

**Written submission to House Committee on the Judiciary
Subcommittee on Citizenship, Refugees, Border Security & Intl. Law
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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 "apprehended, 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 excludées 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 McAlester, 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.