

**Written Statement of Karen E. Ebel**

**March 19, 2009**

**Hearing on the Treatment of Latin Americans of Japanese Descent,  
European Americans and Jewish Refugees during World War II by  
the US Government**

**before the**

**House Judiciary Committee's Subcommittee on Immigration,  
Citizenship, Refugees, Border Security and International Law**

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My father, Max Ebel, a German internee, died in May 2007. During one of our last conversations, he told me how disappointed he was that the Wartime Treatment Study Act hadn't passed. He said not to give up. One of my first thoughts after he died was that I had failed. He was 87, but that still wasn't old enough to see the US government agree to study what had happened to him and almost 11,000 other Germans during World War II. He did not even talk about his internment until he was almost 80, and only with much prodding. He was never bitter. He loved this country and never regretted leaving Germany. As he said: "I was an American right from the beginning, and I always will be. I think I appreciated my freedom as much as a fish let out of a bowl." That is why his internment hurt so much. In this, he was no different than most of the immigrants who landed in the many Department of Justice camps. I did not know about those camps until a few years ago. Growing up, all I knew was that he lived in a boxcar during the war years, laying rails across the North Dakota plains and that he met Native Americans there. It seemed exotic, but frankly, it did not make much sense to me.

My father arrived in New York Harbor in 1937 from Speyer, Germany days before his 18<sup>th</sup> birthday. After a dangerous knife fight with Hitler Youth angry at his refusal to join, the family felt Dad needed to follow his father to America. He boarded the SS New York with a nickel in his pocket, new woolen knickerbockers and dreams. He lived in Boston with his father, a naturalized German American citizen, working at his father's cabinetmaking shop. He joined the Boy Scouts, of which he was a member in Germany before the Hitler Youth took over, studied for his citizenship and signed on to become a junior air raid warden. As required, he registered for the Selective Service. He enjoyed his freedom and the company of other German immigrants in the active German American community.

A letter postmarked December 5, 1941 notified my father that his application for intention to become a citizen of the United States had been accepted. We all know what happened on December 7. When the Japanese bombed Pearl Harbor, America was at war. Dad's citizenship application was put on hold, when FDR issued Presidential Proclamations 2525-2527 pursuant to the Alien Enemies Act deeming all German, Japanese and Italian aliens residing in the United States "enemy aliens." Not even Jews who had recently fled persecution in Germany avoided this fate. The Alien Enemy Control Program, soon to overwhelm the lives of my father and untold other "enemy aliens," shifted into high gear. He joined about a million immigrants who had to register with the US as "enemy aliens," carry Certificates of Identification, report travel and give up their radios.

Of course, these were very desperate times and unquestionably America had to protect itself. Our country was in very grave danger. U-boats were patrolling our shores. The arrival of the highly-publicized German saboteurs on our shores gave our government even further cause for concern. The fighting overseas was intense. Even so, there had to be a better way to protect our country than treating a million immigrants as the enemy and operating a massive, expensive

internment program. True, most enemy aliens escaped the internment disaster and some definitely deserved what they got. But thousands didn't. My father was one of them.

Few know of the Alien Enemy Control Program, the bad seed that formed the basis of the well-known Japanese American tragedy. Soon after Pearl Harbor, years of planning by J. Edgar Hoover and his FBI became reality. Thousands of Japanese, Germans and Italians were swiftly arrested. The Department of Justice, working with the War Department, established prohibited zones where no enemy alien could remain and scrambled to figure out where to send the thousands of anticipated internees. Martial law was imposed in Hawaii where citizens and aliens of all three "enemy nationalities" were put into camps. The Attorney General issued a Presidential Warrant allowing the FBI to enter any home occupied by an enemy alien to search for incriminating evidence. FBI agents performed these duties with varying degrees of hostility. Most recall their home being ransacked at odd hours, frequently at gunpoint. The arrests often were the most traumatic because families did not know why their loved ones were being arrested, and where they were being taken. They just disappeared. Children left behind had to fend for themselves, many eventually ending up with family members ashamed of them, in orphanages or in foster homes.

Those arrested were initially held in temporary detention facilities scattered across the US --hospitals, jails, for women -- convents and homes for wayward girls, INS facilities for seamen, and barracks. After a period of weeks or months, the detainees were called for a hearing. Civilian hearing boards, created by the Department of Justice, reviewed the cases of enemy aliens ensnared by largely unsubstantiated rumors and innuendo gathered for years by the FBI. The hearings, purportedly instituted by the Attorney General to give some measure of fairness, permitted the aliens no right to counsel or to question the proceedings or their accusers, but did allow two character witnesses to appear on their behalf. Suspected aliens were given little or no notice of the hearings, which could be quite adversarial. Generally, the local district attorney presented the evidence and conducted the questioning. Investigating FBI agents were present. Recommendations of release, parole or internment went to the Alien Enemy Control Unit at the Department of Justice in Washington, DC, for review and final decision. That decision could take weeks or months while the aliens awaited their fate.

If an internment order was issued, the alien became an internee and was sent into the nationwide internment system – family camps, camps for men, camps for women, Army camps, migrant worker camps and prisons, scattered across the country. While there are few allegations of outright mistreatment, camp life was clearly challenging and the internment of unspecified duration. No attempt was made to place an internee in a camp near their home and their family rarely knew where and when their loved one would be transferred. Families were torn apart and lives disrupted, many irreparably. Some had fathers and brothers fighting for the United States overseas. Even the father of member of Jimmy Doolittle's flight crew was interned. Even some Jews were interned. Family members left at home were shunned due to fear of the FBI and spite. Newspapers published stories and incriminating lists. Eventually destitute, many families lost their homes and had to apply to the government to join spouses at the large family camp in Crystal City, Texas. These are the so-called "voluntary internees." Additionally, thousands of German and Japanese Latin Americans, including Jews who had fled persecution in Germany, were brought here from 19 Latin American countries under horrendous conditions. Upon arrival, they, too, landed in our government's internment camps.

The camps were surrounded by barbed wire and search lights and were under armed guard patrolling with dogs. Guard towers loomed. All incoming and outgoing mail was censored. Time passed agonizingly slowly. Camp conditions varied, but they were all unsettling places, rife

with suspicion, everyone wondering why the other guy was there. Clearly, some internees vociferously espoused troublesome views. Many internees came to resent their adopted land and feel bitter and betrayed. But no internee I am aware of was ever convicted of a war-related crime. They were interned because they were deemed potentially dangerous. The government dealt with spies and known subversives much more harshly, as it certainly should have.

Internees and their families begged for release, writing letters constantly to the Department of Justice in Washington. Rehearings were granted rarely and only when the internee could produce new evidence. This was an almost impossible task for those interned. When offered the opportunity to return to Germany or Japan to be exchanged for Americans and Latin Americans there, many agreed. Feeling betrayed, they gave up their American dream just to escape the limbo. Others were sent against their will. Living in a censored world, they knew little about the war-ravaged countries to which they were returning or how they would be greeted when they got there. Their families resented having to feed newcomers they had not seen or heard from in years. Germans thought they were crazy to come back, or worse, that they were American spies. Some were beaten, others died from Allied bombs. English-speaking, American-born children going to German schools faced particular scorn. Few found happiness when they left the United States, and they deeply regretted their decision.

Soon after hostilities with Germany ceased, on July 14, 1945, President Harry Truman issued President Proclamation 2655 stating that the many internees still in the camps were subject to deportation upon order of the Attorney General, following review of their cases. The camps were progressively closed. Those jubilant at war's end believing that they soon would be released were astonished to learn that they could be heading to Germany instead. Those who were allowed to go home had to sign oaths of silence not to talk about their internment. Remaining internees were consolidated at Ellis Island, a facility used longer for internment than any other in the United States. With varying degrees of success, many fought deportation through a petition to Congress and litigation. Finally, someone cared. In 1947, Senator William Langer introduced a bill in Congress to free the hundreds in Ellis Island. It never passed, but the effort did result in individual hearings for all those on Ellis Island. One 5-year internee, Eberhard Fuhr, who had been arrested in his high school at age 17, recalls this as the first time he felt his release was imminent. He was right. The hearings led to the release of hundreds, until the last internee left in 1948. Notably, in June 1948, the Supreme Court, in Ludecke v. Watkins, determined that pursuant to the Alien Enemies Act, enemy alien internees had no right to release until a peace treaty was signed with the foreign government with which the US was at war.

The internees returned home and tried to reconstruct their lives. Many were never the same again. Exchanged families, facing years of separation, often sent their American-born children back to the US to family, friends and those looking for good workers. A cloak of silence, unfounded guilt and shame was thrown over the events. Just as the internees once disappeared, so did those years of internment.

This is what happened in my family, but now I know why my father was laying rails in North Dakota. In mid-1942, the FBI came with guns drawn to the Ebel house and tore things apart searching for incriminating items, finding nothing. My grandfather and father were taken in for questioning in September 1942. My grandfather, an American citizen, was released, but the US Army issued an Exclusion Order pursuant to Executive Order 9066 requiring him to leave the East Coast in a matter of days. His attorney successfully sought an injunction, not contesting the allegations which were specious, but asserting that he was not a threat to the United States. Despite the injunction, the US Army did not withdraw this order until early 1944,

after first seeking to limit the geographic area covered by its exclusion order, an offer the court rejected, and working with the Department of Justice to denaturalize and deport him. This effort was finally abandoned. Although the family was in great turmoil during this time, not all German American citizens were as fortunate as my grandfather. He remained in his home and free. Others were excluded or denaturalized (many to have their citizenship reinstated after the war by courts overturning the original denaturalization) and interned as enemy aliens or deported.

My dad, then 22, the enemy alien, remained in custody in a small INS facility in Boston Harbor with other German, Japanese and Italian aliens. After an extremely adversarial hearing during which the district attorney told him that it had been his pleasure to take out Germans during World War I and it would be his pleasure to take out my father, parole was recommended. However, the Department of Justice deemed him “potentially dangerous to the public peace and safety of the United States” and ordered internment. After three months in a Boston detention center, he was shipped to Ellis Island where he joined hundreds of other German internees living in squalid conditions. Then, by blacked out railcar under guard, it was on to Army facilities at Ft. Meade and later Camp Forrest in Tennessee. Finally, he landed at Ft. Lincoln in Bismarck in May 1943. The only descriptive note in his calendar says "Arrived North Dakota. This is hell." Dad was behind barbed wire -- back in the fish bowl he thought he had escaped when he left Germany, with no idea why he was there or when he would get out. Ft. Lincoln was an unhappy place filled with depressed, bored, increasingly bitter Germans and Japanese. This was not the America he expected and he wanted out.

That fall, he found a way. About 100 trustworthy internees, including Max Ebel, marched out of the camp in September 1943 to work for the Northern Pacific Railroad. Under guard, they spent the next several months living in boxcars replacing rails on the North Dakota plains. Those rails could accommodate the frequent, heavy wartime munitions being shipped cross-country. A spur was laid near the Standing Rock Indian Reservation. There, the Native Americans approached the internee workers to offer them handmade items: two outcast groups coming together on the plains. Dad spoke often of a little Native American girl gravely ill with TB. The internees donated what money they had to help. This was the only part of the story I knew.

Ironically, in April 1944, while he was still interned, the Army drafted my father. This “dangerous” internee was considered trustworthy enough to fight in the war. By himself, he traveled from Ft. Lincoln to Ft. Snelling for his pre-induction physical. He flunked due to a “bad ankle” and his internment continued. Because of the railroaders’ good work, perceived to have been helping the war effort, he was then granted a rare rehearing. The hearing board recommended unconditional release. Obtained years later, the release recommendation reflects why he was interned. He did not want to fight potential family members in Europe. He made pacifistic remarks. He said Hitler built good roads. It concludes that Dad was in no sense disloyal and that his further internment was unjustifiable. Nevertheless, in June 1944, the Department of Justice ordered parole. Back in Boston, he went back to work with his father, reporting to his parole officer weekly. He was not allowed to go near railroads per his parole order. Three years after his arrest, in November 1945, it was over. He was free. He became a citizen in 1953, married and had children, living the American dream. We loved hearing about the little Lakota girl he helped and his railroad adventures in the Wild West. Barbed wire was not mentioned.

Years went by. One day, listening to breaking news about the Japanese Americans, Dad said “something like that happened to me.” I was shocked, but did not pursue it. He didn’t

either. Ten years ago, it was time to understand. Over a period of several months, he finally told me what really happened to him. I learned about the enemy alien laws, the camps, the exchanges and the German Latin Americans. I discovered silence cast over the experience by society, by the shamed internees and by history. I met a wonderful group of former internees and their families who increasingly shared their stories. But in 2005, with fellow internees, we formed the German American Internee Coalition of which I am president to work on behalf of the German internees and to educate the public about the Department of Justice camps. It has been an emotional journey for me – not just as the daughter of an internee, but as an American who loves her country and believes it is better than this.

When Ronald Reagan signed the Civil Liberties Act of 1988 into law, it was a watershed moment for the country and for the Japanese Americans. It was a difficult moment for the Germans, Italians and Japanese Latin Americans who were not included, even though Japanese aliens interned at the Department of Justice camps were. This is not because of the reparations or the apology given, but because it seemed their experience was not considered worthy of acknowledgment. There is disagreement as to whether they should have been included. Some assert that because international law permits the internment of enemy aliens, the United States really did nothing wrong. Others state that since those interned under the Alien Enemies Act were just aliens, not citizens, their internment is not significant. Some feel this was too long ago to worry about. Yet others note that the percentage of Europeans interned is tiny compared to the total population. For the over enemy alien internees and their children who lived through the internment experience, the enemy alien program is more than interesting footnote to history to be minimized, ignored or denied. People of a specific nationality were categorically declared the enemy in a way that damaged thousands of lives. It shouldn't have happened. Those who survived at least deserve to have their experience studied and acknowledged. The Japanese Americans who suffered in the camps understand what acknowledgment means. Few would say that the Japanese American incarceration should have remained buried. Most would agree it is an important, cautionary component of US history. Most would agree that it was the right thing to do.

The German Americans and German Latin Americans deserve such acknowledgment and the history of enemy alien internment should be known, but to date that has not happened. No former German internees were invited to testify before the Commission on Wartime Relocation and Internment of Civilians (“CWRIC”), although several requested the opportunity. *Personal Justice Denied*, the CWRIC report, says very little about enemy alien internment, most of it in several paragraphs of Chapter 12 entitled “Germans and German-Americans.” The chapter includes little about the Alien Enemies Act. The CWRIC recognized that hearings provided by the Department of Justice hearing boards were adversarial and hardly fair, but asserted that “because the government had unquestioned authority to detain aliens of enemy nationality in time of war, these procedures did represent an effort to provide rough fairness...” Little is mentioned of the vast web of DOJ camps, thousands of families torn apart or repatriation. Based on the CWRIC’s recommendations, the Civil Liberties Act was passed. We all know that the Japanese American citizens and aliens held in the War Relocation Authority camps got reparations, but the Japanese enemy aliens held in the Department of Justice camps also did. In the 1990s, Major Arthur D. Jacobs, a former German internee and longtime advocate of equal treatment for the Germans who were interned along with the Japanese, sought recourse unsuccessfully in the courts. Years later, most think only Japanese Americans were placed in camps. That is the accepted historical narrative. That is what the media says. That is what school books say. The Alien Enemy Control Program has gone unnoticed and uninvestigated, except by a few.

In 1999, eleven years after the Civil Liberties Act passed and I first heard of Dad's internment, I finally started researching my father's story. My father courageously decided to allow a local paper to publish it. Having been one accused and interned, it is a leap of faith, but one he decided to take because he said "it's not right that no one knows this happened." Shortly thereafter, in 2000, we learned that the Wartime Violations of Italian Americans Civil Liberties Act passed requiring the Department of Justice to issue a report on their wartime experience. The report was issued in November 2001. Although not an independent investigation, this started to open the door on the Alien Enemy Control Program, but focused primarily on the Italians per the legislation. Again the whole story remained untold. Dad and I both believed that a federal study commission was needed, but did not know where to start. The few former internees who were talking were scattered across the country. It would take a grassroots effort and there were formidable hurdles. Fortunately, German American leaders in Wisconsin, including Frederick Kessler and Elsbeth Seewald, approached Senator Russ Feingold to discuss the introduction of legislation to study the European wartime experience and he agreed to do so.

In August 2001, sixty years after Pearl Harbor, Senators Feingold and Charles Grassley introduced the Wartime Treatment Study Act. Shortly thereafter, Representative Robert Wexler introduced the legislation in the House. That act would simply create commissions to study the wartime treatment of European Americans and Latin Americans, as well as the denial of asylum by the United States to Jews fleeing persecution in Germany. With respect the European American Commission, the bill requires the development of lists of internees, camps, and exchange voyages, as well as an analysis of the facts, circumstances and underlying rationale for the related government policies. We are more indebted to these men than I can begin to say. It was a miraculous day for internees whose experience had been hidden and denied for so long. It gave many internees the confidence to tell their stories. My father was elated. That was several Congresses ago. Dad always asked me "how are things in Washington?" He did not really understand all the details, but he tried to be optimistic as the years passed and his health failed. The bill was reported favorably out of the Senate Judiciary Committee four times. Finally, it passed the Senate as an amendment to the omnibus immigration reform legislation in June 2007, one month after my father died.

Other federal actions have been taken during the past several years. In 2004 and 2007, the House passed resolutions calling for a National Day of Remembrance to commemorate the signing of the now infamous Executive Order 9066, officially naming the German and Italian communities. In December 2006, legislation providing for the preservation of Japanese American confinement sites passed. Even though sites eligible for funding included Department of Justice and US Army sites where Europeans and Japanese Latin Americans were interned, they were not mentioned in the bill. The National Park Service, which is administering the as yet unfunded program conducted listening sessions around the United States which former German internees attended. The German internee community submitted comments unsuccessfully requesting that the NPS require grantees to tell the full internment story when camps were preserved. NPS advised that although other affected ethnic groups could request grants and tell their story as part of a camp preservation effort, NPS could only require that Japanese American story to be told per the terms of the legislation. On July 31, 2008, the House passed H. Res.1357 commemorating the signing of the Civil Liberties Act and resolving to review the wartime treatment of Japanese of Latin American descent, German Americans and Italian Americans. That was another wonderful day for former German internees. But then another Congress ended and the Wartime Treatment Study Act still had not passed. Without my father, I questioned my future involvement.

Just recently, the legislation was reintroduced for the fifth time. Of course, we are hopeful that this time, finally, it will pass. It is my honor to be a witness representing the thousands who lived through the internment experience for which I thank you. The Wartime Treatment Study Act needs to pass now before more die or are too old to understand. The advanced age of the remaining internees weighs heavy on my mind. Study and acknowledgment of their internment is long overdue. Sadly, my father cannot be here to see it, but others are still here who will.

Thank you.

Attachments:

Internment Order of Max Ebel, dated January 9, 1943

Alien Enemy Hearing Board Report and Recommendation dated April 13, 1944

Ft. Lincoln Internee List, page 4, dated February 29, 1944

German American Internee Coalition Fact Sheet

S. 1749, dated July 27, 1947 – A bill for the relief of enemy aliens

Story Summaries of Certain German Internees

Senate Judiciary Committee Report re: Wartime Treatment Study Act, May 4, 2007