

## 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*

**Left the country:** Paul Radin, *The Italians of San Francisco: Their Adjustment and Acculturation* (New York, 1975), p. 146; John P. Diggins, *Mussolini and Fascism: The View from America* (Princeton, 1972), p. 143; Andrew F. Rolle, *The Immigrant Upraised: Italian Adventurers and Colonists in an Expanding America* (Norman, 1968), pp. 20–21, 24, and *The American Italians: Their History and Culture* (Belmont, CA, 1972), pp. 2–3; Luciano J. Iorizzo and Salvatore Mondello, *The Italian Americans* (Boston, 1980), pp. 56–60.

**Percent of the Italians:** Antonio Stella, *Some Aspects of Italian Immigration to the United States*, (1924; reprint ed., San Francisco, 1970), pp. 13–14, 21.

**Absorbed into American society:** Rolle, *Immigrants Upraised*, pp. ix, 10; Paul Campisi, "The Adjustment of Italian Americans to the War Crisis" (MA thesis, Chicago, 1942), pp. 161–162, and "Ethnic Family Patterns: The Italian Family in the United States," *American Journal of Sociology* 53 (May 1948), p. 443; Diggins, *Mussolini and Fascism*, pp. 78–80. See also Jerome S. Bruner and Jeanette Sayre, "Shortwave Listening in an Italian Community," *Public Opinion Quarterly* 5 (Winter 1941), pp. 640–56; and Joseph S. Rousek, "Foreign Politics and Our Minority Groups," *Phylon* 2 (First Quarter, 1941), p. 55, both of which question Italian assimilation.

**Had not become citizens:** U.S., Congress, House, *Fourth Interim Report of the Select Committee Investigating National Defense Migration*, 77<sup>th</sup> Cong., 2d Sess., HR 2124, 19 May 1942 (Washington, 1942), p. 230; hereafter cited as Tolan Committee, "Fourth Interim Report."

**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;

Max Ascoli, "On the Italian Americans," *Common Ground* 3 (Autumn 1942), p. 46; Radin, *Italians of San Francisco*, p. 64.

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

**And the Italians (135):** Morton Grodzins, *Americans Betrayed: Politics and the Japanese Evacuation* (Chicago, 1949, reprint, 1974), pp. 164–65.

**For American democracy:** Institute for Propaganda Analysis, "Axis Voices Among the Foreign-Born," *Propaganda Analysis* 4 (August 1, 1941), pp. 3, 7; Alfred McClung Lee, "Subversive Individuals of Minority Status," *The Annals of the American Academy of Political and Social Science* 223 (September 1942), pp. 164–65; Roucek, "Foreign-Language Press in World War II," p. 465; "The Foreign-Language Press," *Fortune* 22 (November 1940), pp. 92–93; "Steam from the Melting Pot," *Fortune* 22 (September 1942), p. 132.

**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.

**Italian-American schools:** Iorizzo and Mondello, *The Italian Americans*, p. 252; Panunzio, "Italian Americans, Fascism, and the War," p. 777; Frank C. Hanighen, "Foreign Political Movements in the United States," *Foreign Affairs* 16 (October 1937), p. 16; Diggins, *Mussolini and Fascism*, p. 99.

**The war effort:** Panunzio, "Italian Americans, Fascism, and the War," pp. 777–81; Diggins, *Mussolini and Fascism*, pp. 302, 306.

**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.

**Impossible, they said:** Panunzio, "Italian Americans, Fascism, and the War," pp. 777–81; Diggins, *Mussolini and Fascism*, pp. 302, 306; M. B. Schnapper, "Mussolini's American Agents," *Nation* 147 (15 October 1938), p. 374; State of California, Senate, *Report of the Joint Fact-Finding Commission on Un-American Activities in California*, 55<sup>th</sup> Sess., 1943. Part IV, Nazi Activities, Part V, Fascist Activities, pp. 319, 781–82; Diggins, *Mussolini and Fascism*, pp. 108, 325, 350–51; Iorizzo and Mondello, *The Italian Americans*, p. 258; "Lay Off the Italians," p. 54; Edward Corsi, "Italian Immigrants and Their Children," *The Annals of the American Academy of Political and Social Science* 223 (September 1942), p. 105; Marino De Medici, "The Italian Language Press in the San Francisco Bay Area from 1930 to 1943" (MA thesis, Berkeley, 1963), pp. 204, 206, 211–12; Alfonso J. Zirpoli, "Faith in Justice: Alfonso J. Zirpoli and the United States District Court for the Northern District of California," an oral history conducted 1982–83 by Sarah L. Sharp, Regional History Office, Berkeley, 1984, pp. 19–20; Campisi, "Adjustment of Italian Americans," p. 172.

**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).

**Of remaining German:** The vast majority readily adapted to citizenship. (Ronald H. Bayor, *Neighbors in Conflict: The Irish, Germans, Jews, and Italians in New York City, 1929–1941* [Urbana, 1988], pp. 6–7, 50–51); Dieter Berninger, “Milwaukee’s German American Community and the Nazi Challenge of the 1930s,” *Wisconsin Magazine of History* (Winter 1987–88), pp. 118–42; Timothy J. Holian, *The German-Americans and World War II: An Ethnic Experience* (New York, 1996), pp. 39–52. See also Peter Frederick Stoll, “German-American ‘Ethnicity’ and ‘Ego Identity’” (PhD dissertation, Albany, 1984), which concludes that, as a result of anti-Germanism in World Wars I and II, the German Americans downplayed and tempered aspects of Germanic culture and heritage, and disappeared into an America they had already influenced; Louis De Jong, *The German Fifth Column in the Second World War* (Chicago, 1956), p. 273.

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

**Ended in nightmare:** Frederick C. Luebke *Bonds of Loyalty: German Americans and World War I* (Dekalb, 1974) pp. 330–31; Rippley, pp. 207–09.

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

**Germans in America:** Donald S. Strong, *Organized Anti-Semitism in America: The Rise of Group Prejudice During the Decade 1930–40* (1941; reprint ed., Westport, 1979), pp. 30–32; *San Francisco Chronicle*, February 20, 21, 22, 1942, pp. 7, 6, and 5 respectively; Richard O’Connor, *The German-Americans: An Informal History* (Boston:, 1968), p. 437.

**End of the year:** John Christgau, “*Enemies*”: *World War II Alien Internment* (Ames, 1985), p. 10.

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

**Include subversive activities:** Kenneth O’Reilly, “A New Deal for the FBI: The Roosevelt Administration, Crime Control and National Security,” *Journal of American History* 69 (December 1982), pp. 639–40. O’Reilly argues that FDR lost control of the FBI. Prior to 1936, having no official jurisdiction, the Bureau conducted its investigations at the request of the Justice Department and other agencies (FBI, *History of the Bureau during the War*, “Summary of Investigative Activities of the FBI Under the Voorhis Act,” 66–1723–Sub. 1, Sec. 7, Part I [Ser. 24, Part I], p. 18).

**August 24, 1936:** United States Congress, House, Committee on Internal Security, *Hearings, Domestic Intelligence Operations for Internal Security Purposes*, Pt. 1, 93<sup>rd</sup> Cong. 2d Sess., February 20–June 5, 1974 (Washington, 1974), p. 3367, hereafter Senate,

*Domestic Intelligence Operations*. Prior to 1939, the FBI received information from outsiders regarding subversive activities (“Summary of Investigative Activities of the FBI Under the Voorhis Act,” p. 1); Athan Theoharis, *From the Secret Files of J. Edgar Hoover* (Chicago, 1991), pp. 180–82; John T. Elliff, “The Scope and Basis of FBI Data Collection,” in *Investigating the FBI*, eds. Pat Watters and Stephen Gillers (Garden City, 1973), pp. 293–95. See also Theoharis, “The FBI’s Stretching of Presidential Directives, 1936–1953,” *Political Science Quarterly* 91 (Winter 76/77), pp. 649–72.

**Communists and Nazis:** Richard Gid Powers, *Secrecy and Power: The Life of J. Edgar Hoover* (New York, 1987), p. 230. The index card (FD–122) on individuals listed the following as “political affiliations”: Communist, Fascist (Italian), German, Japanese, Misc. (Caroline Ross and Ken Lawrence, *The Politics of Repression in the United States, 1939–1976: J. Edgar Hoover’s Detention Plan* [Jackson, MS, 1978], p. 12; App. 2). The German and French governments used Holorith punch cards in 1939 to register their alien populations. The Dutch government registered its Gypsies in 1936 and reported the information to the German government, even before the 1940 occupation (Leonard Dinnerstein, “Registering Aliens and Civilians in World War II,” American Historical Association: Pacific Coast Branch, 84<sup>th</sup> Annual Meeting, August 1991, author’s notes).

**Unambiguous authority:** FDR told Hoover that he approved his October proposals (U.S. Cong., Senate, Hearings on Intelligence Activities, Vol. 6, “FBI Investigations,” 94<sup>th</sup> Cong., 1<sup>st</sup> Sess., 1975 [Washington, 1975], p. 566); U.S. Cong., Senate, Select Committee to Study Governmental Operations With Respect to Intelligence Activities, *Final Report: Intelligence Activities and the Rights of Americans, Book II*, 94<sup>th</sup> Cong., 2d Sess. 1976 (Washington, 1976), pp. 26–27. The FBI acknowledged that the June directive “in no way” authorized the Bureau to investigate subversive activities (“Summary of Investigative Activities of the FBI Under the Voorhis Act,” pp. 22–23); United States Congress, House, Subcommittee of the Committee on Appropriations, *Hearings, Emergency Supplemental Appropriation Bill for 1940*, 76<sup>th</sup> Cong., 3<sup>rd</sup> Sess., November 27, 1939, pp. 304–05, hereafter House, *Emergency Supplemental Appropriations ... 1940*. See also U.S. Cong., Senate, Final Report: *Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans, Book III*, 94<sup>th</sup> Cong., 2d Sess., 1976 (Washington, 1976), pp. 412–14, 442–47, 542–48; Senate, *Book II*, pp. 54–56; Athan Theoharis, *Spying on Americans: Political Surveillance from Hoover to the Huston Plan* (Philadelphia, 1978), pp. 40–41; Robert J. Goldstein “The FBI’s Forty Year Plot,” *The Nation*, July 1, 1978, and “An American Gulag? Summary Arrest and Emergency Detention of Political Dissidents in the United States,” *Columbia Human Rights Law Review* 10 (Fall 1978), pp. 541–73; Ross and Lawrence, *Hoover’s Detention Plan*; Elliff, p. 259; Thomas I. Emerson, “The FBI as a Political Force,” in *Investigating the FBI*, eds. Pat Watters and Stephen Gillers (Garden City, 1973), pp. 244–45; and Senate, *Book III*, p. 404. This fateful, ambiguous memorandum prepared for FDR by Attorney General Murphy, which directed every police official in the country to turn over all information regarding espionage, counterespionage, and neutrality regulations to the FBI, also mentioned subversive activities. It is not certain that Murphy’s memo reflected the president’s wishes (FBI, “Summary of Investigative Activities of the FBI Under the Voorhis Act,” 66–1723–Sub. 1, Sec. 5, Part I [Ser. 20, Part I], p. 72). Hoover’s presidential mandate changed the FBI from a crime-busting agency into a secret police.

House, *Emergency Supplemental Appropriations ... 1940*, pp. 304–05; Senate, *Book II*, pp. 30–31; Senate, *Book III*, pp. 408–09. Investigations included what Hoover termed preventive intelligence about persons of German, Italian, or Communist sympathies, and German and Italian societies with pronounced nationalistic tendencies. The FBI concluded after the war that investigations conducted subsequent to June 1939 showed that a considerable amount of [subversive] activity before that date had not been adequately investigated (“Postwar Functions, Internal Security-G and Related Activities Desk, Internal Security Section, Security Division,” FBI 190-HQ-1027998). See also “Our Lawless G-Men,” *The Nation* (March 2, 1940), pp. 296–97.

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,” 66–1723– Sub. 2, Sec. 8 [Sers. 28 + 35 x 2], pp. 4, 108–48, 211–31; *ibid.*, Sub. 1, Sec. 5, Pt. I [Ser. 20, Pt. I], “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](http://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

Goodwin, *No Ordinary Time: Franklin and Eleanor Roosevelt: The Home Front in World War II* (New York, 1994), pp. 173–76). A scholar who has combed the files of the Foreign Nationalities Branch of the Office of Strategic Services (OSS) writes that the administration assumed automatically that aliens posed a security risk. The OSS files, she reveals, “provide a wealth of information on the administration’s approach to the issues of ethnicity and war, while documenting the persistence of earlier nativist views and an echo of the First World War’s ‘one-hundred percent Americanism’” (Lorraine M. Lees, “National Security and Ethnicity: Contrasting Views during World War II,” *Diplomatic History* 11 [Spring 1987], pp. 113–14). See also a confidential FBI Memorandum in the files of the Immigration and Naturalization Service, April 29, 1941, Fort Missoula, 1017/Y, RG 85, NA, in which the FBI concludes, “The Nazis have been exploiting the ‘Jewish refugee’ problem for the purpose of espionage and other subversive activities in the Western Hemisphere.” Athan Theoharis and John Stuart Cox, *The Boss: J. Edgar Hoover and the Great American Inquisition* (Philadelphia, 1978), pp. 148–49.

**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 Monroe Doctrine:** Ronald Stent, *A Bespattered Page: The Internment of His Majesty’s ‘Most Loyal Enemy Aliens’* (London, 1980), pp. 252–53. See also De Jong, pp. 249–66, and Bradley F. Smith, *The Shadow Warriors: OSS and the Origins of the CIA* (New York, 1983), pp. 12, 22–23; Stephen Fox, “The Deportation of Latin American

Germans, 1941–47: Fresh Legs for Mr. Monroe’s Doctrine,” *Yearbook of German-American Studies* 32 (1997), pp. 117–42.

**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.

**Forbidden and restricted areas:** Attorney General’s Order No. 3595, December 15, 1941, DOJ, RG 60, Administrative Orders, Circulars, and Memoranda; Edward J. Ennis, “Government Control of Alien Enemies,” *State Government* 15 (May 1942), p. 99; The New York Times, January 9, 1990, p. D 22).

**Outspoken anti-Fascists:** Jerry Mangione, *An Ethnic at Large: A Memoir of America in the Thirties and Forties* (New York, 1978), p. 320. See also Ennis, “Government Control of Alien Enemies,” p. 100.

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

**In any manner possible:** *Ibid.*, December 1942, pp. 2–3, 6–7, Box 17, Rpt. 2291; Robert Gellately, "The Gestapo and German Society: Political Denunciation in the Gestapo Case Files." *Journal of Modern History* 60 (December 1988), p. 660.

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

**Dangerousness than the FBI:** Curt Gentry, *J. Edgar Hoover: The Man and the Secrets* (New York, 1991), note, p. 278; Memorandum for Mr. Charles Malcolmson, Director of Public Relations, FBI, from J. Edgar Hoover, October 26, 1943, FBI CD 100–2, ser 3963; Graham H. Stuart, "Special War Problems Division: Internees Section," *Department of State Bulletin* (July 16, 1944), p. 72, hereafter *DSB*; "Disposition of German, Japanese, and Italian Alien Enemy Cases as of March 10, 1943," FBI CD 100–2 ser 3897, FBIHQ.

**Distrust of the aliens:** Mangione, pp. 284, 286, 321. See also Francis Biddle, "Identification of Alien Enemies: Let Us Not Persecute These People," *Vital Speeches of the Day* 8 (February 15, 1942), pp. 279–80.

**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).

**New Germany in 1934:** Sources for Friedrich, unless otherwise indicated: FBI 65–8972; INS 146-13–2–42–15, INS Crystal City Internment Camp 935/146.

**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.

**Aliens like Friedrich:** Leland V. Bell, *In Hitler's Shadow: The Anatomy of American Nazism* (New York, 1973), 21–22; Smith, *To Save a Nation*, 95.

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



**Violent face of Bundism:** Smith, *To Save a Nation*, pp. 140, 153, 155–56.

**Drunken American officers:** Susan Morrison and Peter Kneer, “Forgotten Internees,” Honolulu, November 1990.

**Had similar “universities”:** *Ibid.*

**By train to Wisconsin:** *Ibid.*

**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. Citiz. Interned in U.S.”

**Situation, at Camp McCoy:** *Ibid.*

**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. Rhett, 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.

**ONI and MID:** *Ibid.*, pp. 414–15.

**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).

**Immigrated to Palestine:** David S. Wyman, *Paper Walls: America and the Refugee Crisis, 1938–1941* (New York, 1985), pp. 36–37. A critic of Wyman is William D. Rubinstein, *The Myth of Rescue* (London, 1997). Rubinstein does not effectively rebut the views of Eleanor Roosevelt, the positions taken by FDR, key administration officials, or the American public as reported in this chapter. William J. Vanden Heuvel, “America and the Holocaust,” *American Heritage* (July/August 1999), pp. 34–53, is similarly ineffective. Anderson, *Hitler’s Exiles*, offers several moving accounts of Jewish flight from Nazi Germany.

**Administration wanted them:** Charles Herbert Stember et al., *Jews in the Mind of America* (New York, 1966), pp. 9, 145–46; David S. Wyman, *Abandonment of the Jews: America and the Holocaust, 1941–1945* (New York, 1984), pp. x–xi.

**More had emigrated:** Wyman, *Paper Walls*, pp. 29–30.

**Were accepted, reluctantly:** *Ibid.*, 37–38; Harvey Strum, “Jewish Internees in the American South, 1942–1945,” *American Jewish Archives* 42:1 (Fall/Winter 1990), p. 29.

**The Chilean border:** Peters to Christgau, Bismarck, North Dakota, August 23, 1980, transcript courtesy of John Christgau.

**Cut admissions in half:** Wyman, *Paper Walls*, pp. 182–83, 185; Messersmith to Long, May 31, June 21, 1940, Box 133, Breckenridge Long MSS, LOC; Wyman, *Abandonment*, pp. 125–26. The new visa policy went into effect in Mexico on July 3, 1940.

**Caught in it:** Goodwin, p. 103.

**Of hemispheric security:** Wyman, *Abandonment*, pp. 131–32. See also Norman Angell, “Refugees Can Be Assets,” *The Nation* 151 (September 21, 1940), pp. 236–39.

**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 Hansgirk, 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 Hansgirk carried in his wallet. See also Hoover to Mr. Tolson, et al., December 21, 1941, FBI, Custodial Detention, 100-2-51, Ser. 67.

**Him interned immediately:** Appointment and Telephone Log of John J. McCloy Jr., Assistant Secretary of Defense, March 31, 1942, U.S. Commission on Wartime Relocation and Internment of Civilians, Papers, Microfilm edition, ed. by Ralph Boehm (Frederick, Maryland, 1983), 28: 610, hereafter CWRIC.

**No, he is not:** Hansgirk'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?"

**Internment in 1942:** Sources for John, unless otherwise indicated: FBI 100-136903 and 100-42669; INS 146-13-2-51-1661 and 2249; Fort Lincoln Internment Camp 4290/1440-41, Santa Fe Internment Camp 1300/P, RG 85; PMG, Box 37; Wm. L. Langer Papers A-19, Box 179, Folder 16, Orin G. Libby Ms. Collection, University of North Dakota, Grand Forks; DON 5720, Ser. 09B30/4U513750; DOJ, Office of Information and Privacy AG/94-R0316; DOJ, Executive Office for U.S. Attorneys 94-1327-R, 95-1178-R; and INS, New York City NYC 94007299.

**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.

**Believed that about the United States:** Kitry Krause, “Dangerous Enemy Alien,” (*Chicago*) *Reader*, September 3, 1993, p. 12.

**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.

**Only days off:** John E. Bailey, Assistant Passenger Traffic Manager, American Export Lines, to T. F. Fitch, CS., December 29, 1944, SWPD Subj. Files, 1939–54, Box 160, German Exchange–*Gripsholm*–January 7, 1945–Stateroom Assignments.

**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, Civil. 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 *Auswärtiges 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 *Letetia*.

**Carefully orchestrated plan:** "Special Instructions," n.d., *ibid.*; R. L. Bannerman, Special Agent, to Mr. Fitch, "Subject: Sailing of MS *Gripsholm*," December 26, 1944, *ibid.*; Bannerman to Fitch, "Supplementary Report of December 26," *ibid.* and R. L. Bannerman, Special Agent, to Mr. Fitch, "The German Exchange, January 7 to February

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.

**To SWPD headquarters:** Stuart, “Special War Problems Division,” p. 122.

**Released about two weeks later:** “Special Instructions,” n.d., SWPD Subj. Files, Box 100, Outgoing *Gripsholm* and *Letetia*; R. L. Bannerman, Special Agent, to Mr. Fitch, “Subject: Sailing of MS *Gripsholm*,” December 26, 1944, *ibid.*; Bannerman to Fitch, “Supplementary Report of December 26,” *ibid.*; and Bannerman to Fitch, March 15, 1945; John R. Hall, Special Agent, to T. F. Fitch, Chief Special Agent, “Departure of Exchange Vessel MS *Gripsholm* and the Canadian Hospital Ship *Letetia*, January 10, as cited in, John Eric Schmitz, “Democracy Under Stress: The Internment of German-Americans in World War II,” MA thesis, 1993), pp. 119–120; William H. Mangels, Special Agent, to Mr. Clark, “Transfer of German Aliens from Crystal City ... to MS *Gripsholm*,” December File 1940–44, 740.00115 EW/1– 945, Box 3560; Graham H. Stuart, “Exchange of American and German Nationals,” *DSB*, January 7, 1945, 44; Bannerman to Fitch, March 15, 1945.

**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).

**January 23 and 24:** Huddle, Bern, to Secretary of State, Urgent, “American Interests, Germany–Civilian Exchange,” January 24, *ibid.* 1–2445, and January 25, *ibid.* 1–2545; “Report from Swiss Legation Berlin concerning recently concluded civilian exchange,” March 27, 1945, *ibid.* 3–2745, 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.

**As could be expected:** American Legation, Bern, “American Interests–Switzerland, Transmission of reports of visits ...,” February 2, 1945.

**On such short notice:** *Ibid.*

**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.

The 1942 FBI reports are: Hoover to Watson, 6 March, 3 and 8 April, FDRL, OF 10B, Box 16, JD, FBI Rpts. 2004, 2071, 2079, and 2191-A; Stetson Conn and Byron Fairchild, *United States Army in World War II: The Western Hemisphere: The Framework of Hemisphere Defense* (Washington, 1960), pp. 5–6, 173–74; Friedlander, *Prelude to Downfall*, pp. 27–30; Gerald K. Haines, “Under the Eagle’s Wing: The Franklin Roosevelt Administration Forges an American Hemisphere,” *Diplomatic History* 1: 4 (Fall 1977), pp. 373, 376; S. Shepard Jones and Denys P. Myers, eds., *Documents on American Foreign Relations, January 1938–June 1939*, 1 (New York, 1939), pp. 61–63; Powers, *Secrecy and Power*, p. 251; Hull, *Memoirs*, 1:602; De Jong, pp. 25–27.

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

**Own detention programs:** “Special War Problems Division,” (August 6, 1944), p. 146; U.S. Department of State, “Memorandum by the Office of the Assistant Secretary of State,” Anglo-American Cooperation on Policies and Problems ... Eastern and Western Hemispheres, January 5, *FRUS*, 1942, 5: 280; “Third Meeting of Ministers of *Foreign Affairs* of the American Republics,” *DSB* 6 (7 February 1942), pp. 128–30.

**Facilities were lacking:** Marjorie M. Whiteman, ed., *Digest of International Law*, 8 (Washington, 1967), pp. 632–33, hereafter cited as *DIL*; “Third Meeting ... American Republics,” 128–130; Stuart, “Representation of Foreign Interests,” 146; The American Representative [Welles] to the Secretary of State, 1 January, *FRUS*, 1942, 5: 40–41; Smith, “Memorandum for the Attorney General,” 7 February 1942, FDRL, Rowe Papers, Box 41, Special War Policies; “In Defense of the Americas Against Axis Political Aggression: The Emergency Advisory Committee for Political Defense,” *DSB* (January 7, 1945), p. 3.

**That exemplary democracy:** Welles to the Chairman of the CPD (Guani), “Third Meeting of the Foreign Ministers,” 4 September *FRUS*, 1942, 5: 90–92; CPD, “Report of the Delegation of the EACPD ... 16 June 1944,” NA, RG 59, Special War Problems Division (SWPD) Subj. Files 1939-54 (hereafter cited as SWPD Subj. Files), Box 129, “To and From Justice Re: Enemy Aliens.”



**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.

**Long-term U.S. interests:** Biddle to Hull, 25 June 1942, and Joseph C. Green to Biddle, n.d., December File 740.00115 EW1939/3610.

**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.

**By the end of January:** Strum, “Jewish Internees,” pp. 30–31.

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

**Integrated with other Latin American Jews:** *Ibid.*, pp. 33–35.

**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.

**Remainder of the war:** Strum, "Jewish Internees," pp. 27-28, 37-38.

**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 Ennis, 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.

**Repatriation for the duration of the war:** Strum, Jewish Internees, pp. 38–39. See also Lawrence Baron, "Haven from the Holocaust," *New York History* 44 (January 1983), pp. 4–34, Harvey Strum, "Fort Ontario Refugee Shelter, 1944–1946," *American Jewish History* 73 (June 1984), pp. 398–421, and Sharon Lowenstein, "A New Deal for Refugees: The Promise and Reality of Oswego," *American Jewish History* 71 (March 1982), pp. 325–41.

**A permanent immigration:** "To the President," May 18, 1944, OF 3186, FDRL.

**Citizenship for the Friedmans:** Strum, "Jewish Internees," pp. 41–43.

**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.

**Disturbed conditions in Germany:** Grew to Stimson, 8 May, *FRUS*, 1945, 9:266–267. The final act of the Mexico City conference recommended repatriation of persons left in the hemisphere “prejudicial to the future security or welfare of the Americas” (“Alien Enemy Control Section,” *DSB* (4 November 1945), pp. 737–38; Henry Stimson, Secretary of War, to Secretary of State, 22 June, *FRUS*, 1945, 9: 268–69. For an extended discussion of Eisenhower’s position re: repatriates, see Brian L. Villa, “The Political and Diplomatic Context of the POW Camps Tragedy,” in Günter Bischof and Stephen E. Ambrose, eds., *Eisenhower and the German POWs: Facts Against Falsehood* (Baton Rouge, 1992), 57–74.

**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.

**Hemispheric political objective:** Johnson, Ambassador to Costa Rica, to Secretary of State, 12 August, *FRUS*, 1945, 9:271–72; The Secretary of State (Byrnes) to the Chargé in Costa Rica (Gibson), “Policy on Enemy Aliens ...,” 18 August, *ibid.*, 274–75. The State Department offered to return the families as a way to get unanimous consent among the republics for repatriation. The Chargé in Costa Rica (Gibson) to the Secretary of State, 30 August, 1945, “Policy on Enemy Aliens Interned ...,” 30 August, *ibid.*, p. 277; The Apostolic Delegate (Cicognani) to the Secretary of State, “Policy on Enemy Aliens Interned ...,” 5 September, *ibid.*, p. 281; Memorandum by the Assistant Chief of the Division of North and West Coast Affairs (Wells) to the Acting Chief of That Division (White), “Policy on Aliens Interned ...,” 14 August, *ibid.*, pp. 272–73; The Secretary of State (Byrnes) to the Ambassador in Peru (Pawley), “Policy on Enemy Aliens Interned,” 25 August, *ibid.*, pp. 276–77; James Byrnes, Secretary of State, to American Embassy, Lima, 25 August 1945, SWPD Subj. Files, Box 194, “Peru 1945, Germans & Japs.”

**This new proposal:** “Alien Enemy Control Section,” pp. 737–39; Secretary of State to the Ambassador in Peru (Pawley), “Policy on Enemy Aliens Interned ...,” 2 November, *FRUS*, 1945, 9: 287–89; Secretary of State to Ambassador in Nicaragua (Warren), “Policy on Enemy Aliens Interned ...,” 23 November, *ibid.*, pp. 293–94.

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

**Were not succeeding:** *Ibid.*, pp. 295–296; Acting Secretary of State to Ambassador in Ecuador (Scotten), “Policy on Enemy Aliens Interned ...,” 26 December, *ibid.*, p. 301; “Disposition of Enemy Aliens from Other American Republics,” 1061; *Chicago Daily Tribune*, 28 December, 1945, p. 5. Well into 1946 the United States continued to insist that the Enemy Alien Act of 1798 did apply to dangerous Latin American Germans (“Historical Chronology of Events Concerning the Enemy Alien Repatriation Program,” SWPD Subj. Files, Box 181, Removal of Enemy Aliens from Other American Republics, April–July 1945); “Disposition of Enemy Aliens from Other American Republics,” *DSB* (6,13 January 1946), pp. 33–34; *Ibid.*; “Historical Chronology of Events Concerning the Enemy Alien Repatriation Program”; Secretary of State to ... All Diplomatic Representatives in the Western Hemisphere, “The Withdrawal of the Proclaimed List and the Resolution of the Emergency Advisory Committee for Political Defense Concerning

Nazi Influences,” 11 February, *FRUS*, 1946, 11: 76–77; Secretary of State to Diplomatic Representatives in the American Republics, 6 June, *ibid.*, p. 83); The Ambassador in Uruguay (Dawson) to the Secretary of State, 26 April, *ibid.*, pp. 81–82; Memorandum of Conversation, by Mr. T. R. Martin of the Division of River Platte Affairs, 3 April, *ibid.*, pp. 78–79; The Acting Secretary of State to President Truman, 21 June, *ibid.*, pp. 83–84 (See also, Presidential Proclamation 2497: “Proclaimed List of Certain Blocked Nationals”); *Ibid.*: Bolivia, pp. 404–17; Brazil, pp. 462–65; Chile, pp. 575–91; Colombia, pp. 661–66; Ecuador, pp. 865–73; Paraguay, pp. 1193–1200; Peru, pp. 1227–32; Uruguay, pp. 1276–83; and Venezuela, pp. 1322–30. See also, The Acting Secretary of State to the Embassy in Bolivia, “Continuing Efforts to Eliminate Axis Economic Interests in Bolivia, 28 April, *FRUS*, 1948, 9: 346, and Memorandum by Mr. H. H. Barger, Economic Analyst in Bolivia, to the Chargé in Bolivia (Adam), “The Problem of Replacing Former Axis Business Influences with More Desirable Trade Contacts in Bolivia,” 12 March, *FRUS*, 1946, 11: 406–08.

## Chapter 9: *Second-Class Citizenship*

**(March 21, 1942):** Stephen C. Fox, “General John DeWitt and the Proposed Internment of German and Italian Aliens during World War II, *Pacific Historical Review* 57 (November 1988), pp. 407–38. The military exclusion areas included the states along the West and East Coasts, including Arizona, and all counties adjacent to Mexico and the Gulf of Mexico between Arizona and Florida.

**Presentation to the CG:** Sources, unless otherwise indicated: “Supplemental Report on Civilian Controls Exercised by Western Defense Command,” January 1947 (hereafter “Supplemental Report, 1947”), Part III, Chapter I, “Individual Exclusion Program of Non-Japanese,” pp. 836–59, Records of the U.S. Army Commands, RG 338, Box 9, Folder 319.1, WNRC.

**(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:

335; Memos, Major General J.A. Ulio, Adjutant General, to DeWitt, May 22, *ibid.* 4: 885; 1: 807. See also McCloy to Drum, EDC, July 15, *ibid.* 1: 367; McCloy to General A. D. Surles, Director, Bureau of Public Relations, July 24, *ibid.* 5:354; and Surles to Byron Price, Office of Censorship, July 25, *ibid.* 1: 366; “Memorandum between War and Justice Departments on Enforcement of ... Regulations in the Western Defense Command,” FBI CD 100–2–51.

**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.

**Necessary or desirable—period:** Civil Affairs Section, “Memorandum,” n.d., X–Drum, Lieutenant General Hugh A., ASW 014.311, EDC, Exclusion Orders.

**After V-J Day:** In December 1941, under orders to hold the islands, Emmons, an army air corps officer, had assumed command of the Hawaiian Department of the Army from the fired Lieutenant General Walter C. Short. (Maxine Block, ed., *Current Biography: Who’s News and Why, 1942* [New York, 1942], pp. 246–48).

**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.

**And suspicious behavior:** Department of the Navy, HQ, Naval Criminal Investigative Service, Washington, 5720 F98–0436A, SER00JF/8U0997.

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

**Internal security of the United States:** “Individual Exclusion Hearing Board for SDC, Case No. 1, Heinz Ludwig Arens, 10 August, 1943,” Office of the Secretary of War, General Corresp. of John J. McCloy, 1941–45, 014.311, Box 8, RG 107.

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

**Impending, and imminent:** “Olga Schuller v. H. A. Drum, Lieutenant General of the U.S. Army,” No. 3151, August 20, 1943, Box 1, RG 338; Executive Division, Legal Office Subject Correspondence, 1942–45, Box 10, Folder, “Executive Order 9066,” RG 389. See also *Chicago Daily Tribune*, August 23, 1943.

**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).

**As arrogant bullies:** Richard Overy, *Why the Allies Won* (New York, 1995), pp. 110, 287.

**Zealots and fools:** Jane Mayer, *The Dark Side* (New York, 2008), p. 335.

## 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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Jung, Hans. Monterey, California, August 29, 1992.  
Krakau, Alfred. Woxall, Pennsylvania, September 23, 1993.  
Price, Amelia. Santa Barbara, California, May 29, 1993.  
Schneider, Gertrude. Redding, California, November 27, 1992.  
Trott, Otto. Seattle, Washington, April 13, 1992.

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Buccellato, Frank. Pittsburg, California, February 3, 1987.  
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