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S. 1356

To establish a commission to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and European refugees during World War II.

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2001

Mr. FEINGOLD (for himself, Mr. GRASSLEY, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish a commission to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and European refugees during World War II.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wartime Treatment
5 of European Americans and Refugees Study Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The United States has long encouraged
2 other nations to acknowledge their wartime offenses
3 against civilians. Now, the United States Govern-
4 ment should fully assess its treatment of European
5 Americans and European Latin Americans during
6 World War II and its effect on Italian American,
7 German American, and other European American
8 communities.

9 (2) The United States Government should also
10 fully assess its treatment of European refugees who
11 fled persecution and genocide in Europe to seek ref-
12 uge in the United States prior to and during World
13 War II.

14 (3) During World War II, the United States
15 Government branded as “enemy aliens” more than
16 600,000 Italian-born and 300,000 German-born
17 United States resident aliens and their families and
18 required them to carry Certificates of Identification,
19 limited their travel, and seized their personal prop-
20 erty. At that time, these groups were the two largest
21 foreign-born groups in the United States.

22 (4) During World War II, the United States
23 Government arrested, interned or otherwise detained
24 thousands of European Americans, some remaining
25 in custody for years after cessation of World War II

1 hostilities, and repatriated, exchanged, or deported
2 European Americans, including American-born chil-
3 dren, to hostile, war-torn European Axis nations,
4 many to be exchanged for Americans held in those
5 nations.

6 (5) Pursuant to a policy coordinated by the
7 United States with Latin American countries, many
8 European Latin Americans, including German and
9 Austrian Jews, were captured, shipped to the United
10 States and interned. Many were later expatriated,
11 repatriated or deported to hostile, war-torn Euro-
12 pean Axis nations during World War II, most to be
13 exchanged for Americans and Latin Americans held
14 in those nations.

15 (6) Millions of European Americans served in
16 the armed forces and thousands sacrificed their lives
17 in defense of the United States.

18 (7) The wartime policies of the United States
19 Government were devastating to the Italian Ameri-
20 cans and German American communities, individuals
21 and their families. The detrimental effects are still
22 being experienced.

23 (8) Prior to and during World War II, the
24 United States restricted the entry of European refu-
25 gees who were fleeing persecution and sought safety

1 in the United States. During the 1930's and 1940's,
2 the quota system, immigration regulations, visa re-
3 quirements, and the time required to process visa
4 applications affected the number of European refu-
5 gees, particularly those from Germany and Austria,
6 who could gain admittance to the United States.

7 (9) Time is of the essence for the establishment
8 of a Commission, because of the increasing danger
9 of destruction and loss of relevant documents, the
10 advanced age of potential witnesses and, most im-
11 portantly, the advanced age of those affected by the
12 United States Government's policies. Many who suf-
13 fered have already passed away and will never know
14 of this effort.

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) DURING WORLD WAR II.—The term “during
18 World War II” refers to the period between Sep-
19 tember 1, 1939, through December 31, 1948.

20 (2) EUROPEAN AMERICANS.—

21 (A) IN GENERAL.—The term “European
22 Americans” refers to United States citizens and
23 permanent resident aliens of European ances-
24 try, including Italian Americans, German Amer-

1 icans, Hungarian Americans, Romanian Ameri-
2 cans, and Bulgarian Americans.

3 (B) ITALIAN AMERICANS.—The term
4 “Italian Americans” refers to United States
5 citizens and permanent resident aliens of
6 Italian ancestry.

7 (C) GERMAN AMERICANS.—The term
8 “German Americans” refers to United States
9 citizens and permanent resident aliens of Ger-
10 man ancestry.

11 (3) EUROPEAN REFUGEES.—The term “Euro-
12 pean refugees” refers to European nationals who de-
13 sired to flee persecution and genocide in Europe and
14 to enter the United States during the period between
15 January 1, 1933 and December 31, 1945 but were
16 denied entry.

17 (4) EUROPEAN LATIN AMERICANS.—The term
18 “European Latin Americans” refers to persons of
19 European ancestry, including Italian or German an-
20 cestry, residing in a Latin American nation during
21 World War II.

22 **SEC. 4. ESTABLISHMENT OF COMMISSION.**

23 (a) IN GENERAL.—There is established the Commis-
24 sion on Wartime Treatment of European Americans and
25 Refugees (referred to in this Act as the “Commission”).

1 (b) MEMBERSHIP.—The Commission shall be com-
2 posed of 11 members, who shall be appointed not later
3 than 90 days after the date of enactment of this Act as
4 follows:

5 (1) Five members shall be appointed by the
6 President.

7 (2) Three members shall be appointed by the
8 Speaker of the House of Representatives, in con-
9 sultation with the minority leader.

10 (3) Three members shall be appointed by the
11 majority leader of the Senate, in consultation with
12 the minority leader.

13 (c) TERMS.—The term of office for members shall be
14 for the life of the Commission. A vacancy in the Commis-
15 sion shall not affect its powers, and shall be filled in the
16 same manner in which the original appointment was made.

17 (d) REPRESENTATION.—The Commission shall in-
18 clude 2 members from the Italian American community
19 and 2 members from the German American community
20 representing their wartime treatment interests. The Com-
21 mission shall also include 2 members representing the in-
22 terests of European refugees.

23 (e) MEETINGS.—The President shall call the first
24 meeting of the Commission not later than 120 days after
25 the date of enactment of this Act.

1 (f) QUORUM.—Six members of the Commission shall
2 constitute a quorum, but a lesser number may hold hear-
3 ings.

4 (g) CHAIRMAN.—The Commission shall elect a Chair-
5 man and Vice Chairman from among its members. The
6 term of office of each shall be for the life of the Commis-
7 sion.

8 (h) COMPENSATION.—

9 (1) IN GENERAL.—Members of the Commission
10 shall serve without pay.

11 (2) REIMBURSEMENT OF EXPENSES.—All mem-
12 bers of the Commission shall be reimbursed for rea-
13 sonable travel and subsistence, and other reasonable
14 and necessary expenses incurred by them in the per-
15 formance of their duties.

16 **SEC. 5. DUTIES OF THE COMMISSION.**

17 (a) IN GENERAL.—It shall be the duty of the Com-
18 mission to review—

19 (1) the United States Government's wartime
20 treatment of European Americans and European
21 Latin Americans as provided in subsection (b)(1);
22 and

23 (2) the United States Government's refusal to
24 allow European refugees fleeing persecution in Eu-

1 rope entry to the United States as provided in sub-
2 section (b)(2).

3 (b) SCOPE OF REVIEW.—

4 (1) EUROPEAN AMERICANS AND EUROPEAN
5 LATIN AMERICANS.—The Commission’s review shall
6 include, but not be limited to, the following:

7 (A) A comprehensive review of the facts
8 and circumstances surrounding United States
9 Government actions during World War II which
10 violated the civil liberties of European Ameri-
11 cans and European Latin Americans pursuant
12 to the Alien Enemy Act (50 U.S.C. 21–24),
13 Presidential Proclamations 2526, 2527, 2655,
14 2662, Executive Orders 9066 and 9095, and
15 any directive of the United States Armed
16 Forces pursuant to such law, proclamations, or
17 executive orders respecting the registration, ar-
18 rest, exclusion, internment, exchange, or deport-
19 ment of European Americans and European
20 Latin Americans. This review shall include an
21 assessment of the underlying rationale of the
22 United States Government’s decision to develop
23 related programs and policies, the information
24 the United States Government received or ac-
25 quired suggesting the related programs and

1 policies were necessary, the perceived benefit of
2 enacting such programs and policies, and the
3 immediate and long-term impact of such pro-
4 grams and policies on European Americans and
5 European Latin Americans and their commu-
6 nities.

7 (B) A review of United States Government
8 action with respect to European Americans pur-
9 suant to the Alien Enemy Act (50 U.S.C. 21-
10 24) and Executive Order 9066 during World
11 War II, including registration requirements,
12 travel and property restrictions, establishment
13 of restricted areas, raids, arrests, internment,
14 exclusion, policies relating to the families and
15 property that excludees and internees were
16 forced to abandon, internee employment by
17 American companies (including a list of such
18 companies and the terms and type of employ-
19 ment), exchange, repatriation, and deportment,
20 and the immediate and long-term effect of such
21 actions, particularly internment, on the lives of
22 those affected. This review shall include a list
23 of all temporary detention and long-term in-
24 ternment facilities.

1 (C) A brief review of the participation by
2 European Americans in the United States
3 Armed Forces including the participation of
4 European Americans whose families were ex-
5 cluded, interned, repatriated, or excluded.

6 (D) A recommendation of appropriate rem-
7 edies, including how civil liberties can be better
8 protected during war, or an actual, attempted,
9 or threatened invasion or inclusion, an assess-
10 ment of the continued viability of the Alien
11 Enemy Act (50 U.S.C. 21–24), and public edu-
12 cation programs related to the United States
13 Government’s wartime treatment of European
14 Americans, European Latin Americans, and
15 European refugees during World War II.

16 (2) EUROPEAN REFUGEES.—The Commission’s
17 review shall cover the period between January 1,
18 1933, through December 31, 1945, and shall in-
19 clude, to the greatest extent practicable, the fol-
20 lowing:

21 (A) A review of the United States Govern-
22 ment’s refusal to allow European refugees entry
23 to the United States, including a review of the
24 underlying rationale of the United States Gov-
25 ernment’s decision to refuse the European refu-

1 gees entry, the information the United States
2 Government received or acquired suggesting
3 such refusal was necessary, the perceived ben-
4 efit of such refusal, and the impact of such re-
5 fusal on European refugees.

6 (B) A review of Federal refugee policy re-
7 lating to those fleeing persecution or genocide,
8 including recommendations for making it easier
9 for future victims of persecution or genocide to
10 obtain refuge in the United States.

11 (c) FIELD HEARINGS.—The Commission shall hold
12 public hearings in such cities of the United States as it
13 deems appropriate.

14 (d) REPORT.—The Commission shall submit a writ-
15 ten report of its findings and recommendations to Con-
16 gress not later than 18 months after the date of the first
17 meeting called pursuant to section 4(e).

18 **SEC. 6. POWERS OF THE COMMISSION.**

19 (a) IN GENERAL.—The Commission or, on the au-
20 thorization of the Commission, any subcommittee or mem-
21 ber thereof, may, for the purpose of carrying out the provi-
22 sions of this Act, hold such hearings and sit and act at
23 such times and places, and request the attendance and tes-
24 timony of such witnesses and the production of such
25 books, records, correspondence, memorandum, papers,

1 and documents as the Commission or such subcommittee
2 or member may deem advisable. The Commission may re-
3 quest the Attorney General to invoke the aid of an appro-
4 priate United States district court to require, by subpoena
5 or otherwise, such attendance, testimony, or production.

6 (b) GOVERNMENT INFORMATION AND COOPERA-
7 TION.—The Commission may acquire directly from the
8 head of any department, agency, independent instrumen-
9 tality, or other authority of the executive branch of the
10 Government, available information that the Commission
11 considers useful in the discharge of its duties. All depart-
12 ments, agencies, and independent instrumentalities, or
13 other authorities of the executive branch of the Govern-
14 ment shall cooperate with the Commission and furnish all
15 information requested by the Commission to the extent
16 permitted by law, including information collected as a re-
17 sult of Public Law 96–317 and Public Law 106–451. For
18 purposes of the Privacy Act (5 U.S.C. 552a(b)(9)), the
19 Commission shall be deemed to be a committee of jurisdic-
20 tion.

21 **SEC. 7. ADMINISTRATIVE PROVISIONS.**

22 The Commission is authorized to—

23 (1) appoint and fix the compensation of such
24 personnel as may be necessary, without regard to
25 the provisions of title 5, United States Code, gov-

1 erning appointments in the competitive service, and
2 without regard to the provisions of chapter 51 and
3 subchapter III of chapter 53 of such title relating to
4 classification and General Schedule pay rates, except
5 that the compensation of any employee of the Com-
6 mission may not exceed a rate equivalent to the rate
7 payable under GS-15 of the General Schedule under
8 section 5332 of such title;

9 (2) obtain the services of experts and consult-
10 ants in accordance with the provisions of section
11 3109 of such title;

12 (3) obtain the detail of any Federal Govern-
13 ment employee, and such detail shall be without re-
14 imbursement or interruption or loss of civil service
15 status or privilege;

16 (4) enter into agreements with the Adminis-
17 trator of General Services for procurement of nec-
18 essary financial and administrative services, for
19 which payment shall be made by reimbursement
20 from funds of the Commission in such amounts as
21 may be agreed upon by the Chairman of the Com-
22 mission and the Administrator;

23 (5) procure supplies, services, and property by
24 contract in accordance with applicable laws and reg-

1 ulations and to the extent or in such amounts as are
2 provided in appropriation Acts; and

3 (6) enter into contracts with Federal or State
4 agencies, private firms, institutions, and agencies for
5 the conduct of research or surveys, the preparation
6 of reports, and other activities necessary to the dis-
7 charge of the duties of the Commission, to the ex-
8 tent or in such amounts as are provided in appro-
9 priation Acts.

10 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

11 From funds currently authorized to the Department
12 of Justice, there are authorized to be appropriated not to
13 exceed \$850,000 to carry out the purposes of this Act.

14 **SEC. 9. SUNSET.**

15 The Commission shall terminate 60 days after it sub-
16 mits its report to Congress.

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