TREATMENT OF LATIN AMERICANS OF JAPANESE DESCENT, EUROPEAN AMERICANS, AND JEWISH REFUGEES DURING WORLD WAR II

HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW

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"Last Man Out: Glenn McDole, USMC, Survivor of the Palawan Massacre in World War II," by Bob Wilbanks

"The Misplaced American," based on the memoirs of Elsie, Karl, Henry, Marta, Lisbeth, Armin and Ursula Vogt, by Ursula Vogt Potter

"We Were Not the Enemy: Remembering the United States' Latin-American Civilian Interment Program of World War II," by Heidi Gurcke Donald

"From the Heart's Closet," A Young Girl's World War II Story, by Anneliese "Lee" Krauter

"Magic: The untold story of U.S. Intelligence and evacuation of Japanese Residents from the West Coast During WWII," by David D. Lowman

"Enemies: World War II Alien Internment," by John Christgau

TREATMENT OF LATIN AMERICANS OF JAPANESE DESCENT, EUROPEAN AMERICANS, AND JEWISH REFUGEES DURING WORLD WAR II

THURSDAY, MARCH 19, 2009

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP,
REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to notice, at 12:15 p.m., in room 2237, Rayburn House Office Building, the Honorable Zoe Lofgren (Chairwoman of the Subcommittee) presiding.

Present: Representatives Lofgren, Sánchez, Waters, King, and Lungren.

Also present: Representative Wexler.

Staff present: Ur Mendoza Jaddou, Majority Subcommittee Chief Counsel; Andrés Jimenez, Majority Professional Staff Member; and Andrea Loving, Minority Counsel.

Ms. LOFGREN. The Subcommittee will come to order. This is a hearing not on any bills, but on the issues of a part of our U.S. history that many of us are unfamiliar with. 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, the commission's report in 1983, and the subsequent Civil Liberties Act of 1988, that provided an official apology.

What is not as well-known to today is the mistreatment of thousands of Japanese and European Latin Americans, European Americans, and Jewish refugees prior to and during World War II. The 1980 commission did detail the mistreatment of Japanese, German, and Italian Latin Americans, but only in the appendix of the report. It also included one chapter, 13, on the mistreatment of German and Italian Americans in the United States.

Further, no recommendations were made on these populations; no apology, as was done for the Japanese internment, pursuant of the Civil Liberties Act. And I think it is time for this history to be fully heard and considered.

As I mentioned, although there are two bills that have been referred to the Subcommittee concerning the issues we are examining today, this is not a legislative hearing. Before we consider specific legislation on an issue that many are very unfamiliar with, it is im-

portant that we learn the facts and listen to the history to determine whether legislation is the appropriate response. If it is, we will then turn to those referred to this Subcommittee and examine whether the specific language in the bills is appropriate or whether amendments would be needed.

I welcome comments in the bills and will consider them if we decide to move legislation in the area. Today, however, I am particularly interested in learning about the issue and whether another commission is indeed necessary to review history that has not been told in an adequate way.

Before recognizing the Ranking Member, I would like to ask unanimous consent to submit to the record a statement from our colleague, Congressman Becerra, and without objection that is made a part of the record and I would also like to note the presence of our colleague and my fellow Santa Fean, Congressman Mike Honda, who is here with us.

[The prepared statement of Mr. Becerra follows:]

PREPARED STATEMENT OF THE HONORABLE XAVIER BECERRA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Chairwoman Lofgren, Ranking Member King and distinguished members of the subcommittee, thank you for scheduling today's hearing. I appreciate your efforts to examine the United States government's treatment of Latin Americans of Japanese descent during World War II, an issue and a community whose story been overlooked far too long.

To ensure that the United States properly examined this issue, I introduced H.R. 42, the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act. This legislation establishes a commission to investigate and review the facts relating to the abduction and internment of Japanese Latin Americans during World War II by the U.S. government.

Before I proceed any further, I would like to thank Grace Shimizu, Libia Yamamoto, and Professor Daniel Masterson who will be testifying in the first panel of today's hearing. Their extensive knowledge and poignant stories of the Japanese Latin American experience will provide valuable insight and a deeper understanding of the tragedy this community endured during World War II.

I would also like to recognize and honor the wonderful men and women of the Campaign for Justice and the Japanese American Citizens League for their constructive advice and indispensable support. These groups can be an invaluable resource to this committee as you continue to study this issue.

Finally, I want to thank Senator Daniel K. Inouye of Hawaii, a decorated World War II hero and an exemplary public servant who has been a tireless advocate in moving the Japanese Latin American issue forward in the Senate.

Nearly 70 years ago, nations of the world engaged in a battle that determined if the principles of democracy would be the predominant form of government around the world. When the Empire of Japan attacked Pearl Harbor in 1941, the United States entered World War II and led the battle to topple tyranny and restore liberty. However, in the course of this unrelenting and necessary fight, the government took extraordinary actions under the mantle of domestic security and sent 120,000 Japanese Americans to internment camps across the country. Even as U.S. servicemen fought in the Pacific to liberate Allied soldiers from Imperial Japanese prisons, our own government held thousands of people in camps across the country solely on the basis of their ethnic background.

It took another thirty five years for America to come to terms with and acknowledge its egregious actions during the war. In 1980, Congress established the Commission on Wartime Relocation and Internment of Civilians and charged it with the responsibility of reviewing the facts and circumstances surrounding the internment of people of Japanese descent and to recommend appropriate remedies. After twenty days of hearings, testimony from 750 witnesses, and review of thousands of government and military records, the Commission concluded that internment of Japanese Americans was the result of racism and wartime hysteria. Their findings vindicated these loyal Americans and President Ronald Reagan's signing of the Civil Liberties Act of 1988 brought closure for thousands who suffered unspeakable indignities and tremendous losses.

Unfortunately, the Commission did not fully address our government's treatment of Japanese Latin Americans. As a result, Japanese Latin Americans who were unjustly abducted and interned by the U.S. continue to live with the painful memories of those lost years. Many remain hopeful they will one day be able to have their important accounts included in the official narrative.

Art Shibayama is one of the few remaining living Japanese Latin American internee and he anxiously waits every day to share his experiences before time runs out. Art served this nation as a corporal in the U.S. Army from 1952 to 1954. Like many veterans, he was not born in the U.S. He was born in Lima, Peru to Isseis, first generation immigrants from Fukuoka, Japan. Despite uncertainty and war ravaging abroad, Art and his family had an idyllic life. His parents had a thriving textile business and he spent leisure time with his two brothers, three sisters and grandparents. That life ended when the entire Shibayama family was detained and transported to an internment facility in Crystal City, Texas. In addition to losing all their material belongings, Art's grandparents were forcibly sent to Japan shortly after the family's arrival in the United States. Art and his family never saw them again. After two and a half years in the internment camp, he and his family were released and they moved to Seabrook Farms, New Jersey and then to Chicago in 1949. After receiving his citizenship in 1970, Art moved to California where he continues to reside today. Art was unable to travel to participate in today's hearing, but I want him to know that he is in our thoughts at this moment.

Art's experience is not uncommon. There are hundreds of other internees from Latin America who can tell similar stories about the fear endured while being led out of their home at gunpoint, about the trauma of a 21-day boat ride from Peru to New Orleans and of the humiliation of being forced to strip naked upon arrival in the U.S. and sprayed with insecticides. Others can share vivid accounts of living in the squalor of an internment camp barrack, the emotions of being a "stateless" person facing language barriers and having to traverse the federal bureaucracy to obtain legal resident status, and about the heartbreak of being permanently separated from a family member. This is the reality thousands of Japanese Latin Americans faced.

In fact, approximately 2,300 men, women, and children of Japanese ancestry were abducted from 13 Latin American countries and deported to internment camps in the United States during the World War II. The U.S. government orchestrated and financed this operation with the intention of using these individuals as hostages in exchange for Americans held by Japan. Over 800 people, some who were second or third generation Latin Americans and had no familial or linguistic ties to Japan, were used in two prisoner of war exchanges. This was the ultimate fate of Art Shibayama's grandparents. Some of the remaining detainees were held in U.S. internment camps until after the end of the war.

The virtue of our nation lies in its ability to reconcile the past and come to terms with its mistakes. There is no better way to do so than to complete the historical narrative on this part of our nation's history. In the appendix of the Commission's report to Congress, Personal Justice Denied, the federal government's role in kidnapping and detaining Japanese Latin Americans was recognized. However, the Commission acknowledged it had not researched documents that existed in distant archives or received official testimony from government officials or internees. Surviving internees must be given the opportunity to testify so they may have the closure and justice they deserve.

H.R. 42, the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act, would establish an official record of this tragic incident in American history. Nine commissioners appointed by the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate would be charged with holding public hearings and submitting a report of their findings and recommending appropriate actions to Congress.

Madam Chair, thank you for examining the issue of our government's treatment of Japanese Latin Americans during World War II. With the advanced age of many of the remaining internees, there is an urgent need to act expeditiously. I urge this committee to promptly consider and report H.R. 42 so that surviving Japanese Latin American internees can finally have their experiences registered in the official account of our nation's history. I look forward to working with you and my colleagues to pass the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act.

Ms. LOFGREN. Mr. King, you are recognized.

Mr. KING. Thank you, Madam Chair. I want to thank the witnesses in advance.

Congress and the Executive Branch have addressed the issue of World War II internment many times. In fact, a quick perusal of the issue finds no fewer than four pieces of legislation passed by Congress and enacted into law. Two sets of amendments made to some made some of the point that legislation at least two commissions established to report on the issue, at least four occasions when the Federal Government financially compensated individuals for their relocation, two apologies from the office of the President of the United States, and at least $2 billion spent investigating, researching, and providing compensation to individuals affected by these policies.

There is no shortage of the Federal Government's acknowledgement of the World War II relocation policies. What I might point out, however, is that I could find relatively little mention of the country's predicament at the time of the enactment of these policies, and then-President Franklin Roosevelt's issuing of Executive Order 9066, which was on February 19 of 1942.

The context is that the United States was being attacked in an all-out global war that we did not seek. U.S. citizens were being killed. The future of civilized society lay in the balance, and the President has a responsibility to protect the population from future attack and from the theft of military and intelligence secrets and acts of sabotage by our enemies.

There have been a few writings on the issue. For instance, David Lowman, former special assistant to the director of the National Security Agency, wrote about espionage tactics by the Japanese that involved soliciting Japanese Americans to spy on U.S. institutions. I would have liked to have invited Mr. Lowman to testify today, but he is deceased; however, he did testify in front of the House Judiciary Committee about this same topic in June 1984.

I also looked at the report of the Commission of Wartime Relocation and Internment of Civilians, thinking it would surely mention the intelligence gathered by the Roosevelt administration as a reason for the enacting of the relocation policies, but there didn't seem to be any mention of it in that report either. In fact, Mr. Lowman points out in his book, the commission concluded, "The commission concluded that there was no evidence of espionage by west coast Japanese residents."

He does go on to note that the commission overlooked the intelligence on the subject which was charged to—which it was charged to investigate and that this same intelligence was the reason Executive Order 9066 was issued by President Roosevelt in the first place. Such a rewriting of history is indefensible and does a disservice to good people who had to make tough decisions in trying times.

Maybe what we need is a commission on useful accounting of the espionage, sabotage, and pro-Nazi, pro-Hitler agitation that did take place on our shores before and during World War II. I understand that there have been some groups of people not included in the reports previously issued on the topic of treatment of civilians during World War II. But how many more times will we be forced to revisit this issue?

To establish a commission to review how U.S. government treated every person during World War II is ludicrous, yet that is exactly where we are heading each time this issue is raised. There is no getting around the fact that the Federal Government must take appropriate actions during times of war to protect its citizens.

In fact, our founding fathers recognized, and they recognized that when they enacted the Alien Enemies Act; that was in 1798. Not taking necessary action would be abdicating perhaps the foremost responsibility of the Federal Government: to protect its population from those who would do us harm.

Let me also discuss, briefly, where I think this is going and what kind of a pattern that we are in. We held at least one hearing in the last Congress on slavery reparations. We have had a President who apologized to an entire continent for slavery—for America's act in slavery. And I will point out that when we judge our predecessors by contemporary values, we always lose something in that contextual analysis.

When a nation is under attack—well, let me just take it back to slavery. When you have a—I think that we deserve a lot of credit as a Nation and as a civilization for eradicating slavery, and yet we are wallowing in a guilt for these generations for sins that were committed by previous generations. I think we need to recognize the accurate history and do so objectively, but I don't think that we can legitimately atone for those mistakes by rewarding the third generation of people who perhaps were disenfranchised for a time.

And I think we have to take this into the context of, President Roosevelt had intelligence; he acted on that intelligence, whether or not it was in good faith. We can't really help the people that had their lives altered by that.

But I would also point out that we are not here talking about reparations or compensation for the descendents of those who were killed in World War II, that same war where about 450,000 Americans lost their lives—and in fact, there is a missing generation there for those children that were never born because their fathers were killed defending the freedom that we enjoy. So if we are really serious about compensating those who have suffered an injustice, it more goes to those who have had their parents lose their lives in these previous wars.

And I want to add, also, that, you know, this pattern of finding another victims group and finding a way to reach into the pocket of the American taxpayer and eventually, through this process, whether it is at not a formal hearing today, but eventually we get to this point where there is a request for reparations and a request for an appropriation. This is the process, this is the pattern, and I don't think that America has enough to be guilty about that we ought to be wallowing in self-guilt here today, under the third and fourth generation, and that is biblical.

And if I could just conclude my statement, Madam Chair, I would do so in a sentence, and that is that it has been reported that about 645,000 slaves were brought into this country, and I would say that there is also a reference to about 1.25 million Christian slaves who were also enslaved in the previous centuries, and I hear no mention of that as well. So let us get on with our future lives and stop wallowing in this thing that we would propose upon

our ancestors that would be a request for funding from today's producers.

I thank you, and I yield back.

Ms. LOFGREN. The gentleman's time is expired. I am going to introduce the witnesses and ask unanimous consent that your full statements be made part of the official record. And we have time for 5 minutes of oral testimony; I am going to be strict on the 5 minutes because we have many witnesses today, and we want to make sure they all have a chance to be heard.

So let me first introduce the first panel. We have Professor Daniel Masterson, who teaches Latin American history at the Naval Academy. He has written extensively on militarism, insurgencies, immigration, race relations. He has a number of important books to his credit, and we are pleased to have him as a witness today.

We also have Grace Shimizu, who is the director of the Japanese Peruvian Oral History Project and the coordinator for the Campaign for Justice: Redress Now for Japanese Latin Americans. She is also the project director of a groundbreaking traveling exhibit, and we are very pleased that she is here all the way from California to be a witness for us today.

And finally, I would like to introduce Libia Dideko Mauki Yamamoto. Ms. Yamamoto was born is Chiclayo, Peru, at the age of seven was interned in the Crystal City Internment Camp in Texas. After release from camp, she and her family resettled in California. She is the founding member of the Japanese Peruvian Oral History Project. She is trilingual, in English, Spanish, and Japanese, and lectures often about her internment experiences. And she is a resident of Richmond, California, and we are grateful to her as well, coming all the way from California.

We have this little machine, and when the light turns yellow it means you only have 1 minute left; and when the light turns red it means your 5 minutes are up and I will ask you to cede the testimony to the next witness.

If we could begin with you, Professor Masterson?

Could you turn on your microphone?

TESTIMONY OF DANIEL M. MASTERSON, PROFESSOR OF LATIN AMERICAN HISTORY, U.S. NAVAL ACADEMY

Mr. MASTERSON. Okay. Thank you all for inviting me and giving me an opportunity to speak on this issue. I have studied and written on this for about 20 years, but my books don't exactly reach bestseller proportions, so I think it needs a wider audience, to say the least.

I just want to do three things today as quickly as I can: to talk about the Japanese relocation and internment issue, to speak about the nature about the Japanese in Latin America, and also to look at the question of whether or not a commission should go ahead and address this issue with wider study.

The internment issue, I think, is only known to a small number of scholars and the participants themselves, despite the fact that there are a number of books written on this topic. We obviously had a situation between 1942 and 1945 in Latin America where the United States felt compelled to, number one—this was one option—to have the Latin American governments intern their own Japa-

nese, which they did. This was the case in Mexico; this was the case in Brazil; this was the case in Paraguay. Those nations chose not to participate in the internment and relocation process.

Twenty-two hundred and sixty or so chose—the representative governments chose to send 2,260 to the United States in the relocation process, which was primarily designed not so much for internal security issues, but for a prisoner exchange to Japan. Ultimately, about 1,400 of these ended up in Japan in a prisoner exchange, primarily because they entered the United States as stateless citizens; their passports were taken from them upon their departure from Peru, in most cases, where there were about 1,800 Peruvian nationals who were essentially sent over.

What this does, basically, is establish a precedent for prisoner exchange, which, in many instances, thefts the credibility of international law, at this point. Many of these people were selected not through a systematic process of identification and counter-espionage activity, but rather through dragnets in Lima, Peru, for example, where the Lima police, in most cases, simply selected an individual or someone who was easily available.

The third secretary of the Peruvian embassy at this point, a man named John Emerson, looked upon this situation very carefully from 1943 through 1945 and said it was a very haphazard process, one in which—it did not involve a systematic detaining of Latin American Japanese who were primarily perceived of as a difficult—I should say a possibility for espionage threats. These people eventually ended up in war-torn Japan without recourse for the citizenship status, because Peru would not accept them back when the United States chose to deport them between 1943 and 1945—actually through 1947.

Now, were they guilty of espionage? This is a question which has to be addressed, perhaps in the pursuit of this commission, but I have looked—and a number of other people have looked—at Federal Bureau of Investigation files available at the Franklin Roosevelt Library in New York, and they concluded, as did John Emerson, that there was no evidence of any espionage whatsoever within the realm of the Peruvian Japanese or the Japanese Peruvians during World War II. The FBI was given responsibility for counter-espionage activities in Latin America, and they pursued this quite diligently in Peru, quite diligently in Panama, where the Panamanians in Japan were interned, and their files are available for further perusal, which would be, I think, a very good possibility for some future commission to justify this point.

Who were these Japanese Peruvians? Who were these Japanese Latin Americans? They came from the southern prefectures of Japan beginning in 1899; they went to Mexico, where they were cotton farmers; they went to Mexico and northern Mexico to work on the railroads; they worked as miners; in Brazil they worked as coffee pickers. They ended up, in many cases, in Brazil upon established colonies in the interior, in San Paulo state, and became some of the most productive agriculturalists in all of Brazil.

In Peru, they came as sugarcane cutters, where almost immediately they found the conditions on the sugarcane fields to be so abhorrent that they fled and ended up in large numbers in Lima, Peru. About 85 percent of all Japanese Peruvians today live in

Lima. There, they established very profitable commercial enterprises and, in fact, became the commercial backbone of many Lima businesses.

Small numbers of these business memcores were basically just trying to survive, and I think I would be instrumental to point out one of them. He was the father of Alberto Fujimori, who was——

Ms. LOFGREN. Professor, we are going to ask you to wrap up because your time is expired.

Mr. MASTERSON. Okay. I am wrapping up.

He was the father of Alberto Fujimori, who later became president of Peru. He, like many thousands of Japanese Peruvians, had his property seized during World War II.

[The prepared statement of Mr. Masterson follows:]

PREPARED STATEMENT OF DANIEL M. MASTERSON

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 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 es-

[1] Taoke Endoh, *Exporting Japan: The Politics of Emigration in Latin America* (Urbana: University of Illinois Press, 2009).

tablishment 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.[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 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

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.[4] Hull advocated the deportation and internment of Japanese Latin Americans for the specific

PLANS FOR INTERNMENT

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. sug-

[2] Daniel M. Masterson, with Sayaka Funada Classen, *The Japanese in Latin America* (Urbana, Illinois: 2003), 131

[3] Ibid, 156–157.

[4] George Marshall to Commanding General Caribbean Defense Command, 11 December 1942, National Archives, College Park, Md. Records of World War II, Army file AG 014.311 as quoted in Thomas Connell, *America's Japanese Hostages: The World War II Plans for a Japanese Latin America* (Westport, CT. 2002), 152, and Connell, *Japanese Hostages,* 100–101.

gested that the Japanese from the west coast of South America could be interned on one or more of the island off Ecuador.[5]

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 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.

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. citizens 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.

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[5] Connell, *America's Japanese Hostages,* 5

[6] Office of Strategic Services Memo, 12294, 20 December 1941, RG 226, U.S. National Archives.

Ms. LOFGREN. Thank you very much, Professor.

We are now going to turn to Ms. Shimizu.

TESTIMONY OF GRACE SHIMIZU, DIRECTOR, JAPANESE PERUVIAN ORAL HISTORY PROJECT (JPOHP)

Ms. SHIMIZU. My father was born in 1906 in Hiroshima, Japan and immigrated to Peru when he was 18 years old to work with his brother in a family business. During World War II, our family charcoal business was put on La Lista Negra, the blacklist of so-called potentially dangerous enemy aliens, which affected successful businesses and individuals, often with no connection to the Axis powers, but who were community leaders like journalists, teachers, business owners, priests, or officers of prefectural 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 U.S. transport ships came into the harbor of Callao, some men on the blacklist went 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 U.S. and used in the second prisoner exchange.

In 1944, when my father was 38 years old, the authorities deported him to a U.S. military camp in the Panama Canal Zone for detention and hard labor, which was in violation of the Geneva Convention. My father never shared his experience in the Panama camp, but we do have the statement 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 he was digging his own grave. When they were told to fill the pit with buckets of human waste from the guards' latrines, then the older men were so tired that they could not run fast enough to please the guards, they were poked and shoved by guards with bayonets.

My father was detained in the Panama camp for several months. When the next U.S. transport arrived, the prisoners included his first wife, his brother, and his brother's wife and children. They were taken to the U.S. for indefinite internment at Crystal City, Texas for the purpose of prisoner exchange. My father's wife died in that camp due to the trauma of the imprisonment and lack of adequate medical care.

While interned, 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 solved.

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 internees were not allowed reentry by the Peruvian government, initially.

He eventually remarried and started a family with my mother in Berkeley, California. In the 1950's, with changes in the immigra-

tion laws, he was allowed to change his status from illegal alien to legal permanent resident. I have come to understand the significance of my father's wartime experience through the work of the Japanese Peruvian Oral History Project. We are learning that our families' wartime experiences were part of a larger Latin American program whereby the U.S. government went outside its borders to 13 Latin American countries and seized 2,264 men, women, and children of Japanese ancestry, both citizen and immigrant residents of those country, forcibly deported them to the U.S. internment camps without legal extradition, without due process, without charges, and deprived of legal counsel.

We are also learning that German and Italian communities in the U.S. and Latin America were also swept up in this turmoil. In total, over 31,000 so-called enemy aliens of German, Italian, and Japanese ancestry in the U.S. and from Latin America were apprehended and detained, and thousands interned in camps, which were different from the 10 War Relocation Authority camps where Japanese American were incarcerated.

We are also learning more about the prisoner exchange program, where over 4,800 men, women, and children were forcibly thrust into the warzones of the Far East and Europe. Of these, over 2,800 were of Japanese ancestry, about half of whom were Japanese Latin Americans.

What is being uncovered is a shocking picture of how the U.S. government initiated and orchestrated a program of massive civil rights violations, crimes against humanity, and war crimes spanning two continents before, during, and after World War II. U.S. government policies and actions and what our former Japanese Latin American and other enemy alien internees endured during World War II warrants deeper investigation.

We are here today to urge your support for passage of H.R. 42. Thank you.

[The prepared statement of Ms. Shimizu follows:]

PREPARED STATEMENT OF GRACE SHIMIZU

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.

Ms. LOFGREN. Thank you very, very much.

And finally you, Ms. Yamamoto. Thank you so much for being with us today.

TESTIMONY OF LIBIA YAMAMOTO, FORMER JAPANESE OF LATIN AMERICAN DESCENT INTERNEE

Ms. YAMAMOTO. My father migrated to Peru in 1914, at the age of 20, as a contract laborer from Japan. Through hard work and dedication, my father rose from his humble beginnings to become a successful businessperson and establish our family as one of the many respected in the Peruvian city of Chiclayo and a nearby sugar plantation of Hacienda Toman.

The period during World War II was very confusing for everyone in our community as we began to feel the effects of the war. Still, I never thought that our family would be affected. I was wrong.

On the night of January 6, 1943, the police came to our house in the Hacienda and said to my father, "Senor Maoki, we have to take you by the order of the United States of America." That night they took him to jail. We did not get any explanation; everything

happened so suddenly that my father had no time to pack any of his things.

We knew nothing of his situation until the next morning when my father was moved to the city jail, and I went with my mother to visit my father there. During this time, the mothers who were there to see their husbands in jail held their tears in and tried to be strong; some were more successful than others.

Then a truck came and our fathers were forced to get on it. That truck drove away, and we didn't know where they were taking them, why, for how long, or if they would come back. As my father and the others waved goodbye, I remember our mothers lost their composure and collective weeping erupted into loud cries.

This was an extremely traumatic experience for me at age seven. Finally, after an entire month, we received a letter from my father in Panama. We were just so happy to hear that he was alive. Later, we learned that his passport was confiscated and he was interned in a Department of Justice camp in Texas. There my father learned that the men from Peru were going to be shipped to Japan in a prisoner exchange. My father and the others began protesting because they knew this meant indefinite separation from their families.

The so-called solution to this problem was to reunite these men with their families in Department of Justice camps. I think the U.S. government did not mind this because, in effect, it provided more hostages. Still, there were some families who were never able to reunite.

We left Peru from the Port of Callao in July 1943. Boarding the ship was horrifying because there were U.S. soldiers on board pointing their big guns at us as if we were criminals. When we got to New Orleans officials inspected our baggage and some families had precious belongings thrown into the water.

The Peruvians on our ship were among the lucky ones, because I later learned from my friend that she and other women and children were let off their ship first and marched to a warehouse. They were ordered to strip and stand in line naked, and then were sprayed with insecticide. I can't imagine the humiliation my friend felt having to strip her clothes off in front of boys who are our age. How awful this must have been for our mothers, whose modesty was violated.

Despite the physical conditions of the camps, my family was glad to be reunited with my father. At the end of the war the U.S. government told us to leave the country because we were illegal aliens. My sister and her family were deported first to Japan. She later wrote to us in camp that many people were starving and her family had to pull out weeds from the ground just to feed themselves, and her 5-month-old baby died from malnutrition.

When it was my family's turn to leave, my father became very ill and our deportation to Japan was canceled. Fortunately, we had Japanese American relatives in Berkeley who sponsored us out of camp in 1947, and we moved to Berkeley, California as parolees.

I am now 73 years old, and many of my friends my age who had similar experiences have passed on. I come here today to ask that you support this commission bill to study what happened to fami-

lies like mine. Please help pass this bill before it is too late. Thank you.

[The prepared statement of Ms. Yamamoto follows:]

PREPARED STATEMENT OF LIBIA YAMAMOTO

House of Representatives

Judiciary Committee

Subcommittee on Immigration, Citizenship 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:

Libia Yamamoto

Former Internee

March 19, 2009

My name is Libia Yamamoto and I am a former Japanese Peruvian internee.

My father immigrated to Peru in 1914 as a contract laborer from Japan. Through hard work and dedication, my father rose from his humble beginnings to become a successful business person and establish our family as one of the most respected in the Peruvian city of Chiclayo.

While hard work was always a part of my parents' lives, we also had our share of good fortune in Peru. My father owned several businesses: a store on the plantation where we lived and, in the city: a bakery, a tire repair shop, and a noodle making business.

While my father was away on business trips, my mother worked harder than anybody to run the store we had in Chiclayo and to take care of my brother, my sister and me. I always admired her for this.

The period during World War II was very confusing for everyone. Our community began to feel the effects of the war. My siblings and I attended a Japanese school in Peru. One day the principal of the school disappeared, and nobody knew why, how or where. Our entire community was caught in a state of confusion when more Japanese leaders began to disappear. Later on, the Japanese-Spanish bilingual school we attended was taken over by Peruvian authorities; the curriculum changed and all Japanese language courses were removed. Still, I never thought that our family itself would be affected by the war.

I was wrong. On January 6th, 1943, the police came to our house and said to my father, "Mr. Maoki, we have to take you by the order of the United States of America." That day they took him to jail. We did not get any other explanation; they just took him. This came as a surprise – not only to us and other Japanese folks – but to everyone in our community because they knew my parents to be hard working, honest and generous people who meant no harm to anyone. I remember that even the policemen who took my father felt badly about it because they knew him to be an upstanding citizen. Everything happened so suddenly that my father had no time to pack many of his important things.

We knew nothing of his situation until the next morning when my father was moved to the city jail. In the city jail, my father was incarcerated with many other Japanese men of our community. I went with my mother to visit my father there. The whole thing was a very bizarre experience. Seeing my father behind bars seemed completely wrong, and once where nothing had stood between my father and me, now stood bars of steel. Nobody knew what was going on. We didn't know why my father and so many others had been incarcerated, and we didn't know what was going to happen to them. The feeling of powerlessness in this dire situation was overwhelming. All we wanted was our family to be together again, and we didn't know how to make that happen. As you might imagine, when you remove a little girl's father or mother, you take away the foundation of her entire world... and so my entire world felt like it was falling apart indeed.

During this time, the mothers who were there to see their incarcerated husbands held their tears in and tried to be strong... some were more successful than others. Then, a truck came, and the incarcerated men were forced to get on it. At this point, and I will never forget, the men started singing in unison. That truck drove away with my father on it, and we didn't know where they were taking him, why, for how long, or if he'd come back. As my father and the others waved goodbye from inside the truck, I remember the wives lost their composure. A collective weeping erupted and no strength could keep those sad tears from touching the ground.

The mothers who were left behind in Chiclayo bonded together in an effort to console one another during this tough time. They were in limbo, not knowing what to do except to take on the workload responsibilities that the fathers had left behind. My mother had to take care of all the businesses and continue caring for her emotionally fragile children.

This was an extremely traumatic experience for me. I loved my father very much, and was very close to him. I remember that as a very young girl I thought the world of him. Whenever my father would leave for a business trip, he would always tell us where he was going and when he would come back. Most importantly, he would return when he said he would. Before he left on a trip, he would hug me and say, "Be a good girl, and study hard." I remember very well that on the days that my father was scheduled to return, my heart would swell with anticipation. I always knew at what time to expect him, and I would make sure to go meet him at the bus stop. At the first sight of him, I would start running towards him and jump on him. He would catch me and embrace me with a big abrazo (hug). Then he would give me an omiyage (souvenir) he picked up for me on his trip.

Thus, this whole situation was very hard for me understand and clearly was so different from when my father would leave on his business trips. This time around, there was no reassuring hug, no guaranteed date of return. Instead, there was only uncertainty and the unnerving fear that I would never see my father again. I just felt abandoned. Even today, after over sixty years have passed, it is still quite difficult for me to think about that day without crying.

Finally, after an entire month of excruciating mental anguish during which we heard no news of him, we received a letter from my father. The timing was perfect; it came on my sister's birthday: February 13th. He wrote telling us that he was OK and in Panama. For my sister, he enclosed some pressed flowers as a present to her. He apologized for not being there for her or having a gift for her on her birthday but hoped that those pressed flowers would do. That was the best present my sister and the entire family could have had on that day. We were just so happy to hear that he was alive and that he was OK. It was only later on that we found out that he and the others were working digging ditches in a military army camp; many of them were terrified at the idea that they were digging their own graves.

Fortunately, they were not, and my father and the others were taken to Department of Justice camps in Texas. There, their passports and paperwork were confiscated. It is in these camps that my father found out that they were going to be shipped to Japan in a prisoner exchange program. This news terrified my father and the others, and they began protesting because they knew that being sent to Japan would certainly mean separation from their families.

A 'compromise' was reached and the so-called 'solution to this problem' was to reunite these men with their families in Department of Justice camps. I think the U.S. government did not mind this solution because, in effect, it provided more persons for the hostage exchange program with Japan. In most cases after the initial separation of fathers from their families, they were reunited in Crystal City camp. However, there were some families who were never able to reunite. My heart goes out to those who had family members just disappear, never seeing their father, or mother, sister, or brother or other close relatives.

In this respect, I was one of the 'lucky ones.' Somehow, my father was able to communicate to my mother instructions on how to get rid of the inventory from the store, and as I recall she went to work, fast and furious.

Eventually, we would leave everything behind. Most things were sold, but many were simply left as tokens of remembrance to our neighbors. Even in 1995, over fifty years later, when I went back to visit Chiclayo, I was amazed that the people in the neighborhood still remembered what my mother left behind for them, how Mr. and Mrs. Maoki were so generous to leave presents for the people of Chiclayo.

But leaving everything behind was very difficult for my parents. Essentially, they had to give up everything. They were forced to abandon their life's work in Peru, a good social standing in the community, as well as their friends and extended family. I can still remember my mother recounting everything that was left behind and weeping.

We left Peru from the Port of Callao in July of 1943, bringing only what we could carry. Boarding the ships in Callao was horrifying because there were soldiers on those ships pointing their big guns at us. We had never seen guns that close to us, and even worse, pointed at us as if we were horrible people.

The entire trip last 21 days, and we were not allowed to leave our cabins, which were unbearably small and cramped. We were not allowed on deck, so we could not see what was going on outside. Many folks got seasick in the cabins, which made the situation even worse. I especially remember the ship going through a very strong storm, which made almost everybody sick.

When we got to New Orleans, we were finally allowed off the ship. There, officials inspected all the belongings that everybody had brought. My mother had to take my sister to the bathroom, so she told me to look after all our luggage. While my mother was gone, I saw the inspectors go through people's luggage, taking things and throwing

them in the water. The water was full off boxes, memories, and people's valuables. I was frightened at what they were doing. As for myself, I only had one object that was important to me. It was the doll my father had brought me while I was sick at three-years-old. Back in Peru, my mother had told my siblings and me that we could only bring one thing that was ours to the U.S. There was nothing for me to think about. This was the only possession that mattered to me because it represented the love of my father and everything he meant to me. I silently pleaded: "Take anything, just not my doll." My mother was still in the bathroom when the inspectors reached me. To this day, I am not certain as to why, but the inspectors did not throw the doll away, in fact they did not do a very thorough search. Maybe they felt sorry for me, a seven-year old girl guarding her family's luggage with fear in her eyes.

When we finally reached Texas, we expected to see my father, but didn't. We were told that we would see him in one week. I remember when I did see him for the first time and being so happy and hugging him. He had lost a lot of weight. He said he was fine, but he didn't look fine. Even so, we were just so glad to see him. Reuniting with him after such a long time felt so good that the guard towers with the machine guns pointed at us didn't seem that bad. Still, in all our relief, I remember it was made very clear to all of us not to get too close to the fence because we would get shot.

I think that life in the camps was a lot tougher for my parents than it was for us children. Our parents made it so that the children could have as normal a life as possible in the camp. Most of all, being reunited with my father seemed to be enough to help my family get through this difficult time.

At the end of the war, we faced even more trying times. The U.S. government told us to leave the country in which we had been imprisoned against our will. They told us we were "illegal aliens." But how could we be "illegal aliens" when they were the ones who brought us here and confiscated our passports? It was all very frustrating and infuriating. It was like we had no rights; we were treated like we were not even human beings, and they could do with us as they pleased. We could not go back to Peru, as the Peruvian government refused to take back the Japanese folks it had sent to the U.S. There was no choice but to go to Japan. My sister and her family went to Japan first, and we knew things were not bright due to the devastation the war had caused. My sister wrote to us that her family had to pull out weeds from the ground just to feed themselves and little Sumiko, her five-month-old baby, died from malnutrition.

When it was our family's turn to leave, my father became very ill, and our deportation to Japan had to be cancelled. But by this time, the government said that if we could find our own sponsors to stay in the U.S., we could stay. Fortunately, we had relatives in Berkeley who sponsored us. However, we had to pool together our own travel money. My father used what little money he had been fortunate to earn doing underpaid work in the camps. We left camp in 1947. By this time, I had reached twelve-years-old.

Once in Berkeley, we couldn't find a place to stay. But my relatives talked to their church and the church allowed us to use two rooms in the church's basement as bedrooms. We lived there for eleven months. Because my parents didn't speak English, they both had to take whatever job was available to them. For my parents, this whole transition was very, very difficult. They found themselves doing the kind of work that they were not used to doing. In Peru, they had been the ones hiring domestic workers, and now they were doing that work themselves. This made my parents think more and more about everything they had lost in Peru. Not just the financial success, but the prestige and status they held in the community as well.

The transition was very tough for me as well. Because my parents were always working, I had to do all the heavy housework and take care of my younger siblings. So, at the age of twelve, I had to do the family laundry by hand, with a dashboard. My hands weren't very big, and it took a lot of effort and time for me to do it. I also had to change the dirty water I used to wash the laundry, and this was way too much weight for my 12-year-old body.

At school, learning English proved a harrowing task. I vividly remember kids making fun of my imperfect pronunciation, asking me to repeat a word over and over again just because they were amused by the way I said it. I felt like an outsider and was completely mortified.

But we all got through it by working hard. My father always told me that no matter what I did, I should always do my best. He'd say, "Nobody can say anything if you do your very best." This life lesson carried me through adulthood. No matter what I did I always tried to do my best.

As difficult as things were for them during this time, my parents would prepare care packages to send to our relatives in Japan who were less fortunate. My parents always sent them coffee, tea, candy – all kinds of things.

The fall from what our lives had been in Peru to what they became in Berkeley seemed precipitous. We became very poor and struggled all the way through. As a family with five children, it was very rough for all of us. Father was never able to get back what he had accomplished in Peru. He and mother would be stuck doing manual labor until their retirement.

We didn't have a lot of food most of the time. We couldn't have any hamburgers and french fries; we mostly subsisted on noodles and rice with vegetables. We only ate chicken once a week on Sundays. Those days, father received the thigh, my brothers had a drumstick, and mother and I would get a wing.

I, myself, never had new clothes. I was fortunate enough to receive hand-me-downs from the people in the church. The one thing that was always a problem for me was shoes. I was growing up very fast, and sometimes I would go an entire year wearing shoes that were not the adequate size for my feet. I never really had anything new until

I started working when I was in high school. The first thing I did with my first paycheck was buy things for my brothers and buy food for my family. It was really the first time we were able to eat meat other than our Sunday chicken.

I just wonder when reflecting upon all of this... was it really necessary to turn our lives upside down? For ten years, after being forcibly removed from our home country and taken to the United States, we lived as a people without a state, labeled as "illegal aliens." We had been living a good life in Peru, a country that was not involved in the war. So to remove us from our country, where I was born, to bring us to a strange land and force us to live in a concentration camp... I don't know if it was absolutely necessary. We didn't commit any crime, and they would never charge us with anything. We had no trial.

All we are asking for here today is a much needed investigation into our experience and the experiences of so many other Latin Americans of Japanese descent who were also kidnapped from their homes in twelve other Latin American countries. I come here today to ask that you consider this bill that would only bring justice to those who were affected by shedding light on these WWII violations that remain with so many of us today and with this nation.

Ms. LOFGREN. Thank you very much, Ms. Yamamoto, for sharing your story. I know it is difficult to speak, but it is important that your voice be heard, and we do appreciate your testimony.

We now have a time when Members of the panel can pose questions to the panel for as long as 5 minutes. Mr. King, would you have questions?

Mr. KING. I do, Madam Chair. I thank you, and I would say again to the witnesses, thanks for your testimony.

And Ms. Yamamoto, I understand that it is very difficult to relive this after all these years, and I recall you saying that you were 7 years old at the time. I appreciate you all coming, and there are things that we do to serve our countries and to serve humanity that cause us to have to rise above, sometimes, the things we might not want to do.

So I am not going to ask any questions. I will give you a little relief in that; maybe you can sigh a little. And I will direct the other witnesses, who I think maybe can illuminate this a little bit for me, too.

And I would ask Ms. Shimizu, is it your position that there should be an apology by the United States?

Ms. SHIMIZU. We are here today to urge that what happened to our parents, our families, really be investigated further. And through that investigation, as more of the information comes out and the background becomes more clear, I think our faith is put in the commissioners to make the appropriate recommendations.

Mr. KING. Then if that investigation—if there is full acknowledgement, then if that investigation concludes, I think, a conclusion that you have drawn, then would you, then, be asking for proper redress?

Ms. SHIMIZU. Well, I would be looking at what the recommendations were, and then at that point, I mean, we would be at a better position to respond to that.

Mr. KING. Okay. Thank you, Ms. Shimizu.

I would ask Professor Masterson, and you mentioned that there was very little public knowledge about the Peruvian detainees, and I mentioned in my testimony a book—I have the copies of it—by David Lowman, called "Magic." Are you familiar with it?

Mr. MASTERSON. Well, there is three books on this topic—at least three—and two more that I have written that deal with it. But what we have to be aware of is that the scholarly community is a relatively small scholarly community, and does this information get to the public?

Mr. KING. So excuse me, but are you familiar with this copy?

Mr. MASTERSON. Yes, I have heard of it, yes.

Mr. KING. Thank you. And have you had an opportunity to read it?

Mr. MASTERSON. No, I haven't.

Mr. KING. Okay. I would encourage you to do that, because to have a balance in the history that you are talking about, I think it is important for you to understand the other side of this. And I would just comment that as I listened to your testimony, one thing stood out to me, that the Japanese workers fled from fields in Peru, and, you know, I might have characterized it that they migrated to better opportunities; there were a lot of bad circumstances during those times.

And then what I mentioned in my testimony about the historical chronology of the Christian slaves—1.25 million, which is about

twice as many Christian slaves as there were African Americans brought here under slavery, at least by some accounts—is that is a piece of history that you have had an opportunity to study?

Mr. MASTERSON. Of course. But you are looking at two different situations.

Mr. KING. Sure I am.

Mr. MASTERSON. You really are. And what you have, of course, is a situation in Peru where individuals are taken from their individual environments, many of whom have no justification whatsoever with regard to association with espionage, and in fact, you could argue that it wasn't directly related to the security of the United States; it was more right directly related to the welfare of American citizens who were behind American lines, and the exchange was being done for them——

Mr. KING [continuing]. My clock is ticking. I want to be respectful, but—and I think that that is true, they are different circumstances, and I would go—I would ask it this way: This was a global war——

Mr. MASTERSON. Yes.

Mr. KING [continuing]. It was a world war, and there were political entities for every nation state, and there were sub-entities within the nation states, and each of them are operating for national survival as well as doing a calculus off the intelligence that they had at the time.

And so we had internments that went on around the world, and there were some horrible things that took place, and I would ask unanimous consent to introduce this book, called "Last Man Out." It is about the internment also of some American prisoners in the Philippines, and I think it is important to add to this scholarship as well.

Mr. MASTERSON. May I respond to that?

I would then just——

Mr. KING. Professor Masterson, you have done a thorough study of this, and in the time we have left I would just offer back to you to conclude your statement so—respectful of your testimony.

Mr. MASTERSON. There is a parallel to this, and it is that many of the Latin American governments who were involved in counter-insurgency wars during the 1970's and 1980's, where substantial violations of human rights occurred, have created—reconciliation commissions. Argentina has done one, Peru has done one, and that is designed to do exactly what we are talking about today: rectify a situation, which needs to be done, with regards to the——

Ms. LOFGREN [continuing]. The gentleman's time has expired. I am going to ask, since we have three panels, that we go to see if Mr. Lungren has questions.

Mr. KING. Madam Chair, could I just ask unanimous consent that I may just pose a brief yes or no question to the witness?

I thank you, Madam Chair, and—do you support or oppose, then, reparations?

Mr. MASTERSON. I am of the opinion that the reparations issue should be resolved by a commission which we are asking to be formed. We are not prejudging any of this until the commission does so.

Mr. KING. Thank you.

Thank you, Madam Chair.

Ms. LOFGREN. Ms. Sánchez has no questions.

Mr. Lungren, do you have questions, or can we move to the next panel?

Mr. LUNGREN. Thank you very much.

Ms. LOFGREN. Then we will thank you, witnesses, for being here and ask the second panel to come forward.

As the second panel is coming forward, I would like to introduce them. First, we have John Christgau. Mr. Christgau is the author of eight nonfiction books, including "Enemies: World War II Alien Internment," the first book published on the subject. For the past 8 years, he has been a member of the Enemy Alien Files Consortium, creators of the photo exhibit, the "Enemy Alien Files: Hidden Stories of World War II."

I am also pleased to introduce Karen Ebel. Ms. Ebel is the daughter of a recently deceased German American World War II internee. She is president and a founding member of the German American Internee Coalition, which was created to educate the public about and advocate ethnic German American and Latin American internees and their families. She is also a member of the multiethnic Enemy Alien Files Consortium, representing the German American community.

Next I would like to introduce Heidi Gurcke Donald. Ms. Donald and six members of her family were deported from Costa Rica for internment in the United States during World War II. A founding member of the German American Internee Coalition, she serves on their board and writes for their Web site. She is the author of, "We Were Not the Enemy," a book about her family's World War II experiences.

And finally, I would like to introduce Dr. John Fonte. Dr. Fonte joined the Hudson Institute in March 1999 as a senior fellow and director of the Center for American Common Culture. He has been a visiting scholar at the American Enterprise Institute, where he directed the committee to review national standards under the chairmanship of Lynne Cheney. He also served as a senior researcher at the U.S. Department of Education and a program administrator at the National Endowment for the Humanities.

As noted with the first panel, your full written statements will be made part of the official record. We would ask that your oral testimony consume 5 minutes. When you have 1 minute left the yellow light will go on, and we are going to be strict about the timeframe because we have still a third panel after you. We want to hear everyone.

So if you would begin, Mr. Christgau?

If you could turn on your microphone, thank you.

TESTIMONY OF JOHN CHRISTGAU, AUTHOR OF "ENEMIES: WORLD WAR II ALIEN INTERNMENT"

Mr. CHRISTGAU. Thank you, Madam Chairwoman.

I appreciate this opportunity to talk about a piece of World War II history that has been largely ignored. At nightfall on December 10, 1941, just 3 days after the Japanese attack on Pearl Harbor, an unusual thunderstorm struck southern California. The deep booming thunder sounded like an enemy bombardment, and jittery

citizens of Los Angeles and San Diego feared they were under attack.

An immediate lights out order was issued from Bakersfield to San Diego, and the coast went dark. Los Angeles residents shot out streetlights in the frenzy to black out the city. Hospitals were swamped with calls for ambulances to cover traffic accidents involving panicked drivers.

That panic did not disappear, especially from the west coast, and in the weeks after, long-held ethnic and racial prejudices aggravated by the wartime panic led to the internment of over 30,000 so-called enemy aliens of German, Italian, and Japanese nationality. The arrests were done under the provisions of the Alien Enemies Act, which says that whenever war is threatened or declared, all citizens of the hostile nation who shall be within the United States shall be liable to be apprehended, arrested, detained, and removed as enemy aliens.

For months prior to the start of World War II, the FBI had been investigating so-called enemy aliens. The FBI sent its investigative reports to the Special Defense Unit of the Justice Department. That unit created what was called a custodial detention index, or ABC lists, which classified the aliens with respect to how dangerous the government considered them.

Aliens on the A list were considered the most dangerous and were subject to immediate arrest and detention in case of war. Those lists were based on hearsay gathered mainly from confidential informants. In San Francisco, a Jewish immigrant named Eddie Friede, who had narrowly escaped death in a concentration camp in Germany, was arrested, detained, and then interned in North Dakota. In a letter to Eleanor Roosevelt he pleaded, "Please see what you can do to get me released from internment."

Eventually, wartime Attorney General Francis Biddle recognized the unreliability of the lists and wrote, "It is clear to me that this ABC classification system is inherently unreliable. It should not be used." Still, eight internment camps for enemy aliens were established in Texas, North Dakota, New Mexico, and Idaho. In addition to those eight camps, there were dozens of other sites, from hastily constructed detention centers to compounds run by the Army.

Those combined facilities detained and interned a total of 31,285 enemy aliens and their families between 1941 and 1948. Approximately 16,000 were Japanese; nearly 11,000 were German; and 3,000 were Italian.

Beyond those who were interned, tens of thousands more, mainly Japanese but also Italians in large numbers and some Germans were forced to evacuate their homes in critical military zones on the east and west coast and relocate their families. Once the aliens and their families were detained or interned, they were given a brief hearing before an alien enemy hearing board to determine their guilt or their innocence. The hearings lasted from 5 to 15 minutes, and there was no opportunity for the internees to learn the FBI's charges against them.

So why has so little historical attention been paid to the World War II Alien Enemy Control Program, which affected so many thousands of people from German, Italian, and Japanese communities? Perhaps the answer lies in something one German internee

chose to call "Gitterkrankheit," the fence sickness. After you have been behind barbed wire for months and years, the internee explained, a part of you begins to feel like a criminal even if you have done nothing wrong. When you finally get out, he said, you would rather not talk about the past.

Thank you.

[The prepared statement of Mr. Christgau follows:]

PREPARED STATEMENT OF JOHN CHRISTGAU

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, damns, 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 tern 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.

Ms. LOFGREN. Thank you so much. And I didn't know the Los Angeles storm story; it is fascinating.

Ms. Ebel, I would like to hear from you.

TESTIMONY OF KAREN E. EBEL, PRESIDENT, GERMAN AMERICAN INTERNEE COALITION

Ms. EBEL. My father, Max Ebel, a German internee, died in May 2007.

Ms. LOFGREN. Could you turn on your microphone, please?

Ms. EBEL. I am sorry.

Ms. LOFGREN. Very good.

Ms. EBEL. My father, Max Ebel, a German internee, died in May 2007. I am sitting where my father should be. One of the last times we talked, he told me how sad he was that the Wartime Treatment Study Act had not passed. He said, "Karen, this is important. Don't give up." Moments after he died, all I could think of was that I had failed. Almost 88, Dad still didn't live long enough to hear his government acknowledge his internment. He didn't even talk about it until he was 80, and then only with much prodding.

Only 17, Dad arrived in New York Harbor in 1937. He left Germany because he had had a dangerous knife fight with local members of the Hitler Youth. They were angry because he wouldn't join in their activities. Following his father to America, Dad boarded the "SS New York" with a nickel in his pocket, new woolen knickerbockers, and hope. He once told me "I was an American right from the beginning, and I always will be. I appreciated my freedom as much as a fish let out of a bowl."

On December 5, 1941, Dad learned that his citizenship application was accepted. Two days later, he and a million Germans, Japanese, and Italians became the enemy with a stroke of FDR's pen. Our country was in grave danger, and America had to protect itself. Most escaped the internment disaster and some deserved what they got, but thousands didn't. My father was one of them.

Dad was arrested and detained in September 1942, his adversarial hearing board recommended parole, but the Department of Justice deemed him potentially dangerous to the public peace and safety of the United States. Internment was ordered. After 3 months in a Boston detention center, he was sent to Ellis Island, where he joined hundreds of other internees living in squalid conditions.

Then, by blacked out railcar under guard, it was on to Army facilities at Fort Meade, and later Camp Forrest in Tennessee. Finally, he landed at Fort Lincoln, in Bismarck, in May 1943. The only descriptive note in his calendar says, "Arrived. North Dakota. This is Hell."

Dad was back in the fishbowl he thought he had left behind. He had no idea why or how he would get out. This was not his American dream.

He eventually found a way out that he was happy helped his new country, too. That fall, about 100 trustworthy internees marched out of Fort Lincoln. For several months they lived in boxcars, still under guard, replacing rails on the North Dakota plains.

In April 1944, he was drafted into the Army. Now my dangerous father was trustworthy enough to fight, but he flunked his pre-induction physical and remained interned. Because the railroaders' good work helped the U.S. war effort, he got a rare rehearing.

Dad really never knew why he was interned, but the release recommendation he got years later implied it was because he didn't want to fight in Europe and made pacifist remarks. He apparently once said Hitler builds good roads. It states that Dad was in no sense disloyal, that his further internment was unjustifiable and recommends unconditional release. He was paroled.

Back in Boston, he was not allowed near railroads. Three years after his arrest, he was finally free. One day in the '80's listening to the news about Japanese Americans, Dad said, "You know, something like that happened to me." I didn't pursue it; he didn't either.

Ten years ago, we did. We learned about the enemy alien laws, the camps, the exchanges, and the Latin American Program. I think my country is better than this. The internees deserve recognition, and the public should know what happened. Progress has been made, but slowly and not enough.

Many still don't believe Germans and Italians were interned. Others think there really weren't enough to care about, that the internees were mostly only aliens, and that they must have been guilty of something to be there in the first place. Many internees are still afraid to speak.

Eight years ago, the Wartime Treatment Study Act was introduced for the first time. It was a wonderful, miraculous day for the internees. The bill was just introduced for the fifth time. We are so grateful to Representative Wexler, Senators Russ Feingold and Charles Grassley, for their diligence.

The advanced age of the remaining internees weighs heavily on my mind. Acknowledgment is long overdue. Sadly, my dad can't be here to see it. You can help make sure the remaining internees do. Please make the study commission a reality. Thank you.

[The prepared statement of Ms. Ebel follows:]

PREPARED STATEMENT OF KAREN E. EBEL

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 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 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 in1948. 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 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 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

Ms. LOFGREN. Thank you very much. Before we ask Ms. Donald to give her testimony we would note that we have been joined by Congressman Robert Wexler, a Member of the Committee.

Ms. Donald, we would love to hear from you now.

TESTIMONY OF HEIDI GURCKE DONALD, BOARD AND FOUNDING MEMBER, GERMAN AMERICAN INTERNEE COALITION

Ms. DONALD Libia Yamamoto, from the last panel, and I are sisters, sort of, since she came from Peru and my family came from Costa Rica. Seven members of my family were taken from Costa Rica for internment in the United States in 1943: my parents, my aunt and uncle, my cousin, my sister and I were all—and thousands of others—lost our livelihoods, our homes, our personal property, our countries, and our freedom.

Over 3,000 ethnic Germans of Latin America were also deported through the United States to war-torn Germany. Some of them lost their lives. So when I tell you my story, realize that my story is one of the least terrible of the stories.

In World War II, my father was labeled by the United States as one of Costa Rica's 35 most dangerous enemy aliens. After the war, in a U.S. governmental review done in 1946, they found that there were no facts to that claim. Our family's whole ordeal hinged on unsubstantiated allegations by anonymous informants with one true fact: My father had been born in Germany.

By mid-1941, the U.S. Proclaimed List had ruined my father's business. He and my mother, who had barely ever gardened, tried to figure out a way to eke their way through the war years. They ended up with the idea of a farm, and for about a year they were semi-successful. By mid-1942, though, my father and my uncle were thrown into a dirty, vermin-filled, overcrowded prison. My mother, Starr, who was a United States citizen, born and raised in San Jose, California, wrote this anguished letter to her brother:

"July 17, 1942. Since the day before yesterday, Werner has been in the local penitentiary. We haven't the remotest idea why they arrested him or what is going to happen to him and the many others there, and they won't let me see anyone to find out the charges against him or to do any explaining. Heidi wakes up at night screaming, 'Papi, Papi,' and today is Ingrid's first birthday."

My father also wrote desperately to the United States officials. On the 8th of September, "In a last effort to solve the situation of my family, I, Werner Gurcke now interned in the concentration camp in San Jose, Costa Rica, sincerely ask to consider the following points: There does not exist a real motive for my internment otherwise than that I am German. Even if you do think so, there must be a mistake, and I am sure to convince you of it if you will have the kindness to present to me the reasons."

But there was no kindness. There were no hearings; there were no legal proceedings; there was nothing.

So in January 1943 we were loaded onto the United States Army Transport Puebla for deportation to the United States. We sailed on January 26 and arrived in San Pedro, California on February 6. There, we were declared to have entered the country illegally because our passports and our visas had been confiscated on shipboard.

We were given tags to tie to our clothes—these are my family's tag. Imagine: tagged like a piece of baggage—loaded onto a train to the Crystal City Alien Detention Station, which later

euphemistically has been called a family camp. There, public health officials found that of our group of 131 people, 66 people required immediate medical attention. Two children required immediate hospitalization, and 55 of us children were sick with whooping cough, including my sister and me.

Then finally, over 1½ years after my father was arrested, in January 1944, he was finally given a real hearing, and by May of that year we were allowed to leave camp, although we were forbidden to go home to Costa Rica. My uncle, Karl Oscar, and his Costa Rican wife and daughter were sent to Germany that same year.

Did our experience leave scars? Consider these facts and draw your own conclusions: My parents lived with uncertainty and fear for almost a decade. My father was barely 61 when he died of lung cancer caused or exacerbated by chain-smoking begun during the long ordeal. And more than 50 years later my mother, at age 83, finally tried to tell me the story. It took me a month of daily visits, collecting her memories through her tears.

Our suffering, our pain, our loss of civil rights has never been acknowledged by Congress. Thousands of lives were damaged; enormous amounts of money, which could be better spent somewhere else, were spent with no tangible results except broken families and destroyed lives. Without a commission we are being written out of history. I think we, as a people, can and should do better than that.

[The prepared statement of Ms. Donald follows:]

PREPARED STATEMENT OF HEIDI GURCKE DONALD

Heidi Gurcke Donald
Santa Cruz, California

19 March, 2009

To the Subcommittee on Immigration, Citizenship, Refugees, ¯Border Security, and International Law

Re: the Wartime Treatment Study Act (HR 1425), specifically the Special War Problems Division in Latin America

> *From a moral standpoint ... every foreign policy or series of policies must be judged both by its intentions and its consequences at home and abroad.*
> —Ernest W. Lefever

Thank you for allowing me to speak for my family. As you read this, please think of all the other German Latin Americans who had similar, or much worse, experiences because of United States government policies in World War II.

—Irma G. and her children were taken from Costa Rica to the States, but officials left behind her youngest child. They weren't reunited for more than a year.

—Ted E., his sister, and his mother were from Panama. Released from internment in the U.S. eventually, they were not allowed to return home. Instead his mother ended up on welfare, and the children were placed in an orphanage.

—The daughter of Willem E. has spent her entire adult life searching for her father, who was taken from El Salvador in 1942. The family received one letter from him, from Camp Empire, Balboa, Canal Zone. He has never been heard from again.

—A young Nicaraguan, Carlos R., was able to wriggle free from a train taking him from Germany to a Russian prison. His sixteen-year-old brother did not get out of that train and was never seen again. His failure to save his younger brother still haunts him.

My name is Heidi Gurcke Donald. My father and uncle, Werner Gurcke and Karl Oskar Gurcke, were German citizens who had lived in Costa Rica since the 1920s. In the early 1930s, Karl Oskar married a Costa Rican woman, Paulina Carlotta Vargas de Gurcke (known as Pany) with one young daughter, Hermida Jinesta. In 1936, my father married an American—Starr Pait, my mother—and they made their home in the capital, San José, where my sister, Ingrid, and I were born.

Blacklisted by the British in August 1940 and the United States in 1941, my father and uncle were arrested as Nazis and dangerous enemy aliens in 1942 and held without charges for six months. Then both our families were deported to the United States and interned in a camp at Crystal City, Texas.

Heidi Gurcke Donald
Santa Cruz, California

Was my father a Nazi? Absolutely not. A governmental review of my father's case in 1946 concluded there was no evidence he even tacitly sympathized with Hitler's aims. Our family's whole ordeal hinged on unsubstantiated allegations by anonymous informants—and one fact; my father was born in Germany. (Review enclosed.)

Because my uncle and his family chose to be sent to Germany, (rather than face indefinite imprisonment), no U.S. government review of his case was ever done.

From 1940, when my parents were blacklisted in Costa Rica, until the day my father became a citizen of the United States on April 21, 1952, my parents lived with uncertainty and fear. If they had realized that even naturalized U.S. citizenship would not have safeguarded my father during the war years, they would never have felt secure again.

My father had a small business in San José, Costa Rica, importing buttons, textile, umbrellas, and watches. He and my mother fully planned to live out their lives there. My mother's early letters are filled with their adventures—hiking, horseback riding, exploring what was then very much a primitive, wild country.

I was born three months before the British blacklist was published in August 1940. My sister was born on the day the U.S. Proclaimed List was declared, July 17, 1941. Both listed my father and uncle and their businesses.

When my mother, a United States citizen, born and raised in San José, California, tried to collect moneys owed my father's business, she was also blacklisted. Our home was searched and my father's camera and their radio were taken. My father was particularly hurt by the loss of the camera. There would be no more pictures of us children for years, except official ones.

My parents tried to cope; they bought a small piece of land in the (then) rural area of San Juan de Tibás, hoping to become farmers to ride out the war. My mother wrote to a friend; "I can't imagine myself as a lady farmer or Werner as a gentleman one for that matter. But we could always learn."

Our funds were frozen. In Costa Rica bribes had to be paid to get any money out, and exorbitant taxes drained the accounts. My parents never recovered almost $8,000.00, their life savings.

On July 15, 1942, my father was arrested and taken to prison. Two days later my mother wrote to her brother and sister-in-law. (Copy enclosed)

> July 17, [1942]
> Dear Charles and Virginia,
> Since day before yesterday Werner has been in the local Penitenciary [sic]. For a week before he had had house arrest and we were happy. We haven't the

> remotest idea why they arrested him or what's going to happen to him and the many others there. And they won't let me see anyone to find out the charges against him or to do any explaining. Heidi wakes up at nite screaming, "Papi, Papi" and today is Ingrid's first birthday.
> Thank God, the kids are well, and I have a wonderful older woman to help me and leave them with when I drive to San José to spend a short 15 minutes with Werner and do all the chores.
> As you see, my heart is breaking—
> with all my love, Starr

Historian Max Friedman paints a grim picture of these prisons. The first was filled to overflowing, necessitating the construction of a new "concentration camp" to house more inmates. The prisoners themselves threw out filthy, vermin-infested bedding, voluntarily whitewashed the building, and sprayed cells with insecticide. Families brought in food whenever possible, since meals were of poor quality and insufficient quantity. Special services at the prison, like private rooms for conjugal visits or better food, could be had by bribing the guards.

German prisoners were interrogated in the office of the director of the secret police; they were offered more lenient treatment in exchange for cash or sex. No one was released from the prison without U.S. assent. (Max Paul Friedman, *Nazis and Good Neighbors*: the United States Campaign Against the Germans of Latin America in World War II, 149.)

My father desperately wrote to United States officials:

8 September

> In a last effort to solve the situation of my family, I, Werner Gurcke, now interned in the Concentration Camp in San José, Costa Rica, sincerely ask to consider the following points:
>
> There does not exist a real motive for my internment otherwise than that I am a German, … Even if you do think otherwise, there must be a mistake and I am sure to convince you to it, if you will have the kindness to present to me the reasons…

There was no response, no hearing, no legal procedures, nothing.

By the time of our deportation, the U.S. had decided that women and children remaining behind in Latin America, after their men were taken, were creating "a very dangerous focus of anti-United States propaganda" and should be removed, too. ("Memorandum Regarding the Activities of the United States Government in Removing from the Other American Republics Dangerous Subversive Aliens," 3 November 1942-enclosed)

When my mother, at age 83, told me about our actual deportation she broke down completely. It took more than a month for me to piece together the story, because she

Heidi Gurcke Donald
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often dissolved in tears after a sentence or two. She, my sister, and I were picked up in December 1942 and taken to the German Club, along with many other women and children. Sanitation was "indescribable," according to my mother. Diapers had to be washed in the swimming pool. We children soon began to sicken. We were kept for about a week, then sent home, only to be re-arrested in early January.

Nothing had been done to clean between our stays. The pool was a festering sewer. Reunited with our husbands and fathers after another week at the Club, we were put on a train taking us to Puntarenas, the western port. There we were loaded onto the U.S.A.T. *Puebla*. For a week we sat in port, in blackout conditions. If any of you have visited the coasts of any Central American country, you'll know how hot and humid it can be. Imagine being stuck below decks in a confined space with sick children and inadequate washing facilities. Try to visualize, as I often have, what my father and the other prisoners in the hold must have experienced.

We sailed on January 26. When we arrived at San Pedro, California, on February 6, many more of us were sick. At the holding facility there, on Terminal Island, we had hearings to determine our *right* to enter the United States. Visas and passports had been taken from us on shipboard, so we were declared to be in the U.S. illegally; that way we could be jailed indefinitely and/or deported to Germany. (Enclosed, one page of the manifest of the S.S. Atlantida, sailing from Nicaragua June 1942. There is a note on line 12: "Not provided with visas under instruction of Department of State.")

I'll skip to Crystal City, Texas, where we finally received adequate medical attention. Fifty-five children in our group of one hundred and thirty-one people were ill with whooping cough, according to a report on health care for interned enemy aliens published in the American Journal of Public Health in 2003. (See Louis Fiset, DDS, BA, "Medical Care for Interned Enemy Aliens: a Role for the US Health Service in World War II," *American Journal of Public Health*, 2003 October; 93 (10): 1644-1654 (http://www.pubmedcentral.nih.gov/articlerender.fcgi?artid=1448029).

"Two children arrived with acute medical needs requiring immediate, outside hospitalization. Most of the adults suffered from severe respiratory ailments. In all, 66 needed immediate medical attention, and it was feared that others who manifested symptoms of simple colds might turn into medical cases." Medical personnel examined us on February 13. Both my sister and I had whooping cough, while my mother was treated for bronchitis and possible whooping cough.

Our ship was not the only one with abominable sanitary conditions. "The Acadia, with cabin space for 200 passengers, took on board a total of 675 Axis nationals from Peru, Ecuador, and Colombia…resulting in 'unimaginable overcrowding,' food shortages, and a lack of bathing facilities." (Max Paul Friedman, *Nazis and Good Neighbor*, 116)

When the *Frederick C. Johnson* sailed from Peru, women and children were assigned bunks, without guardrails, in tiers of four. There was one latrine for use by all prisoners.

Heidi Gurcke Donald
Santa Cruz, California

Inadequate water supplies meant no bathing or washing, and drinking water was unavailable for much of the night. *(Pawns in a Triangle of Hate;* C. Harvey Gardiner)

My father was released from Crystal City on May 22, 1944, designated an "internee-at-large." In 1946 he was no longer an "alien enemy" but the day he received that notice, an arrest warrant was issued because he'd entered the U.S. "illegally." Eighteen neighbors signed a petition urging the State Department not to send him to Germany. Several more years of uncertainty and struggle followed. He became a U.S. citizen in 1952. (Arrest warrant enclosed.)

My parents suffered so much because of the United States' sweeping indictment of citizens of enemy nations during the War. It is nonsense to assert, as a 1942 memo did, written and distributed to all U.S. diplomatic posts in Latin America, that, "all German nationals without exception, all Japanese nationals, a small proportion of Italian nationals, ... are all dangerous." (See "Memorandum Regarding the Activities of the United States Government in Removing from the Other American Republics Dangerous Subversive Aliens," 3 November 1942-enclosed)

At least 8,500 German nationals and numerous other Axis residents in Latin-American countries were indiscriminately rounded-up in local detention centers. An unknown number were sent by the United States directly to Germany, while 4,058 Germans were forcibly brought to U.S. detention facilities, often euphemistically called "camps." 3317 German Latin Americans were shipped through the U.S. to Germany, many exchanged for civilians being held there. (White to Lafoon memo enclosed)

(Friedman, *Nazis and Good Neighbors,* 3, 120. In total, 10,905 Germans were interned, including those brought to the United States and voluntary internees, White to Lafoon, January 1946, "Statistics," Subject Files 1939–54, Box 70, Special War Problems Division, RG 59 (National Archives, College Park, Maryland). German Nationals Deported by the Other American Republics Who Were Deported Via the United States," 25 Apr 1946, folder "711.5,' Ecuador: Quito Embassy Confidential File, Box 35, RG84, NA.

In 1942 my father wrote to U.S. officials; "When I wrote you last, ...I thought the fate [of my family] cannot be indifferent to you. ...It is therefore my duty to recall to your mind that the prolongation of my internment will inevitable lead to disaster..."

No one in the United States government seemed to care at the time. *I can only hope that you are not indifferent now.* It is time—it is past time—to form a Commission to study the Alien Enemy Control Program and the Special War Problems Division, before we are written out of history.

The Special War Problems Division in Latin America and the Alien Enemy Control Program in the United States damaged enormous amounts of people, cost enormous amounts of money, and did little to make the U.S. safer. My parents, along with thousands of others, lost their livelihoods, their homes and personal property, their countries and their freedom. Some lost their lives when they were exchanged for civilians being held in war-torn countries. (12 Dec 1942 Marshall memo enclosed)

Heidi Gurcke Donald
Santa Cruz, California

I think we as a people can—and should—do better than that.

(I will hand-deliver a copy of my book, *We Were Not the Enemy: Remembering the Unites States' Latin American Civilian Internment Program of World War II*)

Enclosures:

21 Jan 1946 review of allegations against Werner Gurcke (3 pages)

June 1942 newspaper copy of U.S. Proclaimed List in Costa Rica

17 July 1942 letter from Starr Pait Gurcke

3 Nov 1942 "Memorandum Regarding the Activities of the United States Government in Removing from the Other American Republics Dangerous Subversive Aliens" (4 pages)

12 Dec 1942 Marshall memo (2 pages)

1943 Crystal City, TX envelope

1943 Gurcke family mug shot, Crystal City, TX Internment Camp

photo of our baggage tags, dating from 1943

photo of Crystal City Internment Camp "coins"

12 Feb 1946 arrest warrant for Werner Gurcke

21 Feb 1944-German memo of repatriate numbers from *Gripsholm* voyage my uncle, aunt, and cousin were on

30 Jan 1946 White/Lafoon memo (3 pages)

I've also enclosed a few other documents:

Page of the manifest of the S.S. Atlantida, sailing from Nicaragua June 1942. There is a note on line 12: "Not provided with visas under instruction of Department of State."

Nov 1943 Cabot/Knapp memos (3 pages)

For the history of the overall German Latin American experience and more families' stories, see www.gaic.info. *Nazis and Good Neighbors: the United States Campaign Against the Germans of Latin America in World War II* by Max Paul Friedman, Cambridge University Press, 2003, is a great source of information.

Ms. LOFGREN. Thank you very much.

And finally we will turn to you, Doctor.

TESTIMONY OF JOHN FONTE, DIRECTOR OF CENTER FOR AMERICAN COMMON CULTURE AND SENIOR FELLOW, HUDSON INSTUTUTE

Mr. FONTE. Thank you, Madam Chairman and Ranking Member King.

Many historical facts cited in the Feingold-Wexler legislation are wrong. It is charged that the actions of the U.S. government during World War II had a devastating impact on Italian American communities. Now, I am an Italian American, and for decades have visited many little Italys, but there is no evidence offered in this bill of any devastated Italian American communities.

The FBI rightly picked up pro-fascist, pro-Nazi aliens and citizens, including members of the German American Bund, and the blackshirts. Those interned were a relatively small number of people compared to the huge German American and Italian American populations in the United States who were overwhelmingly loyal.

It is significant, there is not reference in any of this legislation to pro-Nazi, pro-fascist, and pro-Imperial Japanese activities by residents of the United States, including aliens and citizens. Why not?

Distinguished historian Robert Abzug, in a review of Mr. Christgau's book in the Holocaust Review, wrote that, "One is struck"—this is from Mr. Christgau's book; reading the book, Abzug said, "One is struck by the benign treatment of the aliens and the extraordinary access they had to the legal system and to appeal procedures." He said even pro-Nazi German aliens were given all of these rights. Professor Abzug noted that most German aliens returned home or became American citizens and, "few emerged with permanent scars."

In 2007 the Department of Justice sent a letter to Senate Judiciary Chairman Leahy. The DOJ letter stated that Justice had contacted the senior historian at the U.S. Holocaust Museum. The historian said that the bill's intended depiction of the treatment of Axis citizens and European American citizens were, "outrageously exaggerated." The Holocaust Museum historian, when asked about the bill's accusations that the U.S. government violated the civil rights of European American citizens, said that he is aware of no historical facts to support these conclusions.

Now, the facts concerning the Jewish refugees in this bill are accurate, whereas the facts in the rest of the bills are not. So the Jewish refugee section could be made into a separate bill, perhaps.

The bill's very terminology is fraudulent. It defines German American as American citizens and resident aliens of German ancestry. But a German alien living in the United States in 1941 is not a German American, but a German national, a citizen of the Third Reich living in the United States.

The bill establishes an independent commission, but there is nothing independent about it. The commission includes two members representing the interests of the Italian American community, two representing the interests of the German American community. Italian American community—am I going to be represented,

or millions of other people? Who is going to be representing the interests of the American community?

The activists will have four of the seven seats on the commission. They will recommend appropriate remedies, which, as the Justice Department letter noted, could include financial compensation, reparations.

There is nothing in this bill that would prevent the commission from making recommendations for financial compensation for former supporters of the Nazi and Fascist regimes. The commission is also charged with making recommendations for public education programs. These public education programs could become the propaganda of moral equivalence: they did bad things in the war, we did bad things in the war. They had concentration camps, we had concentration camps. That term has been thrown around today.

In fact, we heard in the earlier panel a direct reference to the language used in the Nuremburg Trials in describing the actions of the U.S. government during World War II. I quote—earlier, on the first panel—"war crimes and crimes against humanity. This is the level of severity of the human rights violations for which the United States has not been held accountable."

This phrase is the exact charge brought against the major Nazi war criminals at Nuremburg. The use of the term suggests similarity between the behavior of Franklin Roosevelt's America and Adolf Hitler's Germany.

If this commission goes into effect, we, as a Nation, have moved from honoring the greatest generation to trashing it. The commission is supposed to make recommendations affecting American national security, protecting the civil liberties in wartime. The agenda is clear. The implicit logic of this bill says that there can be no special scrutiny under any circumstance for any group at any time.

During World War II, my Italian American relatives were subject to special scrutiny. And they should have been. Today, we are in a conflict with radical Islam. Common sense tells us that there should be, in some cases, special scrutiny for some Muslims.

If there is a conflict with China, then common sense would tell us there should be special scrutiy for some Chinese nationals. If there is a conflict with Iran, or Serbia, or Luxembourg, the principles of common sense, special scrutiny should apply for resident aliens and American citizens connected to this foreign power.

This bill is not only historically inaccurate, it will teach us the wrong lessons of how best to protect our country in the future. Thank you.

[The prepared statement of Mr. Fonte follows:]

PREPARED STATEMENT OF JOHN FONTE

Thank you Chairman Lofgren and Ranking Member King.

To begin with many historical facts cited in the Wartime Treatment Study Act are wrong. It is charged that the actions of the government of Franklin D Roosevelt's during World War II had a "devastating" impact on Italian-American communities whose "detrimental" effects "are still being experienced." I am an Italian American and for decades visited many relatives in a lot of "little Italys" through our country. There is no evidence that Italian-American communities were "devastated." No proof has been offered in this bill of any "devastated" Italian American community.

The FBI rightly picked up those Italian aliens and Italian-American citizens, who were pro-Fascist and those German aliens and German-American citizens who were

pro-Nazi, like members of the German American Bund, the German-American Settlement League and participants in the pro-Nazi Camp Siegfried in New York state. They were a relatively small number of people. My grandparents and hundreds of thousands of other resident aliens (at that point, enemy aliens) were not disturbed. About 11, 000 people of German ancestry (mostly aliens) and about 1, 500 people of Italian ancestry (mostly aliens) were interned, The numbers are disputed, but, in any case, they are small compared to the huge German-American and Italian American populations in the United States that were overwhelmingly loyal and deeply involved in the wartime struggle.

It is significant that there is no reference in this legislation to pro-Nazi, pro-Fascist, and pro-Imperial Japan activities by residents of the United States including aliens and citizens during the period from the late 1930s through the Second World War. This certainly existed and was successfully combated by the Roosevelt Administration. Why isn't pro-Axis activity by residents of the United States discussed or examined in this legislation?

History Professor Robert H. Abzug of University of Texas (who is an expert on Jewish studies) in a review of John Christgau's book, *Enemies* wrote that, "one is struck by the benign treatment of aliens and the extraordinary access they had to the legal system and to the appeal procedures." This included "even pro-Nazi German aliens." He notes most of the German aliens returned home or became American citizens and "few emerged with permanent scars." [source: *Holocaust and Genocide Studies,* Vol., I, No. 2, pp 330–31 (Washington: US Holocaust Memorial Museum, 1986)]

The inclusion of the issue of Jewish refugees to this bill was not part of the original concept of the bill and is an obvious fig-leaf, added later. On May 8, 2007 the Department of Justice sent a letter to Senate Judiciary Chairman Leahy on the Wartime Treatment Study Act signed by Principal Deputy Assistant Attorney General, Richard A. Hertling. The DOJ letter stated that in 2001 Justice had contacted the Senior Historian at the US Holocaust Memorial Museum and the historian said "that the bill's identical depiction of the treatment of Axis citizens and European Americans [US citizens] was "outrageously exaggerated." The Holocaust Museum historian when asked about the bill's accusation that "the United States Government violated the civil rights of European-American citizens" stated that he is "aware of no historical facts to support those conclusions."

The facts concerning the Jewish refugees are accurate, whereas the facts in the rest of the bill are not. Therefore, if this issue is going to advance further, it would make sense to separate the Jewish refugee section into perhaps another bill and not include it in the issue of wartime treatment of German and Italian nationals.

The bill's terminology is fraudulent. It defines "German-American" as US citizens and resident aliens of German ancestry. But a German alien living in the United States in 1941, that is to say, a citizen of Nazi Germany who is not a citizen of the United States is clearly not a "German-American," but a German national living in America. The same fraudulent terminology is used in the term "Italian-American." Italian Americans should be defined as American citizens of Italian ancestry, not citizens of Italy living in the United States. This misuse of terminology comes from the earlier Japanese American legislation and this also should be corrected.

For the most part, the Roosevelt Administration was not dealing with American citizens (except for those who had shown an affinity for Fascist Italy and Nazi Germany. We have heard complaints that American born children of German nationals (who would be American citizens by birth) were returned to Germany with their parents. Under the circumstances what was the administration of Franklin D Roosevelt supposed to do: separate the children from their parents?

It is charged by the activists for this legislation that, for example, Italian resident aliens and Italian-American fishermen were unfairly prohibited from fishing in certain areas. Stephen Sulejman Schwartz, a moderate Muslim-American journalist discussed this issue in the *Weekly Standard* as follows:

"Venturing into restricted waters was forbidden to all vessels of every kind, whether commercial or pleasure boats, without regard for their owner's citizenship. Allegations that Italian-American fishing boats were confiscated also turn out to be a hoax. Boats were requisitioned by the federal authorities through charter or purchase, and the only craft confiscated belonged to owners who had repeatedly made incursions into prohibited waters."[source: *The Weekly Standard,* December 10, 2001]

There are complaints by the activists supporting this legislation about loss of civil liberties because of travel restrictions and the requirement to carry an identity card, and the like. But, as the same *Weekly Standard* article notes:

"What American's freedom was not restricted during World War II? A draft was instituted, and evaders of it were imprisoned; consumer goods were rationed, wages,

prices, rents, and other transactions were controlled . . . travel was limited and ordinary people were regularly stopped and interrogated. . . . Wars are by definition unfair and uncomfortable. Loyalty tests may be especially uncomfortable to some, but should not trouble those whose loyalties are clear." [source: same *Weekly Standard* article as above]

The bill allegedly establishes a so-called "independent" commission. But there is nothing "independent" about it. As the Justice Department letter stated, the results are already "predetermined." We have already been told in the bill that the administration of Franklin D. Roosevelt was guilty of gross human rights violations. The commission is to include "two members representing the interests of the Italian American community" and "two members representing the interests of the German American community." How is that going to be determined? As an Italian American are my interests going to be represented? Remember the fraudulent definition of German American and Italian American communities means that we are not necessarily taking about the interests of American citizens when using these terms. Who, one wonders, is going to be representing the interests of the "American community."

In short, the activists are going to be in charge with four of the seven seats on the commission. They are supposed to recommend "appropriate remedies," which, as the Justice Department letter notes, "could include financial compensation." In other words, they could recommend "reparations." Certainly, there is nothing in the bill that would prevent the commission from making recommendations for financial compensation for former supporters of the Nazi and Fascist regimes, whether the beneficiaries are American citizens or German or Italian citizens. Clearly, there is nothing to prevent the commission from making such recommendations as the legislation is currently written.

The commission is also charged with making recommendations for "public education programs related to the US Government's Wartime Treatment of European Americans." Is there any doubt that these "public education programs" will be the propaganda of moral equivalence: "they did bad things, so did we; they interned people in camps, so did we." For example, one activist who is testifying here today used the direct language of the Nuremberg Trials in describing the actions of the United States government during World War II in a speech five years ago:

The activist declared: "War crimes and crimes against humanity—this is the level of the severity of the human rights violations for which the United States has not been held accountable." The phrase, "War crimes and crimes against humanity" were the exact charges brought against the major Nazi war criminals at Nuremberg, many of whom were found guilty and executed. The use of the terms "war crimes and crimes against humanity" cannot be accidental, but an attempt to suggest similarities of behavior between Franklin Roosevelt's America and Adolf Hitler's Germany during World War II. [source: http://www.campaignforjusticejla.org/resources/speeches/dor2004_grace_shimizu.html

If this commission goes into effect, we, as a nation, will have moved from honoring the "greatest generation" to trashing it. The generation that through tremendous sacrifices defeated the totalitarian axis of Nazi Germany, Fascist Italy and the militarists of Imperial Japan.

FUTURE ISSUES

Worst of all, this stacked commission of activists and special interest pleaders is supposed to make recommendations for the future affecting American national security such as "assessing the continued viability of the Alien Enemies Act" and protecting "civil liberties in wartime." There is, of course, nothing in this legislation about how to combat internal subversion in wartime from residents (aliens and citizens) of our country whose loyalty is not to the United States.

What recommendations for the future will be forthcoming from this commission? One of the activists, who is a majority witness here today declared:

"The necessity for this [public] education has been underscored in the aftermath of 9/11 and the unfolding of the global and domestic 'war on terrorism.'"

What happened during World War II "is history repeating itself in the government's current racial profiling." [source, same as previous web listing on Campaign for Justice website]

The agenda here is clear and it weakens American security. The implicit logic of the bill says that there can be no special scrutiny for any particular group at any time, as, for example, occurred was during World War II. However, we should implement common sense special scrutiny actions where appropriate. For example, it makes sense for security at our nation's airports (TSA) to examine special scrutiny

measures used by other liberal democratic nation—states such as Israel and Spain in dealing with potential threats.

In fact, if we are serious about protecting lives, we need at different times to exercise a particular type of special scrutiny. During World War II it made sense to treat the communities of German and Italian aliens and citizens differently from other citizens and residents of the US. It certainly made sense to treat those who had expressed an ideological affinity with Nazism, Fascism, and Japanese imperialism differently from other residents and citizens of the US.

My relatives as Italian Americans during World War II were subject to special scrutiny and they should have been. Today, we are in conflict (whether admitted or not) with radical Islam. This means that common sense tells us that there should be, in some cases (not blanket, but in some cases), special scrutiny for Muslims (residents and citizens) in America. If there is a conflict with China, say over Taiwan, then common sense would tell us that there should be special scrutiny for Chinese nationals (and some other residents, including citizens) living in the US. Likewise, if there is a conflict with Venezuela, Iran, Serbia, Somalia or Luxembourg, the same principle of common sense special scrutiny should apply for resident aliens and American citizens connected with the foreign power.

The Wartime Treatment Study act is not only historically inaccurate, most importantly, it will teach us the wrong lessons on how best to protect our country in the future.

Ms. LOFGREN. Thank you. The gentleman's time has expired.

Now we will turn to Members of the Committee to see if there are questions for any of the panel members.

First I will turn to you, Mr. King.

Mr. KING. Thank you, Madam Chair.

Again, I thank all the witnesses for their testimony. A series of questions arise for me, but I would—before I ask them, I have an article here that is the "Campaign for Justice," dated February 22, 2004, an article written by Grace Shimizu, that I ask unanimous consent to introduce into the record.

Ms. LOFGREN. Without objection.

[The information referred to follows:]

CAMPAIGN FOR JUSTICE

REDRESS NOW FOR JAPANESE LATIN AMERICAN INTERNEES!

Panama Canal Zone: Japanese Peruvians en route to U.S. Internment Camps, April 2, 1942. U.S. Army Signal Corps Photo. National Archives. Courtesy of National Japanese American Historical Society.

CFJ Brochure - English, Japanese, Spanish
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Speeches

CFJ Redress Update
February 22, 2004 San Francisco Day of Remembrance Speech

By Grace Shimizu, Campaign for Justice
Published in Nichi-Bei Times, Tuesday, March 9, 2004

The US government would like to have you believe that the wartime experience of persons of Japanese ancestry, both US citizens and immigrants, and our struggle for redress is over...a closed chapter. Many people have accepted this because of the passage of the historic Civil Liberties Act of 1988 and the completion of a 10-year redress program whereby the majority of former Japanese American internees received an apology letter and their symbolic compensation payment.

So why are we still struggling for redress? And why is the US government continuing to fight former internees and our community in the courts and in the halls of Congress?

Our community has unfinished redress business. Here are three reasons why we are carrying on the redress struggle:

The **first reason** is because there are still over 1000 Japanese Latin Americans as well as Japanese Americans who have not received proper redress from the US government. During our candle lighting ceremony today, we were honored with the presence of two of our neighbors who are carrying that light for justice—Jane Yano and Art Shibayama. The US government fought Jane all the way to the US Supreme Court. And the US government has never explained why there were still Japanese Americans kept in internment camps for years after the war ended.

And what about Art Shibayama? Again, the US government has fought the Japanese Latin Americans all the way to the US Supreme Court and forced us to take their case to the international community.

War crimes and crimes against humanity---this is the level of severity of the human rights violations for which the US has not been held accountable---and, under international law, these crimes are ongoing until there is full acknowledgment, a sincere apology and proper redress. Why does the US government continue to refuse to do the right thing? Why is there not full implementation of international and human rights law for immigrants and citizens in the US?

We are fighting for redress for those in our community who have been deemed "ineligible" even though their rights were violated. We are fighting for redress for those who did not get it in the

name of achieving redress for the majority of Japanese Americans. We continue this struggle because at stake is the precedent of what the government can and cannot get away with and who can and cannot qualify for redress, should the US government ever again inflict such wrongdoing on its own citizens and immigrants inside and outside its borders.

The **second reason** we carry on the redress struggle is because we want the US government to fulfill the educational mandate of the Civil Liberties Act. Our community was promised $50 million dollars for education and research, but only $5 million was appropriated during the last year of the 10-year redress program. We want the Civil Liberties Public Education Fund to be reestablished with the $45 million that is still owed to our community and the American people.

The necessity for this education has been underscored in the aftermath of 9-11 and the unfolding of the global and domestic "war on terrorism". Remember last year's comments by North Carolina's Representative Howard Coble when he justified the internment of Japanese Americans by saying it was for "their own safety" and because "some were probably intent on doing harm to us just as some of these Arab Americans are probably intent on doing us harm."

Our community knows the danger of such pronouncements, especially when made by a US Congressman who voted against the Civil Liberties Act of 1988 and who is now the chairperson of the House of Representatives' Subcommittee on Homeland Security. We don't want such distortion of our history to be used to discredit and slander other communities. The legacy of our wartime experience should serve to prevent the repeat of such violations, not to justify the destruction of our nation's constitutional and human rights today.

Education is a critical part of our legacy. The public education fund will be an opportunity for people of any race, ethnicity or creed to propose an educational or research project that will help us learn not only about the wartime experiences of people of Japanese ancestry, but also of other scapegoated communities like the German and Italian American communities during WWII. And the education fund will also be an opportunity to explore parallels and lessons about how our civil and human rights remain vulnerable to attack today.

This brings me to the **third reason** why we are still struggling for redress. We are fighting to stand up to the government's past discriminatory actions and its current "instant replay" of those actions—especially against immigrants and racial minorities who are being targeted as the possible "enemy". What happened to the Issei and the Japanese Latin Americans is history repeating itself in the government's current racial profiling, discriminatory immigration policies, detentions without charge or due process, and expedited deportations. These policies have sown the seeds of distrust and divisiveness throughout the country, which manifest themselves in hate crimes, physical violence and verbal attacks --- especially against our neighbors who are US citizens and immigrants of Muslim, Middle Eastern and South Asian ancestry.

The constitutionality of the internment was never ruled upon, so it is still legal for our government to repeat the wholesale incarceration of citizens and non-citizens alike in the name of national security. The U.S. Constitution was written to protect all people in the United States, not just people who are US citizens. Today, the defense of our Constitution has never been put to a

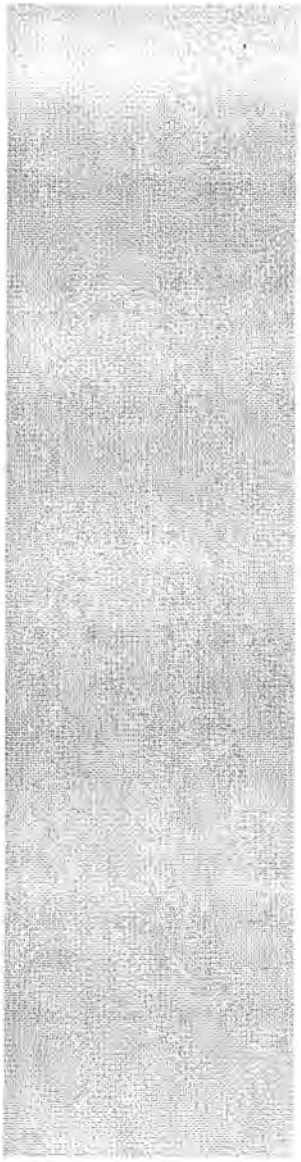
harder test.

Our struggle continues because we are concerned with how our history is being interpreted and what will be the legacy of our Nikkei experience. We want our legacy to show that we fought our best so that no one in our community—neither Japanese American nor Japanese Latin American--was left behind and deprived of their right to redress. We want the full implementation of the education fund that can serve as a bridge from the past to the present and be part of a legacy for future generations. We want our legacy to show that our struggle for redress, both in its early stages and now, is a struggle for truth and justice that reaches beyond our immediate community and is part of the common struggle in which we are all engaged: to defend our Constitution, to apply international human rights to the US, and to ensure human dignity.

So what can you do?

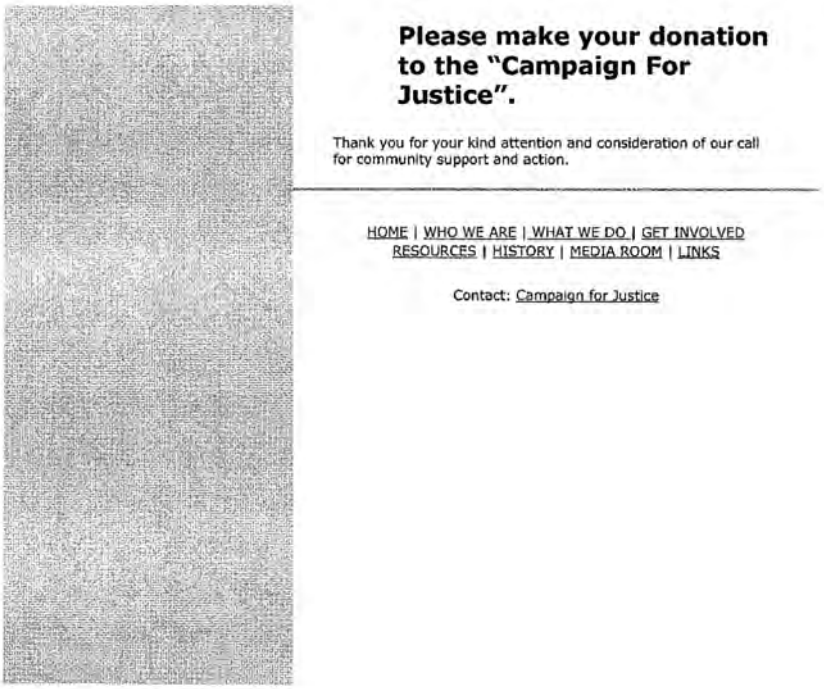
We invite you to support and participate in the first Assembly on Wartime Relocation and Internment of Civilians in the early fall of this year. This major public event will be held in the San Francisco Bay Area to publicize and document the experiences of Japanese Americans and Japanese Latin Americans through their own testimony. They will speak in front of a public audience and a panel of elected officials, historians and other dignitaries. It will be a time when the public will be able to put a human face to the shameful wartime experience. The public will be able to hear the stories of Art, Jane and others who have not been given their due acknowledgment nor apology. It will also be a time for individuals and organizations from all communities to voice their concerns about the US government's failure to fulfill the educational mandate of the Civil Liberties Act. We hope for extensive media coverage and we will document the proceedings and present the findings to Congress as part of an educational process. Our community's goal is to secure a congressional hearing for our comprehensive redress legislation, the Wartime Parity and Justice Act, HR 779.

1. **We need volunteers to help us organize, to provide logistical and translation support, and to make sure the event runs smoothly. Also, please help us spread the word...to your family, friends, coworkers, your church or temple, and your community organizations.**
2. **We would like you to express your opinion on the plight of those in our community who have been denied redress and**



concerns for ongoing education. We will be collecting written testimonies from the former internees and from any concerned member of the public: you can be of any age, race, ethnicity, creed, religion, gender, political affiliation, and you need not have been interned in the camps. Send us your thoughts and we will be able to include some of these written testimonies at the public testimonial event. Let your voice be heard on this critical human and civil rights issue.

3. **Also, please support our comprehensive redress legislation, "The Wartime Parity & Justice Act", HR 779, which is pending in Congress. Sign our support letter and urge your Congressperson and Senator to support our legislaiton. See our information table that will be set up at the community center during the reception for more information.**
4. **And last, but not least, we need your financial support. And we hope that you will give generously.**



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Thank you for your kind attention and consideration of our call for community support and action.

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Mr. KING. Thank you, Madam Chair, and all. That is direct contradiction to the earlier testimony. And I wanted to point out that "Hill or Bill's good rules by all account, I think so," on a statement made that turned out to apparently be the lead of our pejorative.

But some of the questions that come to mind to me would be, as I listen to Mr. Christgau, this tone of America. And I am just ask-

ing myself as I listen to your testimony, if you were to list the countries in the world and in order of their morality, or their relative morality, where would you put the United States with——

Mr. CHRISTGAU. Number one.

Mr. KING. As the most moral Nation?

Mr. CHRISTGAU. Yes.

Mr. KING. Very good. That really helps me put your testimony on a different perspective, and I just appreciate that.

And I would ask also of Ms. Ebel this question, and I know that this gets focused on the family history and the things that you know because of personal experience, et cetera, but have you rolled over the thought about how everybody's destiny is changed by a war? And I know that your testimony reflects upon how your family's destiny was changed because of the actions that took place within the context of this war.

Have you speculated on how different it might be if the internees had been drafted rather than interned? A certain percentage would have gone into combat and been put at great risk. Would that have been an injustice to draft them into the military rather than intern?

Ms. EBEL. It is true that they could have been interned or they could have been drafted and gone into the war. In my father's case, he objected to it because he had family in Europe, and he was concerned about fighting against his brother and his cousin, and so that is why he objected to it. In his release recommendation, they also noted that he was disappointed that he had flunked his preinduction physical, and that he was willing, then, to go and fight.

But are you asking me whether it would be better to draft enemy aliens and have them fight in the war than intern them?

Mr. KING. I would like to ask you a more general question, and less specific. But, if there was a conscientious objections, or as going back to Germany where my uncles went even though my grandmother came from there the previous generation, there was another theater in Japan, which we have heard about, so from that perspective, I would just ask if you have contemplated about, as you speak for many others, I believe, here as a witness, how the destiny might have changed had some of them been sent into the front and perhaps been captured by the enemy and put through those camps instead? Wouldn't we have had more fatalities—some fatalities among this group that you are representing today that wouldn't have lived through the war?

Ms. EBEL. Yes, I think we would have.

Mr. KING. And would that have been a worse atrocity?

Ms. EBEL. For them to go in and fight in a war and die for their country? Yes. But I also wanted——

Mr. KING. And many of our contemporaries and many of our parents were engaged in that in a noble patriotic effort and lost their lives. So I raise that at the beginning. I just am having trouble getting past that comparison.

I think I should turn to Mr. Fonte and ask if you would comment on that?

Ms. EBEL. Well, I just want to say that my father was willing to go to the Pacific, but he had objected to going to Germany. And I also want to add that there were many internees who had family

members fighting in Europe and in the Pacific while they were sitting in internment camps.

Mr. KING. I agree. Thank you.

Mr. Fonte?

Mr. FONTE. Well, in fact, my uncle was involved—and fought against the Italians and Sicilians during a war, too, so as many Italian Americans did.

Mr. KING. I thank you.

Madam Chair, I yield back.

Ms. LOFGREN. The gentleman yields back.

I would ask Ms. Sánchez if she has a question.

Ms. SÁNCHEZ. I just very briefly wanted to follow up on something that Ms. Ebel said regarding the fact that many aliens who were interned during this period had grown children that were fighting for the U.S. military effort, and I wanted to ask—our first witness, were there—how often that happened that they had family that was fighting for the United States while their parents while their parents were sitting in interment camps.

Mr. CHRISTGAU. It happened frequently.

Ms. SÁNCHEZ. And that was never taken into consideration when they were deciding who would be interned.

Mr. CHRISTGAU. No, it was not.

Ms. SÁNCHEZ. Ms. Ebel, you stated that your father, while he was being interned, was called up to be drafted by the Army. Don't you find it kind of ironic that they would be drafting a so-called dangerous person to serve in the military for the United States?

Ms. EBEL. Well, I thought it was a great irony that he was so dangerous that he couldn't be free in the United States, but he could go and fight on behalf of the United States. And then when he flunked his physical, he went right back into the internment camp again.

I just want to add one interesting anecdote in response to your earlier question, was that during the Jimmy Doolittle Raid, one of the navigators for Jimmy Doolittle was a German American-born man, and his father was an alien internee in Washington State.

Ms. SÁNCHEZ. A wonderful way to treat patriots.

Last question for you: Those who were allowed to go home after the end of the war in 1945 had to sign an oath of silence not to talk about their internment. Do you know what the penalty was for speaking out against what had happened?

Ms. EBEL. My understanding is that the penalty was possible deportation and possible internment, and that was the precise reason why many who signed the oath never spoke. I have heard of several stories where there were deathbed confessions of internment, and the family was just around, they couldn't even believe what they were hearing. So the devastation to the individuals who were interned continued long after the internment.

Ms. SÁNCHEZ. Thank you all for your testimony, and I yield back.

Ms. LOFGREN. The gentlelady yields back.

The gentleman from California wishes to ask a question.

Mr. LUNGREN. Yes, thank you, Madam Chair.

As you may know, during my prior service in Congress I was selected to serve on the Commission on Wartime Relocation, and the civilians always know me, sitting Member of Congress who served

on that panel. I did that because I grew up in southern California and was completely unaware of the treatment of Japanese Americans and Japanese nationals.

My home area, I lived not too far—I grew up not too far away from Federal Island, unaware that prior to World War II there was—Japanese American village there—fishing village—that was never returned after the war. And I grew up with the Japanese Americans in my community that had never heard about that. So when this was brought to my attention in the first Congress—the first time I was in Congress—I supported the effort to establish a commission.

I did so by getting sufficient Republican votes to make sure that we could pass it, but I did so at that time by promising Members that it was not a simple excuse for granting reparations; rather, it was a commission—study the record and establish what the history was. But I do recall at the very first meeting that we had of the commission, one of the commissioners turned to us assembled and said, "Okay, how much money are we talking about?" which, frankly, put off alarm bells in my head because I had promised Members that was not the purpose of it. Rather, I had thought it was important for us to investigate that period of time, since it was fairly well unknown about the treatment of fellow citizens and people who were here legally at that time.

I still think it is important for us to have historical records so that we know. I don't think we know enough about how we—what the decisions were with respect to the Japanese Latin Americans here, and there is a lot of lack of knowledge with respect to Germans and Italians.

But I would say that—and I am a co-sponsor of legislation to look at the question of Japanese Latin American treatment, but I would say this: I think we ought to be careful about how we handle this.

I hear about members of your family who were reluctant to talk about their experiences. My dad was drafted into World War II as a doctor. He was a battle—he was a physician who was within one block, as I was told by someone who called me just a year ago, within one block of the front lines in Normandy. He received a Purple Heart there.

He never spoke in any detail about his experiences in World War II. It wasn't because he signed some oath. Because that experience was so horrendous. He told me he did not—he tried not to make friends, because he lost them so fast. He described to me one time one friend he did make who was blown up in front of his eyes, and there were just pieces of flesh and that was all that was left.

So there are many who suffered, and many who, in that generation, sacrificed. I would hope that if we move on these bills, and the bill in which I have cosponsored, that we would, I hope, look at establishing a proper historical record as being the prime reason we are doing this, not that we are looking at making amends by reparations or something like that.

Let me just say this: It is awfully easy for a generation 60 years later to say, "God, you were terrible, and we wouldn't have done this." My hope is that if you have a historical record established, we learn from those experiences, try and adopt some perspective

and some policies which prevent us from making some mistakes that were made.

But just to set a little record, because there was some talk about the FBI. There was one person in the higher positions of the Federal Government who disagreed with Franklin Delano Roosevelt's decision to round up Japanese Americans and nationals from the east and west coast. You know who that person was? J. Edgar Hoover, who said that based on the best information he had he thought he could limit the number of people we are talking about to the ones that he thought were suspicious. Now, in retrospect, we probably know that he was wrong on some of the people they would have rounded up. Wouldn't that have been a better process than what we did do?

And in fact, if you want to look at the historical record, it was in Hawaii that we did not impose that same order because the military commander in Hawaii said if we had that same order that was imposed in Hawaii we wouldn't have enough workers, and we wouldn't have an opportunity to be able to maintain the economy there. And so there we used J. Edgar Hoover's approach, and we only rounded up a few people of Japanese American ancestry.

The only point I am trying to make is as one who has been through this, who has been through the commission, sat on it, the only sitting Member of Congress who was willing to sit on that commission, I know the emotion that goes into it, and I know the possibilities of utilizing language. For anybody to say that we had concentration camps, and therefore equate what we did with what the Germans did, it is historically incorrect and casts a dispersion upon that generation.

And to suggest that we engaged in war crimes or crimes against humanity, frankly, I think, is more than exaggeration. It upsets the historical record and frankly, it is not the way to gain support in the Congress of the United States and for a commission to look at any of this. I hope we would understand that——

Ms. LOFGREN. The gentleman's time has expired, and we have given extra time because of your service on the first commission. And we would thank this panel for your testimony.

Ms. Ebel, I was particularly touched by your commitment to your father. As someone who has lost her father, I know that those obligations are important ones indeed, and I think you are living up to your promise.

Ms. EBEL. Thank you.

Ms. LOFGREN. Thank you very much, and we will ask our next panel to come forward.

I will introduce them as they step forward. First, Valery Bazarov. Mr. Bazarov was born in Russia in 1942, immigrated to the United States in 1988. He holds two graduate degrees from Odessa State University and Hunter College. He joined the Hebrew Immigrant Society in 1988 and currently is committed to finding and honoring the heroes of Jewish and non-Jewish descent who rescued European Jews during the Holocaust.

Our next witness is David Harris. Mr. Harris has been the executive director of the American Jewish Committee since 1990. He travels the globe meeting with world leaders to advance the wellbeing of Israel, combat anti-Semitism, monitor the condition of

Jewish communities, and promote intergroup and inter-religious understanding. He is a prolific author and commentator, and his insightful weekly AJC radio broadcasts are heard by an estimated 35 billion listeners nationwide on the CBS radio network.

Next, I am pleased as Mr. Leo Bretholz is here. Mr. Bretholz was in France in 1940, and by the summer of 1941, HIAS had assisted his aunt and uncle in the U.S. to apply for a visa for their nephew. However, in July 1941, just a day after the bombing of Pearl Harbor, his visa was delayed. Mr. Bretholz spent the next 6 years running from city to city around Europe barely escaping death several times. Finally, in 1947, he obtained a visa to the United States. He has published a book, "Leap Into Darkness," that describes his life between 1941 to 1947.

And the final witness is Michael Horowitz. Mr. Horowitz is the director of the Hudson Institute's project for civil justice reform and project for international religious liberty. He served as general council for the Office of Management and Budget under the Reagan administration and has taught law at the University of Mississippi and at Georgetown. He has also practiced law as a partner at several national firms.

Now, before I ask you to testify, I would like to note the presence in our audience today of Ira Crispen, who is a pretty famous immigration lawyer and author of immigration text that is used as a sourcebook throughout the United States.

So Ira, we are very happy to have you here today, and honored, actually, by your presence.

Ms. WATERS. And he is my friend.

Ms. LOFGREN. And also, Ms. Waters' friend, so also to your credit.

We would ask, as you have heard before, your full statements will be made part of the official record. We would ask your testimony to consume about 5 minutes, and then we will have an opportunity to ask questions.

So if we could begin with you, Mr. Bazarov?

Mr. BAZAROV. Madam Chair, may I ask your permission to testify after Leo Bretholz, and you will understand why——

Ms. LOFGREN. That would be fine.

Mr. BAZAROV. Thank you.

Ms. LOFGREN. Then we will go to Mr. Harris.

TESTIMONY OF DAVID A. HARRIS, EXECUTIVE DIRECTOR, AMERICAN JEWISH COMMITTEE (AJC)

Mr. HARRIS. Do I get his 5 minutes too? [Laughter.]

Madam Chairwoman, distinguished Members of the Subcommittee, my name is David Harris. I am the executive director of the American Jewish Committee. Thank you for holding this hearing on the topic of immense historical importance that resonates to the present day.

Time does not permit more than a brief discussion of U.S. immigration policy during the years of the Third Reich. Fortunately, there are many scholarly works and personal testimonies to fill out the picture. They make clear that as a Nation we did far less to rescue Jews who were targeted for extinction by the Nazi juggernaut than we could and should have.

Allow me to cite just three examples that I believe encapsulate the larger story. In May 1939, a passenger liner, the "St. Louis," set sail from Hamburg with over 900 Jewish refugees. It was destined for Cuba, but on arrival Cuban officials canceled the passengers' transit visas and refused to let all but a handful disembark.

The ship then headed for the coast of Florida, coming so close that the refugees could see the lights of Miami, but U.S. officials refused to let it enter a port. The ship was sent back to Europe, and more than a quarter of the passengers, we know, were killed by the Nazis. Imagine, Madam Chairwoman, our country could find neither the compassion nor the legal basis to admit 900 Jews fleeing Hitler who were within sight of our shores.

The next year, 1940, Assistant Secretary of State Breckenridge Long wrote his now legendary words, "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."

Imagine key State Department officials, when they were not suppressing information coming from Europe about the fate of the Jews—and that is its own story—were seeking ways to block entry into the United States. In so doing, they failed even to meet the strict immigration quotas operative at the time. From 1933 onward, and I would wish to stress this point, the annual country quota for immigrants from Germany was only filled once—exactly once—even though, as you can well imagine, there was no shortage of applicants. The obstacle was a lack of compassion.

And the refugees had few other places to turn: Britain, which itself took in 70,000 European Jews, succumbed to Arab pressure and tightened still further entry into Mandatory Palestine when, tragically, there was no sovereign Israel to offer safe haven. The vast majority of Europe's Jews, feeling the Nazi noose tightening around their necks, were trapped—literally trapped—even when they could still leave countries like Germany and Austria. Too many had nowhere to go; they were the unwanted flotsam of the Second World War.

And third, on January 16, 1944, Henry Morgenthau, the secretary of the treasury, wrote his now famous cri de coeur to President Roosevelt. He quoted a Senate Foreign Relations Committee report recommending a commission to formulate plans to save Europe's Jews. The Committee report said, "We have talked; we have sympathized; we have expressed our horror; the time to act is long past due."

At the conclusion of Morgenthau's admirable letter, with anger and anguish he wrote to the President, his friend, referring to the State Department—our State Department—"The matter of rescuing the Jews from extermination is a trust too great to remain in the hands of men who are indifferent, callous, and perhaps even hostile." Morgenthau's intervention resulted in the creation of the U.S. War Refugee Board, which protected an estimated 200,000 Jews from otherwise certain death.

It was a stark reminder of what this country was capable of when it resolved to act. If only we had acted sooner. But alas, the government spent little time considering ways to rescue Jews, slow down the transport trains to the camps, bomb the machinery of death, or warn the Nazis of sever retribution for their genocidal policy.

Madam Chairwoman, ladies and gentlemen, I cannot end this testimony without a personal word. Even with the falures of omission and commission in American policy, an estimate 200,000 Jews were able to enter the United States from 1933 to 1945. That number may have been a mere pittance compared to those who sought and were eligible for entry, but nonetheless, those 200,000 Jews were saved.

I would not be here today were it not for that group of 200,000. My mother and maternal grandparents were among them, arriving in New York in November 1941. Their entry into the United States, though, was not easy, I assure you. But in the end, having crossed the Iberian Peninsula to Lisbon, the boarded the "SS Exeter" and found a safe haven and new start in this country.

If only more leaders had had the capacity not only to grasp the genocide at had, but also to identify with the anguish of the victims who, until the very end, wanted to believe that their plight would not, could not, go neglected. Then there would have been no need at least for my part of the panel. And yes, there would be many more people like myself, today proud to call America home.

Thank you, Madam Chairwoman.

[The prepared statement of Mr. Harris follows:]

PREPARED STATEMENT OF DAVID A. HARRIS

Madame Chairwoman, Distinguished Members of the Subcommittee,

My name is David Harris. I am the executive director of the American Jewish Committee.

Permit me to thank you for holding this hearing on a topic of immense historical importance that continues to resonate—and haunt us—to the present day.

Time does not permit more than a brief review of U.S. immigration policy from 1933 to 1945, the years that coincide with the rule of the Third Reich. Fortunately, there are many scholarly works on the subject, as well as personal testimonies, which fill out the picture.

Upon assuming office in 1933, President Franklin D. Roosevelt was immediately confronted with two daunting challenges—one domestic, the other foreign.

At home, President Roosevelt faced the devastating impact of the Great Depression and the pressing need to rebuild the economy and restore confidence in the nation.

Abroad, President Roosevelt took office just weeks after Adolf Hitler ascended to power in Berlin.

From the start, the President showed courage and sagacity in dealing with the domestic challenge, while, over time, recognizing, to his everlasting credit, that a country unenthusiastic about the prospect of once again rescuing Europe from its own demons, as it had in the First World War, needed to be prepared for that eventuality.

But the Roosevelt era included one great failing. As a nation, we did far less to rescue Jews, who were targeted for extinction by the Nazi juggernaut, than we could and should have.

Who was to blame? Frankly, it would be easier, and much shorter, to list who was not to blame.

The reasons, excuses, and defenses for those who failed to act could fill volumes.

However sensitive President Roosevelt might have been to the Jews' plight, and there is reason to believe that he was, domestic politics at the time made it difficult for him to act.

He was fearful of inciting the fertile ground of domestic anti-Semitism and facing the wrath of widespread nativist sentiment, both attested to by public opinion polls at the time. Moreover, he was convinced, once the U.S. entered the war, that the best way to help Europe's Jews was to vanquish the Nazis as quickly as possible, without any so-called distraction or diversion of resources.

The Congress, while including some Members who desperately wanted to help beleaguered Jews, could not overcome the resistance of restrictionist colleagues, who, reflecting the popular mood, were unwilling to revisit strict immigration laws adopted in 1924, leaving those laws intact throughout the period under discussion here.

The State Department, plagued by the bureaucratic instinct for inertia and legalism at its worst, not to mention a tissue-thin facade that barely concealed the anti-Semitism of some of its key decision-makers, was the last place in Washington to look for help.

The general public was certainly not clamoring for the gates to be opened. Fearful of more newcomers, who were seen as threats to scarce jobs, and influenced the hysteria wrought by demagogues like Father Charles Coughlin, who railed against the Jews in his popular radio broadcasts, the American people exerted little pressure on elected officials to do something dramatic to help Europe's embattled Jews.

In fact, a 1942 survey, cited by Leonard Dinnerstein in *Antisemitism in America,* found that Americans rated Jews as the third greatest "menace" to the country, behind only Germans and Japanese, the country's sworn wartime enemies. By 1944, Jews had moved to the top of the list, with 24 percent of Americans believing that Jews posed the greatest danger.

With notably few exceptions, the media did not experience its proudest moment, either. In such leading newspapers and opinion-molders as the *New York Times,* stories about the plight of Hitler's victims were often brief and buried, and editorials were few and far between. They hardly contributed to an understanding of, much less a popular outrage against, what was taking place in Europe, even as the grisly facts of the Nazi eliminationist plans emerged.

Jewish agencies, including my own, were alarmed by the trajectory of developments and sought in their various ways to raise consciousness and reach decision-makers, though, it must be said, their clout was severely limited. Indeed, as historian Henry Feingold despairingly notes in *The Politics of Rescue:*

> *Much of their formidable organizational resources were dissipated in internal bickering until it seemed as if Jews were more anxious to tear each other apart than to rescue their coreligionists.*

I could go on. Suffice it to say that this was not our country's finest hour.

In the interests of time, let me cite just three examples that, I believe, encapsulate the larger story.

In May 1939, a passenger liner, the *St. Louis,* set sail from Hamburg with over 900 Jewish refugees. It was destined for Cuba, but, on arrival, Cuban officials cancelled the transit visas that had been issued to the passengers and refused to let all but a tiny handful disembark. The ship then headed for the coast of Florida, coming so close that the refugees could see the lights of Miami, but U.S. officials callously refused to let it enter a port and discharge its passengers. Rather, the ship was sent back to Europe. More than a quarter of the passengers, it is known, were subsequently killed by the Nazis.

Imagine, our country could find neither the compassion nor the legal basis to admit 900 Jews fleeing Hitler who were within sight of our shores.

The next year, Assistant Secretary of State Breckenridge Long, no friend of Europe's Jews, to say the least, wrote his now legendary words: "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."

Imagine, key officials in the State Department, when they were not trying to suppress information coming from Europe about the fate of the Jews, were actively seeking ways to block entry to the United States. In so doing, they failed even to meet the strict immigration quotas operative at the time. Shockingly, from 1933 onward, for example, the annual country quota for immigrants from Germany was only filled once.

In 1939, for example, there were over 300,000 applicants for the 27,000 German slots alone. The failure to do so was not for any shortage of applicants, cumbersome though the process was—including, hard as it may be to believe, a Certificate of Good Conduct from German police officials and, as of September 30, 1939, proof of permission to leave Germany. Rather, the problem was a total lack of compassion.

Nor were the refugees excluded in the knowledge that, if the United States did not resettle them, other nations would. Indeed, few other countries did.

Apropos, Britain, which itself took in 70,000 European Jews, succumbed to Arab pressure and tightened still further entry into Mandatory Palestine, another theoretical escape route, when, tragically, there was no sovereign Israel to offer safe haven to Jews in desperate need.

Two major intergovernmental conferences, Evian in 1938 and Bermuda in 1943, were touted as venues for discussion of the refugee crisis, but the U.S. and other participants seemed more far interested in the politics of symbolism than in substance.

In other words, the vast majority of Europe's Jews, feeling the Nazi noose tightening around their necks, were literally trapped, even when they still had the chance to leave countries like Germany and Austria. Too many had nowhere to go. They were the unwanted flotsam of the Second World War.

And on January 16, 1944, Henry Morgenthau, the Secretary of the Treasury, wrote his *cri de Coeur* to his friend, President Roosevelt.

In it, he said:

> *The best summary of the whole situation is contained in one sentence of a report submitted on December 20, 1943, by the Committee on Foreign Relations of the Senate, recommending the passage of a Resolution (S.R. 203), favoring the appointment of a commission to formulate plans to save the Jews of Europe from extinction by Nazi Germany. . . . The committee stated: 'We have talked; we have sympathized; we have expressed our horror; the time to act is long past due.'*

Concluding his admirable letter to the President, Morgenthau wrote, referring to the State Department:

> *The matter of rescuing the Jews from extermination is a trust too great to remain in the hands of men who are indifferent, callous, and perhaps even hostile.*

Imagine, the Secretary of the Treasury felt compelled to resort to such language about governmental colleagues in a letter to the President, so angry and anguished was he about U.S. refugee policy.

Importantly, the result of Morgenthau's intervention was the creation of the U.S. War Refugee Board, which, through sheer ingenuity and audacity, was successful in rescuing an estimated 200,000 Jews from otherwise certain death.

It was a stark reminder of what this country was capable of when it resolved to act. If only we had done so sooner—but, alas, the government spent little time considering ways to rescue Jews, slow down the transport trains to the extermination camps, bomb the machinery of death, or warn the Nazi regime of severe retribution for its genocidal policy.

Madame Chairwoman, I cannot end this testimony without a personal word.

Even with the grievous failures of omission and commission in American policy, an estimated 200,000 Jews were able to enter the United States in the 12-year period from 1933 to 1945.

That number may have been a mere pittance compared to those who sought entry and, indeed, were eligible for admission under the existing quota system, but nonetheless those 200,000 Jews were saved.

I would not be here today, Madame Chairwoman, were it not for that group of 200,000. My mother and maternal grandparents were among them, arriving in New York in November 1941.

Their entry into the United States was not made easy, I assure you, but in the end, having crossed the Iberian Peninsula to Lisbon, they were able to board the *SS Exeter* and find a safe haven, and new start, in this country.

But if only more leaders had had the capacity not only to grasp the genocide at hand, but also to identify with the anguish of the victims—the victims who till the very end wanted to believe that their plight as human beings would not, could not, go neglected—then there would have been no need for this hearing. And, yes, there would be many more people like myself today proud to call America home.

Thank you, Madame Chairwoman.

Ms. LOFGREN. Thank you, Mr. Harris.

Mr. Bretholz, we will be pleased to hear from you.

Could we get a microphone?

**TESTIMONY OF LEO BRETHOLZ,
AUTHOR OF "LEAP INTO DARKNESS"**

Mr. BRETHOLZ. Madam Chairwoman, it is a pleasure to be here and a privilege to have been invited to share my story with you.

I am not an angry man. I am a disappointed man. I am sad because what Mr. Harris just said spells it all out. In addition to Breckenridge Long, there was a man at the State Department by the name of Robert Borden Reams, and Robert Borden Reams was informed by a man in Geneva by the name of Dr. Guerhard Reidner—he was the representative in Geneva of the America Jewish Congress—that he had just learned that the Final Solution has been decided on the the Wannsee Conference.

Robert Borden Reams notified the American consulates overseas not to pay attention to Dr. Reidner's report, because for your information, Reidner is Jewish. And Robert Borden Reams was in charge of the Nazi Jewish desk at the time at State Department.

My story is one very personal of survival during the Holocaust. I was living in Vienna in Austria in March 1938 when Hitler and the German army entered the city and—the annexation of Austria, and at the encouragement of my mother, I fled Austria. In April 1941, I had an aunt and uncle in Baltimore who prepared affidavits hoping to obtain a visa of immigration to the United States. That autumn, deportations from Vienna began.

During this time, I was in France dreaming of immigrating to the United States, and every day I went to the post office hoping to find good news somewhere beyond so much awfulness. One day my eyes fell on a red, white, and blue bordered envelop from America. The postal clerk knew.

For weeks I had been sighing disappointedly when no mail arrived from the United States, and now my aunt in Baltimore was writing to me. And with the help of the HIAS Hebrew Immigration Aid Society, my affidavit was accepted by the U.S. Immigration and Naturalization Service. In the near future, my aunt wrote I should receive notification from a U.S. consulate to appear at its office for my visa.

In November, I received notification that stated, "Present yourself at the U.S. consulate in Marseilles on December 8, 1941." Early in the morning December 8, I stopped at the newspaper kiosk on my way to the U.S. consulate in Marseilles. I saw a headline. For those who know French, "Le Japon Attaque La Flotille Americaine A Pearl Harbor"—Japan has attacked the American fleet in Pearl Harbor.

Now, I didn't know who this Pearl, was, you know, an unknown person to me, of course. I stood transfixed. Never had I heard of Pearl Harbor, and now it was the fulcrum of my entire life. At 9 o'clock I presented myself at the receptionist—to a receptionist at the consulate and saw more than a dozen visa applicants.

We waited at the consulate for someone in authority to enter the room to tell us our pleas would be answered, that an exception would be made for us. No one came. As I left, the consulate seemed a descent into doom, because the consulate had notified, no visa applications are going to be examined.

After being denied a visa to the United States, I spent the next 6 years on the run, barely escaping death—as I like to say, trying

to be one step ahead of those who wanted me dead. And that was in Vichy, France. I escaped Germany by swimming across the River Sauer into Luxembourg; I escaped the French camp at St. Cyprien near the Pyrenees Mountains; I crossed the Alps by foot into Switzerland, hid into attics; I was sent back to Vichy, France from Switzerland—by the way, I was arrested; I escaped and leapt from a train at night that was bound for Auschwitz—that was on the 6th of November, 1942, and were it not for this night of November 6, 1942, I would not be sitting here talking, because in that train, 20 cattle cars, 50 each, 1,000 people, only five survived, and I am one of them. I had escaped from the train with a friend on the night of November 6, 1942.

I wanted to find myself in the United States, and from Baltimore I received a letter from my aunt telling me to be patient. She had prepared another affidavit of support with the help of the HIAS Hebrew Immigration Aid Society. But at the time, there were thousands like me trying to immigrate to the United States. The process was slow.

Almost a year later, on March 18, 1946, I received a letter from the American consulate in Bordeaux saying that I had been given a low case number, number 531. Receiving the low case number made me feel very important.

In December 1946 I received my French exit visa. A week later I was booked passage on the steamer "John Ericsson." I departed for the United States in January 1947; I arrived here 62 years ago.

I reached America in 1947 and hid my story for the next 14 years. Why had my life been spared when so many had been taken? Would some miracle arrive in the mail telling me that my mother and sisters were still alive somewhere in the wreckage of Europe? However, I do know that if I and many others had received visas to immigrate to the United States in 1941, many of us would have been spared the horrific experiences we endured, and many more people would have survived.

My mother and sisters were murdered in a death camp, and 20 more family members. In addition to the story of the "St. Louis," there is also one other story that has to be mentioned, that while 10,000 children were admitted to England in 1938 and 1939, at that time there was a bill introduced in the United States Congress to admit several hundred children and it was voted down in the United States.

I want to end, Mrs. Chairwoman, with a quote from George Fantayana, and this is all the exercise here, but this is not recrimination because we are changing the past. That is the past. That cannot be changed. But George Fantayana said, "If we do not remember the lessons of history, we are condemned to repeat them." And this exercise here is to make sure that that will never get repeated.

Thank you very much.

[The prepared statement of Mr. Bretholz follows:]

PREPARED STATEMENT OF LEO BRETHOLZ

I was living in Vienna, Austria in March 1938 when Hitler and the German army entered the city. At the encouragement of my mother, I fled Austria.

In April 1941, I had an Aunt and Uncle in Baltimore who prepared affidavits, hoping to obtain a visa of immigration for me to the United States. That autumn,

deportations from Vienna began. An Aunt and cousin of mine were shipped to a Lodz ghetto *en route* to Auschwitz. An Uncle of mine was already there. During this time, I was in France, dreaming of immigrating to the United States. Every day, I went to the post office, hoping to find good news somewhere beyond so much awfulness. One day, my eyes fell on a red-white-and-blue bordered envelope from America.

"Enfin, ca y est," the postal clerk said. At last, it's here.

The postal clerk knew. For weeks, I'd been sighing disappointingly when no mail arrived from the United States. Now, my Aunt in Baltimore was writing to me. With the help of the Hebrew Immigration Aid Society, my affidavit was accepted by the U.S. Immigration and Naturalization Service. In the near future, my Aunt wrote, I should receive notification from a U.S. Consulate to appear at its office for my visa.

In November, I received the notification that stated: "Present yourself at the U.S. Consulate in Marseilles on December 8, 1941."

Early in the morning of December 8th, I stopped at a newspaper kiosk on my way to the U.S. Consulate. I saw a headline: *Le Japon Attaque La Flotille Americaine A Pearl Harbor."*

I stood transfixed. Never had I heard of Pearl Harbor, and now it was the fulcrum of my entire life. At nine o'clock, I presented myself to a receptionist at the consulate, and saw more than a dozen other visa applicants.

We were told by the consulate that, "In view of the hostilities, the consulate has been instructed to cease all visa-processing formalities until further notice."

A woman standing with her small children began to cry, so the children also cried. A dreadful wailing commenced. A mistake, we proclaimed. People are waiting for us, we moaned. Yes, yes, we were told by the consulate, but this is war and we all must make sacrifices.

We waited at the consulate for someone in authority to enter the room, to tell us our pleas would be answered, that an exception would be made for us. No one came. As I left the consulate it seemed like a descent into doom.

After being denied a visa to the United States, I spent the next six years on the run, barely escaping death. I had escaped Germany by swimming across the River Sauer; I escaped a French camp at St. Cyprien; I crossed the Alps by foot into Switzerland; hid in attics and ceiling crawlspaces; I escaped and leapt from a train at night that was bound for Auschwitz; I was arrested by French gendarmes, beaten by prison guards, and escaped again; and I joined the French resistance until the War in Europe was over.

The end of the War in Europe in 1945 was not like the end of a winning ballgame or the beginning of a new year. Instead, it felt like the winding down of an endless era of exhaustion, and the beginning of a great unknown.

I wanted to find myself in the United States. From Baltimore, I received a letter from my Aunt telling me to be patient. She had prepared another affidavit of support with help from the Hebrew Immigration Aid Society. But, at the time, there were thousands like me, trying to immigrate to the United States. The process was slow.

Almost a year later, on March 18, 1946, I received a letter from the American Consulate in Bordeaux, saying that I had been given a low case number, 531. Receiving the low case number made me feel important.

In December of 1946, I received my French exit visa. A week later, I was booked passage on the steamer *John Ericsson.* I departed for the United States in January of 1947.

Early on the morning of January 29, 1947, I saw seagulls gliding through the air. An airborne welcoming committee, I thought. Our steamer was approaching the coastal waters of the United States. In the afternoon, the steamer entered New York harbor, moving past a fog-enshrouded Statue of Liberty. Many of us stood on the deck of the steamer and gaped, not quite believing we had finally arrived. Spontaneously, we applauded her welcoming figure.

I reached America in 1947 and hid my story for the next fourteen years. Why had my life been spared when so many had been taken? Would some miracle arrive in the mail, telling me that my mother and my sisters were still alive somewhere in the wreckage of Europe? However, I do know that if I and many others had received visas to immigrate to the United States in 1941, many of us would have been spared the horrific experiences we endured and many, many more people would have survived.

Ms. LOFGREN. Thank you, Mr. Bretholz.

Mr. Bazarov, you have reserved the time for after, and then we will go to Mr. Horowitz.

TESTIMONY OF VALERY BAZAROV, DIRECTOR OF LOCATION AND FAMILY HISTORY SERVICE, HEBREW IMMIGRANT AID SOCIETY (HIAS)

Mr. BAZAROV. Thank you.

Madam Chairwoman, Ranking Member King, Members of the Subcommittee, thank you for inviting me to testify before this Committee which addresses the issue long time overdue.

If somebody asks, "Why address the matters which lost urgency a long time ago and with not many witnesses left who can testify their own experience?" the answer is, we must address the matters which happened in the past just not to allow them to happen again. It could be argued that nobody learns from history. That is true. But there is always hope that the next time it will be different. I hope that this time it will be different.

I have the honor to represent here, at this hearing, the Hebrew Immigrant Aid Society, HIAS, which opened its doors in 1881, and since then until this day, assists Jews and other people whose lives and freedom are in danger. The objective of this statement is to show that the numbers of Holocaust survivors would have been far greater were it not for the policies of the U.S. State Department toward the immigration of European Jews.

From 1933 through 1941, Germany permitted immigration. The problem was finding safe haven for the desperate refugees. It was only in the end of 1941 that the Nazis instituted the infamous Final Solution and the fate of millions of Jews was sealed.

Immigration in the time of peace was not an easy assignment. During the war, with the rules set by the State Department, it became almost mission impossible. To leave France, for example, a refugee needed an exit visa, a transit visa, an entry visa for the country of destination, affidavits of support—laural and political affidavits, certificates of good behavior, and paid tickets for the ship destined for the United States or other country of immigration. Documents with expiration dates had to be valid on the day of departure. Just one document had expired and the refugees needed to start all over again.

In addition, visas were valid only for up to 4 months, and the tickets overseas were sold out for many months ahead. Moreover, the tickets would be not sold without issued entry visas, and of course the United States consulate would not issue a visa without a ticket. It is not surprising that the majority of the refugees could not make it.

Sometime ago, I interviewed Hellen Katel, who worked for HIAS in France in 1940 and 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.

In 1941, FBI, through the State Department, reviewed allegations against HIAS, which allegedly was bringing the Gestapo agents under power of the refugee status. The answer of the consulate was straight and left no doubt that HIAS's integrity was intact.

However, 3 weeks after the positive reports, State Department addressed the consulate with the following document: The Department received information from reliable confidential sources indicating that the Gestapo is using the Jewish refugee organization, HICEM—it is another name of HIAS in Europe—in getting their agents into the United States and other western hemisphere countries. It is suggested that any application for visas of persons to whom this information applies be examined in the light thereof. The only plausible reason for the State Department to issue such decree was an attempt to restrain lifesaving Jewish immigration.

Now, I asked for permission to testify after Mr. Bretholz because his testimony is not complete. He doesn't have in his documents, and I was able to procure them from our archives. He was denied the entry to the United States for the first time in June 1941, long before Pearl Harbor happened. That is when he received the letter from the consulate that the rules of the—again, and his visa was canceled. Now remember, David Harris quoted this quotation from Breckenridge Long, "Postpone, and postpone, and postpone."

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

Thank you.

[The prepared statement of Mr. Bazarov follows:]

March 19, 2009

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[i].

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."[ii]

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[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[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 visas, 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.[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 1947[vi].

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 Auschwitz[vii].

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[viii]. 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[ix]

1933…… 2, 372

1934…… 4,134

1935…… 6, 252

1936…… 6, 252

1937……11, 352

1938……19,736

1939……43, 450

1940……36, 945

1941……23, 737

1942……10, 608

1943……4, 705[1]

July 1, 1943 to

December 1945……18, 000[2]

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[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

[ii] David S. Wyman. *Paper Walls,* Pantheon Books, NY, 1968, p. 173

[iii] http://www.pbs.org/wgbh/amex/holocaust/peopleevents/pandeAMEX90.html America and the Holocaust: Breckenridge Long (1881 -1958)

[iv] David S. Wyman. *The Abanonment of the Jews,* Pantheon Books, NY, 1985, p. 128

[v] Bazarov, Valery. "Racing with Death: HIAS (HICEM) Lisbon Files", *Avotaynu,* V. XX, Number 4, Winter, 2004, p. 24

[vi] Leo Bretholz with Michael Olesker. *Leap into Darkness,* Anchor Books, New York, 1998

[vii] http://www.pbs.org/wgbh/amex/holocaust/sfeature/index.html America and the Holocaust: Kurt Klein's Story

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

[ix] Wischnitzer, p. 289

Ms. LOFGREN. Thank you.
And finally, Mr. Horowitz.

TESTIMONY OF MICHAEL HOROWITZ, SENIOR FELLOW, HUDSON INSTITUTE

Mr. HOROWITZ. I am Michael Horowitz. I am a fellow at the Hudson Institute. I have spent my career fighting racism, dealing with human rights. I was a professor of civil rights law at the University of Mississippi teaching the first integrated classes and had my share of run-ins with the Ku Klux Klan. I have been deeply involved over the last 10 years with right-left coalitions that have passed laws like the International Religious Freedom Act, the Trafficking Victims Protection Act, the Sudan Peace Act, the North Korea Human Rights Act, the Prison Rape Elimination Act, and other such laws.

I deeply believe that American interests are only strong when American values are honored, and so I am pleased and honored to be here today. I have got a wife who is a doctor; I have been a little under the weather, but I am here. If it were my deathbed I would be here, because I think that importance of this hearing is so critical.

How can it be said to be critical? I mean, you are dealing with billion, trillion dollar bailouts and collapses of economies. My judgment is, how a nation defines itself, how it sees its own history—if it gets it right, if we get it right—it will do more to solve the toxic mortgage problem than all of the bailouts. History is how we understand ourselves and how we move on in the future.

And so let me say that I am on this panel with men that I am just so honored to be with, and I agree with everything they have had to say, because a great nation needs to learn from its mistakes. If we are blind to our mistakes, we will not remain a great nation. And I would say as a Republican, my last appearance before a Judiciary Committee came when I opposed with all I had in me Bush administration policies that defined material support in ways that would require—that treated as terrorists women who were forced to wash the clothes of terrorist rapists.

I come here in context of H.R. 1425, and I think it is very, very important to indicate that we learn from history only if there is balance, not prejudgment; if there is scholarship, not anecdotal work. And that is why I am here to talk about Section 101 of the bill, the one that deals with the German, Italian, European Commission.

I would get off my sacred deathbed to ask this Committee to delete or oppose that provision, and here is why: That provision profoundly ignores context. You read the findings, it is as if we never fought World War II; it is as if we were never vulnerable to lose World War II.

Doctors talk about a retrospectoscope; everyone is perfect when they have one, but there is no balance there. And there are no facts as one looks at that hearing—at that provision. The bill ignores, it blurs the treatment between enemy alien citizens of Germany and Italy and the United States citizens.

Its numbers are wildly skewed. One looks at numbers like 300,000. We don't know what the numbers are but we can, I think,

fairly be confident that the numbers in the findings section are not accurate.

The bill also ignores the fact that in context, we were looking at, as I am sure John Fonte has indicated, brownshirt and blackshirt and Bund organizations that were rampant throughout the United States. I grew up in the Bronx, and I have got to tell you that my Italian friends—and most of them were Italian—would not have given hearings, however imperfect they may have been, and appeals to many of the people who were interned; they would have had them executed. And I note that the bill talks about that they love this blessed land, and they hated the kinds of people who were actively intimidating in support of the Fascists and Nazis who had taken over their own home country.

And so I think that that bill ignores that. It ignores the hearing rights that were present. It ignores the spy networks. And frankly, having sat on this panel and been moved by it, it just offends me so deeply that this bill, inadvertently or otherwise, ties America's treatment, imperfect as it was, of the enemy aliens with what we did to immigrants seeking to come into the United States. Every one of those immigrants would have given anything to have been treated twice as badly as we treated those enemy aliens.

Now, the main point I want to make about that commission is, its—I will wrap it up—not only its lack of balance, but its call for membership. It calls for four members who are involved in, who are active in the Italian American and German American affairs.

What we need if we are going to do it right is scholarship, and we have talked about Professor Abzug. Let me just close. There are two things I want to say.

One, I don't have the chance to talk about its impact on the crisis we now confront with terrorism, but Professor Abzug, just before this hearing, asked me—authorized me to say something about the scholarship, and Mr. Christgau who—he cares—but here is what he had to say, this Regents professor: "As my review stated, the Christgau book is lightly researched, anecdotal, and in no way delivers compelling evidence of widespread abuse that can be compared to the situation of Japanese Americans during the war. In fact, I came away from reading the book with the distinct impression that abuses were present, but not widespread, on the basis of the author's lack of evidence, lack of research and rigor, especially when one considers the security context of the time."

So if you are going to do it, insist that scholars like the kinds of scholars who research what Abraham Lincoln did during the Civil War, who can provide balance——

[The prepared statement of Mr. Horowitz follows:]

PREPARED STATEMENT OF MICHAEL HOROWITZ

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 <u>context</u> 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. <u>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.</u>***

- ***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.

Ms. LOFGREN. Mr. Horowitz, your time is expired. We do appreciate your testimony, and we appreciate the testimony of all of the witnesses.

At this point we have time for questions, and I would turn first to the Ranking Member, Mr. King, to see if he has questions for the panel.

Mr. KING. Thank you, Madam Chair, and as I listen to the testimony, something occurs to me, was a statement made in the Judiciary Committee 2 years ago by one of our Members, who said, "Nazis predominantly were Christians and the Holocaust was a Christian tragedy."

I would ask first Mr. Harris, would you agree with that?

Mr. HARRIS [continuing]. That is going to require a separate hearing. I would put it this way, sir: I would say that European soil for centuries was tilled by Christian anti-Semitism. And when the pagan philosophy of the Nazis, however they were born, whatever their baptismal certificate said, came, and they pursued the notion of a final solution, they found very fertile ground largely because of the result of centuries of the teaching of contempt and the imposition of everything from forced conversions to inquisitions, and so forth. So I would be a little more careful in the wording than the question presented, but nonetheless there is a connection.

Mr. KING. And it is a cultural connection rather than religiously based. Would you agree with that?

Mr. HARRIS. I would agree that the Third Reich did not act in the name of Christian faith. To the contrary, there were many Christian clergy in countries like Poland who themselves were targeted, who were incarcerated in concentration camps, and in many cases killed as Christian zealots and others.

Mr. KING. And you had described it as a pagan philosophy. Is Nazism a pagan philosophy?

Mr. HARRIS. That is the way they themselves would describe it.

Mr. KING. As I would too, and I think that point of clarity needed to be brought, Mr. Harris. And then, have you in your studies—first, I have got great sympathy for this argument that here, and I can't put myself into the context of the history back in that time, but, you know, I would think that bringing the "St. Louis" into the United States would be something I would like to think I would have approved in a heartbeat. This one really is stark, and it stands out to me.

But I don't think I am hearing the other side of this—the balance, the historical balance in this. And that is, the end that was put to Nazism by the free world, would you say that—I don't want to put words in your mouth, I just wondered, do you have a speculation on how many Christians gave their lives to end the Nazi Holocaust?

Mr. HARRIS. First of all, in my full written testimony, Congressman King, I speak about the dramatic issues that Franklin Roosevelt faced as President of the United States, including a country that itself was largely unwilling to go to war after rescuing Europe in the First World War. I give him credit for leading this Nation to the realization we would have to fight again, and you men particularly—young women as well, but primarily young men on the battlefield, and I would add not just Christians, but people of all faiths including many Jews—500,000 American Jews served in the military—and yes, we should never lose sight of the fact that at the end of the day the Allies, lead by the United States together with

Great Britain, and I have to add the Soviet Union, vanquished the Nazi dream of a 1,000-year reign; there is no question about it.

Mr. KING. I thank you, Mr. Harris, and I think it does take another hearing to flesh this out. Myself, I feel the urge to go way deep into that history and lay out a lot more of the foundation of it.

I wanted to ask Mr. Bretholz that—I would think there would be a bond there, but have you read Victor Frankl's writings?

Mr. BRETHOLZ. Yes.

Mr. KING. And I just, as I listened to your testimony, his——

Mr. BRETHOLZ. He was Viennese, by the way. He was Viennese, just like I.

Mr. KING. Yes.

Mr. BRETHOLZ. I like to say, I am from Vienna, but nothing is perfect in life, you know.

Mr. KING. The delivery and the tone in your testimony brought that to mind as I listened to you today, and I wanted to reference that and ask if you learned anything from his search for meaning.

Mr. BRETHOLZ. If I had what?

Victor Frankl's search for meaning. Well, it is a text in schools now, just like my book has been taken and also is a text recently, but it has confirmed everything that I had experienced myself. And of course, Victor Frankl had a different reaction and he made something positive out of his life, while—from Italy, what is the fellow that came—Primo Levi was a destroyed man after the camp. Frankl did something positive and Primo Levi could not exist after that.

Mr. KING. Thanks, Mr. Bretholz.

I thank you all for the witness. Mr. Horowitz, if I could——

Mr. BRETHOLZ. One more thing about Christians.

Mr. KING. Yes.

Mr. BRETHOLZ. Do you know the late historian, Professor Halebrook, said that Hitler's plan to annihilate the Jews was the culmination—this comes back to the point of Christians—was the culmination of what had happened for centuries. There is a book written by a Jesuit priest, Edward H. Flannery, he called it "The Anguish of the Jews"—23 centuries of anti-Semitism. But the early missionary said you may not live among us as Jews, so the Jews converted. They may be allowed to live.

Then came the secular Christians, and they said later on in the Middle Ages, they said, "You may not live among us." So, you may not live among us, so they went into shtetles, in the first shtetle in Venice, is an Italian town, and then came Hitler and he made it a very simple, short—, "You may not live," you know? And this was the culmination of it all.

Ms. LOFGREN. Thank you, Mr. Bretholz. The gentleman's time has expired, and we are about to be called for votes, so I am going to ask Ms. Sánchez if she has a question before hearing from Mr. Lungren.

Ms. SÁNCHEZ. Well, in the interest of time, because we are going to be summoned for votes shortly, I will submit written questions for our panelists and some of our previous panelists. I just really want to commend all of you for your testimony and your bravery in coming forth and sharing your stories, and I think that abso-

lutely those that don't study history are doomed to repeat it, and I think your stories show that, you know, and idealized version of history does nobody any good. We really need to examine the good and the bad in the hopes that in the future the bad won't be repeated.

And with that I am going to yield back my time.

Ms. LOFGREN. The gentlelady yields back.

I would turn to Mr. Lungren to see if he has a question.

Mr. LUNGREN. If I could just make a comment, and some may think this is a little off, but one person that we don't recognize for his greatness during this time is a fellow, Dwight D. Eisenhower, for the great contributions he made to make sure that we knew that there was a Holocaust and that there were concentration camps. He was a Midwestern raw-boned American who—justice did his job as he thought he should, and we don't give him enough credit for the enormous job he did.

But secondly, it was his innate goodness and his—horror that he found with the concentration camps that lead him to make sure that we documented that so that the non-believers and the disclaimers would be put to a lie. I know that is not the subject of this hearing, but he happens to be one of my heroes, and we just don't mention it often enough.

Thank you.

Ms. LOFGREN. At this point, the bells are going to ring any moment. So I would just like to not ask questions but really thank, once again, the witnesses, from Mr. Masterson and Ms. Shimizu and Ms. Yamamoto, especially those of you who came all the way from California to talk about your stories and to inform us, this is on the Web. So not only are we looking at your testimony here in this room; I think people all over the world have had the benefit of what you have said. And hopefully this will inform us as we move forward. I am enormously grateful for your presence and also the extra efforts that you have made over the years.

For our second panel, I know Mr. Christgau and Ms. Ebel and Ms. Donald and, of course, Dr. Fonte, we appreciate your approach on the bill, but the personal stories are hard to tell. I know that. And that you would share them with us to inform us as we proceed means a lot to me and, I think, to all of the panel.

And finally this last panel. Mr. Bretholz, as you were speaking I leaned over to Mr. King and said, what a tremendous feat of survival and bravery that you were able to share with us. And really the history that we have learned, you are right, is to inform our future.

And that is really what we are talking about with all of this. We can't undo the past, but we can try to understand our history, to acknowledge when mistakes were made—only a big country can do that—and to learn so that we can be a better country going forward.

So I want to thank each of you for being here today and for your tremendous efforts. We will keep the hearing record open. If Members have additional questions we would ask that they would be submitted to you and that you respond to them within the—saved by the bell, yes, those bells there are to let us know that our presence is required on the House floor, so we will adjourn this meeting

asking Members to submit additional questions within 5 days. And thanks to all of you.

This hearing is adjourned.

[Whereupon, at 2:15 p.m., the Subcommittee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE ZOE LOFGREN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, AND CHAIRWOMAN, SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW

I would like to welcome the Subcommittee Members, the public, and especially our witnesses, many of whom have come from all over the country to share a part of U.S. history that many of us are unfamiliar with. Some of our witnesses will tell us deeply personal stories that are very difficult to share and I would like thank them for being here today to provide this important part of history for us.

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, the Commission's report in 1983, and the subsequent Civil Liberties Act of 1988 that provided an official apology for the internment of Japanese Americans. What is not as well known today is the mistreatment of thousands of Japanese and European Latin Americans, European Americans, and Jewish refugees prior to and during WWII.

The 1980 Commission *did* detail the mistreatment of Japanese, German, and Italian Latin Americans, but only in the appendix of their report. It also included just one chapter of thirteen on mistreatment of German and Italian Americans in the U.S. Furthermore, no recommendations were made on these populations and there was no official apology, as was done for Japanese internment, pursuant to the Civil Liberties Act of 1988.

It is time for this history to be fully heard and considered.

I would like to note that although there are two bills that have been referred to this subcommittee concerning the issues we are examining today, this is NOT a legislative hearing. Before we consider specific legislation on an issue that many are very unfamiliar with, indeed, our general history books are sparse in this area, it is important that we learn the facts and listen to the history to determine whether legislation is the appropriate response. If it is, we will then turn to the bills referred to this subcommittee and examine whether the specific language in the bills is appropriate or whether amendments are needed. I welcome comments on the bills and will consider them if we decide to move legislation in this area. Today, however, I am particularly interested in learning about the issue and whether another commission is indeed necessary to review history that has not been told in an adequate way.

PREPARED STATEMENT OF THE HONORABLE JOHN CONYERS, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN, AND CHAIRMAN, COMMITTEE ON THE JUDICIARY

Reconciliation and justice can only come after the truth is known, and as commissions of inquiry have played important roles in the United States and abroad. Today, we are going to look at how the US Government undertook broad sweeps against perceived "enemy aliens" after an attack on our country. But unlike hearings we've held on rendition, detention, and mass round-ups in the wake of the September 11 attacks, today we're going to look at the government's actions during World War II. Let me lay the playing field as I see it:

First, there is a consensus that *the Commission on Wartime Relocation and Internment of Civilians in the 1980s was particularly effective in confronting the historical record* of the arrest and internment without due process of Japanese Americans

during the Second World War. The work of that commission which led to an official apology and some measure of restitution for the victims of internment.

Second, despite the good work of that commission, *there is additional history involving other populations that were also mistreated during World War II* that have not been sufficiently examined. This history involves the rendition of thousands of Japanese and European Latin Americans to the United States for incarceration, the internment of at least 1,500 German and Italian-Americans, and the callous rejection by consular and immigration officials of Jewish asylum seekers seeking to flee Nazi oppression.

There are several bills being circulated in Congress for commissions of inquiry into these matters, and today's hearing will help us weigh those proposals.

Third, what we do today will not substitute for sustained study that grapples with the hard questions of what America does with minority communities in a time of war. While we can shine a little bit of light today on these unfortunate chapters in our history, one hearing is just part of the historical conversation.

We have seen this in other areas—the Committee's oversight hearings on rendition, torture, surveillance, and racial profiling of Arab communities have had an impact on American policy, but they are no substitute for a truth and reconciliation inquiry into abuses in the name of the war on terror.

So too, legislation that we passed in the 110th Congress commemorating the 200th anniversary of the Slave Trade Act and to provide new tools to enforce the 13th amendment's guarantee of freedom do not take the place of a commission that would help us confront the ongoing effect of chattel slavery on this nation.

So I am looking forward to hearing from our witnesses today, and participating in the ongoing conversation about how we can preserve the rights of ethnic minorities and refugees in wartime, so that these tragic episodes are not repeated.

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS, AND MEMBER, SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW

Thank you Madam Chairwoman for convening today's very important hearing where we will consider, "The Treatment of Latin Americans of Japanese Descent, European Americans, and Jewish Refugees During World War II." This hearing explores the treatment of Latin Americans of Japanese descent. In addition, there are other populations mistreated during WWII whose histories have not been fully examined by the Federal Government in a similar manners as the histories of the Japanese and Italian Americans mistreated during WWII.

The Japanese, German, and Italian American communities have advocated for an official 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.

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 establishes 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 relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from 1941 to 1948, and the impact of those actions by the U.S., and to recommend appropriate remedies. The mistreatment of German and Italian Latin Americans is the subject of H.R. 1425. In addition, the mistreatment of Jewish refugees during WWII is the subject of H.R. 1425.

Today we have distinguished panelists on three separate panels. I look forward to hearing today's testimony and hearing from each of the witnesses on this topic.

Chairwoman, thank you, again. I yield the balance of my time.

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

The Reseneder Family Internment Story

My mother, Charlotte Reseneder Dimmling, her sister, Othilia "Tilly" Reseneder Busse and my grandparents were interned in Crystal City from 1942 until December 1945, seven months after the war in Europe ended. How they got there and why they were there is truly an amazing, but yet sad, story.

Both my grandparents, Ottilie and Jacob Reseneder, were born in Germany and immigrated to the United States in 1926 for a better way of life. They had two daughters, Charlotte and Tilly, both of whom were born in the United States. My grandfather worked for an American company, Pfizer, but because of his long social ties to Germany, he belonged to a German social organization. This was not uncommon of German immigrants living in Brooklyn in the early 1940's. Although innocent in his eyes, this wound up being the primary cause for the family's internment.

As retold to me by my mother and aunt, FBI agents came to their apartment in the middle of the night. They woke them from their beds and ransacked their apartment. The agents proceeded to question my grandfather and without notice, took him away. For several days my grandmother did not know his whereabouts, until she learned that he was being retained at Ellis Island. The irony of this is incredible since Ellis Island, known to almost 12 million immigrants as the "front door of freedom", was also a holding place for my grandfather as an "alien enemy" and a threat to the United States.

After a while, my grandparents, mother and aunt were told that they were being sent away. My grandmother did have the option of staying in Brooklyn with her daughters, but elected to go with my grandfather. Who wouldn't? After all, my grandfather was the sole provider and she had no place else to go.

Except for what they were allowed to carry in suitcases, all of their possessions were taken. They proceeded to board a train and spent several weeks on a freight train crossing the country with absolutely no idea where they were being taken. They eventually landed in Crystal City, Texas.

During the next three plus years they lived in a world that consisted of barbed wire and guard towers. They were prohibited from leaving the grounds. Living conditions in the camp were much different than Brooklyn. My mother and aunt lived in a one-bedroom hut which only had enough room for a bed, a dresser and a chair. My grandparents lived in a similar one-bedroom hut.

All four were required to line up three times a day to be counted. When a whistle blew, no matter where you were in the camp, you had to run back to your hut, stand out in front and be counted. Armed guards were everywhere.

Crystal City German School Photo July 5, 1945 Charlotte--top row--first girl from left
Tilly--4th from right, 3rd row. Reseneder Family Collection

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Note: Due to the voluminous amount of material submitted, only a portion is being published in this hearing. All material submitted is on file with the Subcommittee.

Crystal City Children's Party Note bungalows in background where internees lived
Reseneder Family Collection

Tilly Reseneder's Crystal City Class Photo Tilly – top right
Reseneder Family Collection

My aunt retells the story of how she sprained her ankle and had to be taken to San Antonio to get it X-rayed and during the whole time she was escorted by two armed guards. She was only eleven years old! During this time, both my mother and aunt learned German since both were Americans and did not know speak the language fluently, except for some spoken at home. It seems almost surreal that American born children, who both spoke perfect English, had to be taught a language they did not speak, although they were encamped for their ethnicity.

In private, both my mother and aunt have said that, being children, the living conditions in Crystal City seemed pretty good. Germans, along with Japanese Americans, built a big irrigation pond that doubled as swimming pool for the internees and they remember other amenities. However, both acknowledge that they were quite young and did not fully feel the impact of the dislocation. My grandparents, on the other hand, were devastated. Here were two people that came to this country in the hope of raising a family and providing their daughters with opportunities that they didn't have in Germany, only to see everything, including their dignity, stripped from them.

When the war was over, my grandparents were so disillusioned with the way they were treated they immigrated back to Germany only to return to a country that was destroyed by war. Eventually, my mother and aunt came back to the United States, as did my grandparents, since everything in Germany was ruined.

To this day, the experience has had a profound impact on my mother and aunt. They were so concerned with the potential stigma associated with the internment; they refused to bring it up in conversation with even close friends and family. As the son of Charlotte Reseneder Dimmling, I was always told by my mother not to reveal her past for fear of being typecast by neighbors, friends and employers even though it was the mid-1970s, more than 30 years after the war ended.

Even a generation later, the pain of that episode hasn't faded. A number of years ago, my wife asked my mother if she would be willing to tell her story to my son's elementary school classmates, but she refused because she didn't want her grandchildren stigmatized as she had been.

Her story, along with thousands of other German-Americans has been lost in history. Several years ago, my daughter was learning about Japanese internment and she was surprised to see that there was nothing written about German and Italian Americans interned. She brought this to the attention of her elementary school teacher who acknowledged that she never heard of others being interned. It was only through research on the Internet did she realize that other ethnic groups suffered the same ordeals as Japanese-Americans.

History books have been written of how over 100,000 Japanese-Americans were interned in the United States. Bills were sponsored and passed that resulted in the recognition of Japanese-Americans being interned on American soil. Even more, Japanese-Americans, not German or Italian Americans who were also interned, received remuneration for their ordeals.

It is difficult to accept that my mother and aunt lost over three years of their childhood while interned in Crystal City. Those interned and their ancestors are not seeking an apology or reparations from the U.S. Government, but what we are seeking is that Congress and history books recognize the plight of many German-Americans in American internment camps.

Rudy A. Dimmling
March 2006

World War II German Enemy Alien Case Study: Alfred and Caroline Heitmann

As told by John Heitmann, Ph.D. -- Son

"Untrue and Unjust Accusations"[1]

History and past memories, especially recent past memories, were rarely topics of family conversation when I was growing up during the 1950s and 1960s. World War II, in particular, was off limits for discussion, and might as well have taken place in the Middle Ages instead of a mere decade or so before. But as a child with open eyes and ears -- and curiosity -- I invariably uncovered glimpses of the past. Ultimately, a few snapshots of the period stuck with me, bits of evidence leading to my own personal journey during the 1990s. As I quickly discovered, this journey was obscured not only by the mists of time, but also by a "wall of silence."

Most significant in motivating my quest for reconstructing this past was a yellow, black, blue and white ashtray inscribed "Seagoville, 1943" that was the catchall for the little odds and ends in our household. That one seemingly trivial everyday object—later my mother told me it was a rock my father hand painted while interned--was etched into my memory from my first remembered thoughts. Sadly that ashtray was lost after my father died. I wonder now more than ever what the image in the center of this handicraft said about my father and his wartime predicament.

Persistent questioning on my part about that one relic only led my parents to be increasingly evasive. What resulted was a vague understanding that Seagoville was where my parents, Alfred and Caroline Heitmann, were held against their will during WWII. Additionally, I concluded that the American home front was far from peaceful for my parents, but little else. Yet it was this largely unknown wartime experience that shaped my childhood and family life. My world was a world in which avoiding confrontation, truthfulness, and repressed shame without an obvious reason dominated everyday relationships. All I knew then was that no one in my family marched in the annual Memorial Day parade. Indeed, it became a goal of mine to participate in that event, one finally realized after I joined the Cub Scouts.

In 1994, 11 years after my father had died and almost 50 years since WWII had ended, I began to recover my family's past. That spring I visited my mother, now living alone, and perused the many books that she had dating back to the 1930s and 1940s. I came upon a Lutheran Catechism dated 1943 and stamped as a gift from the German Government to Kreigsgefangener," or POWs, and my curiosity was piqued. A month later I visited the National Archives, a trip I had often taken as a professional historian and university faculty member, but this time I pursued my own history rather than that of others. By requesting an archivist check Department of Justice index cards, my research focus suddenly shifted from the history of science and technology, the ostensible purpose for this trip, to that of finding how in 1942 Alfred Heitmann had come to be interned as a "dangerous pro-Nazi Sympathizer."

Of course, the story of Alfred Heitmann, the INS, DOJ, and FBI began long before 1942. Elements of his past, when interpreted subjectively, could and would be used by bureaucrats

to justify the decision to intern, but only by stretching incredibly thin evidence. My father was a WWI orphan who had left home at an early age. By the early 1930s, he became a machinist's apprentice, and served a mechanic and then junior engineer at sea between 1932 and 1939. He finally ended up as an employee of Standard Oil of New Jersey. Alfred was on board a ship of Panamanian registry when WWII broke out in September 1939. Landing in New York on September 4, 1939, Heitmann was allowed to remain in the U.S. and work for Standard Oil until the spring of 1941. At that time, he was investigated by the INS and temporarily interned at Ellis Island until November of 1941.

In mid-1942, Alfred and Caroline Heitmann's "American Dream" of leaving totalitarianism and war in Europe behind them was shattered. On a tumultuous day in June, several FBI agents, armed with machine guns, entered the H.I. Voss Engineering Company located in the Bronx, New York, and arrested Alfred. The immediate reason for the apprehension may have been FBI knowledge of a submarine landing on Long Island. The landing resulted in a wave of war hysteria that convinced many that German spies were in New York. The FBI zealously hunted down potential 5th Columnists. One target was Heitmann. He had been under investigation, however, for some time.

Heitmann's internment resulted from the unconstitutional investigative methodology of the government. The FBI gathered reports based on hearsay from informants whose reliability was never critically questioned. Many informants' names suggest that they were of German origin. Perhaps fearful of their own persecution, the informants were very willing to give "evidence" to save their own skins during intense questioning. Their unsubstantiated statements and wild conjectures now seem almost ludicrous. The informants' theories were spun from observations that Heitmann took many photographs although he never owned a camera (as later confirmed by a FBI search) and took long walks at night. Such wild conjecture was enough for the government to justify imprisoning Heitmann for three years. Following his arrest, Alfred Heitmann was detained, ironically, at Ellis Island for two months awaiting his hearing and the ultimate decision in Washington as to his future. He was ordered interned. Beginning in August of 1942, he was sent first to Ft. Meade, MD, with subsequent stays at Camp Forrest, TN, Ft. Lincoln, ND, and Seagoville, TX, before finally gaining his release in June of 1945. LINK to Internment Camps Webpage

Curiously, Heitmann's employer, H.I Voss, who posted a bond for him in November 1941, was never visited by a FBI Special Agent. (Voss also offered him a position once released after the ordeal.) A FBI report stated that any information obtained "would produce no worth while results."[2] Indeed, a Department of Justice employee who reviewed the evidence presented against Heitmann at his July 30, 1942, Board hearing argued for parole rather than internment. He concluded "This is a difficult case to decide on the facts available and this reviewer is not satisfied with the result. It may be that further investigation of the subject through the questioning of more people who would know the subject's activities, an interview with the H.H. Voss Company, and an investigation of why the subject still receives remuneration from the Standard Oil Company of New Jersey would reveal information which would help materially in reaching a decision."[3] Scribbled after the paragraph in broad strokes with a marking pen were inscribed the words "I Think Not," and an illegibly initialed superior's signature.

In examining surviving documents, one wonders whether the internment experience was harder on Alfred, or his wife Caroline. In June 1943, she was interned with him on a "voluntary" basis after struggling to survive without him for a year. Caroline had married Alfred in April of 1941. She had left Germany in 1938 precisely to escape Nazi intolerance and brutality that had left her with a permanent disability. This disability was the direct result of an extended illness contracted during service in a mandatory labor camp where she was placed because of her "uncooperative," anti-Nazi sentiments. To her dismay, Caroline quickly discovered that the American system was far from perfect. After Alfred's arrest, he disappeared without a trace. For several months, his wife was not told where he was or why he had been arrested. She was left with that constant torment and no financial resources. She was forced to move from home to home in New York City until she relocated to Buffalo, New York in 1942. Living for a time with two sisters, a brother-in-law, and three nephews, Caroline's correspondence to the Department of Justice reflect an inner anxiety that powerfully resonates on the handwritten pages. The stress of uncertainty concerning Alfred's whereabouts in the months after arrest, the pressures of camp life, and a miscarriage in October of 1944 all contributed to years of lingering anxiety. It is safe to say that the unwarranted shame beginning that day in June of 1942 and what followed thereafter remained consciously and unconsciously with the family until Alfred's death in 1983. The "wall of silence" that exists in many internee families was broken down only through my persistence long after my father's death. Sadly, the shame still resides deep inside Caroline's mind despite fading faculties today.

In an attempt to cover this dark episode in U.S. history, American apologists both during and immediately after the war pointed to the use of Hearing Boards as the bureaucratic mechanism by which fairness was provided to those interned. But in examining minutes of my parents and others, it is obvious that these hearing were anything but fair. They were instead a travesty of justice and due process. "Internment the American Way," to quote a phrase used by Earl Harrison, an important INS official, was far from American in spirit. Legally admitted in 1939, under conditions of war, the INS would later deliberately and in a totally misleading manner change Alfred's status with no explanation or justification to "illegal and deportable." This would be used against him during a "second, fairer" hearing while interned at Seagoville, Texas in 1943. Heitmann's second hearing, supposedly one to correct the possible injustices of the first, also proved to be riddled with inappropriate and, at times, silly questions and mistaken evidence.

Heitmann had claimed to be a conscientious objector, and apparently his Draft Board had ruled in his favor. Yet the hostile members of the Hearing Board continually grilled him about his unwillingness to fight against Germany, an action that deeply disturbed him. Irregularities never caught in the process included the claim that Heitmann had signed a document of allegiance to Third Reich Germany. In fact the copy of this document actually was that of another internee (Rudolf) with the last name of Heitmann, interned at Ft. Lincoln in 1944, while Alfred was more than a thousand miles away at Seagoville in Texas.[4]

Release would finally come after in early summer of 1945 after almost three years of incarceration. Alfred was one of the lucky ones who were spared to agony of an internment that continued for some until 1948. Relocating in Western New York close to Caroline's family, Alfred would live a productive life until his death in 1983. That seems to be the case for so

many of the German WWII internees who remained in the U.S. or returned after forced repatriation. But it was a life that had no real past, especially when it came to the War years. Caroline undoubtedly suffered far more mentally as a consequence of what happened. Her physical and mental health clearly reflected the strain first of not knowing where her husband was, and then later the crucible of life in confinement.

For the thousands like Caroline and Alfred this episode -- which is not even relegated a footnote in American History -- not only shattered the lives of countless individuals, but also stands as an example of what America is not supposed to be. If America is to remain a stellar example of the virtues of democracy and freedom, then this story needs to be fully told. If it is not told--due to the efforts of pressure groups and politics, political correctness, or whatever else the cause--similar circumstances may lead to a repetition in the future, history having a tendency to repeat itself. Will we learn from the past? Only if it is fully studied and understood.

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1. Quote from letter, Caroline Heitmann to G.L. Grobe (U.S. Attorney), June 7, 1943, in Record Group 60, Records of the Department of Justice, National Archives, closed legal file, Box 470.

2. Federal Bureau of Investigation, file 100-21746, 5/9/42, p.3, in RG 60, closed legal file, Box 470.

3."Memorandum for the Chief of the Review Section," July 30, 1942, Southern District, New York, in RG 60, closed legal file, Box 470.

4. I.P McCoy to Edward J. Ennis, March 13, 1944, in RG 60, closed legal file, Box 460. The internee at Ft. Lincoln in March of 1944 was Rudolf Heitmann, who had a different INS number than my father but in the process of transcription to DOJ numbers on the memo my father's name was inadvertently inserted.

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February 6, 2008

Dear Member of Congress:

On behalf of the Berkeley, California Chapter of the Japanese American Citizen's League, the nation's oldest Asian American civil rights organization, we write to express our strong support of HR 662 and S 381 "Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act." The Bill would establish a nine-member commission to investigate the World War II-era relocation, internment, and deportation of Japanese Latin Americans by the U.S. government and recommend appropriate remedies.

The U.S. government uprooted approximately 2,300 men, women and children of Japanese descent from their homes in thirteen Latin American countries and detained them in internment camps in the United States. Over 800 of these individuals were deported to Japan in prisoner exchanges. While the Civil Liberties Act of 1988 honorably addressed the plight of Japanese Americans and provided compensation payments to former internees pursuant to Executive Order 9066, it did not bring relief for Japanese Latin Americans who were abducted and unlawfully interned in the United States.

This chapter in our history needs to be fully and properly investigated. Congress and the American people must know what happened so we can prevent these grave injustices from ever occurring again. This Bill would be an important step to close this regrettable chapter in American history. We believe that this Bill deserves your support and urge you to work for its enactment.

Thank you for your consideration.

Sincerely,

Alison Satake
Civil Rights Committee Chair
Berkeley JACL

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