

Congressional Testimony on Wartime Treatment Study Act
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“The Wartime Treatment Study Act is historically inaccurate and an unreliable guide for the future”

Thank you Chairman Lofgren and Ranking Member King.

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

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

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

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

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

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

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

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

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

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

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

“What American’s freedom was not restricted during World War II? A draft was instituted, and evaders of it were imprisoned; consumer goods were rationed, wages, prices, rents, and other transactions were controlled....travel was limited and ordinary people were regularly stopped and interrogated....Wars are by definition unfair and uncomfortable. Loyalty tests may be especially uncomfortable to some, but should not trouble those whose loyalties are clear.” [source: same *Weekly Standard* article as above]

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

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

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

The activist declared: “War crimes and crimes against humanity---this is the level of the severity of the human rights violations for which the United States has not been held accountable.” The phrase, “War crimes and crimes against humanity” were the exact charges brought against the major Nazi war criminals at Nuremberg, many of whom were found guilty and executed. The use of the terms “war crimes and crimes against humanity” cannot be accidental, but an attempt to suggest similarities of behavior

between Franklin Roosevelt's America and Adolf Hitler's Germany during World War II.
[source:

http://www.campaignforjusticejla.org/resources/speeches/dor2004_grace_shimizu.html

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

Future Issues

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

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

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

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

The agenda here is clear and it weakens American security. The implicit logic of the bill says that there can be no special scrutiny for any particular group at any time, as, for example, occurred was during World War II. However, we should implement common sense special scrutiny actions where appropriate. For example, it makes sense for security at our nation's airports (TSA) to examine special scrutiny measures used by other liberal democratic nation-states such as Israel and Spain in dealing with potential threats.

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

My relatives as Italian Americans during World War II were subject to special scrutiny and they should have been. Today, we are in conflict (whether admitted or not) with radical Islam. This means that common sense tells us that there should be, in some cases (not blanket, but in some cases), special scrutiny for Muslims (residents and citizens) in

America. If there is a conflict with China, say over Taiwan, then common sense would tell us that there should be special scrutiny for Chinese nationals (and some other residents, including citizens) living in the US. Likewise, if there is a conflict with Venezuela, Iran, Serbia, Somalia or Luxembourg, the same principle of common sense special scrutiny should apply for resident aliens and American citizens connected with the foreign power.

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