruno
5. Kopp; Paul Knauer; Chris Lamme; Kurt W. O. Ladecke;
6. William Lechnicht; Alois V. M. Leib; Hans Londage;
7. Ernest K. Lock; Greta Leighton; Hans Lochmann; Manfred
8. Leister; William Mann; Elizabeth Macer; Waldemar
9. Macer; Hans P. Mann; Otto Neubacher; Matilda Neu-
bacher; Karl Nurnberger; George Neupert; Fred J.
10. Neveling; Willy Orth; Martin Orthner; John Olden, Haus
11. Peckner; Adolf Pasquay; Henry Reese; Hartwig Reuss;
12. Keizer Rahle; Anton Rueder; George Reimschneider; Lod-
wig Reuss; Werner Reiman; Frank Ritz; Hermann
13. Roehm; Maximilian Reichel; Erich L. Rauenheimer;
14. Max R. Rapp; Rosina Rapp; Edwin Rubischon; Anna
15. Rubischon; Theodor Roehner; Meta Stohl; William T.
16. Schulmann; Karl F. Schelzhorn; Kurt Schmidt; Franz
17. W. L. Schroeder; Hans J. Schmidt; Gerhard Sprengel; Mar-
in Schleifkerer; Hans W. Schmoor; Bernard Schmolke;
18. Gerhardt Schacht; Johann Stoll; Walter E. Sykora; Her-
mann M. Schwinn; Agnes Stephan; Albert Scherfritz; Carl
19. Schwietzer; Albert P. Schroeder; Peter Schau; Siegfried
20. Schulte; Herbert Seyferth; Elizabeth Seyferth; Dietmar
21. Seyferth; Karl Schrock; Marie Schrock; Karl Schweitzer;
Richard Ernst Schwenk; Franz Charles Unger; Anton Hugo Utrecht; Karl H. Leberschaer; Antonette Uhlig; Eberhard von Aschenberg; Gregor Volkeimer; Friederich Bank; Hans Wesemann; Karl Ludwig Przibisiawsky; Victor Franz Pullwitt, alias Phillip Brechtel; Otto Willumeit; Maria Willumeit; Martin Hans Walter; Otto Wagner; Johann F. Wiechers; Selma A. Wiechers; Hans G. Wiechers; Paul C. Zitzmann; Max Zeller; Eugene Zimmermann; Marie Zimmermann; George M. Zimmermann; and all other persons detained by the Immigration and Naturalization Service of the Department of Justice as enemy aliens, and is directed not to issue any further such warrants or orders in the cases of such persons, insofar as such further warrants or orders are based on any act, acts, or status which served as a basis for the warrants of arrests, removal, or deportation that are being canceled by this Act; and that such persons shall not again be subject to removal or deportation by reason of the same facts upon which such removal or deportation proceedings were commenced or such warrants have been issued.
US World War II Treatment of German Americans and Latin Americans

During World War II, the US violated the civil liberties of American citizens and resident aliens of "enemy" ethnic groups, primarily those of German, Italian and Japanese ancestry. Violations included internment and relocation. Members of these ethnic groups, including millions of European Americans, served in the US armed forces. Some were immediate family members of internees. The Wartime Treatment Study Act (H.R. 1425/S. 564) would require study of these issues, among others, with respect to European Americans. The Act is summarized on page 2. Specific discriminatory government policies are listed below.

US Government Wartime Policies. All numbers are estimates and are likely higher.

- Alien registration branding 300,000 Germans as "enemy aliens," restricting travel and property ownership rights.
- Exclusion from large military areas under military orders causing family disruption, loss of homes and jobs. Relocated families subject to hostility and suspicion in new homes. Employment was difficult to find. No government support for relocation. At least 50,000 Germans subject to removal from California prohibited areas.
- Hostile FBI raids and ransacking of homes and arrests with no warrants, unlimited imprisonment while awaiting parole and internment hearings. Hearings with minimal, if any, due process at which no witnesses or counsel were allowed. Internees did not know why they were interned. Families did not know where their loved ones were taken for days or weeks.
- Internment of at least 11,000 German aliens and their families, including US-born children. Families separated, homes and belongings lost. Little or no government support for families left behind. Limited admittance to family camps based upon application to government. Some children placed in orphanages when parents arrested and interned. At least 2,650 German Americans, including families with US-born children, exchanged for Americans held in Germany. Exchanged families survived cruel wartime conditions, such as hunger and Allied bombing.
- Persons of German ancestry were last ethnic group released from camps, some held till late 1948.
- Deportation, expatriation and repatriation of German Americans--resident German aliens and US citizens.
- Internes and excludées returned to communities facing unemployment, financial straits, loss of homes and belongings and stigmatization. No government support. Many families disrupted permanently. Many internees forbidden to speak of internment. Most internees have not spoken out of fear of the government, shame or other personal reasons.

Pursuing the "Good Neighbor Policy," the US government pressured Latin American countries to do the same, with similar results. Originally the State Department, through the Special War Problems Division, targeted individuals and businesses considered a threat to national security, using informants of dubious quality. Two other reasons for this secretive program are clearly stated in US documents: 1) the US wanted to supplant German businesses in Latin America with their own 2) some of those arrested were to be used in exchange for American prisoners behind enemy lines in Europe. Corrupt governments in Latin America also used the program to acquire significant properties by expelling their owners.

- US government financed prison building and operation, as well as deportation proceedings in Latin America.
- Approximately 8500 civilians of German ethnicity arrested and held without charges in prisons throughout Latin America. An unknown number sent directly to Germany.
- 4058 Germans, many of them with their native born wives and children, deported from Latin America to the US between 1941 and 1945 and interned.
- Consulates and embassies ordered not to issue visas to the deportees. On arrival, prisoners charged with illegal entry into the country, allowing indefinite detention.
- At war's end, the US worked vigorously to repatriate all remaining prisoners rather than allow them to return to their chosen country. Many never saw their homes again.
- No legal basis existed for this secret State Department program.

Additional Information: See www.gaic.info or contact Karen Ebel at kebel@gaic.info
Wartime Treatment Study Act —H.R. 1425/S. 564. The Act would establish two commissions. One commission would review the US government’s World War II policies regarding European Americans (resident aliens and US citizens) and European Latin Americans and related civil liberties violations. The second commission would review the US government’s refusal to allow Jewish refugees fleeing persecution entry to the US during World War II. Significant features of the WTSA:

- Duties include reviewing the facts and circumstances of and underlying rationale for government- nal wartime policies regarding US resident and Latin American "enemy" Europeans and granting asylum to Jewish refugees fleeing persecution. Written report of findings and recommendations must be submitted to Congress 18 months after first meeting. (Sec. 102 & 202)
- Seven members per commission appointed by President, Senate and Congress, respectively. Two representatives each from the German and Italian American communities on one and two representatives of Jewish refugees on the other. (Sec. 101 & 201)
- Commissions authorized to hold hearings and obtain information from government entities to perform their duties. (Sec. 103 & 203)
- Congress could act on Commissions' recommendations, which might include, among other things, formal acknowledgement and establishment of education fund, as it deems appropriate.

Selected Bibliography


Donald, Heidi Gurcke. We Were Not the Enemy: Remembering the United States’ Latin-American Civilian Internment Program of World War II. iUniverse.com, 2007. (a family memoir)


Krauter, Anneliese Wiegand. From the Heart’s Closet--A Young Girl’s World War II Story. Schatz Press McCordville, IN 2005


Potter, Ursula Vogt. The Misplaced American. 1stbooks Library 2003 (now Authorhouse) (a family memoir)

ENEMY ALIEN CURRICULUM GUIDE developed by enemy alien experts and underwritten by the California Civil Liberties Protection Education Project, including three one-act plays by author John Christgau:
http://www.gaic.info/academic_resources.html#lps

Websites
www.gaic.info
www.traces.org
www.johnchristgau.com/enemies/enemies.html
www.fear-itself.com
www.foitimes.com

March 2009
Story Summaries of Several German Internees

The following summarizes the stories of several German families and how the Alien Enemy Control Program affected their lives during World War II.

Exchange Families: The Eiserlohs, a family of 5, including 3 young American-born children, ages 11, 6 and 11 months, lived in rural Ohio in a home built by Mr. Eiserloh, a German-born engineer. In December 1941, the FBI took Mr. Eiserloh away. The family didn't know where he was for weeks. Mrs. Eiserloh tried to survive alone, shunned by her previously friendly community, but finally had to sell their house far below its value. The government immediately froze the proceeds, severely restricting their meager funds. The young family had to live in the basement of a relative's home for 2 years until finally they were reunited with Mr. Eiserloh in the Crystal City family internment camp in Texas. After several inquiries by the government, in desperation, Mr. Eiserloh reluctantly agreed to repatriation. The family, all slated for exchange for Americans held in Germany, was loaded onto a train in late December with many other internees bound for New York. The SS Gripsholm waited there for its 1000-person cargo, scheduled for a January 1945 departure. This was one of six exchange voyages negotiated between Germany and the US. The government got a bonus. Mrs. Eiserloh gave birth to a boy on the train. The Eiserlohs, now 6 members, crossed the Atlantic during the height of the war. They landed in Marseilles, hitting a harbor mine en route and traveled eventually to Bregenz in boxcars where they were exchanged for Americans, primarily civilians. Virtually all their meager belongings were stolen. The Eiserlohs walked into a world of turmoil and Allied bombs. No one welcomed them back. Their family in Germany, mystified by their return and struggling to survive, hardly expected or wanted them. In the dead of one of the coldest, snowiest winters on record, the young family traveled north toward Frankfurt with their few remaining belongings, constantly in fear of Allied attacks, sometimes walking, sometimes on a train, any way they could. They abandoned one train quickly while being strafed by American planes. In late February, after two months of difficult travel from Texas, they were forced to live in a relative's cramped basement again. The children, Americans, barely spoke German. The family was viewed with hostility and ridiculed, not unlike their American experience. Understandably enough, the Gestapo suspected Mr. Eiserloh of being an American spy for the advancing US Army. He was questioned, beaten severely by six SS men in front of the young family and dragged away. Mrs. Eiserloh, alone again and bordering on a nervous breakdown, despaired of her husband's survival. Her mental health was never the same again. Several months later, advancing US Army troops freed those imprisoned in the camps. Mr. Eiserloh returned home and the family managed to survive in the difficult years following the war. Years
later, the two oldest children, now teenagers, left their parents to return to the US. Perhaps coincidentally, after brother Lothar received a US Air Force security clearance, his parents and two younger siblings were allowed to return to the US. The baby boy born on the train was killed in a car accident shortly thereafter. Mr. Eiserloh could never find a good job again in Germany or the US. A broken man, he died at age 65 in a supermarket aisle. At 59, his wife was alone again. The deep scars of the experience still color the lives of the remaining Eiserloh children. To this day, the family does not know exactly why Mr. Eiserloh was interned, but they think it was because of his membership in a German musical society.

The Grabers, two young boys and their German-born parents, lived in New Jersey in an apartment building owned by a Polish landlord. When Hitler invaded Poland, the relationship became strained, so the Grabers moved. The landlord contacted the FBI. Mr. Graber worked on "war sensitive technology" for the International Nickel Company. The FBI began to watch their home. In September 1942, they took him for several hours of questioning. In November, they ransacked the house. Mrs. Graber, several months pregnant, fainted and fell down the stairs. Shortly thereafter, Teddy was born, premature and handicapped, and had to remain hospitalized. The family was advised that they would be interned after Christmas. Mr. Graber wrote to President Roosevelt pleading for mercy. The agents came without notice in mid-January. The family threw together their belongings and picked up Teddy at the hospital. The family was interned with hundreds of others at Ellis Island until they were shipped to Seagoville, Texas, several months later. One and one-half years later they were sent to Crystal City. In despair, after being pressured to repatriate, the Grabers agreed to return to Germany. With the Eiserlohs and many others, they were shipped to New York and set forth on their hazardous journey. In the camps and on the SS Gripsholm, they met many Latin Americans, also to be exchanged. At least one German Jewish man was also sent back. Exchanged and dumped in Germany, they made their way through the ravaged terrain to Mr. Graber's family. Unable to find work, Mr. Graber and the eldest child, age 5, hitchhiked some distance to Mrs. Graber's hometown. Along the way, French agents stopped them, tore up Mr. Graber's American ID and spat in his face. Only young Werner's American citizenship saved them. Mr. Graber and Werner lived in a wooden barrack temporarily, refugees from the West. Mr. Graber's application for assistance was denied. How could an impoverished German refugee from America exist? In mid-April Mrs. Graber's parents' home where the family was living was destroyed in a tank attack. The post-war years were extremely difficult. Food and medication were scarce. Teddy died in 1948 of pneumonia. Mr. Graber took over his father's tooling business because a US Army truck accidently killed his father while he was getting milk from a local farmer for the grandchildren. The boys exercised their birthright and returned to the US in the late 50s. Mr. and Mrs. Graber never returned. Mr. Graber always tried to justify the decision to repatriate himself. Was it the right thing to do? Did he deprive his children of a normal life? Should he have stayed in the camps and returned to New Jersey again? Who knew how long they would be imprisoned? Would life have been easier had he stayed in the US? Mr. Graber's lifelong bitterness and self-doubt are another cruel legacy of internment. The Grabers have
tried to learn why they had to endure such an experience. What had their landlord said?
Was it Mr. Graber’s job?

A Jewish Internee: Eddie Friedman was born of Jewish parents in Hamburg in 1892. Doctor Friedman, as attorneys are known in Germany, practiced law until forbidden to do so by Nazi edicts. Mr. Friedman and his wife, Liesl, were granted exit permits in 1938. However, before they could escape, Mr. Friedman was arrested and imprisoned in Oranienberg-Sachsenhausen concentration camp outside Berlin. Relying upon his connections to the legal community, Mr. Friedman was able eventually to secure his release from Sachsenhausen. He fled to America and freedom with Liesl. In San Francisco, his English was too broken to pursue law, so he found work delivering Viennese pastries door-to-door in the German community. To the FBI agents who were secretly monitoring Mr. Friedman’s activities, this connection to suspicious German Americans indicated that Mr. Friedman was a dangerous Nazi. During the December 8 raids following Pearl Harbor in which hundreds were arrested, the FBI took him into custody in his San Francisco apartment. Eddie Friedman, the Jew who had narrowly escaped extermination in Germany, wound up behind barbed wire at Ft. Lincoln internment camp outside Bismarck, North Dakota. There, he fought “Gitterkrankheit” (fence sickness) for six months before his protests of innocence were finally heard. He was released to return to San Francisco, marked for life by the internment experience. He never returned to the practice of law, and spent thirty-nine years as a door-to-door cosmetics salesman. He always fixed his deep, sad eyes on his customers and introduced himself as Doctor Friedman. Years later, the Friedmans were still so terrified by their experience and the power of the FBI that they would never allow their real names to be used when their story was published. Friedman is a pseudonym.

Internee Laborers: Objecting to their violent militarism and Hitler's totalitarianism, Max Ebel resisted increasing pressure to join the other boys in the Hitler Youth. He and his family knew he had to get out after he was stabbed for his recalcitrance in a knife fight with Hitler Youth members. In 1937 he left, a month before his 17th birthday, to join his father, a German-born naturalized US citizen in Boston. Like so many immigrants, Mr. Ebel rejoiced in America's promise of freedom. As required, he registered with the Selective Service. Although he agreed to fight in the Pacific, he was classified as 4C, a conscientious objector, because he did not want to fight in Germany against his brother, cousins and friends. In September 1942, months after filing his naturalization papers, Mr. Ebel was arrested. He was not released until June 1944. At a typically hostile hearing with little or no notice, the aggressive US Attorney presented uncorroborated tips as fact. Equally zealous FBI reporters supported the fervent prosecutor's allegations. With only his father by his side, himself the subject of a contested exclusion order, no counsel was permitted. Mr. Ebel was given no opportunity to question his accusers. He was castigated for not wanting to fight in Germany. The hearing board recommended parole. He awaited the US Attorney General's decision for three months in the small Boston INS facility, pacing the rooftop barbed wire exercise cage. One internee slit his own throat with a razor. Mr. Ebel helped save his life. In January, the internment order came overruling the board’s parole recommendation. He
was shipped to Ellis Island where he lived in the Great Room that had recently welcomed immigrants. Hundreds lived side by side in bunks with blankets hung for privacy. Rats ran freely. Medical care and food was poor. The barbed wire exercise cages overlooked the Statue of Liberty. Weeks later, the military, brandishing their weapons, took charge of internee transfers to Ft. Meade, threatening to take them feet first, if necessary. After required physicals, the hapless internees were shipped in heavily guarded, shuttered railroad cars to Camp Forrest near Tullahoma, Tennessee. The men lived in huts, heated by coal stoves, with black widow spiders. Mr. Ebel volunteered as a medical aide in the camp hospital and was commended for his work. In May 1943, the internees were transferred yet again to Ft. Lincoln, North Dakota, a large, men's facility. In September, Mr. Ebel was one of 100 men selected for a work detail on the Northern Pacific Railroad. They replaced rails that could accommodate heavy wartime traffic, thereby helping the American war effort. They worked outside braving the frigid North Dakota winter on the plains. The railroaders lived in boxcars heated by single coal stoves, sleeping in cots, with open bucket bathrooms. Here they celebrated Christmas. Mr. Ebel preferred the harsh living conditions to living behind barbed wire guarded by dogs and armed men like a criminal. The Sioux Indians tried to sell their handicrafts to the impoverished railroaders. The railroad gang attended the Reservation's church. Mr. Ebel helped convince the others to pool their meager funds to save the life of a 10-year-old Sioux princess with tuberculosis. In the spring, acknowledging that the railroaders performed a valuable service for the US, DOJ finally agreed to special hearings to reconsider their internment. The special hearing board recommended Mr. Ebel's release, surprised that he had ever been interned. Before DOJ's final determination, he was processed for Army induction, but failed his physical. In June, the DOJ ordered parole the terms of which included a prohibition against walking under or near the railroad.

**Individual Exclusion:** The Franke family experience provides ample evidence that once one came into its sights, the government had many techniques to rid itself of the danger the suspect presented. It was relentless. Living contentedly in their Baltimore, Maryland neighborhood, Otto Franke, his wife and 2 children did not know that the FBI was watching them closely. Mr. Franke, a US-born citizen of German parents, came under suspicion in 1940 when the FBI got an unsigned, semiliterate letter accusing Mr. Franke of coordinating "German underground work." His FBI dossier was opened and through diligent gumshoe work, the FBI got other unsubstantiated tips. Little was done to confirm any of the serious allegations and their work was so sloppy that it took more than a dozen tries for the FBI to get his address right. In June 1941, with the apparent prodding of the FBI, Mr. Franke was asked to resign from his draftsman's job. His supervisor's recommendation letter stated that he was a "man of excellent character and integrity." Confused about his citizenship status, the FBI finally realized that he wasn't an alien and couldn't be interned. It sent his case to another DOJ branch for his prosecution as a subversive. The Attorney General's office demanded verification of what it deemed insufficient FBI evidence. In January 1942, an FBI search of Mr. Franke's home yielded no incriminating evidence. The 1940 tips were reviewed, but could never be corroborated. There was no prosecution. In February 1942, Roosevelt issued Executive Order 9066 authorizing the military to exclude citizens and
aliens from militarily sensitive coastal areas. This order provided the legal basis for general exclusions from military zones, relocation and individual exclusions. A military review board was established in each military district giving the appearance of due process. Mr. Franke's file was forwarded to the military. On October 1942, having already lived for months in fear of the government's next tactic, Mr. Franke appeared before his review board. Relying on spotty FBI information which now actually included some countervailing facts, the board still ordered him out of the Eastern Defense Command—the eastern seaboard. No government assistance facilitated the move. Fortunately for Mr. Franke, his company had a Lima, Ohio facility, so he and his family transferred there in March 1943. By June 1943, as they were trying to resettle, the Army's Continuous Security District Office ordered him fired as a subversive. After another aborted hiring and months of unemployment, Mr. Franke found a job in another Ohio town and the family moved again. In July 1944, that company moved to New York. Mr. Franke had to decline the position they offered in New York because of his exclusion order. Isolated, discouraged, stigmatized and in difficult financial straits, the Frankes continued trying to return to Baltimore. In May 1945, the Army lifted its order. The family quickly returned to Maryland and attempted to resume a normal life after years of upheaval. Based on the article "Excluded" by Lewis H. Duiguid published in the Washington Post Magazine, January 3, 1999.

**The Latin American Roundup:** Hugo Droge emigrated from Germany to the Guatemalan highlands to find a better life. He married and lived quietly for 20 years far from Germany. He established and managed a coffee farm as he raised his family. One night, six Guatemalan police arrived with guns drawn to take him away. Mr. Droge told his wife to save the farm. Forty-eight hours later, the Guatemalan government forced her to abandon it. Pregnant with their third child, she, her two children and a mule, carrying the belongings they were allowed to take, left the farm to live with friends. The Guatemalan police turned Mr. Droge over to American soldiers. He did not see his family again for five years. In December 1942, General George Marshall initiated the secret operation that led to Mr. Droge's capture by sending a secret order to the US Caribbean Defense Command: "These interned nationals are to be used for exchange with interned American civilians." Pursuant to Marshall's order, thousands like Mr. Droge from 12 Latin American countries were forcibly kidnapped and shipped to the US guarded by armed American soldiers. After being told he was going on a boat, he was strip-searched six times. Soldiers held him and hundreds of others in darkness below the ship's deck for what ended up being a month-long voyage to America. After six days in the dark, they were allowed to go on deck for a half an hour to see daylight. They were locked up like criminals and did not speak to each other. Open buckets were placed conveniently among the prisoners for bathroom use. The stench eventually stifled their hunger. Terror reigned. One man died. Many first saw the US in New Orleans. Until their exchanges were scheduled, the Latin Americans were held in various US internment camps. Hugo Droge begged not to be sent back. He was told you have to go, tied up or on your own two feet. One month later, he was shipped to Guatemala at the height of the Allied bombing. During the five years he was away from Guatemala, survival was very difficult. Mr. Droge believes that the Latin American coun-
tries cooperated with the United States so that they could confiscate the property of those kidnapped. When he finally returned to Guatemala, the family had nothing left. The government had taken the farm. Countries throughout Latin America profited the same way, seizing farms and businesses from those they turned over to the United States. Although the American government settled financially with and apologized to similarly treated Japanese Latinos, the plight of German Latinos has never even been acknowledged. Soon to be 100 years old, the patient Hugo Droege knows he is running out of time.

**Repatriation:** The Jacobs lived in Brooklyn, New York for years. Mr. and Mrs. Jacobs were German-born aliens. Their two boys were American. The family home was raided and ransacked on three separate occasions by the FBI. They never found any contraband (firearms, propaganda, or short-wave radio receivers). Mr. Jacobs was arrested at his job in November 1944. Like many whose spouses were arrested, the family did not know where he was for some time. He was taken to Ellis Island. He was ordered interned even though his hearing board unanimously recommended release. Mrs. Jacobs was ill and unable to maintain the household by herself. Not able to survive alone, she packed up her family's belongings, left her home and arrived at Ellis Island with her two young sons asking for mercy. They were reluctantly admitted. Eventually, the family was sent to the Crystal City family internment camp where they lived until Mr. Jacobs finally agreed to be repatriated under threat of deportation. They were transferred to Ellis Island, boarded the SS Aiken Victory in January 1946, months after the cessation of hostilities with the Axis nations, and returned to Germany. When the family arrived in the dead of winter, they were transported to Hohenasperg in a frigid, locked, heavily guarded boxcar. The bathroom was an open bucket in the corner. Once there, Mrs. Jacobs, still ill, was sent to another facility. Mr. Jacobs and his sons were sent to a military prison and each placed in separate cells. The boys, 12 and 14, were treated like Nazis by the US Army guards. The younger son, Arthur, celebrated his 13th birthday alone in his cell. The guards marched the American boy to meals by the hanging tree, hands above his head, threatening him with death if he did not behave. His fellow inmates included high-ranking officers of the Third Reich who were being held for interrogation and denazification. Eventually, the family was released, reunited and lived with Mr. Jacobs' parents. Arthur was industrious and soon began working with the American GIs living in Germany. An officer's wife worked on the boys' behalf and arranged for them to live in America. Their parents never returned to the US and Arthur didn't see them again for 11 years. Arthur became a major in the US Air Force. For the past 20 years, he has researched the government's wartime treatment of German Americans, sought to include German Americans in legislation recognizing Japanese and Italian Americans, networked with other internees, authored a book on his internment experiences and sponsored an informational web site. He has devoted himself to public education on the events, laws and attitudes that destroyed his family life and that of thousands of others. His work continues.

Karen E. Ebel
WARTIME TREATMENT STUDY ACT OF 2007

MAY 4, 2007.—Ordered to be printed

Mr. LEAHY, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 621]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to which was referred the bill (S. 621), to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II, having considered the same, reports favorably thereon and recommends that the bill do pass.

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I. PURPOSE OF THE WARTIME TREATMENT STUDY ACT OF 2007

The Wartime Treatment Study Act of 2007 would create two fact-finding commissions to supplement the work done in the 1980s by the Commission on Wartime Relocation and Internment of Civilians, which studied the treatment of Japanese Americans during World War II. The Act would create one commission to review the U.S. Government’s treatment of German Americans, Italian Americans, and European Latin Americans during World War II, and another commission to review the U.S. Government’s treatment of Jewish refugees fleeing Nazi persecution during World War II.
The victory of America and its allies in the Second World War was a triumph for freedom, justice, and human rights. But, at the same time that many brave Americans fought for freedom in Europe and the Pacific, the U.S. Government was curtailing the freedom of a number of people at home.

Many Americans are aware that during World War II, under the authority of Executive Order 9066 and the Alien Enemies Act, the U.S. Government forced more than 100,000 ethnic Japanese from their homes and ultimately into relocation and internment camps. Through the work of the Commission on Wartime Relocation and Internment of Civilians, created by Congress in 1980, this shameful event finally received the official acknowledgement and condemnation it deserved. Under the Civil Liberties Act of 1988, people of Japanese ancestry who were subjected to relocation or internment later received an apology and reparations on behalf of the people of the United States.

The Wartime Treatment Study Act will ensure that the U.S. Government also acknowledges the mistreatment experienced during World War II by many German Americans, Italian Americans, and European Latin Americans, as well as Jewish refugees fleeing Nazi persecution. The Wartime Treatment Study Act would create two independent, fact-finding commissions to review this unfortunate history.

One commission would review the treatment by the U.S. Government of German Americans, Italian Americans, and other European Americans, as well as European Latin Americans, during World War II. Most Americans are unaware that, as was the case with many ethnic Japanese, approximately 11,000 ethnic Germans, 3,200 ethnic Italians, and scores of Bulgarians, Hungarians, Romanians or other European Americans and European Latin Americans were taken from their homes and placed in internment camps during World War II. Following Pearl Harbor, the U.S. Government pursuant to the Alien Enemies Act deemed approximately 600,000 Italian-born and 300,000 German-born United States resident aliens as "enemy aliens," restricting their travel and personal property rights and requiring them to carry certificates of identification. Extensive prohibited zones were established where "enemy aliens" were forbidden or their movements were restricted. Thousands of European Americans, including American-born children, ultimately ended up behind barbed wire and under armed guard in detention facilities and internment camps, such as the camps operated by the Department of Justice at Crystal City, Texas; Seagoville, Texas; Kennedy, Texas; Missoula, Montana; and Bismarck, North Dakota. The last European American internees, held at Ellis Island, were not released until 1948.

In addition, pursuant to a policy coordinated with 18 Latin American countries, more than 4,000 German Latin Americans, including German and Austrian Jews, and more than 200 Italian Latin Americans were arrested, transferred to the U.S. and interned. Thousands, including in some instances American-born children, were later deported to hostile, war-torn European Axis nations in exchange for Americans and Latin Americans held there.

These policies were devastating to the German and Italian communities, individuals and families, and the effects are still being experienced. The Wartime Treatment Study Act of 2007 will enable
Americans to learn about this history and explore why the U.S. Government violated these individuals' basic rights based on their nationality or ethnicity.

A second commission created by this bill would review the treatment by the U.S. Government of Jewish refugees, like those aboard the German vessel the St. Louis, who were fleeing Nazi persecution and genocide. Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution or genocide and sought safety in the United States. During the 1930s and 1940s, U.S. Government policies affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States. The commission would review these facts, including how U.S. immigration policies failed to provide adequate safe harbor to Jewish refugees fleeing the persecution of Nazi Germany.

The injustices to European Americans, European Latin Americans, and Jewish refugees occurred more than 50 years ago. Enactment of the Wartime Treatment Study Act of 2007 is urgently needed. If Congress further delays enactment, the people who were affected by these policies will no longer be here to tell their stories. As Senator Feingold said in his February 15, 2007, floor statement upon introduction of S. 621, "If we wait, the people who were affected will no longer be here to know that Congress has at last recognized their sacrifice and resolved to learn from the mistakes of the past.” There has been a measure of justice for Japanese Americans who were denied their liberty and property during World War II. Our country benefited greatly from analyzing the Japanese American experience. So, too, will it benefit from understanding the European American and European Latin American experience. The Wartime Treatment Study Act would complete the accounting of this period in our nation's history and provide a long overdue measure of justice to European Americans and European Latin Americans who also lost their freedoms.

II. HISTORY OF THE BILL AND COMMITTEE CONSIDERATION


The bill was listed on the Judiciary Committee's agenda for the first time on March 22, 2007. On April 12, 2007, the Committee ordered S. 621 to be reported favorably, without amendment, by voice vote.

The Wartime Treatment Study Act of 2007 builds on measures that were reported favorably from the Judiciary Committee in the 107th, 108th and 109th Congresses. In the 107th Congress, Senator Feingold, Senator Grassley and Senator Kennedy introduced S. 1356, the Wartime Treatment of European Americans and Refugees Study Act, on August 3, 2001. On March 14, 2002, the Judiciary Committee reported by voice vote an amended version of the bill. Significant changes included establishing two 7-member commissions rather than one 11-member commission, and changing the
name to the Wartime Treatment Study Act. No further action was
taken in that Congress.
In the 108th Congress, Senator Feingold, Senator Grassley, Sen-
ator Kennedy and Senator Lieberman reintroduced the Wartime
Treatment Study Act as S. 1691 on October 1, 2003. It was re-
ported favorably by the Judiciary Committee on October 16, 2003.
In January 2004, on the Senate floor Senator Feingold sought
unanimous consent that the measure be taken up and passed by
the Senate, but an objection was raised.
In the 109th Congress, Senator Feingold, Senator Grassley, Sen-
ator Kennedy, Senator Lieberman, Senator Corzine, and Senator
Wyden reintroduced the bill as S. 1354 on June 30, 2005. It was
reported favorably without amendment by the Judiciary Committee
on November 17, 2005. No further action was taken.

III. SECTION-BY-SECTION SUMMARY OF THE BILL

Section 1 contains the short title of the Wartime Treatment

Section 2 contains the following findings:

(1) During World War II, the United States Government deemed
as "enemy aliens" more than 600,000 Italian-born and 300,000 Ger-
man-born United States resident aliens and their families and re-
quired them to carry Certificates of Identification and limited their
travel and personal property rights. At that time, these groups
were the two largest foreign-born groups in the United States.

(2) During World War II, the United States Government ar-
rested, interned, or otherwise detained thousands of European
Americans, some remaining in custody for years after cessation of
World War II hostilities, and repatriated, exchanged, or deported
European Americans, including American-born children, to Euro-
pean Axis nations, many to be exchanged for Americans held in
those nations.

(3) Pursuant to a policy coordinated by the United States with
Latin American nations, many European Latin Americans, includ-
ing German and Austrian Jews, were arrested, brought to the
United States, and interned. Many were later expatriated, repatri-
ated, or deported to European Axis nations during World War II,
many to be exchanged for Americans and Latin Americans held in
those nations.

(4) Millions of European Americans served in the armed forces
and thousands sacrificed their lives in defense of the United States.

(5) The wartime policies of the United States Government were
devastating to the Italian American and German American commu-
nities, individuals, and their families. The detrimental effects are
still being experienced.

(6) Prior to and during World War II, the United States re-
stricted the entry of Jewish refugees who were fleeing persecution
or genocide and sought safety in the United States. During the
1930s and 1940s, the quota system, immigration regulations, visa
requirements, and the time required to process visa applications af-
fected the number of Jewish refugees, particularly those from Ger-
many and Austria, who could gain admittance to the United States.

(7) The United States Government should conduct an inde-
pendent review to fully assess and acknowledge these actions. Con-
gress has previously reviewed the United States Government's war-
time treatment of Japanese Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(8) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government's policies. Many who suffered have already passed away and will never know of this effort.

Section 3 defines the key terms of the legislation. It specifies that "during World War II" covers the time period between September 1, 1939, and December 31, 1948. It defines "European Americans" to include U.S. citizens and resident aliens of European ancestry; "Italian Americans" to include U.S. citizens and resident aliens of Italian ancestry; "German Americans" to include U.S. citizens and resident aliens of German ancestry; and "European Latin Americans" to include persons of European ancestry residing in Central America, South America or the Caribbean during World War II.

Title I—Commission on Wartime Treatment of European Americans

Section 101 establishes the Commission on Wartime Treatment of European Americans. It provides that the 7-member Commission be composed of three members appointed by the President, two by the Speaker of the House in consultation with the majority leader, and two by the majority leader of the Senate in consultation with the minority leader. The provision contemplates that the appointing authorities will work together to ensure that the Commission includes two members representing the interests of Italian Americans and two members representing the interests of German Americans.

Section 102 sets out the duties of the Commission, which include a comprehensive review of the U.S. Government's treatment of European Americans and European Latin Americans during World War II, and the compilation of a list of the detention and internment facilities where they were held, and those who died and were born in those facilities. This review will also include an assessment of the underlying rationale for the U.S. Government's actions and recommendations for how civil liberties can be protected during wartime in the future. Section 102 also requires the Commission to submit a written report of its findings and recommendations to Congress no later than 18 months after the date of the Commission's first meeting.

Section 103 sets out the powers of the Commission. The Commission may hold hearings at times and locations of its choosing, and request the testimony of witnesses and the production of books, records, correspondence, memorandum, papers, and documents. If the Commission has difficulty securing such testimony or production, it may ask the Attorney General to invoke the aid of an appropriate federal court to require such testimony or production. In addition, the legislation requires that all executive branch entities comply fully with any requests for information from the Commission.
Section 104 contains administrative provisions regarding the hiring of staff, consultants and details; procuring supplies, services and property; and entering into contracts.

Section 105 authorizes $600,000 in appropriations for the Commission to carry out its duties.

Section 106 sunsets the Commission 60 days after it submits the report to Congress required by Section 102.

Title II—Commission on Wartime Treatment of Jewish Refugees

Section 201 establishes the Commission on Wartime Treatment of Jewish Refugees. It provides that the 7-member Commission be composed of three members appointed by the President, two by the Speaker of the House in consultation with the minority leader, and two by the majority leader of the Senate in consultation with the minority leader. The provision contemplates that the appointing authorities will work together to ensure that the Commission includes two members representing the interests of Jewish refugees.

Section 202 sets out the duties of the Commission, which include a comprehensive review of the U.S. Government's treatment of Jewish and other refugees fleeing Nazi persecution or genocide during World War II, and an assessment of the underlying rationale for the U.S. Government's actions and recommendations for how people fleeing persecution or genocide in the future can better obtain refuge in the United States. Section 102 also requires the Commission to submit a written report of its findings and recommendations to Congress no later than 18 months after the date of the Commission's first meeting.

Section 203 sets out the powers of the Commission. The Commission may hold hearings at times and locations of its choosing, and request the testimony of witnesses and the production of books, records, correspondence, memorandum, papers, and documents. If the Commission has difficulty securing such testimony or production, it may ask the Attorney General to invoke the aid of an appropriate federal court to require such testimony or production. In addition, the legislation requires that all executive branch entities comply fully with any requests for information from the Commission.

Section 204 contains administrative provisions regarding the hiring of staff, consultants and details; procuring supplies, services and property; and entering into contracts.

Section 205 authorizes $600,000 in appropriations for the Commission to carry out its duties.

Section 206 sunsets the Commission 60 days after it submits the report to Congress required by Section 202.

IV. COST ESTIMATE

The Committee sets forth, with respect to the bill, S. 621, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the enclosed cost estimate for S. 621, the Wartime Treatment Study Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

PETER R. ORSZAG.

Enclosure.

S. 621—Wartime Treatment Study Act

S. 621 would establish two commissions, the Commission on Wartime Treatment of European Americans and the Commission on Wartime Treatment of Jewish Refugees. The first commission would review the conduct of the United States government during World War II towards European Americans and European Latin Americans. The second commission would focus on the government's treatment of Jewish refugees during World War II.

Each commission, consisting of seven members, would have 18 months to report on its findings and recommendations. Members would serve without pay, but would be reimbursed for travel expenses. In addition, the commissions could hire staff or use personnel from other agencies. Each commission would terminate 60 days after submitting its final report. To fund the costs of the commissions, the bill would authorize the appropriation of $1.2 million ($600,000 per commission).

Assuming the appropriation of the authorized amounts, CBO estimates that implementing S. 621 would cost $1.2 million over the 2008–2009 period. Enacting the bill would not affect direct spending or revenues. The legislation does not authorize any payment of restitution; such authority would require a separate act of Congress.

S. 621 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Pickford. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

V. REGULATORY IMPACT EVALUATION

In compliance with rule XXVI of the Standing Rules of the Senate, the Committee finds that no significant regulatory impact will result from the enactment of S. 621.

VI. CONCLUSION

Passage and enactment of the Wartime Treatment Study Act of 2007, S. 621, is long overdue. This bipartisan legislation will allow for a fuller accounting of this tragic chapter in our Nation's history.
VII. CHANGES IN EXISTING LAW

Pursuant to paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee finds no changes in existing law made by S. 621, as ordered reported.