Notes

Introduction

**May 1945:** On December 8, by prearrangement, Attorney General Biddle ordered the FBI to arrest particular Italian and German aliens. The INS processed 3,278 Italians and 10,905 Germans from 1941–45 (W. F. Kelly, Assistant Commissioner, INS, to A. Vuillet, World Alliance of YMCA, New York, August 9, 1948, author copy). This is the most reliable count of Italian and German Americans affected by internment policies. Kelly’s accounting also includes all voluntary internees (family members), all Latin American Italians and Germans processed in the United States (Chapter 8), and detained persons who were never ordered interned. An official historian of the FBI says the Bureau arrested 16,062 enemy aliens, 3,567 Italian (less 1,271 seamen), and 7,043 Germans (less 802 seamen). Of the Italians, 288 were deported from Latin America and interned or repatriated directly. Of the Germans, 1,225 were interned, 2,449 paroled, 2,589 released, 691 repatriated, and 4,058 deported from Latin America. Forty-seven died in “captivity,” and the status of 42 was never resolved. (Don Whitehead, *The FBI Story: A Report to the People* [New York, 1956], n. 3, pp. 342–43).

**Law of the land:** Alien Enemies Act of July 6, 1798, 1 Statute 577, 50 USC Section 21.

Chapter 1: **Profiling**


**He’s a great man:** Constantine Panunzio, “Italian Americans, Fascism, and the War,” *Yale Review* 31 (June 1942), pp. 774–77; Diggins, *Mussolini and Fascism*, pp. 86-87;

**Source of information:** Diggins, *Mussolini and Fascism*, pp. 96, 343–44.


**And too fat:** Harold Ickes, *Diaries, 1933–51*, Library of Congress Manuscript Division, October 15, November 17, 1940, April 12, 1941, April 11, October 25, November 1, 1942, February 20, April 3, 1943, pp. 4895–4896, 4981, 5367–5368, 6538, 7109, 7158–7159, 7462, 7589.


**And the United States:** Diggins, *Mussolini and Fascism*, pp. 262–64, 269, 276, 283, 346–47.

**An ethnic importation:** Iorizzo and Mondello, *The Italian Americans*, pp. 249–50, 259.


**Among the foreign-born:** LaVern J. Rippley, *The German-Americans* (Boston, 1976), p. 198. Italians: 1,623,580; Germans: 1,237,772; Russians: 1,040,884; English: 621,975; and Japanese: 126,947 (United States Department of Commerce, *Sixteenth Census of the*
United States: 1940, Population, Vol. II, Characteristics of the Population [Washington, 1943], pp. 42, 52. See also Records Relating to Civilian Internees, 1941–46, “Tabulation of Enemy Aliens … 1941–46,” PMG. There were 314,105 alien Germans, and 690,551 alien Italians in the United States in 1940 (1940 census, cited in Tolan Committee, “Fourth Interim Report,” pp. 229-30). If children of two German-born parents are added to the German-American population, the total reaches nearly 5 million, and if children with only one German-born parent are included, the total in 1940 was 6.5 million (Rippley, p. 209).


Shed German identities: Bayor, pp. 57–60, 66–67; Rippley, pp. 198, 205–06.


Commitment to Britain: Rippley, pp. 54, 147.


Chapter 2: The FBI, “Spies,” and Military Commissions


Senate, *Book III*, p. 404. The FBI launched a massive assault on vigilante activity. In a 1942 report, the number of organizations the FBI warned away runs to four pages, two columns per page. The Bureau also contacted newspapers and other publications, wrote radio scripts, handed out statements and speeches by the director, issued its own publications, corresponded with individual citizens, and conducted public tours of FBI headquarters (*FBI, History of the Bureau* ...); “The Program of the FBI to Advise the American People of its Jurisdiction and Activities During the National Emergency which Began ... June 1, 1939,” 66–172– Sub. 2, Sec. 8 [Sers. 28 + 35 x 2], pp. 4, 108–48, 211–31; *ibid.*, Sub. 1, Sec. 5, Pt. 1 [Ser. 20, Pt. 1], “The Origin, Development and Achievement of the German Counterespionage Program of the FBI [Prior to December 7, 1941],” p. 77).

Lawrence M. C. Smith also fretted about vigilantes. He urged the National Institute of Municipal Law Officers to prevent hysterical antagonism toward the approximately three million aliens who might be driven into the arms of fifth columnists. Any general crackdown, he argued, interfered with the national defense program (*The New York Times*, December 6, 1940, p. 12:5).

**Least dangerous:** Senate, *Book III*, p. 404.

**Or kindred offenses:** (Memoranda for the Director from Edward A. Tamm, April 22, May 14, 28; Memorandum for the Attorney General from Hoover, May 23, 1940; Lawrence M. C. Smith to Hoover, et al., March 18, 1941, FBI 62–57955).

**War Powers Act expired:** 6 *Federal Register* 6625 (December 18, 1941), 7 *Nation* 4468 (June 16, 1942). See also NA, tinyurl.com/bsud7v.

**To the CDI:** Senate, *Book III*, p. 414, n. 13; Senate, *FBI Investigations*, 409–10; Hoover to all SACs re: Internal Security, December 6, 1939, Senate, *FBI Investigations*, pp. 409–11; Memorandum, “Re: Foreign Funds,” March 13, 1941, OF 10B, Box 13, JD, FBI Rpts. 682, FDRL; FBI Memorandum, April 19, 1941, FBI 65–7267– 573, p. 64, in FBI 100–23349; “Memorandum for Mr. Ladd re Apprehension and/or Denaturalization of Rückwanderer Mark Purchasers,” July 14, 1943, FBI CD 100–2 ser. 3936, FBIHQ.

**Frequent and urgent:** Francis Biddle, *In Brief Authority* (Westport, 1976; 1962), pp. 164, 166; Powers, Secrecy and Power, p. 215. FDR met with Breckenridge Long, the assistant secretary of state, on October 3, 1940. Long brought with him “fearsome stories purporting to prove that many of the refugees were German agents.” After the meeting, Long recorded in his diary that “the President expressed himself as in entire accord with the policy [of excluding persons] about whom there was any suspicion.” (Doris Kearns

**In countless ways:** Goodwin, pp. 45–46. Addressing the American Committee for Protection of the Foreign Born for release at its convention, FDR wrote: “One of the great achievements of the American commonwealth has been the fact that race groups which were divided abroad are united here … We must be constantly vigilant against the attacks of intolerance and injustice” (To Dr. William Allan Neilson, January 9, 1940, OF 6418, American Committee for Protection of the Foreign Born, FDRL); Kenneth O’Reilly, “A New Deal for the FBI,” pp. 648–51.

**Lindbergh is a Nazi:** Goodwin, pp. 47–48. He was not a Nazi, of course. In January 1940, Lindbergh told the House *Foreign Affairs* Committee that he preferred that neither side win the war. (Wayne S. Cole, *Roosevelt and the Isolationists, 1932–1945* [Lincoln, 1983], pp. 288–89, 416–17).

**Suspected of subversive activities:** Early to Hoover, May 21, 1940, OF 10–B, Box 14; Hoover to FDR, August 20, 1940, OF 10–B, Box 14, FDRL; FDR to General Watson, June 12, 1940, OF 10–B; FDR to Hoover, June 14, 1940, OF 10–B, PPF 4819; Hoover to FDR, June 18, 1940, PPF 4819, FDRL; Confidential memo, FDR to Attorney General Jackson, Senate, May 21, 1940, *Book II*, p. 27.

**South American republics:** Memorandum from Hoover to the Assistant to the Attorney General, Matthew F. McGuire, August 21, 1940, FBIHQ; Hoover to Edwin Watson. Sec. to The President, November 25, 1940, OF 10–B, Justice Department, FBI Reports 1940, Box 12, FDRL; Memorandum, Attorney General Robert Jackson to All Departmental and Agency Heads, undated, in, Athan Theoharis, *From the Secret Files of J. Edgar Hoover* (Chicago, 1991), pp. 185–86.

**And listing procedure:** Memoranda, Hoover to Jackson, April 1, and Jackson to Hoover, April 4, 1941, Theoharis, Secret Files, pp. 187–94; Memo, M.F. McGuire, Assistant to the Attorney General, to Hoover, April 17, 1941; Memo, McGuire to Hoover and L.M. C. Smith, April 21, 1941, in Senate, *Book II*, p. 35; Theoharis, Spying, p. 42.


**The permanent internees:** “Joint Agreement … respecting Internment of Alien enemies,” July 18, 1941, ASW 383.7 General, Box 37, RG 107, NA. See, for example, PMG, Box 1404, Folder 014.311, and Box 1405, Folders 254 and 014.311; “Witness Files,” Box 101, RG 220, NA; and Oral History Interview, Karl L. Bendetsen, 1972, Harry S Truman Library (HSTL); Memorandum for General Gullion, “Re: Custody of Internees,” October 14, 1941, Papers of Breckenridge Long, Box 208, Subj. File, State Department, 1917–20, Special Division–POWs and Civilian Internees, ’40–’42, LOC; Hull to American Legation, Bern, January 7, 1942, Records of the State Department, RG 59, December File 1940–44, Box 2819; Memorandum, “Custody of Enemy Aliens …,” October 31, 1941, Long Papers, Box 208, Subj. Files, 1917–20, Special Division–POWs and Civilian Internees, ’40–’42. The army treated its civilian internees as they did POWs (“Summary of Regulations Applicable to Mail of … POWs and … Internees,” INS, RG 85, Camp Kenedy File 404/SG, World War II Internment Camps, Box 49, NNRR).

**The Pearl Harbor attack:** Sources for Kuehn, unless otherwise indicated: FBI Files: 65-1574; 388997; DOJ/Criminal Division File: 146-7-1382; DOJ/INS. File: 146-13-2-21-230; PMG File: RG 389, Entry 465, Box 2061, NA; Crystal City Case File: 935/201, NA).

Chapter 3: *Secret Arrests, Due Process, and Habeas Corpus*

**Safety of the United States:** Memorandum: Hoover to Tolson, Tamm, and Ladd, December 22, 1941, Custodial Detention, FBI 100–2–51, Ser. 70).

**Designated enemy aliens:** Technically, any alien (including stateless persons—refugees) fourteen years or older who was, on December 7, 1941 (or at the time he/she became stateless), a citizen or subject of Germany, Italy, or Japan.

**Or productions thereof:** Cable, pp. 84–87, 98, 133.

**Short time thereafter:** A complete, detailed organizational set up for the administration of the alien enemy program; familiarization with World War I and current British experience, precedents, and legislation; preparation of the presidential proclamations; instructions for U.S. attorneys, U.S. marshals, the FBI, and hearing boards; procedures for release, parole, and internment; review procedures; interdepartmental liaison; standards of dangerousness; and estimates of the caseload and space and facilities arrangements with the INS and War Department.


Embrace of Nazism: FBI, “General Intelligence Survey: German Activities,” January 1942, pp. 7–9, OF, Box 16, JD, FBI Rpts. 2076, FDRL.


Exclusion order to be good: Ibid., August 30, 1943, 11–12, Rpt. 2390.


Within twenty-four hours: Lemuel B. Schofield, Special Assistant to the Attorney General, to All District Directors, INS, “Temporary Custody of enemy aliens …,” December 12, 1941, RG 85, Box 15,

Lack of dangerousness: Ennis to the Special Defense Unit, State Department, September 7, 1942, December File 1940–44, 740.00115 EW 1939/4484, Box 2834.

Inimical to American interests: Again, Reichsdeutsche Vereinigung, Amerikadeutscher Volksbund, and Freunde des Neuen Deutschland. Less sinister were: Amerikadeutscher Einheitsfront, Amerikadeutscher Berufsgemeinschaft, Kyffhäuser Bund, and Kyffhäuser Kriegshilfswerk.

Qualify for reconsideration: “Functions of the Alien Enemy Control Unit.” To qualify for a rehearing, applicants had to provide new evidence or point to important aspects of the case not considered at the first hearing. Character references alone, though typical, were deemed insufficient (Edward Ennis, “To Internee and Members of Their Families,” March 4, 1944, INS, RG 85, Crystal City Case 210/053, Box 24, WNRC).


Fritz Kuhn: Geoffrey S. Smith, To Save a Nation: American Countersubversives, the New Deal, and the Coming of World War II (New York, 1973), pp. 93–95. Kuhn had served in the Kaiser’s army from 1914–18. After the war, he fell in with the fledgling Nazis and joined the party in 1921. He turned up in the United States in 1927 and was naturalized in 1933. He became president of the “Friends” in 1935; John Carlson, Under Cover (New York, 1943), pp. 111–12.


Matches Friedrich’s involvement: Bell, pp. 21–22, 59; Smith, To Save a Nation, pp. 7–9, 87, 94, 98–99.


Filing of writs: Walther to Stimson, March 11, 1942, PMG, Entry 434, Box 416, 383.7 Camp McCoy 1; Walther to King, n.d., *ibid.*; Baldwin to Walther, March 25, 1942, *ibid.*, 311.7 Camp McCoy 1942 1; and Stimson to Biddle, n.d., *ibid.*

Then to the mainland: PMG, Box 1533, Folder “Am. Citz. Interned in U.S.”


Car, and furniture: Morrison and Kneer.

Collapse until 1946: Office of the Secretary of War, General Correspondence of John J. McCloy, 1941–45, RG 107, 014.311, Box 7; Krammer, pp. 64–66.

Chapter 4: *Changing Standards of “Dangerousness”*

Or aliens (4,890): Memorandum for Mr. [James] Rowe from C. E. Rhetts, January 22, and Memorandum for the Attorney General from James Rowe Jr. February 1, 1943, Rowe Papers, Box 41, Special War Policies, FDRL.

Head of the SDU: Smith, who died in 1975, had worked in New Deal agencies before his appointment as chief of the SDU (NYT, August 12, 1975, p. 32:2).

Fit to be included: Memorandum for the Attorney General from Hoover, August 2, 1943, FBI CD 100–2, ser. 3947, FBIHQ.

Deter future investigations: Memorandum for Hugh B. Cox, Assistant Attorney General, and J. Edgar Hoover, Director, FBI, Senate, *FBI Investigations*, p. 412.


Self-interested denunciations: Powers, n. 17, p. 540. A more favorable view of Hoover is Charles Higham, *American Swastika* (Garden City, 1985), who sees the director as a stubborn, impatient, relentless cop, handicapped at every turn by FDR, the State Department, Biddle, and incompetent agents. Biddle, asserts Higham, soft-pedaled Nazi investigations, and, along with the State Department, failed to protect the United States from Nazi subversion (pp. xix–xxii).


Caught in it: Goodwin, p. 103.


Roosevelt’s top appointments: Wyman, Abandonment, pp. x–xi, 189–90; Goodwin, pp. 102, 173–76. FDR almost certainly believed that some Jewish refugees were Nazi spies. The FBI claimed Germans had been forced to act as spies to protect relatives back home or in Axis-occupied countries and other agents had been recruited from jails and concentration camps on promises of freedom. Others acted out of “intense hatred for the British people” (“The Origin, Development and Achievements of the German Counterespionage Program of the FBI …,” pp. 111–12).

To become a physician: Sources for Elkan/Trott, unless otherwise indicated: INS 146–13–2–82–170; INS Fort Lincoln Internment Camp 4290/1234, RG 85; PMG, Box 80, and Entry 434, Box 409; DOJ AG/95–R0332; INS 95–1056–R; DOD 95–F–0923/L, 95–P–0058; DON 5720, Ser. 017/13406, 09B30P/5U513355; FBI, Custodial Detention, 100–2–60 Sec. 1.

Must understand it: Although Renate visited the United States three times, she was unwelcome because of her so-called Nazi connection during the war.

Way as a seaman: Sources for Fox, unless otherwise indicated: FBIHQ–1027998; INS 146–13–2–82–596; INS COW1998011182; PMG, Box 22; Fort Lincoln Internment Camp 4290/953; DOJ, OIP, AG/ 94–R0419; ILWU Dispatcher, October 22, 1943.

Censors read it all: The Geneva Convention established mail regulations for civilian internees identical to those for POWs. Germany, France, and Britain were more restrictive. The biggest problem in the United States, however, and the one that caused the most distress among internees, was the slowness of mail due to the centralization of censorship in New York. At Camp Forrest, Tennessee, the issue reached a crisis. The ICRC delegate and a representative of the protecting power (Switzerland) persuaded the camp administration to set up a separate office to censor the mail of internees who had non-interned family (International Red Cross Conference, Report of the International Committee of the Red Cross on Its Activities during the Second World War [September 1, 1939–June 30, 1947], I–General Activities [Geneva, 1948], pp. 582–83).
Roosevelt intervene: *ILWU Dispatcher*, October 22, December 3, 1943.

Technical surveillance: Hoover’s number-two man told his boss this was a result “inspired by Communists and Communist-influenced labor organizations” (D.M. Ladd to the Director, June 9, 1945, FBI 100–12297–56).

Chapter 5: *Arbitrary Detention, Sentencing, and Release*

Laboratory in 1928: Sources for Hansgirg, unless otherwise indicated: *San Francisco Chronicle*, December 18, 1941, p. 7; December 20, 1941, p. 4; December 24, 1941, p. 3; January 8, 1942, p. 5; March 3, 1942, p. 7; *Monterey Peninsula Herald*, February 7, 1942, p. 3; FBI 27–221, 65–34069; INS 146–13–2–11–4; FBI CD 100–2–51, Ser. 67, 101–102, Sec. 4, Ser. 269, Sec. 8, Ser. 385, 403; PMG, Boxes 30, 1543, “Visiting Internees”; DOJ, Office of Information and Privacy, AG/94–R0110; DOJ, Antitrust Division (no referral number).

Demanded just the opposite: Officials and boards included the Secretary of Commerce, the Undersecretary of War, War Production Board, Board of Economic Warfare, and the Army Navy Munitions Board. Henry Kaiser’s Washington lawyer was Tommy Corcoran, who worked in the White House, and whose phone number Hansgirg carried in his wallet. See also Hoover to Mr. Tolson, et al., December 21, 1941, FBI, Custodial Detention, 100–2–51, Ser. 67.


No, he is not: Hansgirg’s wife confirmed this in a letter to Eleanor Roosevelt.

80. For the school: Ted Dreier was treasurer of Black Mountain College, near Asheville, North Carolina, and taught mathematics.

Was at best doubtful: In August, a review section official told Ennis: “I don’t see much reason to adhere to our [prior?] decision. Is reconsideration impossible?”


Candidates for internment: Sources of Krakau, unless otherwise indicated: FBI 100–89798; INS 146–13–2–23–213; INS Fort Lincoln Internment Camp 4290/1070, RG 85; and PMG, Box 43.

89. Ellis Island plaintiffs: Ahrens et al. v. Clark, 335 U.S. 188 (1948).
Chapter 6: *Punishment, Not Security*

**Middle of a war zone:** Sources for Fuhr, unless otherwise indicated: FBI 100–10952; INS 146–13–2–58–146; PMG, Box 23; and INS Crystal City Internment Camp 935/219.


**Favorable board recommendation:** Krause, p. 16; Crystal City Reserve List, SWPD Subj. Files, Box 161, German Exchange *Gripsholm*–January 7, 1945–Stateroom Assignments; Presidential Proclamation of July 14, 1945, based on 50 USC 21–24, and presidential proclamations of December 7–8, 29, 1941 (Executive Orders 2526, 2527, 2533), January 14 and July 17, 1942 (Executive Orders 2537, 2563), SWPD Subj. Files, Box 124, Misc.

**Do just that:** Porter to Langer, and Porter to Taft, September 16, 1947, *ibid*.

**This is all over:** Krause, p. 20.

**Of Milwaukee, Wisconsin:** Sources for Theberath, unless otherwise indicated: FBI 190–HQ–1027998; INS 146–13–2–85–13; EOUSA FOIA 95–832–R; PMG, Box 79; Fort Lincoln Internment Camp 4290/1232; Department of the Army, United States Army Intelligence and Security Command FOIA 534F95; and DOJ Office of Information and Privacy AG/95–R0224. Corrects Arnold Krammer’s erroneous account, pp. 42-43.


**From a psychoneurosis:** Another physician had examined Peter in May 1944. He decided Theberath suffered from a neurosthenia, probably due to a mild hyperthyroidism that had been treated since he arrived at Fort Lincoln. The prognosis at that time was good.

Chapter 7: *Repatriation and Deportation*

**Include ordinary persons:** September 29, 1939 (Stuart, “Internees Section,” p. 63). To facilitate the anticipated repatriation, the department established the SWPD on September 1, 1939 (Graham H. Stuart, “Special War Problems Division,” *DSB*, July 2, 1944, p. 7).

**Treated its internees:** Memorandum: “Proposed Exchange …,” September 30, 1941, SWPD Subj. Files Box 97, Civilian Enemy Aliens–Repatriation of; Memorandum, November 22, 1939, SWPD Subj. Files, Box 97, Civilian Enemy Aliens 1; Memorandum: Status of Negotiations Respecting Repatriation of Civilian Enemy Aliens, April 1, 1940, SWPD Subj. Files, Box 97, Civ. Enemy Aliens 3; Memorandum: “Proposed Exchange…” September 30, 1941; International Red Cross Conference, *Report*, pp. 574–75.

**State Department standards:** Graham, “Internees Section,” p. 63.

**Against American civilians:** Memorandum of Telephone Conv., Mr. Kelly, SDU, and Mr. Clattenberg, State Department, October 22, 1941, SWPD Subj. Files, Box 91.
Geneva Convention requires: Lemuel B. Schofield, Special Assistant to the Attorney General, to J. C. Green, Chief of the Special Division, State Department, January 12, 1942, *ibid.* EW1939/1714, Box 2819.

FBI, and the AECU: Graham H. Stuart, “Special War Problems Division: Representation of Foreign Interests,” *DSB*, August 6, 1944, pp. 143–44; There is extensive discussion of the objections to repatriates in FBI, “Repatriation Program.”

109. In the United States: The respective numbers of nationals was grossly disproportionate: 315,000 Germans in the United States; only 5,111 Americans in Germany. The documents pertaining to negotiations between Germany and the United States are in the *Auszärtiges Amt*, Bonn (Krammer, p. 191).

Selected German nationals: Joseph C. Green, Department of State, Special Division, “Memorandum,” March 17, and Breckenridge Long to Mr. [Joseph C.] Green, March 23, December File 1940–44, 740.00115 EW1939/2732 4/11, Box 2823; FDR to Secretary of State, *ibid.* EW1939/4348, Box 2833; and Mr. Travers to Mr. Long, December 23, 1942, *ibid.* EW1939/5644, Box 2840. The British objected to the repatriation of some people featured in this book: Amelia Price’s father Karl—a machinist; Alfred Krakau’s father, Bernhard—foreman-machinist; and Anton Friedrich—machinist (Objections to Repatriation of Enemy Aliens, 1942, Box 1, British Objections, Lists 1–60, RG 59); Stuart, “Representation of Foreign Interests,” pp. 143–44, 146–47. The FBI became alarmed when it learned that repatriates to the United States had been inadequately screened by the State Department and represented a potential danger (FBI, “Repatriation Program,” pp. 7–12); “Internees Section,” p. 73. See also *DSB*, July 2, 16, 30, 1944. On February 12, 1944, 654 repatriates left Crystal City (Tolzmann, ed., Vol. 4, Sec. 2, Government Preparation for and Implementation of the Repatriation of German Americans, 1943–1948 [Munich, 1995], pp. 2293–2308). Without citation, Krammer says that 4,450 Germans and their families had been exchanged by the end of the war (p. 146). Presumably, this number includes internees from the United States and Latin America, as well as those transported directly from Latin America to Europe (Chapter 8). Krammer, p. 107; International Red Cross Conference, *Report*, p. 381; Memorandum, SWPD Subj. Files, Box 68, *Gripsholm* to Marseille, 1/7/45, Folder 1.

Noninterned family members: The SWPD used every available conveyance: army sea and air transports, commercial airlines, and Chilean commercial steamship lines. The majority of deportees came by army transport (for urgent removal), and the commercial lines handled the families (Stuart, “Representation of Foreign Interests,” p. 147). The legal basis for State Department responsibility in transporting foreign nationals derived from an executive order under the “Trading with the Enemy Act” (1917) [Executive Order, December File 1940–44, 740.00115 EW1939/1618, Box 2819]; SWPD Subj. Files, Box 160, German Exchange–*Gripsholm*– January 7, 1945–Stateroom Assignments; T. F. Fitch, CSA, to H. H. Harwood, General agent, New York Central Railroad, *ibid.*, Box 100, Outgoing *Gripsholm* and *Leteteria*.

21, 1945,” March 15, 1945, ibid., Box 101, Returning Gripsholm, February ’45; Geo. S. C. Newkirk, Special Agent, to Mr. Clark, “Movement of 231 German Repatriates from Fort Lincoln … to Jersey City,” December File 1940–44, 740.00115 EW/1–845, Box 3560; “Exchange of American and German Nationals,” DSB, January 7, 1945, p. 44.


Two separate exchanges: “Exchange of American and German Nationals,” January 7, 1945, p. 44.

Of their counterparts: State Department, SWPD, E.A. P. to Mr. Ehrhardt, January 9, 1945, December File 1940–44, 740.00115 EW/1–945, Box 3560; Secretary of State Stettinius to American Legation Bern, U.S. Urgent, “Forthcoming Exchange–American Interests,” January 9, 1945, ibid. 1–745, Box 3560.

Canada to Bregenz, Austria: Huddle, Bern, Switzerland, to Secretary of State, Urgent, “American Interests–Civilian Exchange,” January 13, ibid. 1–1345, Box 3561; Huddle, Bern, to Secretary of State, Most Immediate, January 20, 1945, ibid. 1–2045. The arrival and safe delivery of the civilian internees from the United States brought to 4,511 the number of people repatriated since the Drottningholm’s initial voyage in May 1942 (SWPD to Mr. Clattenberg, February 3, 1945, “Tabulation of Germans Repatriated,” ibid. 2–345, Box 3562).

In the near future: Huddle, Bern, Switzerland, to Secretary of State, Most Immediate, “American Interests, German–Civilian Exchange,” January 16, 1945, ibid. 1–1645, Box 3561; Jacob Rosenheim to Albert Clattenberg, March 1, and Clattenberg to Rosenheim, March 16, 1945, ibid. 3–145, Box 3565).


Four of them died: Philip E. Ryan, Director, Civilian Relief, American Red Cross, to Sydney K. Lafoon, SWPD, March 12, 1945, ibid. 3–1245, Box 3565.


**Rescue more Jews:** “Notification by Germany Concerning Exchange of Sick and Wounded Prisoners of War,” *DSB*, April 22, 1945, p. 737.

**Left Germany in 1924:** Sources for Price, unless otherwise indicated: FBIHQ 65–34979; INS 146–13–2–50–23; INS, Crystal City, Texas, Internment Camp 935/224; PMG, Box 40; and INS Honolulu Control 96000096.

**Rush about that, she remembers:** Karl admitted to his hearing board that he had applied for citizenship in order to keep his job.

[**Charles Hamel**] walked in: Twenty minutes earlier—according to the FBI—the Kesselrings had told agents that Hamel had not been at the house for five months.

**About six months:** Ruth wrote prolifically (sometimes a dozen letters a month) to Hamel—by then her fiancé—until her repatriation in January 1945. Eventually the relationship cooled, helped along by the postwar difficulties experienced by both young people.

**Against the Fatherland:** Karl Sr. said he approved of everything that Hitler had done, except his persecution of the Jews. An informant first reported this to the FBI in April 1941, but that version had it that Elisabeth merely said she preferred to “cut off Karl Jr’s right arm” than to let him fight for the United States.

**Kesselrings requested repatriation:** “Objections to the Repatriation of Enemy Aliens, 1942,” June 9, 1942, RG 59, Box 1, FBI–Informational Material—Not Objections—Lists 6–9; Joseph Savoretti, Deputy Commander, INS, Philadelphia, to Joseph Green, Chief, Special Division, State Department, December File 1940–44, 740.00115 EW1939/2963?, Box 2826.

**In Queens, New York:** Sources for Hackenberg, unless otherwise indicated: FBI 100–9935; INS 146–13–2–51–2979; INS NYC 937124; PMG, Box 29; Langer Papers, Box 214, Folder 10; Crystal City Camp 935/433.

**Her Enemy Alien Registration:** The government decided not to prosecute Hackenberg for failing to list his affiliations, due to insufficient evidence he had been a member of the Nazi Party five years prior to his filing.

**In March 1946:** Department of State, SWPD Inspection Reports on War Relocation Centers, 1942–46, Box 2, Ellis Island.

**To be her undoing:** Civilian Alien Enemies in Custody, Ellis Island, SWPD, Subj. Files, Box 190, East Boston and Ellis Island.

**Save their lives:** Hans Jung to the author; Phyllis Johnson’s interview with Albert Gregeratzki in Germany, August 13, 1980, courtesy of John Christgau.

Chapter 8: *Extraordinary Rendition*

*My use of the term “extraordinary” refers not to rendition for the purpose of torture, but to the practice of capturing and deporting alleged enemies to foreign countries for incarceration.*
Or at issue: Mr. Dwyre to Jefferson Patterson, December 30, 1943, and George H. Butler (for the Chargé d’Affaires) to Secretary of State, January 7, 1944, SWPD Subj. Files, 1939-1954, Box 194, Peru 1945, RG 59.

Of foreign governments: “Memorandum prepared by Assistant Secretary of State [A. A.] Berle, 24 June 1940”; Attorney General Francis Biddle to FDR, “Re: Intelligence work in Western Hemisphere,” 22 December 1941; “Memorandum for the President from Francis Biddle, 22 December 1941; and “Confidential Directive Issued on 23 December 1941, by the President,” FDRL, OF 10B, JD, FBI, 1941-42, Box 11; Hoover to General Edwin M. Watson, Secretary to the President, 25 October 1940, OF 10B, Box 12, JD, FBI Rpts., 1940, “Report from Hoover No. 408”; “Confidential Memorandum on Internal Conditions and International Relations of Various Latin American Republics,” 7 January 1941; and Hoover to Watson, 31 January 1941, FDRL, PSF 50, Diplomatic Correspondence: South and Central America.


Or total liquidation: “Security Against Renewed German Aggression,” DSB 13 (1 July 1945), p. 23.


Remained in the United States: DIL, 8:630, 632–33. The other republics interned as many as 8,500 enemy aliens, the vast majority of them locally. A State Department report of 10 September 1942, reveals internment facilities in Argentina, Brazil, Nicaragua, Cuba, the Dominican Republic, Ecuador, Haiti, Mexico, and Panama (to Whitney Young, Department of State, Division of the American Republics, December File 740.00115 EW1939/4532, Box 2834); Harvey Strum, “Jewish Internees in the American South, 1942–1945,” American Jewish Archives 42: 1 (Fall/Winter 1990), p. 30; Stuart, “Representation of Foreign Interests,” 147; Hull to Roosevelt, 27 August 1942, FDRL, PSF, Box 9.


Nationals of the other American republics: Charles Fahy, Acting Attorney General, to Hull, 18 Sept., December File 740.00115 EW1939/4570, Box 2835, and “Removal of Axis Aliens from Other American Republics thru September 1942,” SWPD Subj. Files, Box 180.

Exchanged in January 1945: David S. Wyman, Abandonment of the Jews, pp. 276–77; EACPD, Resolution 24, Concerning the Exchange of Persons Between the American Countries and Germany, 31 May 1944, SWPD Subj. Files, Misc., Box 124; “Proposal for Rescue of Refugees from German Territory,” DSB (17 June 1944), p. 566. The new secretary of state, Edward Stettinius, wrote to the embassy in La Paz, Bolivia on 2 January 1945, that repatriation was to be voluntary. Otherwise, he cautioned, it “might cause the Germans to withhold nationals of this hemisphere from the exchange” (December File 740.00115 EW/1-145, Box 3560).

To include Jews: A few from Bolivia, Costa Rica, Honduras, and the Dominican Republic were interned.


On their arrival: Ibid., pp. 28, 32–33. The United States interned 81 Jews among the 4,707 enemy aliens from Latin America.


Considered dangerous: Memorandum of Conversation, Telephone, Mr. Ennis, AECU, and Mr. Lafoon, State Department, September 21, 1942, December File 1940–44, 740.00115 EW 1939/4565, Box 2835.

Aiding German submarines: Memo for Mr. James H. Rowe from Edward J. Ennis, Director, AECU, January 26, 1943, Rowe Papers, AECU, Box 33, FDRL.

Bonn and Vienna: Sources for Friedman, unless otherwise indicated: FBIHQ 100–227826; and INS 146–13–2–747. 133. Belize, in 1936 British Honduras, or since independence (September 21, 1981), Belize lies on a flat, swampy coastal plain on the Caribbean between Guatemala and Mexico.

Of professional jealousy: Dr. Edward Van Maltzahn to J. B. Neal, State Department, July 6, 1942, December File, 800.20211, Maltzahn, Joachim Von/46, Box 3184; Edwin G. Scott, District Parole Officer, to Inspector in Charge, INS, Dallas, October 13, 1943.
**Then in the United States:** The War Department moved the Friedmans and the other German refugees in two navy flying boats to the Canal Zone. The Friedmans left behind $20,400 in property and cash. Leo later learned that the couple’s joint property in British Honduras “was taken over by the Government” (Henry Stimson, Secretary of War, to the Secretary of State, July 13, December File 1940–44, 740.00115 EW 1939/3792, Box 2830; R.I. Campbell to Cordell Hull, July 27, EW 1939/4215, Box 2833; British Embassy to the State Department, July 28, EW 1939/4265, Box 2833; F. M. Harris, Lieutenant Colonel, GSC, Executive for Special Intelligence, War Department, Military Intelligence Service, to David M. Key, Assistant Liaison Officer, Department of State, August 11, EW 1939/4416, Box 2834; David M. Key to Mr. Cabot, August 14, EW 1939/4256, Box 2833; Stimson to Hull, August 18, 1942, EW 1939/4241, Box 2833; INS, “General Information Form,” p. 11; and John F. Storey to Friedman, May, 14, 1943; Chief of Naval Operations, Intelligence Report,” August 7, 1942, December File 862.20210/1892, Box 5512).

**Had not been deported:** Joseph Green to Mr. [Breckenridge] Long, July 23, 1942, Long MSS, Box 206, Special Division–German Exchange, LOC.

**Persons dangerous to the public peace:** Keiles to Razovsky, August 23, Biddle to Hull, October 1, Hull to Biddle, and Hull to Stimson, October 15, December File 1940–44, 740.00115 EW 1939/4730, Box 2835; and “Warrants,” October 5, 1942.

**Reason in a concentration camp:** Friedman to Cecilia Rasovsky, National Refugee Service, October 16; Jewish Refugee Committee, London, “Case History of Dr. Leo Friedman,” November 23, 1942; Hermann Rosenthal, “To Whom It May Concern,” January 15; Deposition of Ludwig Friedman, January 14, 1943; and INS, “General Information Form,” p. 19, INS 146–13–2–747. Friedman also asked President Roosevelt to investigate the case, and in a letter to the State Department he threatened to secure legal counsel unless the Jews were granted a hearing. The latter led to a review (Friedman to FDR, January 23; Friedman to the State Department, February 2, 1943, December File 1940–44, 740.00115 EW 1939/5970, Box 2841, and 311.6215/221 Box 1060).

**Aliens and ought to be released:** George B. Davis, MID, to Mr. [Leo] Gitlin, AECU, February 10, 1943, *ibid*.

**Refused Dr. Friedman’s reentry:** Friedman to Gidden, January 13, December File 862.20215/214; Memo of Telephone Conversation between Mr. Russell, British Embassy, and Mr. Clattenberg, State Department, February 3, 862.20215/215; Long (for the Secretary of State) to Gidden, February 4, 862.20215/215, Box C322; and Frans Dragten, Dragten, Woods & Co., Belize, to Emery Komlos, Assistant Secretary, Refugee Economic Corporation, New York, February 26, 1943, “Confidential,” Special War Problems Division (SWPD), Name Files of Interned Enemy Aliens from Latin America, 1942–48, Box 39, Leo Friedman; Strum, “Jewish Refugees,” pp. 37–38.

**So intimately involved:** Culver E. Gidden, American Vice-Consul, Belize, to Cordell Hull, March 6, 1943, December File 862.20215/217, Box C322.

**Involved, he insisted:** Notarized statement of Carl Stamm, June 21, 1943.

Valued employee: Edwin G. Scott, District Parole Officer, to Inspector in Charge, INS, Dallas, October 13, 1943; Investigations Section, INS, October 18, 1944.

Their outright release: Thomas M. Cooley, II to Mr. [Leo] Gitlin, November 20; Conversation between Mr. Culp and Mr. Cooley, November 20; and “Supplemental Memorandum to the Chief of the Review Section,” December 10, 1943.

Without comment: W. F. Kelly to Ennis, May 11; and Ennis to Kelly, May 22, 1945.

Wanted when the time came: INS Report, November 11, PMG, Box 23; Ann Petluck, Migration Department, NRS, to Edward Ennis, Director, AECU, December 5; “Re: Dr. Leo Friedman, Mrs. Margerete Friedman,” December 19, 1945, ibid.

Landlady in Dallas: Jonathan B. Bingham, Chief, Alien Enemy Control Section, State Department, to Ugo Carusi, Commissioner of INS; “Confidential,” January 11, SWPD, Name Files of Interned Enemy Aliens from Latin America, 1942–48, Box 39, Leo Friedman; Ann Petluck, Migration Department, NRS, to Edward Ennia, AECU, January 15; and Ennis to Petluck, January 23, 1946; Jack Gershtenson to Cecilia Razovsky, NRS, May 28, 1943); Strum, “Jewish Internees,” pp. 36–37.


A permanent immigration: “To the President,” May 18, 1944, OF 3186, FDRL.


Undesirables to Siberia: The Chicago paper’s involvement stemmed from a story in the Bismarck Tribune (December 25, 1945).

Get their property: Among the allegations: seven thousand Latin Americans had been interned and four thousand repatriated (The Bismarck Tribune, December 22, 1945, p. 2; Chicago Daily Tribune, December 25, 1945, p. 5).

Too busy to talk: Chicago Daily Tribune, December 25, 1945, p. 5.

A commercial war: Ibid., December 27, 1945, p. 3; Fargo Forum, January 11, 1946.

Department of Oppression: Ibid., December 29, 1945, p. 8; January 14, 1946, p. 12.

Economic and political interests: Memorandum, A.E.C. [Clattenberg?] to Ambassador Warren, SWPD Subj. Files, Box 181, Removal of Enemy Aliens from Other American Republics, April–July 1945; J. [C.] Holmes, for the Acting Secretary of State, to Officers in Charge of the American missions in the Other American Republics, “Government Policy Concerning Subsequent Repatriation of Germans from Western Hemisphere,” 14 June 1945, December File 740.00115 EW/5-1745, Box 3567. Included were: all known agents, all Nazi and Pan-German propagandists, all research experts and students, all scientifically skilled persons, and all persons qualified to hold superior executive posts in commerce or government.

**Residence in this hemisphere:** Thomas C. Mann, “Elimination of Axis Influence in This Hemisphere: Measures Adopted at the Mexico City Conference,” *DSB* (20 May 1945), pp. 924–26; Resolution VII of the Final Act of the Inter-American Conference on Problems of War and Peace, 8 March 1945, SWPD Subj. Files 1939–54, Box 124, Misc.

**Probably not recover:** “Security Against Renewed German Aggression,” 21–22, 24.


**Must not be perpetuated:** *Ibid.*


Chapter 9: Second-Class Citizenship


(WRA): See also: Memo from D. S. Myer, Director, WRA, to Colonel Bendetsen, Assistant Chief of Staff, CAD, July 1942, RG 338, Adjutant General Section, Orders, Box 1.

And with discretion: Memo to Colonel Bendetsen from Victor Nielsen, WCCA, WDC, February 2, 1943, RG 338, Box 3; McCloy to Biddle, August 4, 1943, RG 107, Box 84, X–Attorney General, ASW 014.311, General Exclusion Orders.

Kept constantly in mind: Travel and curfew restrictions had little value beyond “throwing the alien population off balance” and instilling fear until other programs could be worked out (“Supplemental Report, 1947,” pp. 986–87).

From the accused untrue: September 16, 1942, Defense Commander, West., Bendetsen, ASW 014.311, WDC Exclusion Orders, RG 107, Box 84.

The colonel advised: Telephone conversation, Bendetsen and Captain John Hall, June 14, 1943, RG 107, Box 4, General Correspondence of McCloy, ASW 013.37, Action–Proceedings–Trials.

Vex the War Department: Bendetsen to McCloy, May 11, 15, CWRIC 1: 287–89; 1: 285; and Stimson to FDR, May 14, *ibid.* 1: 194. See also *ibid.* 25: 445; 2:894–96; 17:
People at random: Biddle to McCloy, August 18, 1943, CWRIC 12: 165–71.

Too squeamish to use it: Memo from Major General Myron C. Cramer, the Judge Advocate General, to McCloy, September 17, 1943, ibid. 1: 319–21; memo from Lieutenant Colonel Claude B. Washburne, GSC, acting chief of staff, to Lieutenant General Delos C. Emmons, commander, WDC, September 21, 1943, ibid., 1: 797; Major General George Grunert, deputy commander, EDC, to McCloy, September 23, 1943, ibid., 1: 316–18.

Suspending habeas corpus: Stimson to FDR, March 31, 1943, RG 107, Box 86, P (confidential) Ref; Drum to McCloy, May 27, 1943, X–Defense Commands, EDC, ASW 014.311, EDC, Exclusion Orders; Drum to Chief of Staff, U.S. Army, War Department, June 23, 1943, Box 84, ASW 014.311, EDC, Defense Command, Western CG.


And family background: Sources for Arens, unless otherwise indicated: FBI 65–31409; RG 338, Box 1; INS Control Number 932307 or Naturalization Certificate 3654790 (author copies); and DOJ Criminal Division 146–7–3069.


Exclusion rescinded: This section is drawn from dozens of letters made available to the author by Heinz Arens.


Pro-German and ought to be released: Criminal Division document, “Exclusion Case,” July 26, 1943, FOIA CRM–940110F.

Citizen in 1934: Sources for Uhle, unless otherwise indicated: FBI 65–HQ–3155; INS FOIA 936260; Headquarters, U.S. Army Intelligence and Security Command FOIA 94–323; newspaper clippings courtesy of Dr. Alvin Uhle; and Uhle v. Kramer, et al.

Many other Americans: Sources for the Schneiders, unless otherwise indicated: FBI 100–HQ47878; INS 146–13–2–12–81; CRM 146–7–2590; PMG, Box 69; RG 338, Eastern Defense Command, Box 39, Case No. W–170, Exclusion; INS–LA Dist., Enemy Alien Case Files, Case 15942/293 (Gertrude Anna Schneider)–Box 20; U.S. Dist. Court–Los Angeles, Civil Case Files, Case 2428–Boxes 463, 3784 (NARALN).

Better treatment awaited: When Paul asked for repatriation, he wrote: “It is with no hard feelings against this country that we made this decision.” (Repatriation issues: Paul W. Schneider to Sec/St, December File 1940–44, 740.00115 EW1939/3914, Box 2831; and Memorandum, December File 1940–44, 311.6215/147, Box 1060; December File 1940–44, 740.00115 EW1939/5616, Box 2840, RG 59.)

Conclusion

For their imagined crimes: Some, of course, had entered the country illegally, but most corrected that mistake; a few had ignored the expiration of their visas because it did not seem to matter; and still others had failed to turn in contraband. However, the aliens were never charged with these offenses. Instead, their indictments specified dangerousness and disloyalty.

Homelands and families: Roosevelt, as quoted in The German Reich and Americans of German Origin (New York, 1938).


Afterword

Decisions in years: Dworkin’s position has not always carried the day. From the 1880s through World War II, the Supreme Court denied that aliens had “a substantial measure of constitutional protection” from the States. Instead, Congress, which provided for executive and administrative regulation, controlled their status. The Court did expect administrative agencies to exercise their responsibilities in a manner consistent with due process, subject to court review. Arguably, the Court was too submissive in this area (despite eloquent dissenting opinions, as in Fong Yue Ting v. U.S. 149 U.S. 698 [1893]), for it has not been reluctant to assert itself over other areas where the political branches are supposedly vested with plenary power.

Since the Second World War, and perhaps because of it, the distinction between the rights of citizens and aliens has narrowed. In addition to Dworkin, see Milton R. Konvitz, Civil Rights in Immigration (Ithaca, 1953), esp. pp. 94, 97–100; ElizabeTh Hull, Without Justice for All: The Constitutional Rights of Aliens (Westport, Connecticut, 1985), esp. pp. 36, 149–50; Rudolph J. Vecoli, “Immigration, Naturalization and the Constitution,”
Studi Emigrazione 34 (March 1987), pp. 75–101; and Jeffrey Rosen, “America in Thick and Thin: Exclusion, Discrimination, and the Making of Americans,” The New Republic 218:1/2 (January 5, 12, 1998), pp. 29-36. David Cole, Enemy Aliens: Double Standards and Constitutional Freedoms in the War on Terrorism (New York, 2003), believes the Supreme Court has been “deeply ambivalent” on this question, although he takes the position that “where foreign nationals and citizens are similarly situated, they must be treated equally,” pp. 211, 220.
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**Relatives (Voluntary Internees)**

**Relatives (Not Interned)**
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**Relocated**
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**Other**

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RG 85, Records of the Immigration and Naturalization Service: Internment Camp Case Files
RG 107, Records of the Office of the Secretary of War
RG 338, Records of the Army Commands
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Other Archives
FBI Headquarters (FBIHQ)
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_____ “The Program of the FBI to Advise the American People of its Jurisdiction and Activities During the National Emergency which Began … June 1, 1939,” 66-1723-Sub 2, Sec 8 (sers. 28 35 x 2), Sub 1, Sec. 5, Part I (Ser. 20, Part I), “The Origin, Development and Achievement of the German Counterespionage Program of the FBI (Prior to December 7, 1941).”

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“Exchange of German and American Nationals.” *Department of State Bulletin* (January 7, 1945): 44.


“Security Against Renewed German Aggression.” *Department of State Bulletin* 13 (July 1, 1945): 21-37.

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