Report to the Congress of the United States

A Review of the Restrictions on Persons of Italian Ancestry During World War II

November 2001
REPORT TO THE CONGRESS OF THE UNITED STATES

A REVIEW OF THE RESTRICTIONS
ON PERSONS OF ITALIAN ANCESTRY
DURING WORLD WAR II

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OVERVIEW

On November 7, 2000, the “Wartime Violation of Italian American Civil Liberties Act” (the “Act”) was signed into law (see Appendix A). Section 3 of the Act directs the Attorney General to submit to Congress within a year of enactment, a report that documents the findings of “a comprehensive review of the treatment by the United States Government of Italian Americans during World War II.”

Introduced in the House of Representatives on July 1, 1999, by Representatives Rick Lazio and Eliot Engel, H.R. 2442 was subsequently referred on September 24, 1999 to the House Judiciary Committee, Subcommittee on the Constitution. Eighty-six members of the House signed on as co-sponsors, and a hearing was held on October 26, 1999, at which ten witnesses testified.

The House of Representatives passed H.R. 2442 without amendment on November 10, 1999 and referred the bill to the Senate. On September 28, 2000, H.R. 2442 was reported out of the Senate Judiciary Committee, with amendments, and passed the Senate with amendments on October 19, 2000.

On October 24, 2000, the House agreed to the Senate amendments, and H.R. 2442 was presented to the President for signature on October 26, 2000. Former President William J. Clinton signed the legislation into law on November 7, 2000.

This report is a review of the World War II-era restrictions imposed on individuals of Italian ancestry. After describing the provisions of Public Law 106-451 and the findings of Congress, the report addresses arrests, detentions, internments, the exclusion of individuals from military zones, the imposition of curfews, raids on homes, the confiscation of property, and the effects on fishermen and railroad workers, all within the context of wartime orders, proclamations, and directives. The appendices to this report include lists required to be provided by the Act, as well as references to archival material relied upon and sources of additional information useful to the reader.

A. FINDINGS OF CONGRESS

As a result of its investigation and consideration of H.R. 2442, Congress presented its findings in Section 2 of the Act:

(1) The freedom of more than 600,000 Italian-born immigrants in the United States and their families was restricted during World War II by Government measures that branded them “enemy aliens” and included carrying identification cards, travel restrictions, and seizure of personal property.
During World War II more than 10,000 Italian Americans on the West Coast were forced to leave their homes and prohibited from entering coastal zones. More than 50,000 were subjected to curfews.

During World War II thousands of Italian American immigrants were arrested, and hundreds were interned in military camps.

Hundreds of thousands of Italian Americans performed exemplary service and thousands sacrificed their lives in the defense of the United States.

At the time, Italians were the largest foreign-born group in the United States, and today are the fifth largest immigrant group in the United States, numbering approximately 15 million.

The impact of the wartime experience was devastating to Italian American communities in the United States, and its effects are still being felt.

A deliberate policy kept these measures from the public during the war. Even 50 years later much information is still classified, the full story remains unknown to the public, and it has never been acknowledged in any official capacity by the United States Government.

B. ROLE OF THE ATTORNEY GENERAL

This report is prepared pursuant to Section 3 of the Act which directs the Attorney General to conduct a comprehensive review of the treatment by the United States Government of Italian Americans during World War II, and not later than 1 year after the date of the enactment of this Act shall submit to the Congress a report that documents the findings of such review. The report shall cover the period between September 1, 1939, and December 31, 1945, and shall include the following:

1. The names of all Italian Americans who were taken into custody in the initial roundup following the attack on Pearl Harbor, and prior to the United States declaration of war against Italy. [Appendix C.1]

2. The names of all Italian Americans who were taken into custody. [Appendix C.2]

3. The names of all Italian Americans who were interned and the location where they were interned. [Appendix D]

4. The names of all Italian Americans who were ordered to move out of designated areas under the United States Army’s “Individual Exclusion Program.” [Appendix E.1]
(5) The names of all Italian Americans who were arrested for curfew, contraband, or other violations under the authority of Executive Order No. 9066. [Appendix F]

(6) Documentation of Federal Bureau of Investigation raids on the homes of Italian Americans. [See infra pp. 15-25]

(7) A list of ports from which Italian American fishermen were restricted. [Appendix G]

(8) The names of Italian American fishermen who were prevented from fishing in prohibited zones and therefore unable to pursue their livelihoods. [Appendix H]

(9) The names of Italian Americans whose boats were confiscated. [Appendix I]

(10) The names of Italian American railroad workers who were prevented from working in prohibited zones. [Appendix J]

(11) A list of all civil liberties infringements suffered by Italian Americans during World War II, as a result of Executive Order No. 9066, including internment, hearings without benefit of counsel, illegal searches and seizures, travel restrictions, enemy alien registration requirements, employment restrictions, confiscation of property, and forced evacuation from homes. [Appendix K]

(12) An explanation of whether Italian Americans were subjected to civil liberties infringements as a result of Executive Order No. 9066, and if so, why other Italian Americans were not. [See infra pp. 25-27]

(13) A review of the wartime restrictions on Italian Americans to determine how civil liberties can be better protected during national emergencies. [See infra pp. 42-44]

This report is confined to addressing these issues. At the outset, however, the following should be noted:

- In addition to the compilation of various lists as documentary evidence of restrictions during World War II, this report provides a narrative description of the various types of restrictions, integrated with personal recollections as appropriate. The narrative is intended to provide a context for the lists of names and should not serve as a substitute for a review of the secondary sources that deal with this period and address these issues more thoroughly.

- The legislative history discusses the experiences of Italian aliens residing
in the United States, but the Act itself uses the term “Italian American,” which could be interpreted as United States citizens of Italian origin. Since the research sources often did not distinguish between citizens and aliens, this report will reference “persons of Italian ancestry” and will distinguish between citizens and aliens wherever possible.

• The phrase “taken into custody,” which is used in subsections (1) and (2) of Section 3 of the Act, could range from internment and extended detention to arrest and prompt release. In many cases, individuals were technically “arrested” and directed to report to the United States Attorney’s Office at a designated time for questioning; these individuals, on the basis of such arrests, were not in actual custody. The lists of names appended to this report distinguish, wherever possible, the type of arrest or custody involved, but, in instances where the historical record is inconclusive, will err on the side of inclusion.

• Subsection 4 of Section 3 of the Act addresses the Individual Exclusion Program, and the report distinguishes between that formal program and evacuations from designated defense zones. Although the Act does not require a list of persons of Italian ancestry temporarily evacuated from their homes who did not receive individual exclusion orders, Appendix E.2 includes such a list drawn primarily from personal interviews.

• Subsection 5 of Section 3 of the Act addresses arrests based on Executive Order No. 9066, which was not issued until February 19, 1942. Appendix F includes additional names based on arrests prior to that date, for example, between December 7, 1941, and February 19, 1942. These arrests were pursuant to Presidential Proclamations 2525, 2526, and 2527, and other federal government laws and regulations affecting the rights of aliens.

• Subsection 7 of Section 3 of the Act concerns a list of ports from which Italian-American fishermen were restricted. All naval districts imposed port restrictions on the rights of certain aliens, including Italian aliens.

• Subsection 8 of Section 3 of the Act concerns a list of Italian-American fishermen prevented from fishing in prohibited zones. In fact, the imposition of restrictions on venturing into restricted waters applied to all vessels, whether commercial or pleasure crafts, without respect to citizenship status.
• Subsection 9 of Section 3 of the Act uses the term “confiscated” with respect to fishing vessels. In fact, boats were requisitioned by the federal government, either through charter or purchase. Only rarely were fishing boats (or pleasure boats) confiscated, and then only for repeated incursions into prohibited waters.

In preparing this report, the Department of Justice conducted extensive research of government documents held by federal repositories in Washington, D.C., Maryland, California, Pennsylvania, and Massachusetts, and consulted with archivists at many other locations to determine the likelihood of identifying relevant materials among their holdings. These facilities maintain federal records retired from civilian and military agencies of the government. The federal records are organized typically by record group and entry numbers and are contained in consecutively-numbered boxes. The records within each box, usually official memoranda, bulletins, forms, and reports issued by federal agencies or officials, but sometimes letters or other documents from private citizens or groups, may be organized by subtopic, by date, by office, or in some other fashion not readily discernible. The type of organization is determined by the methods employed by the creators of the documents, by those responsible for retiring the records to the National Archives, or, under the best circumstances, after a review by archivists and the creation of detailed “finding aids.” Furthermore, a document may be an original with the signature of the originating official on onion skin or bond paper, or a mimeographed copy. The record might be fully intact, missing pages, or barely legible due to age and the durability of the medium. Some records had been destroyed. At times, we reviewed records that appeared promising based on their description yet they contained nothing of significance, while other records only remotely connected to the topic occasionally yielded more useful information.

While the Department of Justice has been able to construct through official documents a chronology of federal actions taken against those of Italian ancestry, the nature of the records and recordkeeping, as well as the amount of time that has elapsed since the records were created, made the compilation of definitive lists as required by the Act difficult. The lists contained in the Appendix often constitute the aggregation of fragments of documentary evidence. It would, therefore, be incorrect to assert that no additional fragments exist that would reveal the names of other individuals affected.

The military and civilian agency records reviewed by the Department, constituting well over a thousand boxes, primarily at the National Archives in Washington, D.C. and College Park, Maryland, but also at regional archives on the East and West coasts, and at the Federal Bureau of Investigation, are set forth in Appendix M to this report.

In addition to archival research, the Department gathered information from
dozens of individuals concerning their personal experiences and those of family members through workshops in Oakland, California, and Philadelphia, Pennsylvania; telephone interviews; responses to website solicitations; the issuance of a formal press release for distribution to the media; close work with community leaders and Italian American organizations, such as the National Italian American Foundation and the Sons of Italy, to disseminate information about the Act and to identify possible contacts; and invaluable assistance from private researchers, particularly Lawrence DiStasi, Rose Scherini, and Robert Enea, whose efforts in this area preceded by many years our own and whose knowledge was indispensable.

Finally, the research and preparation of this report could not have been accomplished without the cooperation and assistance of archivists, historians, researchers, and the people whose personal stories are reflected here.
I. INTRODUCTION

A. BACKGROUND

On December 7, 1941, Japan attacked Pearl Harbor, plunging the United States into war. To that point, the United States, while neutral, had provided assistance to its western allies and had prepared for the eventuality which had finally come. Among these preparations were ensuring domestic security through the regulation and patrol of its coastal areas and the identification and control of dangerous elements sympathetic to the Axis powers. With the United States’ declaration of war, these activities dramatically increased and, in some quarters, reached a fevered pitch.

This report details how actions by the federal government immediately prior to and during World War II affected thousands of persons of Italian ancestry residing in the United States. The purpose of this report is to bring these events to light and to clarify the historical record.

B. ITALIANS IN AMERICA

Italians have been immigrating to the United States for centuries, settling near their family and friends from their home villages, who helped the newcomers find work. Enormous numbers lived in the Italian communities formed in their main port of entry: New York City’s Greenwich Village, East Harlem, the Bronx, Brooklyn, and eventually Queens, Staten Island, and beyond. Depending on their village of origin, others moved on, as they could afford it, to similar clusters of Italian immigrants in South Philadelphia, Boston’s North End, Bridgeport and New Haven in Connecticut, Providence, Chicago, Detroit, Cleveland, St. Louis, Denver, San Francisco, and every large city in between. They worked as pick and shovel men building roads, railroads, sewers, and the New York City subway. They labored as garment workers, bricklayers, concrete finishers, and garbage men (known in the West as “scavengers”). The more skilled among them found jobs or opened businesses as barbers, tailors, hairdressers, undertakers, butchers, or as importers of traditional foods. Some found work as truck farmers or fishermen. During the peak years of 1900 through 1914, nearly three million persons of
Italian ancestry left their homeland. Some also faced deep prejudice—a hostility toward and fear of immigrants. This contributed to the passage of the Immigration Act of 1924 which set quotas for each country of origin.

C. PRELUDE TO WAR

For United States government agencies, the likelihood of another global conflict had long been anticipated and plans were drawn for battles on foreign soil and to secure the homefront. Most significantly for persons of Italian descent, in 1936, J. Edgar Hoover, as head of the Federal Bureau of Investigation, began planning for domestic measures to be taken against those with roots in the anticipated enemy nations. Director Hoover issued orders to make collecting information about any communist, fascist, or subversive individuals or organizations the highest priority and emphasized that all information was to be collected from all sources possible.

By 1939, the Federal Bureau of Investigation had assembled information on large numbers of individuals, many of whom were of foreign extraction. Director Hoover assured the United States Congress that his lists were arranged not only alphabetically but geographically as well—suggesting the capability to apprehend such people quickly.

In June 1939, President Roosevelt directed the Federal Bureau of Investigation, the Military Intelligence Division of the War Department, and the Office of Naval Intelligence of the Navy Department to control and to handle the investigation of all espionage, counter-espionage, and sabotage matters. Information gathered by the Federal Bureau of Investigation was subsequently provided to the Department of Justice, and the Custodial Detention Program was established in 1940 and 1941. As

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Memorandum from Attorney General Frank Murphy, to President Franklin D. Roosevelt, June 17, 1939.


Final Report, supra note 3, at 402-403. In fact, Director Hoover and President Roosevelt met as early as 1936 to discuss foreign espionage; the meeting dealt almost exclusively with Communist activities. Id. at 393-395. See Memorandum from President Roosevelt, to Secretary of State, et al., June 28, 1939.
part of the program, a list was created of those enemy aliens deemed “dangerous,”
highlighting those to be arrested and interned in the event of war, as well as those to be
placed under surveillance.\footnote{7}

The Federal Bureau of Investigation drew up a list of those thought to be security
risks to the nation. This list, known as the “ABC list,” separated security risks into three
categories of severity. The most dangerous, Category A, comprised those thought to
have the greatest commitment to their nation of birth by reason of their leadership in
ethnic, cultural, or assistance organizations. Those persons in Category B were under
less suspicion and may have simply belonged to those organizations. Persons in
Category C were known to support those organizations in some way.\footnote{8} As Attorney
General Francis Biddle later admitted, there were two problems with the lists: (1) it was
difficult to distinguish ethnic affiliation from disloyalty, and (2) it was difficult to justify
detention on the basis of suspicion or affiliation.

In World War I and again in World War II, the United States government
concluded that any immigrant who had failed to complete the citizenship process was
henceforth an “alien enemy”\footnote{9} of the United States and subject to appropriate sanctions,
including the detention of persons and the confiscation of property. According to the
Immigration and Naturalization Service,\footnote{10}

the declaration of war effects a great transformation in the status of aliens who are designated as
alien enemies. These individuals then technically lose all their constitutional rights and privileges,
and find that “what others [do] confidently and of right, they [do] by sufferance and doubtfully,
uncertain of the restrictions of the morrow.”

Established on July 3, 1941, the Office of the Provost Marshal General was
responsible for domestic operations relating to prisoners of war and enemy aliens, thus
granting to the military from civilian authority the control and internment of civilians.
Initial arrests would be undertaken by the Federal Bureau of Investigation, a division of
the Department of Justice, and their initial custody and the determination of their
release, parole, or internment would remain within the jurisdiction of the Department of
Justice. The Immigration and Naturalization Service (also a component of the

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\footnote{7} Final Report, supra note 3, at 417-422.

\footnote{8} Commission on Wartime Relocation and Internment of Civilians, Personal Justice Denied. Washington,

\footnote{9} Government documents and secondary sources refer to “enemy aliens” and to “alien enemies.” In most
instances this report uses the term “enemy aliens” when discussing that category of individual.

\footnote{10} Thomas D. McDermott, “Aliens of Enemy Nationality.” INS Training Lecture (May 13, 1943) at 5
[hereinafter INS Training Lecture]. Quote from Techt v. Hughes, 229 N.Y. 222, 236, 128 N.E. 185,189
(1920).
Department of Justice) had, in fact, already set up facilities and procedures for interning enemy nationals, such as merchant seamen from captured foreign ships.\textsuperscript{11} The Immigration and Naturalization Service controlled camps at Fort Stanton, New Mexico; Fort Lincoln, North Dakota; and Fort Missoula, Montana.\textsuperscript{12}

All male resident aliens who were ordered interned were transferred to the custody of the Army.\textsuperscript{13} Thus, the Aliens' Division of the Office of the Provost Marshal General within the War Department, and the Immigration and Naturalization Service within the Department of Justice, were to supply locations and staff for first detention (Immigration and Naturalization Service), and then internment (Office of the Provost Marshal General) for male civilians. For women, the Immigration and Naturalization Service would maintain control of both detention and internment.\textsuperscript{14}

II. A REVIEW OF THE WARTIME RESTRICTIONS

A. INITIAL ROUNDUP, TAKEN INTO CUSTODY, DETAINED OR INTERNEd

Within hours of the declaration of war on Japan, President Roosevelt issued Proclamation 2525, aimed at aliens with roots in that enemy nation, stating that “an invasion has been perpetrated upon the territory of the United States by the Empire of Japan.”\textsuperscript{15} All natives, citizens, denizens, or subjects of Japan fourteen years of age or over who were in the United States and not naturalized had become enemy aliens, subject to all regulations concerning such persons, including the immediate apprehension of those determined dangerous by the Attorney General or the Secretary of War. The following day, December 8, 1941, two more presidential proclamations, Proclamations 2526 and 2527, were issued to cover German and Italian aliens.\textsuperscript{16}


\textsuperscript{12} Id. at 286-288.

\textsuperscript{13} Id. at 281.

\textsuperscript{14} Id.


\textsuperscript{16} Presidential Proclamation No. 2526, 6 Fed. Reg. 6323, 55 Stat. 1705 (Dec. 8, 1941); Presidential Proclamation No. 2527, 6 Fed. Reg. 6324, 55 Stat. 1707 (Dec. 8, 1941). These proclamations are discussed in more detail in Section C.2.b of this report, below.
The Federal Bureau of Investigation began arresting aliens on the lists, including permanent resident aliens of Italian descent, on the evening of December 7, 1941. Attorney General Biddle stated that Federal Bureau of Investigation Director Hoover was authorized to pick up several hundred persons without warrants on an emergency basis, although the general procedure authorized the Federal Bureau of Investigation to make arrests with warrants issued by the Department of Justice.\textsuperscript{17} Thus, some Italian aliens were arrested prior to the declaration of war against Italy and before Presidential Proclamation 2527 designated Italians as “alien enemies.” Filippo Molinari, who sold subscriptions to the Italian-American newspaper \textit{L’Italia} in San Jose, California, was picked up on the night of the attack on Pearl Harbor and taken into custody. Within days, 500 aliens of different ancestries were on a train with darkened windows bound for Missoula, Montana. There, Molinari made his way “over the snow, still with slippers on [his] feet, the temperature at seventeen below and no coat or heavy clothes!”\textsuperscript{18}

Raids were made upon scores of persons of Italian descent, most but not all of them aliens, in the days immediately following the attack on Pearl Harbor. Persons generally were not told the specific reason for the raid, only that their arrest was “by order of President Roosevelt.”\textsuperscript{19}

Arrests in other parts of the country followed a similar pattern. In New York City, Louis Berizzi’s family was awakened on the night of December 8, 1941 by Federal Bureau of Investigation agents, who searched the apartment and took Berizzi away. His daughter later described that night: \textsuperscript{20}

\begin{quote}
We were all sound asleep. My father was in his pajamas; they told him to get dressed, as they had orders to take him away. No explanation was given. They would not divulge where they were taking him. They stayed in his bedroom while he dressed, so we had no time to speak to him privately. They did not even give him time to gather personal effects or toiletries. I believe it took several days [for us] to find out that he had been taken to Ellis Island. We were pretty shaken . . . . Several days after his arrest, we learned that my father’s office at Rockefeller Plaza had been locked and sealed by the Enemy Alien Custodian, and all my father’s assets were blocked. In time we learned that when my
\end{quote}


\textsuperscript{19} Id.

brother’s tuition was due at Lehigh College, we had to petition the Enemy Alien [Property] Custodian for the money to pay for it . . . .

Also in New York, celebrated international opera star, Ezio Pinza, who had filed for citizenship, was arrested and confined at Ellis Island. Only through the intervention of Mayor La Guardia and the persistence of his wife, Doris, was he permitted a second hearing. While the charges were never disclosed, it appeared that the information against him was based on the unsubstantiated accusations of a single individual that were rebutted by more credible witnesses during the second hearing. While he went on to gain his citizenship and to add to his international acclaim, the toll on his wife and family was immeasurable.21/

Filippo Fordelone, a radio broadcaster in Los Angeles, was one of forty-eight enemy aliens in that area arrested in the initial roundup. His wife faced financial hardship while caring for three young daughters22/ (like the Berizzi’s, the Fordelone’s bank account was frozen under the authority of the Trading with the Enemy Act). Later, she found that Fordelone was interned at Fort Missoula, Montana.

In Hawaii, at about the same time, Mario Valdastri, a naturalized United States citizen, was taken to a large barred room in Honolulu with several other detainees. After a brief hearing, Mario Valdastri was ordered interned and shipped to the mainland “with only the Hawaiian clothes he had.”23/ Apparently, he stuffed newspapers in his clothes in an effort to keep warm. Although Proclamation 2527 was confined to aliens of Italian descent, both Valdastri’s experience and government documents reveal exceptions.

Public opinion played a role in the actions of federal agencies. The Immigration and Naturalization Service’s administrative history reveals that these apprehensions:24/
served two important purposes: [they] assured the public that our government was taking firm steps to look after the internal safety of the nation, thereby preventing the growth of war hysteria; and it took out of circulation men and women whose loyalty to the United States was doubtful and who might therefore commit some inimical act against the nation if permitted their freedom.

21/ Telephone Interview with Doris Pinza, wife of Ezio Pinza (Mar. 26, 2001).


24/ Administrative History, supra note 11, at 278.
According to policy established by the Department of Justice and the War Department in November 1941, a person “under alien enemy proceedings” was not to be interned until he had been given a hearing. The policy required that the suspect alien would be arrested by a Federal Bureau of Investigation field office—which sent a report of the arrest to both the Alien Enemy Control Office of the Immigration and Naturalization Service and the corresponding office of the Provost Marshal General—taken to an Immigration and Naturalization Service facility, and detained there temporarily pending a hearing by a local board which would then make its recommendation.

The hearing boards consisted of three civilians from the locality where the arrested person lived. The board was charged with reading or hearing evidence presented to it by the Federal Bureau of Investigation, listening to evidence presented by the apprehended alien, questioning him or her, and making one of three recommendations to the Attorney General: immediate release, release on parole, or internment. In the first six months of the war, approximately one-half of the Italian aliens arrested by the Federal Bureau of Investigation were either released or paroled while half were interned. As the war continued, the ranks of those interned were swelled by longshoremen, waiters, drifters, fishermen, and farmworkers. Some may have violated immigration or registration laws, while others may have been the target of a neighbor’s suspicion.

Ilidio DiBugnara spent two months in the hospital shortly after arriving at the McAlester Internment Camp with an ailment he described as some form of stomach trouble. And Prospero Cecconi developed stomach ulcers, first at the internment camp in Missoula, Montana, and then upon his release in San Francisco. As testified to by his daughter, Cecconi considered the requirements of his parole a continuing humiliation, especially because he felt he had done nothing wrong. Eventually, Cecconi did secure his citizenship and was reunited with his wife and children.

Members of internee families suffered in varying degrees. Aside from the loss of the family breadwinner and the loss of a father at a critical time in a child’s life, some felt the stigma associated with internment directly. Lucetta Berizzi Drypolcher remembers the shock of her father’s arrest and the necessity of moving to a smaller apartment. She also remembers being questioned at her father’s hearing about her trips to Italy and the reason she spoke French and Italian so well. Lucetta explained that she had had a

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25/ INS Training Lecture, supra note 10, at 28-29.

26/ United States Department of Justice, Press Release (June 3, 1942). As of May 30, 1942, 362 Italians were apprehended, 151 were interned, 120 were paroled, and 84 were released.

27/ Interview with Doris Giuliani (Apr. 4, 2001).
French governess at one time and spoke Italian with her parents; both languages were further reinforced in classes at her school. In fact, while her skill in languages represented an advantage in her professional life, it was a handicap during the war years, as she recounts:  

At the time of my father’s internment I had a job at Saks Fifth Avenue. I was a salesperson and worked in different departments at first. I would also be called upon to escort customers who did not speak English, so my languages were useful in helping people to shop; “subversive” I don’t think they were. Nonetheless, the FBI showed up at Saks one day and I was called up to the personnel office. The meeting did not take very long, but I was subsequently fired. I guess they found what I was doing suspicious.

Lucetta Berizzi was able to find another job, but the suspicion that attached to an internee, regardless of its basis, often carried over to family and friends.

Concern over the low threshold for inclusion on the Custodial Detention Index was expressed in a memorandum sent to Director Hoover by Attorney General Francis Biddle on July 6, 1943, urging the Federal Bureau of Investigation Director to abolish the Custodial Detention Index:

The Department fulfills its proper functions by investigating the activities of persons who may have violated the law. It is not aided in this work by classifying persons as to dangerousness . . . it is now clear to me that this classification system is inherently unreliable. The evidence used for the purpose of making the classifications was inadequate; the standards applied to the evidence for the purpose of making the classifications were defective; and finally, the notion that it is possible to make a valid determination as to how dangerous a person is in the abstract and without reference to time, environment, and other relevant circumstances is impractical, unwise, and dangerous . . . .

Jerre Mangione, who worked for the Immigration and Naturalization Service during the war years, later described his inspection tour of the internment camps by stating that “[t]he war had thrust us into the shameful position of locking up people for their beliefs.”

28 Drypolcher, supra note 20, at 218-19.

29 Memorandum from Attorney General Francis Biddle, to Hugh B. Cox and J. Edgar Hoover (July 16, 1943).

B. INDIVIDUAL EXCLUSION PROGRAM

From the very first days of America’s entry into World War II in December 1941, the Western Defense Command, under Lt. General John DeWitt, planned to remove all Japanese, German, and Italian enemy aliens from what is known as the Pacific Slope—the enormous area that stretches from the Pacific Ocean to the Sierra Nevada mountains. The full plan was tabled when the government decided to remove all persons of Japanese ancestry, including native-born citizens, from California and portions of Arizona, Oregon, and Washington, but it was never abandoned. As stated in its report, “Individual Exclusion Program of Non-Japanese,”31

WDC [Western Defense Command] believed that it was going to be necessary to remove all enemy aliens from certain vital sections of the Pacific Coast, regardless of their country of origin. At the time Executive Order 9066 was drawn up early in February 1942, it was still the intent that not only the Japanese but also the German and Italian aliens would have to be excluded.

Within a very short time, Lt. General Hugh Drum of the Eastern Defense Command announced that “mass evacuation [was] not contemplated” and said that evacuations would be conducted on a selective basis for those enemy aliens or persons determined to be “dangerous.”32 To secure the agreement of Lt. General DeWitt and the Western Defense Command, the War Department offered a substitute plan which was agreed to by the Department of Justice:33

By April 1942, the CG [Commanding General], WDC [Western Defense Command] had agreed with the War Department not to hold a mass evacuation of the Germans and Italians provided he be granted the power to individually exclude members of these groups or members of any other groups, whether citizen or alien, from the critical area upon finding the individual was potentially dangerous.

The Western Defense Command and the War Department maintained that there were dangerous persons, both aliens and naturalized citizens with roots in Italy and Germany, whose presence in critical zones along the coast constituted an unacceptable risk of sabotage or espionage. Lt. General DeWitt issued Public Proclamation No. 1 on March 2, 1942, which designated as Military Area No. 1 a broad coastal strip of land that encompassed the western portions of California, Oregon, and Washington, and the


33 WDC Supplemental Report, supra note 31, at 838.
southern half of Arizona. Soon, all persons of Japanese origin would be removed from that ocean-to-mountain-zone. Eventually, some aliens of Italian origin would also be forced to vacate that zone.

On March 21, 1942, Congress passed, and the President signed, Public Law 77-503 (commonly known as Public Law 503), imposing misdemeanor penalties on anyone violating the military orders to be issued.\(^{34}\) The bill affected American citizens, the first native-born Japanese-Americans, and later those naturalized citizens of Italian and German descent who were individually excluded. During consideration of the bill, Senator Robert Taft of Ohio questioned its peacetime constitutionality:\(^{35}\)

\[
\text{I have no doubt that in peacetime no man could ever be convicted under it, because the court would find that it was so indefinite and so uncertain that it could not be enforced under the Constitution.}
\]

Nevertheless, Senator Taft supported the bill, and President Roosevelt signed it into law. The program for exclusion was now in place. The Army would issue proclamations of exclusion (or evacuation) from areas it declared “sensitive,” and the Justice Department would enforce those proclamations through the courts.

Assistant Secretary of War John McCloy clarified the purposes of the exclusion program and indicated that individuals were to be excluded primarily for one of two reasons: Individuals were to be excluded either because of suspicion of the individual, which would also prohibit him from entering other military areas, or because of the sensitivity of the area where he resided, which would not prohibit him from entering other military areas.\(^{36}\)

The exclusions began on or about September 1, 1942. The procedures under the program, as outlined by the Western Defense Command in its report, began when the intelligence division of the military command, in this case the Western Defense Command, consulted the Federal Bureau of Investigation and the Office of Naval Intelligence to determine who should be recommended for exclusion. A summary of the intelligence information available would then be provided to the Individual Exclusion Board. This hearing board was made up of three military officers of field grade, and they would set the case for a hearing. The individual was served with a notice by mail that provided the time and place of the hearing. The hearings were typically held in major cities, such as Seattle, Portland, San Francisco, Los Angeles, and San Diego. At

\(^{34}\) Act of March 21, 1942, ch. 191, 56 Stat. 173 (providing penalties for violations of military restrictions) [hereinafter Public Law 503].

\(^{35}\) 88 Congressional Record 2726 (1942).

\(^{36}\) Letter from John McCloy, Assistant Secretary of War, to Lt. General DeWitt (July 20, 1942), in Individual Exclusion Order Procedure Correspondence.
the hearings, subjects were asked to fill out a lengthy questionnaire, they were sworn in, and they were instructed as to their rights. Each subject (and his attorney if he had one) “was informed in general of the evidence being considered in his case.” Moreover, “[a]ll confidential sources were, of course, not disclosed nor were the names of informants or informers given to the subject.” Subjects were then questioned about matters known to the board from the intelligence reports. After the hearing, the board made its recommendation to exclude or not to exclude, sent it for approval to the Civil Affairs Division (CAD) for review, and then contacted the United States Attorneys in the subjects’ areas of residence for their recommendations.

The entire file, with recommendations, was sent to the Commanding General of the Defense Command for his final decision. If the Commanding General decided to exclude the individual, the person was “served with notice in the form of an exclusion order and notified where to appear for the necessary processing.” This processing included being photographed and fingerprinted so that these documents could be sent to the Federal Bureau of Investigation. The excludee was then advised “on matters relating to his property and his transportation from the exclusion area,” and given help, if he needed it, to remove himself by the target date. He was then placed under surveillance until his departure from the exclusion area.

The Western Defense Command’s Supplementary Report stated that the subjects and their attorneys were informed, in general, of the evidence being considered. Although the Western Defense Command report appears to indicate that excludees were allowed legal representation, the form letter notifying persons of the hearing stated: “You may be accompanied by counsel to act only as your personal advisor. He will not be heard by the Board nor be permitted to examine witnesses.”

In Nino Guttadauro’s case, such restrictions left him on his own before the military hearing board, which convened, according to his son Angelo’s account, “in Room 483 of San Francisco’s Whitcomb Hotel at 9:30 a.m. on Tuesday, 8 September 1942.” With Federal Bureau of Investigation accounts of his activities in San Francisco as evidence against him—Guttadauro was an accountant who worked often for the Italian consulate, and was also, as a World War I veteran, the president of the

37/ This information is summarized from the eleven steps outlined in the WDC Supplemental Report, supra note 31, at 839-841. Quoted material is from the same report.

38/ Id.


San Francisco branch of the Federation of Italian World War Veterans, or Ex-
Combattenti—Guttadauro was unable to provide the board with enough “mitigating
factors” to counter the charge that his presence in California constituted a danger to
public safety. At 10:18 a.m. on September 29, 1942, he was served with Individual
Exclusion Order F-1, demanding that he remove himself not just from Military Area No. 1, but from several other military areas as well, including some twenty-nine states from Connecticut to North Carolina, from Vermont to Virginia, and parts of Alabama, New Mexico, Mississippi, and Texas.  

Guttadauro was ordered to report two days later to Major Ray Ashworth for processing and to inform the Western Defense Command “in writing the time of your departure, initial and ultimate destinations, route to be followed, and means of travel; upon arrival at ultimate destination, you will report in person the fact of your arrival and your address at such destination to the Special Agent in Charge of the nearest office of the Federal Bureau of Investigation, Department of Justice.” These notification and reporting requirements remained in effect whenever Guttadauro traveled outside of his community or changed his place of residence.

Guttadauro’s travel and changes of residence would be frequent in the next two years. Like many other excludees from San Francisco, Guttadauro traveled first to Reno, Nevada, which was the nearest large city out of the excluded zone. According to his son’s account, Guttadauro found it impossible to find work in his field of accounting because he had to let potential employers know of his exclusion. As a result, “the first job he was able to find following the exclusion was as a grocery clerk in Salt Lake City, Utah. This economic disruption and hardship, as well as the psychological scars, remained with my father for the rest of his life.” Guttadauro’s wife and two children followed him to Reno and beyond, renting housing at high costs because of their transient status. As his son Angelo put it, “We had become, by military fiat, a family of involuntary gypsies.”

Nino Guttadauro’s exclusion lasted until March 13, 1944, at which time he received a letter from the Western Defense Command rescinding the original exclusion order.

According to its Supplementary Report, the Western Defense Command heard some 335 exclusion cases between September 1942 and April 1943. These resulted in the exclusion of 174 persons, of which some two dozen were of Italian descent, most from northern California, with a few cases from Los Angeles and San Diego. Nationwide, according to a Preliminary Report on Individual Exclusion prepared for Attorney General Biddle by Director Edward Ennis of the Alien Enemy Control Unit,
there were, as of August 7, 1943, some 263 exclusion orders issued by the Commanding Generals of the Eastern, Western, and Southern Military Commands. With some 154 additional cases pending, this brought the total number of exclusion cases reviewed or in process to 417.\textsuperscript{45}

As noted above, some two dozen persons of Italian ancestry were ordered to remove themselves by order of the Commanding General, Western Defense Command. Most went to Reno, where a small community of excludees gathered. Among them was Ettore Patrizi, the former publisher of San Francisco’s Italian newspaper. A major figure in San Francisco’s Italian community for nearly fifty years, and a United States citizen for thirty of those years, Patrizi was seventy-six-years old and in the Dante Hospital when he received his exclusion order dated September 28, 1942.\textsuperscript{46} Since many notable citizens tried to intercede for him on grounds of age and illness, the Army conceded him ten additional days but insisted he leave within this time period or within twenty-four hours of his discharge from the hospital. Because of failing health he was allowed to return to San Francisco in October 1943, but he died within a year.\textsuperscript{47}

Renzo Turco also complied without protest to his exclusion order by closing his law office and, with his wife, moving to Chicago. Like Guttadauro, he had difficulty finding employment—again, because the requirement to report weekly to the Federal Bureau of Investigation as a “potentially dangerous” person made it difficult to convince employers of one’s trustworthiness—until, through friends, he was able to land a job as an auditor for the Internal Revenue Service. In November 1943, he tried, through Senator Hiram Johnson, to have his exclusion order modified so that he could work in Washington, D.C.; his request was denied and the exclusion order continued.\textsuperscript{48}

The case of Sylvester Andriano is notable because of the special attention he received. Andriano was a prominent San Francisco lawyer, having served as the head of a draft board, as an elected member of the board of supervisors, and as an appointed

\textsuperscript{45} Alien Enemy Control Unit, \textit{Preliminary Report on Study of Individual Exclusion Order Cases}. August, 1943 at 2-3 [hereinafter \textit{Preliminary Report}]. Figures compiled by other researchers vary, but generally agree with those above. \textit{Personal Justice Denied} concluded that relatively few people suffered individual exclusions and noted that between August 1942 and July 1943, 174 people had been excluded in the Western Defense Command, 59 in the Eastern Defense Command, and 21 in the Southern Defense Command. \textit{Personal Justice Denied, supra} note 8, at 288. These figures indicate that the Western Defense Command excluded by far the largest number, both as a total, and as a percentage of its alien population.


\textsuperscript{47} Scherini, \textit{supra} note 18, at 23.

\textsuperscript{48} Letter from John W. Martyn, Administrative Assistant to the Secretary of War, to Senator Hiram Johnson (Nov. 30, 1943).
member of the police commission. He was also active in the Italian-American community, serving as director of the Italian-language school in North Beach, and as a board member of the Italian Chamber of Commerce. The latter positions brought him to the attention of the Federal Bureau of Investigation and later the Western Defense Command, and he was ordered excluded from Military Area No. 1 on September 28, 1942. He moved to Chicago and found work there. However, in March 1943, Andriano ignored his exclusion order with a trip back into Military Area No. 1 to see his ailing mother. This set off a singular conflict between the Western Defense Command and Attorney General Francis Biddle, which brought the entire Individual Exclusion Program into question and reignited the longstanding conflict between the two departments responsible for civilian control—the Justice and War Departments.⁴⁹

Early in 1943, the Attorney General, Mr. Biddle, began to show signs of an unwillingness to prosecute for violations of the orders. He took the attitude that he alone was the one to judge whether or not a violation should be prosecuted, and further, went so far as to state that he considered the procedure unconstitutional and, as such, refused to test the matter in the courts.

From the beginning, the Attorney General had expressed grave doubts about both the necessity and the legality of the exclusion program demanded by the military. Therefore, he refused, as Lt. General DeWitt had charged in the Andriano case, to prosecute certain cases of violators. In a memo to President Roosevelt on April 17, 1943, the Attorney General made his deep reservations about the entire program clear.⁵⁰

We have not approved the Army procedure, which does not permit the persons excluded—American citizens—to confront witnesses before the Military Tribunal. This is against a fundamental conception of constitutional rights. Prosecution would have little practical effect. Bail would be granted and the individuals would go on living where they chose until the cases were ultimately decided by the Supreme Court. If the Army believes that they are dangerous they have the express power to exclude them under the Executive Order.

In August 1943, Director Edward Ennis, Alien Enemy Control Unit, sent the Preliminary Report on Exclusion to the Attorney General to evaluate the exclusion program and determine its effectiveness in internal security and the removal of persons

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⁴⁹ WDC Supplemental Report, supra note 31, at 853. Memorandum from Attorney General Biddle, to President Roosevelt (Apr. 17, 1943); Memorandum from President Roosevelt, to Attorney General Biddle (Apr. 7, 1943); Letter from Secretary of War Stimson, to President Roosevelt (March 31, 1943); Letter from Attorney General Biddle, to President Roosevelt (Mar. 30, 1943); Memorandum from Attorney General Biddle, to President Roosevelt (Mar. 30, 1943); and Letter from Attorney General Biddle, to President Roosevelt (Jan. 27, 1943).

⁵⁰ Memorandum from Attorney General Biddle, to President Roosevelt (Apr. 17, 1943).
thought to be dangerous in particular areas.\textsuperscript{51} Findings similar to those presented in the Preliminary Report appeared in the September 1943 Supplemental Report on the Exclusion Program, which reviewed 100 cases where orders were issued: There was no positive correlation between the exclusions and the concentration of essential defense facilities; there was no correlation between the exclusions per state and the enemy-alien population of that state; and the determination that a person presented a significant security problem was conducted in an unsatisfactory manner.\textsuperscript{52}

\section*{C. CURFEW, CONTRABAND, FEDERAL BUREAU OF INVESTIGATION RAIDS ON HOMES, AND OTHER RESTRICTIONS}

\subsection*{1. INTRODUCTION}

During the war, thousands of Italian, Japanese, and German aliens were subjected to restrictions based on their ancestry and were affected by, but not necessarily arrested for, violations of wartime restrictions. This section will discuss the various types of restrictions imposed on persons of Italian ancestry, whether or not they were arrested, and will also address the pertinent laws, orders, regulations, and proclamations related to the treatment of enemy aliens during World War II. Additionally, as required by Section 3, Subsection 12 of the Act, this section will provide an explanation as to why some persons of Italian ancestry were subjected to restrictions and others were not.

\subsection*{2. LEGAL AUTHORITIES}

\subsubsection*{a. Executive Order 9066}

On February 19, 1942, ten weeks after the attack on Pearl Harbor, President Roosevelt signed Executive Order 9066, giving the Secretary of War and military commanders to whom he delegated authority the power to exclude any and all persons—both citizens and aliens—from designated “military areas” to ensure security against sabotage and espionage. The Executive Order authorized the Secretary of War to take any other steps deemed appropriate to enforce compliance with the restrictions applicable to each military area, including the use of federal troops and other federal forces.

\footnotesize{\textsuperscript{51} Preliminary Report, supra note 45, at 1. However, this was only a study of 100 cases, 60 with orders entered and 40 cases under review. In September 1943, a supplemental report was issued which noted that a final report was to be issued to review the last 163 cases. See Alien Enemy Control Unit, Supplement to Preliminary Report on Study of Individual Exclusion Order Cases. Sept. 1943, at 19. [hereinafter Supplement]. Despite extensive research, the Department of Justice was unable to locate the final report and relies for this portion of the report on the preliminary and supplemental reports which reviewed less than half of the cases where exclusion orders were issued.}

\footnotesize{\textsuperscript{52} Supplement, supra note 51, at 5, 17 and 19.
Congress passed Public Law 77-503 to provide criminal penalties for violations of the military proclamations issued pursuant to Executive Order 9066.\footnote{Public Law 503, supra note 34.}

\section*{b. Alien Enemy Act and Presidential Proclamations 2525, 2526, and 2527}

Immediately following the outbreak of war, but prior to the issuance of Executive Order 9066, several other laws and proclamations imposed restrictions upon Italian aliens. One of the most prominent, the Alien Enemy Act of 1798, granted the President of the United States broad powers to deal with enemy aliens during wartime.\footnote{Alien Enemies Act of 1798, ch. 66, 1 Stat. 577 (current version at 50 U.S.C. §2).} Under this Act, as amended, the president can limit the activities of enemy aliens by imposing travel and curfew restrictions and also deprive aliens from access to and the possession of firearms, cameras, and radios.\footnote{The Act was used by President Madison “to force the widespread removal of aliens from coastal areas during the War of 1812.” See Eduardo Robreno, “Learning to do Justice: An Essay on the Development of the Lower Federal Courts in the Early Years of the Republic,” 29 Rutgers L.J. 555, fn.142. President Wilson also used the Act in 1917. See Presidential Proclamation, 40 Stat 1650 (Apr. 6, 1917). It has not been used in every war or conflict, such as the Korean War or during Vietnam, since neither of these conflicts followed formal declarations of war.}

On December 7, 1941, after the Japanese attack on Pearl Harbor, President Roosevelt implemented the Alien Enemy Act. On the same day, under the authority of that Act, President Roosevelt issued Presidential Proclamation 2525 levying restrictions and regulations against Japanese aliens and unnaturalized persons of Japanese birth who were classified as enemy aliens.\footnote{Presidential Proclamation No. 2525, 6 Fed. Reg. 6321, 55 Stat 1700 (Dec. 7, 1941).} The proclamation designated the Attorney General and the Secretary of War to regulate the conduct of enemy aliens; to set out regulations prohibiting enemy aliens from specific areas; and to prohibit alien enemies from possessing or controlling numerous items, including firearms, bombs, ammunition, short-wave radio receiving sets, and cameras. It additionally set forth thirteen paragraphs of restrictions related to Japanese aliens.

On December 8, 1941, President Roosevelt issued similar proclamations regulating conduct of German and Italian aliens—Proclamations 2526 and 2527, respectively—out of concern for an invasion or predatory incursion threatened upon the
United States by Germany and Italy.\textsuperscript{58} Proclamation 2526 designated German citizens, denizens, natives, and subjects who were 14 years of age and older as enemy aliens and authorized the Attorney General and Secretary of War to regulate the conduct of these individuals. It also incorporated by reference all the restrictions listed in Proclamation 2525. Proclamation 2527 was identical to Proclamation 2526 except that it applied to natives, citizens, subjects, and denizens of Italy.

On January 14, 1942, President Roosevelt issued supplemental restrictions to those imposed on alien enemies under Proclamations 2525, 2526, and 2527.\textsuperscript{59} The new restrictions required all enemy aliens to apply for, to acquire, and to carry at all times, certificates of identification.

c. Department of Justice Regulations and Restrictions

On February 5, 1942, the Department of Justice issued regulations on travel and other conduct of enemy aliens.\textsuperscript{60} Enemy aliens were allowed to travel within the limits of the community in which they lived or in which they worked, between their residences and places of work, between their residences and places of worship, and between their residences and government agencies. However, the aliens were required to file travel documents indicating their names, addresses, intended destinations and purpose of trips, mode of transportation, and intended return dates. These statements were filed with the local United States Attorney who would maintain a copy and also forward a copy to the Federal Bureau of Investigation. Under these regulations, enemy aliens were also prohibited from possessing or having access to specified property. The most frequent items confiscated were radio transmitters, short-wave radio sets, cameras, and firearms. The regulations required the immediate deposit of prohibited articles with local police who would transfer the articles to the United States Marshals.\textsuperscript{61}

\textsuperscript{58} Presidential Proclamation No. 2526, 6. Fed. Reg. 6323, 55 Stat. 1705 (Dec. 8, 1941); and Presidential Proclamation No. 2527, 6 F.R. 6324, 55 Stat 1707 (Dec. 8, 1941), respectively.

\textsuperscript{59} Presidential Proclamation No. 2537, 7 Fed. Reg. 329 (Jan. 17, 1942); Interview with Dr. Rocco Gigante (May 22, 2001), who had his mother’s original certificate of identification.

\textsuperscript{60} Regulations Controlling Travel and Other Conduct of Aliens of Enemy Nationalities, 7 Fed. Reg. 844 (Feb. 10, 1942).

\textsuperscript{61} The most pertinent provisions are set forth below. Id. at 844-847.

Sections 4 and 5 -- Set out restrictions on the ability of aliens of enemy nationalities to travel within the country.
Section 6 -- Prohibited aliens of enemy nationalities from arranging or attending any flight of any nature in an airplane or other aircraft.
Section 7 -- Restricted aliens of enemy nationalities from changing their residence, employment, or name subject to giving notice to the United States Attorney seven days in advance with an explanation as to the reasons for the change. In the case of a change of name, immediate notice had to be given to the Alien Registration Division of Immigration and Naturalization Service and the Federal Bureau of
aliens of Italian ancestry had American-born children who served on active military duty during the war, they were nevertheless subject to these restrictions. Later, aliens whose children served in the military were exempted from many of the restrictions.

These regulations also excluded aliens from subsequently-designated areas. On February 14, 1942, they were amended to specify areas from which aliens were to be excluded, including sixty-eight areas in California, twenty-four areas in Oregon, and seven areas in Washington.\footnote{7 Fed. Reg. 1084 (Feb. 19, 1942).}

d. Department of Justice Press Releases

In addition, the Attorney General issued a succession of press releases during World War II that announced the designation of areas in the western United States as

Investigation immediately after the change took place.

Section 8 -- Prohibited aliens of enemy nationalities from using, operating, possessing, or having in their custody or control at any time or place any radio transmitter.

Section 9 -- Prohibited aliens of enemy nationalities from using, operating, or possessing any short-wave radio receiving set, except by permission of the United States Attorney.

Section 10 -- Prohibited aliens of enemy nationalities from using, operating, or possessing any cameras, with exceptions. This section permitted aliens to retain studio cameras with permission by local authorities. The United States Attorney could authorize aliens to retain cameras where use of a camera was necessary for the regular and customary mode of earning a living and where it appeared that the grant of permission would not be detrimental to national security.

Section 11 -- Prohibited aliens of enemy nationalities from using or possessing firearms. Under extraordinary and exceptional circumstances, the United States Attorney could grant permission for aliens to use or possess firearms.

Section 12 -- Aliens of enemy nationalities had a duty to deposit all short-wave receiving sets, cameras, firearms, and any other prohibited articles with the local police authorities in the communities where they resided.

Section 13 -- Local authorities were directed to take custody of such prohibited articles and notify the United States Marshal in their respective districts in writing that they had accepted custody of the prohibited articles. Upon receipt of such notification, the United States Marshal was directed to take possession and inventory the items.

Section 14 -- Sets out the process for the United States Attorney to authorize release of deposited articles.

Section 15 -- Prohibited and Restricted Areas: Prohibited aliens of enemy nationalities from residing, entering, remaining, or being found in any area designated as “prohibited” by the Attorney General of the United States. This provision also prohibited aliens of enemy nationalities from entering restricted areas with the exception that permits could be issued to such aliens under prescribed conditions.

Section 16 -- Violation of Regulations: Aliens of enemy nationalities who failed to comply with these regulations were subject to apprehension, detention, and interment for the duration of the war. These same penalties applied to aliens of enemy nationalities who aided, abetted, counseled, commanded, induced, or procured another alien of enemy nationality to violate the regulations. Any prohibited articles possessed by aliens of enemy nationalities were subject to summary seizure and forfeiture.
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prohibited zones and exclusion areas. The following summarizes the major announcements of exclusion and restrictions affecting aliens of Italian, German, and Japanese ancestry and Japanese-American citizens.

- On January 29, 1942, the Attorney General announced the designation of areas of the West Coast as prohibited areas from which all German, Italian, and Japanese enemy aliens were excluded. Prohibited Area No. 19 included parts of the San Francisco waterfront. Prohibited Area No. 33 included parts of Los Angeles. Enemy aliens were to evacuate these areas by February 24, 1942. The Attorney General stated that the exclusion of enemy aliens from these areas would aid national defense and protect the aliens themselves.\(^{63}\)

- On January 31, 1942, the Attorney General announced sixty-nine additional areas in California from which all enemy aliens were to be excluded on and after February 15, 1942.\(^{64}\)

- On February 2, 1942, the Attorney General announced fifteen additional areas in California from which all enemy aliens were to be excluded on or after February 24, 1942.\(^{65}\)

- On February 4, 1942, the Attorney General announced that seven areas in Washington and twenty-four areas in Oregon were declared prohibited to Japanese, German, and Italian aliens. Under the new regulations, no alien could be found within these designated areas on and after February 15, 1942.\(^{66}\)

The Attorney General's announcements were based on recommendations made by the War Department. There were already eighty-six areas in California declared prohibited to German, Italian, and Japanese aliens, and in twelve others curfew restrictions had been imposed.

- On February 4, 1942, the Attorney General also announced that the entire coastline of California from the Oregon border south to a point approximately fifty miles north of Los Angeles and extending inland for distances varying from thirty to one hundred and fifty miles, had been


\(^{66}\) Press Release No. 9, U.S. Department of Justice (Feb. 4, 1942).
declared a “restricted area” for all enemy aliens. Eleven other areas immediately surrounding certain hydroelectric generating plants throughout the State had been designated as restricted areas. He also announced new restrictions that became effective February 24, 1942, which required all Japanese, German, and Italian aliens living in the restricted areas (1) to be in their place of residence between 9 p.m. and 6 a.m.; (2) to be, at all other times during the day, only at their place of residence or employment as indicated on their certificates of identification, or to be going between those two places or within a distance of not more than five miles from their place of residence; and (3) if found in any other place than that indicated above, to be subject to apprehension and internment.67

United States Attorneys could authorize exceptions to these restrictions for a compelling reason and after completing an investigation. This regulation also distinguished between “restricted” areas and “prohibited” areas. Enemy aliens were barred from prohibited areas. They could remain in restricted areas but had to observe curfews and other specific restrictions.

- On February 7, 1942, the Attorney General designated eighteen prohibited areas in the State of Arizona from which all aliens of German, Italian, and Japanese nationality were excluded after February 24, 1942.68

e. Military Proclamations

Lt. General DeWitt as Commanding General of the Western Defense Command, which encompassed Washington, Oregon, California, Montana, Idaho, Nevada, Utah, Arizona, and Alaska, issued Public Proclamation No. 1 on March 2, 1942 under the authority of Executive Order 9066, which established Military Areas Nos. 1 and 2.69

Public Proclamation No. 1 designated ninety-nine zones in Military Area No. 1 and noted that individuals may be excluded from those zones in the future. It further required all Japanese, German, and Italian aliens, and any Japanese-American citizen who resided in Military Area No. 1, to file forms with the post office when they changed their address. It also expressly continued the prohibited and restricted areas previously


69/ Military Area No. 1 encompassed the western halves of Washington, Oregon, and California, and the southern half of Arizona, while Military Area No. 2 included the remaining portions of those states. Public Proclamation No. 1, Western Defense Command, Mar. 2, 1942.

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designated by the Attorney General.\textsuperscript{70} Public Proclamation No. 3, issued on March 24, 1942, established a curfew requiring all enemy aliens and persons of Japanese ancestry living in any of these areas to be in their homes between 8:00 p.m. and 6:00 a.m. This restriction was similar to the curfew regulations established by the Attorney General. During the spring of 1942, numerous public proclamations were announced by the United States Army setting out the specific terms for excluding and restricting enemy aliens from parts of the western United States.

Subsequently, the Western Defense Command issued rules regarding temporary exemptions from the travel and curfew provisions of Public Proclamation No. 3 in Public Proclamation No. 11.\textsuperscript{71} These rules authorized the issuance of permits for certain temporary exemptions from travel and curfew restrictions under Public Proclamation No. 3.

f. Trading with the Enemy Act

Under the Trading with the Enemy Act, enacted in 1917, the President was given broad discretion to impose trade embargoes and other economic restrictions in times of war or peacetime emergencies. Congress authorized the President to prohibit certain transactions with designated countries in an effort to advance foreign policy goals.\textsuperscript{72}

\textsuperscript{70} Public Proclamation No. 2, issued on March 16, 1942 by Lt. General DeWitt, Commanding General of the Western Defense Command, designated additional Military Areas Nos. 3, 4, 5, and 6, in Idaho, Montana, Nevada, and Utah, respectively, and described zones in those states. It also required all Italian, German, Japanese aliens, and people of Japanese ancestry to file a “Change of Residence Notice” at the post office between one and five days before the change of residence.

\textsuperscript{71} Public Proclamation No. 11, Western Defense Command, Aug. 18, 1942. Additionally, Public Proclamation No. 5 exempted classes of individuals from the exclusion and evacuation program. These classes included Italian aliens over the age of 70, and Italian parents, spouses, or children of officers, enlisted men, or commissioned nurses on active duty in the military services or who died in the line of duty since December 7, 1941. Public Proclamation No. 5, Western Defense Command, March 30, 1942. This exemption came too late for one family. An interview with the children of Mrs. Teresa Sabatini revealed that their mother, as an alien, was required to evacuate from Alameda, California because she was too close to the naval shipyard. After moving several blocks away, she was again required to move further from the shipyard. Thus, the entire family moved to East Oakland, California even though her son, Remo, was on active duty with the United States Army. Interview with Remo Sabatini and Mary Sabatini Kearney, April 7, 2001.

\textsuperscript{72} 50 U.S.C. app. §1 et seq. The Act has been traditionally used as an economic self-defense weapon. Section 5(b) of the Act authorizes the President to issue regulations during a period of war to prohibit “transactions involving any property in which any foreign country or a national thereof has any interest, by any person, or with respect to any property, subject to the jurisdiction of the United States.” The main objectives of the Act are to prevent the enemy from using any property it owns or controls in the United States, to make that property available for use by the United States, and to weaken enemy countries by depriving their supporters of the ability to aid them through trading.

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g. Applicable Laws Ending the Wartime Restrictions

In recognition of the fact that Italian immigrants and citizens were loyal to the United States, the enemy-alien restrictions were lifted for those of Italian ancestry in less than a year. The Attorney General made the announcement in New York City on October 12, 1942.\textsuperscript{73}

Public Proclamation 24 was issued on September 4, 1945. With Japan’s surrender, the proclamation removed the restrictions imposed within designated areas of the Western Defense Command. The proclamation rescinded all individual exclusion orders, public proclamations, and civilian restrictive orders entered during the period of war.\textsuperscript{74}

Additionally, on December 7, 1945, President Harry S. Truman signed Presidential Proclamation 2674, which revoked specific regulations related to the possession of certain prohibited articles and travel by enemy aliens under Presidential Proclamations 2525, 2526, and 2527.\textsuperscript{75}

3. Federal Restrictions

a. Arrests and Curfew Restrictions

The curfew restrictions under Proclamation 2527 and Justice regulations disrupted lives and affected livelihoods. Italian railroad employees, for example, were temporarily removed from their positions because of the curfew and travel restrictions while others were transferred to positions in different areas that were not subject to these restrictions.

A review of thousands of pages of documents revealed 354 arrests for curfew violations, over 85 percent of which occurred in California. Many of these records reflected that the person found violating the curfew was given a warning and then allowed to return home, or was directed to make a subsequent appointment at the police station or at a United States Attorney’s Office to be questioned.\textsuperscript{76}

\textsuperscript{73} See Public Proclamation No. 13, Western Defense Command, Oct. 19, 1942.

\textsuperscript{74} Public Proclamation No. 24, Western Defense Command, Sept. 4, 1945.

\textsuperscript{75} Presidential Proclamation No. 2674, 10 Fed. Reg. 14945 (Dec. 7, 1945).

\textsuperscript{76} Analysis by the Department of Justice of archived Federal Bureau of Investigation documents. In the San Francisco area, for example, staff of the Department of Justice interviewed several persons in the San Francisco area who specifically indicated that they or their family members had been affected by the curfew restrictions. Interviews with Anna Alberti, Betty Allegrotti, Bob Birgini, Ken Borelli, Anthony Damato, Gina Gianelli, Lola Gianelli, John Gianbanchero, Albert Giordano, Norma Giordano, Josephine
b. Searches and Contraband Confiscations

Enemy aliens were not allowed to possess contraband items, including firearms or weapons of war, short-wave radio receiving and sending sets, cameras, or other items that were essentially instruments of possible espionage and/or sabotage. The confiscation of such contraband officially began with the issuance of Proclamation 2527 after the war broke out, but the War Department believed the Justice Department’s implementation was moving at too slow a pace, including the area of search and seizure.\textsuperscript{77}

Under pressure from the Army, the Department of Justice and the Federal Bureau of Investigation developed procedures for raiding enemy-alien homes. The Attorney General was firm from the beginning that search warrants were to be issued only when probable cause was found. The Army, specifically the Western Defense Command under Lt. General DeWitt, maintained that being an enemy alien during a time of war constituted probable cause. Initially, Attorney General Biddle rejected the argument as a whole, but the Justice Department and the Western Defense Command reached a compromise in January 1942 whereby, “All enemy aliens were to deposit prohibited articles with the local police within a few days, and merely being an enemy alien would be sufficient cause for a search.”\textsuperscript{78}

Search warrants were issued allowing Federal Bureau of Investigation agents to search the homes and residences of aliens for possession of contraband items. United States Attorneys also had the authority to issue “Executive Search Warrants” allowing Federal Bureau of Investigation special agents to search the premises of enemy aliens believed to possess prohibited articles. During the first week of the war, the Federal Bureau of Investigation applied directly to the Department of Justice for warrants. After the first week, the system changed such that the Federal Bureau of Investigation submitted evidence to the United States Attorney of the district in which the suspected enemy alien lived or was present. If the United States Attorney thought the evidence warranted a search for contraband, he or she would apply to the Alien Enemy Control Unit for the warrant. In addition, United States Attorneys were authorized to issue special “Presidential Warrants” for the apprehension of enemy aliens believed to possess such items. In most cases, enemy aliens found possessing prohibited articles were apprehended, questioned, and released because the violations did not present a

\textsuperscript{77} Personal Justice Denied, supra note 8, at 61-63, which also provided further details and background.

\textsuperscript{78} Id. at 62.
danger to national security. Occasionally, the alien appeared before an Alien Enemy Hearing Board.\textsuperscript{79}

Records indicate spot searches were conducted in almost 2,900 Italian homes across the nation. As a result, 1,632 individuals had contraband confiscated.\textsuperscript{80} Roughly two-thirds of these searches were conducted in just four states: New York and Pennsylvania on the East Coast, California on the West Coast, and Louisiana along the Gulf of Mexico.\textsuperscript{81} In these four states, 1,907 searches of Italian-American homes were conducted, resulting in 1,077 instances of contraband confiscation. The coastal locations of New York Harbor, San Francisco Bay, and New Orleans were apparently determining factors in the concentration of raids. Nationwide, the confiscation rate averaged 56%, although Massachusetts and Louisiana had higher rates. A majority of searches were conducted on the East Coast.\textsuperscript{82}

c. Other Restrictions

Earlier in this report, the detention and internment of Italians were discussed at length. Enemy aliens who were determined dangerous to the public safety were made subject to summary apprehension by an authorized officer of the Department of Justice. Enemy aliens were also restricted from entering areas surrounding forts, camps, arsenals, airports, electric or power plants, docks, piers, railroad terminal, depots, yards, and other storage facilities.\textsuperscript{83}

Furthermore, aliens were unable to change residences or jobs without complying with regulations of the Attorney General and filing the required change of address notice or change of employment form. They were required to carry certificates of identification at all times. In a small number of instances, individuals were questioned about infractions and were required to correct them within a specified period of time. Records revealed 442 violations, including failures to file a change of residence card, failures to obtain a travel permit, and failures to obtain a certificate of identity. Almost 500 persons


\textsuperscript{80} Analysis by the Department of Justice of archived Federal Bureau of Investigation documents.

\textsuperscript{81} The 1940 census records indicate 1,623,580 United States resident aliens of Italian descent at that time. New York and Pennsylvania had the highest Italian populations of any states at 584,075 and 197,281 respectively, and California was fifth at 100,911. United States Census, 1940. Table 36 – Foreign-Born White by Country of Birth, by Divisions and States.

\textsuperscript{82} It is noteworthy that of the 306 raids in Louisiana, 304 uncovered contraband. Analysis by the Department of Justice of archived Federal Bureau of Investigation documents.

\textsuperscript{83} Presidential Proclamation No. 2527, supra note 58.
were also questioned, either at their homes or offices, but were not arrested or taken into custody.\footnote{Analysis by the Department of Justice of archived Federal Bureau of Investigation documents.}

4. **EXECUTIVE ORDER 9066 AND ITALIAN AMERICANS**

On February 19, 1942, President Roosevelt issued Executive Order 9066, authorizing military areas from which persons could be excluded:\footnote{Executive Order No. 9066, \textit{supra} note 53. \textit{See} Appendix L.2 for copy of Executive Order No. 9066.}

\[\text{by virtue of the authority vested in me as President of the United States, and Commander in Chief of the Army and Navy, I hereby authorize and direct the secretary of war, and the military commanders whom he may from time to time designate, whenever he or any designated commander deems such actions necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate military commanders may determine, from which any or all persons may be excluded, and with such respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the secretary of war or the appropriate military commander may impose in his discretion . . . .}\]

Lt. General DeWitt, Commander of the Western Defense Command, imposed stricter restrictions on Italian enemy aliens in his area on the West Coast than did the commanders of the Eastern or Southern Defense Commands, ostensibly because of its proximity to Pearl Harbor and a general fear that the Japanese Navy might attack the continental United States. As discussed in greater detail above, Lt. General DeWitt issued numerous proclamations for the West Coast which established prohibited and restricted military areas, required persons to be excluded from defined areas, and imposed curfew and travel restrictions and other requirements.

Although Italian enemy aliens generally observed the orders excluding them from prohibited zones, several cases of curfew violations were reported. At least ten persons of Italian ancestry were arrested in Los Angeles for curfew violations in June 1942,\footnote{See Lothrop, \textit{supra} note 22, at 177. The author has studied the effects of the restrictions on persons of Italian ancestry in southern California.} while over three-hundred persons were arrested for curfew violations in California throughout the war.\footnote{Analysis by the Department of Justice of archived Federal Bureau of Investigation documents. For example, Theresa Borelli was picked up several times for violating curfew when she made the 60-mile trip to the military hospital in Modesto, California to visit her son Bill, who was paralyzed and still recuperating from wounds sustained while serving in the United States Army overseas. Interview with Ken Borelli, grandson, Apr. 7, 2001.}
As a result of the Western Defense Command’s evacuation, travel, and curfew orders, Executive Order 9066 affected Italian enemy aliens on the West Coast disproportionately. It also led to the development of plans for the further evacuation of the forty-thousand Italian enemy aliens who had not been forced to move—those who lived in Military Area No. 1 but whose homes and businesses lay outside the narrower prohibited zones along the coast.\(^88\) The Western Defense Command initially intended to remove some or all of these enemy aliens as soon as its program for removal of all persons of Japanese ancestry was completed. These plans, however, for mass evacuation of German and Italian enemy aliens nationwide were resisted at several levels of government, notably in the Justice Department and the House Select Committee Investigating National Defense Migration\(^89\) (commonly known as the Tolan Committee), and were subsequently dropped. Thus, the only mass temporary evacuation of Italian enemy aliens—the one imposed in mid-February by the Justice Department and reinforced by Lt. General DeWitt’s Proclamation No. 1 in March—was the one that had already occurred on the West Coast.

In its place, the War Department initiated an individual exclusion plan to be applied to persons of Italian and German descent. This plan provided for investigations of individuals, aliens, and naturalized citizens who were alleged to be “possibly dangerous.” Some had been placed on the Federal Bureau of Investigation’s Custodial Detention Index but had avoided internment because their citizenship excluded them from the enemy alien control laws. Under Executive Order 9066, however, they could be apprehended, and if found suspect, could be ordered out of the requisite military areas. Although this plan was also imposed in the Eastern and Southern Defense Commands, its application in the Western Defense Command was more extensive. Whereas some 59 persons were excluded from the Eastern Defense Command, and some 21 from the Southern Defense Command, approximately 174 were excluded from the Western Defense Command under Lt. General DeWitt.\(^90\)

Some persons of Italian descent were subject to evacuation or exclusion orders while many thousands were not, because, with regard to evacuation, the orders affected only those whose homes or businesses were located in the West Coast prohibited zones. Strict lines were drawn—for example Highway 101 along the California coast, west of which was a prohibited zone—with those on one side of the highway forced to

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\(^88\) Actually, such a mass evacuation order would have affected all 52,000 Italian enemy aliens because those who had moved earlier had moved only far enough to vacate coastal zones; they were still in Military Area No. 1, and so would have been forced to move if that whole area had been declared off limits.


\(^90\) Personal Justice Denied, supra note 8, at 288; see also supra note 45.
move, while those on the other side allowed to stay. Non-citizens who lived in such towns as Pittsburg on the Sacramento delta likewise had to move, while those a few miles or even blocks away could remain.91

D. WARTIME IMPACT ON FISHERMEN OF ITALIAN ANCESTRY

1. BACKGROUND

With the waves of Italian immigrants came fishermen, often from small coastal villages in Sicily. They formed communities along the East, West, and Gulf coasts, where they fished for tuna, sardines, mackerel, and crab, and contributed to the growth of an industry. Often speaking little English and unable to read or write, many avoided naturalization out of fear or embarrassment. Their failure to obtain citizenship prior to the war was to become, for some, a substantial regret.

As fishermen, they suffered restrictions on where and when they could fish; as enemy aliens, they were prohibited from wharfs, piers, and the fishing vessels themselves.92 They were subject to the loss of their boats for the duration of the war through lease (such as a “bareboat charter”) or purchase. The effect on their livelihood was striking, and the impact on the fishing industry was equally profound.93

2. REQUISITION OF VESSELS

Merchant ships, including fishing vessels, were routinely licensed and inspected. At the same time, and throughout the war years, vessels were boarded by Coast Guard or Navy personnel, either at sea or in port, for inspection and for the purpose of sealing radio transmitters. Operating out of northern California, the American Rose, the

91 See supra Part II.C.2.e. In defining the boundaries of military areas, the proclamations commonly used streets, roads, and highways as identifiable landmarks. Proclamation No. 1 stated that buildings, structures, and other premises situated opposite the military areas and bounded by such streets, roads or highways were not to be included within the military areas. However, those buildings, structures or other premises within the military areas and bounded by such streets, roads, and highways were expressly included within the military areas. Public Proclamation No. 1, Western Defense Command, Mar. 2, 1942. Thus, one side of the highway would be within the prohibited zone and persons in that area were subject to various restrictions, while persons residing on the opposite side of the road were in a so-called “free” area and were not subject to the restrictions.

92 See Appendix H, a list of fishermen prevented from fishing in prohibited zones.

Marettimo, the Anna B, and the Alma were four such fishing ships owned and crewed by citizens or aliens of Italian descent.94/

In the late 1930s, the United States Coast Guard inspected and evaluated fishing vessels and other water-craft to determine their potential fitness for requisition to assist in coastal defense.95/ As of January 1941, however, in a memorandum to the 12th Naval District, the Chief of Naval Operations stated that the intention of the Navy Department was to build new minesweepers rather than convert fishing vessels, while continuing to identify boats for possible acquisition in the event of a national emergency.96/ A week later, the Commandant of the 12th Naval District wrote that his office reviewed a draft charter lease agreement with leaders of the fishing industry who raised no objections to the form. The Commandant anticipated no problem in “securing the required number of agreements to charter.”97/

By authority of the Presidential Proclamation of May 27, 1941,98/ which declared an Unlimited National Emergency, and Section 902 of the Merchant Marine Act of 1936,99/ which authorized the requisition of vessels during national emergencies declared by presidential proclamation, the Maritime Commission of the United States was authorized to prepare and to issue a Declaration of Requisition. Section 902 provided fair compensation to owners for the use of their vessels, mandating that100/

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94/ Merchant Vessel Inspection reports of the Coast Guard, 12th Naval District, 1942. RG 26, Merchant vessel information file, 1941-46.

95/ In March 1941, for example, at least thirty-four fishing vessels in the San Francisco area owned by Italian-Americans or aliens of Italian descent were evaluated to determine suitability, whether the owner was willing to sell or charter, and whether the asking price was considered reasonable or excessive. In a June 1941 memorandum from the 12th Naval District, twelve of these purse seiners were recommended for acquisition: the California Bear, the Aurora, the Santa Rosa, the Twin Brothers, the Pacific Star, the New Hope, the Lina V, the Cutino Brothers, the San Jose, the Belle Haven, the St. James, and the San Giovanni. Memorandum from the Commander Patrol Force, 12th Naval District, to the Commandant, 12th Naval District (June 16, 1941). While some owners were unwilling to sell or charter, the overwhelming majority indicated their willingness (some even volunteered to make their vessels available).

96/ Memorandum from the Chief of Naval Operations to the Commandant, 12th Naval District (Jan. 8, 1941).

97/ Memorandum from the Commandant, 12th Naval District, to the Chief of the Bureau of Ships (Jan. 16, 1941).


100/ Id.
[In the case of a vessel taken and used, but not purchased, the vessel shall be restored to the owner in a condition at least as good as when taken, less reasonable wear and tear, or the owner shall be paid an amount for reconditioning sufficient to place the vessel in such condition.

As the effort to purchase vessels continued, an additional program involved the induction of a voluntary fleet of fishermen, tugmen, and yachtsmen within the 12th Naval District, including San Francisco, Monterey, and Eureka, into the Merchant Marine/Naval Reserve. A July 24, 1941 press release of the 12th Naval District stated:

Their job will be to patrol the same waters they’ve plied as fishermen and yachtsmen—but they won’t be fishing, and they won’t be cruising for fun. They’ll be stalking bigger game—enemy periscopes, small boats attempting landings, stray enemy aircraft bent on reconnaissance. They’ll be sweeping for mines—looking for any kind of trouble that may crop up.

To the Navy, the most seaworthy boats were the most desirable, and fishing trawlers and purse seiners were ideally suited for coastal and harbor patrol as well as minesweeping operations. Along the West Coast—particularly San Francisco, Santa Cruz, and Monterey—and in port cities in the east from the Florida Keys to Portland, Maine, fishing fleets constituted a large and vital industry, often dominated by citizens and aliens of Italian descent.

Through negotiations and formal contracts, fishing boats were taken over by the War Shipping Administration for use by the United States Coast Guard and the United States Navy. Some were purchased outright and often sold back to the original owners at the end of the war or when the vessels were no longer needed. Others were chartered for a prescribed period of time. In determining bareboat charter rates, a

\[101\] Press Release, 12th Naval District (July 24, 1941).

\[102\] Contrary to some accounts, fishing vessels, in fact, were not seized or impounded, except as a consequence of repeated violations of restricted areas. See, for example, Memorandum from the Commanding Officer, U.S. Naval Net Depot, to the Commandant, 12th Naval District (March 3, 1942), citing seven vessels, two of which were owned by individuals of Italian descent (Appendix I).
number of principal factors came into play. \(^{103/}\) The Commandant of the 12\(^{th}\) Naval District wrote that. \(^{104/}\)

[in war time, requisitioning is believed to be a more efficient and fairer method of securing the tonnage the Government needs. All ships and owners have the substantial equality of treatment. The Government names the rates and conditions and there is no haggling or negotiation. If an owner is dissatisfied with the terms or rates he can accept part of the compensation and have the balance adjudicated in the Court of Claims . . . . It is a clean-cut, well-understood procedure, which was used successfully in World War I.

In September 1941, the Joint Merchant Vessel Board identified 287 vessels, nearly all commercial fishing trawlers, draggers, or purse seiners, for conversion to wartime use. \(^{105/}\) On December 12, 1941, the 12\(^{th}\) Naval District called for the immediate requisition of 15 fishing vessels in San Francisco and Monterey. All such vessels were

\(^{103/}\) In February 1941 the Port Director of San Pedro outlined the following:

(a) Two purse seiners similar in every respect are of equal Naval value for conversion and operation as mine sweepers.
(b) Characteristics of the vessel.
(c) General condition of the vessel and of machinery.
(d) Special equipment such as photo electric pilot and direction finder.
(e) Reputation of the owner as to his earning ability. This is believed to be of more value than any information obtained from the cannery account ledger in which entries are often obscure.
(f) Lacking an Emergency, the offered charter rate must, in general, be accepted as the lowest rate for which the owner desires to charter his vessel. The canneries have interests in practically all the fishing vessels upon which they depend for their raw materials, and if these vessels are chartered, the charter rate must be sufficient to compensate for the loss of the vessel to the canning industry.

Memorandum from the Port Director of San Pedro, 11\(^{th}\) Naval District, to Chief of the Bureau of Ships (Feb. 4, 1941).

A memorandum from the 12\(^{th}\) Naval District the same month indicated that the average asking price by owner for purse seiners ranged from $46,000 to $65,000 for purchase, $1,244 to $1,500 for charter, the range based on the length of the vessel, its age, and cost plus improvements. Memorandum from the Joint Merchant Vessel Board (Feb. 24, 1941).

\(^{104/}\) Memorandum from the Commandant, 12\(^{th}\) Naval District, to the Chief of Naval Operations (Dec. 20, 1941).

\(^{105/}\) Memorandum from the President, Joint Merchant Vessel Board, to the 1\(^{st}\), 11\(^{th}\), 12\(^{th}\), and 13\(^{th}\) Naval Districts (Sept. 25, 1941). The 1\(^{st}\) Naval District had 117; the 11\(^{th}\), 67; the 12\(^{th}\), 75; and the 13\(^{th}\), 28.
owned by citizens or aliens of Italian descent. By December 26, 1941, these vessels had been delivered to the United States Navy by the Maritime Commission.

At the conclusion of the war, or at a time when they were no longer needed, fishing vessels were returned to their owners. In many cases, the condition of the vessel was poor upon its return. Negotiations and appeals would attempt to resolve disagreements over compensation for damaged or missing equipment.

3. Restrictions Placed on Fishermen

In a May 1942 memorandum from the Commandant of the Coast Guard to District Coast Guard Officers and Captains of the Port, the Commandant stated that to receive a license to depart local waters, the master or operator of the vessel must be a citizen of the United States, “unless over 50% of the vessel’s personnel complement are American citizens.” He further stated that no enemy alien is permitted “to go or remain on board any vessel unless such enemy alien is a passenger on a vessel primarily engaged in the transportation of passengers for hire . . . .” Furthermore, green (temporary) or pink identification cards with a diagonal stamp “ENEMY ALIEN” were to

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106 Memorandum from the Commandant, 12th Naval District, to the United States Maritime Commission (Dec. 12, 1941).

107 Letter from the Commandant, to the District Manager, Pacific Coast Section, United States Maritime Commission (Dec. 26, 1941). Within the 1st Naval District in October 1941, the projected acquisition of 117 fishing vessels “would be of a not too serious nature. Much opposition from commercial interests of course would be encountered. A certain number of people would be forced out of employment, etc., but it is believed that it would not be long before the activities of the small vessels would be built up and a normal supply of fish would result.” Memorandum from the 1st Naval District Section, Joint Merchant Vessel Board, to the President, Joint Merchant Vessel Board (Oct. 1, 1941).

108 On the West Coast, for example, the Marettimo and Sea Star were returned to their owners on August 7 and 9, respectively, of 1943. Memorandum from the Commanding Officer, Section Base, San Francisco, to the Commandant, 12th Naval District (Aug. 11, 1943). On the East Coast, Gloucester fishing boats such as the “Baby Rose,” “Magellan,” and “My Colombo” were returned in 1944. Memoranda from the War Shipping Administration, Boston, Massachusetts, to the Assistant Port Director, Boston (July 21, 1944, April 20, 1944, undated, respectively).

109 For example, a memo from the 12th Naval District reveals that items remained missing and could not be found prior to the return to the owners of purse seiners Marettimo, Sea Star, Juanita, Sea Maid, Virginia II. Memorandum from the Commanding Officer, Section Base, San Francisco, to the Commandant, 12th Naval District (Sept. 21, 1943). Joseph Crivello of San Francisco, an enemy alien, refused to take money for his boat, “just a promise that I get my boat back.” The Virginia was returned after the war, but was unusable. Interview with Anthony Damato, grandson, Apr. 7, 2001.

110 Memorandum from the Commandant, United States Coast Guard, to District Coast Guard Officers and Captains of the Port (May 12, 1942).
be issued to all enemy aliens. These restrictions applied to all naval districts and, accordingly, to all ports nationwide.

On October 17, 1942, the Captain of the Port of Atlantic City, New Jersey in the 4th Naval District issued regulations to ensure waterfront security, requiring that:

[n]o enemy alien will be allowed on any pier or wharf at any time. All persons frequenting boat-landings or docks occasionally – and all persons working on any boat-landing or dock – shall have in their possession at all times a Coast Guard Identification Card . . . .

No enemy alien, such as a citizen of Germany, Italy, or Japan, will be permitted on board of any boat at any time . . . .

No such boat will be rented to an enemy alien, and no enemy alien will be permitted on such boat at any time.

Concerned that the restrictions did not extend to American citizens and that fishermen, either native born or naturalized, “should be considered suspect,” a District Intelligence Officer submitted a May 6, 1942 memorandum to the District Coast Guard Officer indicating the periodic submission of lists to Captains of the Port throughout the 1st Naval District. These lists would include:

both citizen and alien fishermen who have participated in some suspicious activity, the evidence of which might be insufficient to warrant an indictment under the Espionage Laws, but whose continued presence on fishing vessels is undesirable because they

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111/ Sample identification cards, RG 26, Port Security and Law Enforcement, Box 3.

112/ See Appendix G.

113/ Memorandum from the District Coast Guard Officer, 4th Naval District, to the Commandant (Oct. 17, 1942). See also, a memorandum from the 1st Naval District which stated: “Except in the cases of emergency, fishing vessels shall not be permitted to leave or to enter any port during the hours of darkness where an anti-submarine net is not established. They shall be allowed to fish offshore at night except in restricted waters.” Memorandum from the Captain of the Port of Boston, 1st Naval District (Nov. 16, 1942).

114/ Memorandum from the District Intelligence Officer, to District Coast Guard Officer (May 9, 1942).

115/ Id. The memorandum adds that:

the only means now available to control the activities of suspect fishermen lie in the Anchorage Regulations . . . . It is considered that these regulations, which empower the Captains of the Ports to grant, refuse to grant, or to revoke any license heretofore granted to the Agent, Owner, or Master of any fishing vessel, may be construed to prevent the presence on board of suspect fishermen.

It concludes that “naturalized citizens who are suspected of subversive activities will have proceedings for denaturalization instituted against them.” Id.
represent potential carriers of military information or potential suppliers of fuel and food to enemy vessels.

On December 7, 1941, the Gloucester, Massachusetts fishing vessel, *Santa Maria*, owned and mastered by Pietro Mercurio, a naturalized United States citizen, was boarded by the Coast Guard. Upon hearing the Italian language spoken on board, the Coast Guard immediately detained the captain and his crew, releasing Mercurio later that night. The members of his crew, unnaturalized Italian aliens, were kept overnight and prohibited from reboarding the boat; they subsequently worked at fish-processing plants until they gained citizenship. While this represented a hardship, Mercurio expressed that he understood the circumstances that necessitated a heightened concern for security.\(^{116}\)

Restrictions placed on fishermen for security reasons varied from port to port. An August 26, 1942 12\(^{th}\) Naval District memorandum, voicing agreement between the Navy and the Coast Guard and contrasting sharply with the position of the Army, stated that “fishermen must be covered by special rules at each port,” that current restrictions are sufficient, and that further instructions to fishermen along the coast of the 12\(^{th}\) Naval District would be “impracticable, unnecessary and too restrictive.”\(^{117}\) The memorandum further stated that:\(^{118}\)

> [a]ll fishermen are issued licenses to fish by the Captains of the Port. On these licenses there is printed the restrictions that are placed upon them which, generally speaking, are as follows: That the fishermen have perfect freedom to fish anywhere on the coast that

\(^{116}\) Letter from Pietro Mercurio to Commander, 1\(^{st}\) Naval District (Apr. 27, 1942), and interview with John Mercurio, son, May 3, 2001.

\(^{117}\) Memorandum from the Commander, Patrol Force, 12\(^{th}\) Naval District, to Chief of Staff, 12\(^{th}\) Naval District (Aug. 26, 1942). The memorandum continues: “The Army desires one hundred percent security and if steps are taken towards this end as desired by the Army there would be hardly a fish caught on the coast,” and concludes that “any attempt at landing, entering or leaving any of the ports not covered by special regulations would lay the offending fisherman open to arrest or to be fired upon as he would be violating the instructions printed on his license.”

\(^{118}\) Id. The Commander of the Patrol Force in the 12\(^{th}\) Naval District stated in a memorandum of February 26, 1942, that “the licenses of [violators] should be recalled temporarily”; the licenses of boats that “repeatedly violate existing regulations . . . should be recalled and withheld for a longer period of time, to punish the owners for flagrant disregard of existing orders.” Memorandum from the Commander, Patrol Force, 12\(^{th}\) Naval District, to the Commandant, 12\(^{th}\) Naval District (Feb. 26, 1942). Two weeks later, on March 11, the Captain of the Port, San Francisco, stated that “This office has been suspending the licenses of violators of the restricted areas. Violators are being notified that a second violation will result in the revocation of their licenses and such additional punitive action under existing law as the circumstances appear to warrant.” Memorandum from the Captain of Port, 12\(^{th}\) Naval District, to Commander, Patrol Force, 12\(^{th}\) Naval District (Mar. 11, 1942). See also, Regulations Regarding Operation of Vessels in Certain Areas in 5ND Waters, dated June 30, 1943, sent to the Commandant, 4\(^{th}\) Naval District, on August 14, 1943, for detail typical of local regulations governing ports and defensive sea areas. Memorandum from the District Intelligence Officer, to Commandant, 4\(^{th}\) Naval District (Aug. 11, 1943).
they see fit (except, of course, this does not include restrictions around the ports that have defensive sea areas). That they are absolutely forbidden to enter or leave any port in darkness or low visibility, or to land. Any violation of the restrictions printed on the license causes, of course, the forfeiture of the license and prosecution if considered necessary.

In an October 28, 1942 letter to the Pittsburg, California Chamber of Commerce, which had inquired about Italian fishermen, the Captain of the Port for San Francisco relied on the recent order of Lt. General DeWitt and the Anchorage Regulations contained in the Espionage Act of June 15, 1917, writing:

No departure license shall be [g]ranted to any vessel having an enemy alien on board in any capacity, and . . . no vessel shall move in the local waters of the United States which has or intends to have an enemy alien on board in any capacity . . . .

Inasmuch as the Captain of the Port is governed by these Anchorage Regulations in [t]he issuance of permits of fishing vessels he has no authority to issue permits to boats with Italian citizens aboard in any capacity . . . .

The clear effect on Italian fishermen is typified in a letter Giovanni Olivieri wrote on December 31, 1941 to United States Senator Sheridan Downey, stating that he had been denied permission to continue fishing:

Forty years ago I came to America from Italy. For the past 38 years I have been a fisherman in Santa Cruz and have fished the waters of Monterey Bay. I am not an American citizen and cannot become one because I cannot read or write. I have been deprived of the right to fish because I am not a citizen. I have two sons in the navy and one son in the army. I have a wife and three daughters at home to support. I cannot get outside work because I am not a citizen. I am as loyal and devoted to this country as though I were born here. During my forty years in America I have never been arrested and have always worked from twelve to fourteen hours a day.

The most severe application of these restrictions occurred in the Western Defense Command and represented, at times, a conflict between the services. The Navy sought reasonable safeguards to minimize the impact on the fishing industry, while the Army’s sole consideration was security. Because the 11th and 12th Naval Districts contained sizable fishing fleets comprising Italian immigrants, the impact on this community was substantial. Other than instances where fishermen repeatedly

119 Letter from the Captain of Port, to Pittsburg Chamber of Commerce (Oct. 28, 1942).

120 Letter from Giovanni Olivieri, to Senator Sheridan Downey (Dec. 31, 1941). The Navy responded to Senator Downey on March 7, 1942, that “such restrictions may, in some instances, result in hardship to some aliens whose loyalty to this country may be above reproach. However, as a matter of policy, the Navy Department believes that the question of whether certain alien fishermen will be permitted to fish is one which should be decided by appropriate governmental authorities in the locality, after investigation of the individual has been made.” Letter from Capt. J.B.W. Waller, to Senator Sheridan Downey (Mar. 7, 1942).
violated restrictions.\textsuperscript{121} boats were not impounded. Rather, they were requisitioned for compensation during a period of national emergency. The record reveals efforts by the government to ameliorate the impact of these requisitions and restrictions on the fishing industry and, to some extent, upon citizens and aliens of Italian descent.

A September 30, 1941 memorandum from the San Pedro, California Port Director’s Office, 11\textsuperscript{th} Naval District, to the Joint Merchant Vessel Board, noted that the selection of larger purse seiners and tuna boats for requisition in San Diego and San Pedro would adversely affect the canneries since they rely on those vessels for their supply of yellow-fin tuna.\textsuperscript{122} The 12\textsuperscript{th} Naval District, responding to concerns about the effect of restrictions on the fishing industry, stated on January 30, 1942 that the Navy was "permitting as liberal a scope of operations as is consistent with national security."\textsuperscript{123} The memorandum continues:\textsuperscript{124}

\begin{quote}
Fishing vessels share in whatever protection is afforded to commercial vessels. Naturally, the extent of such protection is confidential. Crab-fishing vessels operating out of San Francisco at present do so under escort of a small Coast Guard boat, the purpose of which is to control the fishermen and serve to identify them in relation to our own forces.
\end{quote}

A 12\textsuperscript{th} Naval District memorandum to the Commandant, dated March 5, 1942, acknowledged the war’s adverse effect on the fishing industry and recommended relieving that industry of “all unnecessary restrictions.”\textsuperscript{125} On July 25, 1942, regulations governing the San Francisco Maritime Control Area were issued to supplement Presidential Proclamation 2543, primarily authorizing sardine boats to fish and to make passage at night, "provided they have complied with the law in all respects as to licenses, departure permits, crew lists and crew identification."\textsuperscript{126} After compliance with these requirements, the naval district would issue a clearance authorization which was kept on board the vessel at all times. For example, the 11\textsuperscript{th} Naval District issued

\begin{quote}
\textsuperscript{121} See supra, note 102.
\textsuperscript{122} Letter from the San Pedro Port Director’s Office, 11\textsuperscript{th} Naval District, to the Joint Merchant Vessel Board (Sept. 30, 1941).
\textsuperscript{123} Letter from the Commander, Patrol Force, 12\textsuperscript{th} Naval District, to the Fish and Wildlife Service (Jan. 30, 1942).
\textsuperscript{124} So, too, sardine boats were provided escorts in the 12\textsuperscript{th} Naval District. Memorandum from the Commander, Patrol Force, 12\textsuperscript{th} Naval District, to the Officer-in-Charge, Harbor Entrance Control Post (Navy), Fort Winfield Scott (Aug. 28, 1942).
\textsuperscript{125} Memorandum from the Commander, Patrol Force, 12\textsuperscript{th} Naval District, to the Commandant, 12\textsuperscript{th} Naval District (Mar. 5, 1942).
\textsuperscript{126} Supplementary Regulations for the Control of the San Francisco Maritime Control Area, 12\textsuperscript{th} Naval District (July 25, 1942).
\end{quote}
authorization in August 1942 to Anthony Cresci, the master of the fishing vessel Mary, for a voyage to Monterey.\(^{127}\)

In the 5\(^{th}\) Naval District, the Port Director wrote the following to boat owners on July 30, 1942: “It is not the Commandant’s intention to requisition fishing vessels urgently needed in the fishing industry. However, it is hoped that some fishing vessels may be found which can be spared . . . . Should you decide that you do not wish to sell the vessel, no reply is necessary.”\(^{128}\)

The Commander of the Office of the Western Sea Frontier, on March 19, 1943, indicated a willingness to continue to work with the fishing industry and with the California Division of Fish and Game to ease restrictions wherever possible. The memorandum cited directives in the 11\(^{th}\) and 12\(^{th}\) Naval Districts authorizing sardine fishing vessels to break radio silence to report schools of fish to other vessels.\(^{129}\)

The Navy Department distributed a memorandum to the commandants of all naval districts, dated February 26, 1943,\(^{130}\) which stated:

Due to the needs of the fishing industry, chartered fishing vessels and fishing vessels in the Coast Guard Reserve will be selected for withdrawal from service wherever feasible.

Chartered fishing vessels will be reported to the Vice Chief of Naval Operations who will request the War Shipping Administration to cancel the charters and return them to their owners.

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128 Letter from the Port Director, 5\(^{th}\) Naval District, to J.J. & H.M. Lawson (July 30, 1942). In a memorandum, also dated July 30, a procurement officer for the Joint Merchant Vessel Board wrote that four fishing vessels “cannot be requisitioned at this time” because they are active in the fishing industry. Memorandum from the Procurement Officer, Joint Merchant Vessel Board (July 30, 1942).

129 Memorandum from the Commander, Western Sea Frontier, to the Commander-in-Chief, United States Fleet, and Chief of Naval Operations (Mar. 19, 1943). See, particularly, letter from the Division of Fish and Game of the California Department of Natural Resources to Lt. General DeWitt (Sept. 28, 1942), citing “an entire lack of understanding of the fishery and its problems viewed in the light of the war emergency,” and the need to modify restrictions currently in place; and a report prepared by the California Division of Fish and Game citing specific impediments to the fishing industry in southern California. Report on Survey of Fishing Industry in Eleventh Naval District by Dr. Richard Van Cleve, Chief, Bureau of Marine Fisheries (undated). By November 1942, in a letter of the California Fish and Wildlife Service to the Navy, the sardine catch in the 12\(^{th}\) Naval District was stated to be 42 percent below a comparable period the previous season. Letter from California Fish and Wildlife Service, to the Commander, Patrol Force, 12\(^{th}\) Naval District (Nov. 11, 1942).

130 Memorandum from the Vice Chief of Naval Operations, to the Commandants of the Naval Districts (Feb. 26, 1943).
Requisitions, port restrictions, and loss of fishing privileges were imposed on many fishermen immediately prior to and during World War II. More than mere inconveniences, these restrictions interfered with their ability to make a living and disrupted the industry. The effects were felt by natural-born and naturalized United States citizens, as well as aliens and those designated “enemy aliens.”

E. WARTIME POLICY ON ALIEN EMPLOYMENT IN THE UNITED STATES AND IMPACT ON RAILROAD WORKERS OF ITALIAN ANCESTRY

1. INTRODUCTION

Section 3 of the Act, subsection 10, requires the Attorney General to conduct a review of Italian-American railroad workers who were prevented from working in prohibited areas, presumably as a result of federal-government action. Research indicates that employment discrimination against aliens was widespread during the war and even before the war. Such discrimination stemmed from a misunderstanding of the law and public policy regarding the employment of immigrants, prejudice against non-whites and immigrants, and in some instances, misplaced patriotism. But evidence of extensive government efforts to fight discrimination against aliens, including enemy aliens and aliens of allied nations, also exists.

Although historical evidence indicated that many Japanese-American railroad workers were fired or prevented from working in the military zones on the West Coast, such widespread firings did not happen to railroad workers of Italian ancestry. Although employment discrimination may have been most severe against those of Japanese ancestry, there was some discrimination against other enemy aliens and such discrimination even extended to aliens of allied nations. As cited below, two Italian railroad workers were transferred to other positions or locations so that they could continue to work, several Italian employees were temporarily removed from work for a week and then allowed to return, and one employee was removed for thirty days before he was reinstated. One Italian employee was initially fired, but after his attorney’s inquiry the government responded that the alien could be rehired unless he was found to be dangerous or had committed sabotage against railroad property.

Extensive research from private railroad companies, state historical societies, and the National Archives in Washington, D.C. and College Park, Maryland have failed to yield evidence to support assertions of widespread firings of railroad employees of Italian ancestry or that any loss of employment resulted from federal-government action.131

131 The Department of Justice reviewed records of several Department of Justice officials dealing with aliens including Attorney General Biddle, James Rowe, Jr., Assistant to the Attorney General, and Edward Ennis, Director of the Alien Enemy Control Unit, along with records of the Office of Defense.
2. GOVERNMENT POLICY

The government actively discouraged discrimination against alien employment for several months before our entry into World War II. On January 30, 1941, the Social Security Board, Bureau of Employment Security, issued a report showing that in every industrial state, employers were refusing to hire “non-citizens” in defense and defense-related industries.132/ The report emphasized that Congress had confined restrictions on the employment of aliens in private industry to those working on government contracts in the manufacture of aircraft and in the performance of secret, confidential, or restricted government contracts.133/

The extent of discrimination nationwide compelled President Roosevelt, on June 25, 1941, to issue Executive Order 8802, which prohibited discrimination by the federal government and by government contractors.134/ The order reaffirmed the policy that there “shall be no discrimination in the employment of workers in defense industries or Government because of race, creed, color or national origin.” It also established the Committee on Fair Employment Practice within the Office of Production Management to investigate complaints of discrimination, including discrimination against alienage, and to take appropriate steps to redress grievances.135/

On December 26, 1941, the Department of Justice issued a news release containing a statement by Attorney General Biddle regarding “the problem of discrimination against aliens in private employment.”136/ In this statement, Biddle declared:137/

Transportation, Assistant Secretary of Defense John J. McCloy, Western Defense Command, and the Office of Provost Marshal; also reviewed, documents from the Union Pacific Railroad, the Burlington Northern Railroad (which was the Great Northern Railroad during World War II), the Southern Pacific Railroad, the Atchison, Topeka, and Santa Fe Railroad, Nevada Northern Railway, and the Chicago, Rock Island, and Pacific Railroad Company.


133/ Id. at 1.

134/ Executive Order No. 8802, 6 Fed. Reg. 3109 (June 27, 1941)

135/ Id.


137/ Id.
To bar aliens from employment is both shortsighted and wasteful . . . [I]t is the stated policy of the Federal Government that there shall be no discrimination in the employment of workers in defense industries because of race, color or national origin.

Attorney General Biddle indicated that the only restriction of any type on persons of Japanese ancestry was one that applied to all aliens. In the case of "secret, confidential or restricted Government contracts," and in contracts for aircraft parts, employers were required to obtain permission for employment from the military department concerned. Attorney General Biddle indicated that both the Army and the Navy had "regular procedures" to screen requests and had "passed upon thousands of them." The percentage of applications that had been denied was "negligible." The Attorney General condemned discrimination against aliens.\footnote{Id.}

There are no other Federal laws restricting the employment of aliens by private employers in national defense industries, and there are no Federal laws whatsoever restricting the employment of foreign-born American citizens of any particular national origin.

There is no reason in the world why loyal persons, either aliens or Americans of foreign birth, should not be employed by American Industry, and there is no possible justification for discharging such employes [sic]. The Federal Government condemns such discrimination . . . .

Documents also indicate that the Army and the Federal Bureau of Investigation discouraged such firings. President Roosevelt issued a statement on January 2, 1942, expressing his concern over discrimination against aliens.\footnote{Press Release, The White House, Statement of the President (Jan. 2, 1942).}

I am deeply concerned over the increasing number of reports of employers discharging workers who happen to be aliens or even foreign-born citizens. This is a very serious matter. It is one thing to safeguard American industry and particularly defense industry against sabotage; but it is very much another to throw out of work honest and loyal people who, except for the accident of birth, are sincerely patriotic.

Such a policy is as stupid as it is unjust . . . I urge all private employers to adopt a sane policy regarding aliens and foreign born citizens . . . .

There is no law providing against employment of aliens except in special defense work of a secret nature, and even in such work, the employer may hire an alien with the permission of the Army or Navy. . . .

President Roosevelt issued a similar statement on July 11, 1942 regarding the employment of aliens, in which he indicated that persons should not be refused employment solely on the basis of alien status.\footnote{Press Release, The White House, Statement by the President (July 11, 1942).}
Individuals also had access to the Committee on Fair Employment Practice. Letters written to the Alien Enemy Control Unit of the Department of Justice, alleging discrimination on the basis of alien status, were frequently referred to this Committee. During the war, the Committee held extensive hearings on complaints of discrimination within the railroad industry.

3. **IMPACT ON RAILROAD EMPLOYEES**

Union Pacific documents reveal that its dismissal of approximately one hundred and forty employees of Japanese ancestry was not the result of government action, but was based on the decision of company officials. Specifically, the decision to fire Japanese employees was the personal decision of W.M. Jeffers, the president of the railroad.  

A series of letters between the City Attorney for Rock Island, Illinois and Edward J. Ennis, Director of the Alien Enemy Control Unit at the Department of Justice, regarding the dismissal of an Italian employee, describes the case of Augustine Chidicamo, an enemy alien, who was dismissed about March 1942 by the Chicago, Rock Island, and Pacific Railroad Company because of his enemy alien status. Mr. Chidicamo had worked for the railroad for thirty-three years and was advised that the railroad would take him back with the approval of federal authorities. Lee Herbert, City Attorney for Rock Island, wrote to Ennis to determine if there was any way that Chidicamo could be re-employed. In a letter dated April 9, 1942, Ennis explained that this incident and incidents with other railroads apparently resulted from a misunderstanding of a proclamation of President Roosevelt that “was not intended to forbid the employment of enemy aliens upon railroads in the United States, it was merely intended to forbid any alien enemy to be in a place in which his presence is not readily explainable.”

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141/ In a letter to the Chairman of the Executive Committee, Jeffers stated that “the instructions we have been working under were that Japanese were to be continued in employment unless and until we had evidence that they were dangerous.” Jeffers then detailed why he “arranged to remove all” employees of Japanese ancestry: a recent incident of “possible sabotage” at Howell, Wyoming; the fact that train, engine and shop personnel had complained for a month about the employment of Japanese; his receipt of several telegrams from organizations and individuals demanding the immediate removal of these employees of Japanese ancestry from their positions; and concerns that labor organizations might refuse to work unless he fired those of Japanese ancestry. He stated in this letter that, after considering these factors, he “felt impelled to take immediate action.” He noted further that he spoke to United States Attorney General Francis Biddle and sent him copies of the letters directing the firings. Letter from W.M. Jeffers, President, Union Pacific, to Chairman, Executive Committee (Feb. 14, 1942).

142/ Letter from Lee Herbert, City Attorney, Rock Island, Illinois, to Director of Alien Enemy Control Unit, United States Department of Justice (Mar. 18, 1942).

143/ Letter from Edward J. Ennis, Director of Alien Enemy Control Unit, to Lee Herbert, City Attorney, (Apr. 9, 1942).
only if there are any suspicions about his loyalty to this Government and if there is any
danger of sabotage upon the property of the railroad." In closing, Ennis stated, "You
are authorized to refer to the content of this letter as an expression of the attitude of this
Government toward employment by the railroads of aliens of enemy nationality."

In a letter dated February 18, 1942, Southern Pacific Railroad ordered the
termination of approximately forty employees of Japanese ancestry and the immediate
evacuation of such employees from company housing; no termination was ordered for
aliens of other ancestries. A mailgram, also dated February 18, 1942, discussed the
government's notice to nationals of Germany, Japan, and Italy that they were not
permitted to live or work in certain areas, including Tiburon, California, and that
restrictions were also issued for the movements of enemy aliens during the night hours
that required them to be at home between 9:00 p.m. and 6:00 a.m. The company
questioned whether alien employees retained their employment relationship and
seniority rights with the company and indicated that it had Italian and German nationals,
some at the Tiburon facility. The document describes two Italian employees—a seal
clerk who lived in a restricted area and a janitor at Sausalito who was assigned to work
at night between 6:00 p.m. and 3:00 a.m. It is noted on the document that the janitor's
hours were changed so that he could continue to work and that the clerk was filling the
job at Sausalito where the restrictions would not apply until the shipyard was
completed. Finally, a letter dated April 11, 1942 disclosed that an Italian employee,
Vito Marketallo, was removed from employment as a crossing flagman for thirty days
and then returned to service. The document indicated that he was taken out of service
because of the evacuation and curfew ruling. A handwritten notation on the letter a few
days later, dated April 14, 1942, indicated that he was to return to service.

A few documents regarding the Nevada Northern Corporation indicated that all
Japanese, German, and Italian aliens were removed from work and asked to remain at

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144/ Id.

145/ Id.

146/ Letter from C.F. Donnatin, to J.C. Goodfellow, et al. (Feb. 18, 1942); and Mailgram, from unknown
correspondent (signature unreadable), to A.T. Mercier (Feb. 19, 1942) (Southern Pacific Transportation
Company Files).

147/ Mailgram from C.A. Veale, to J.G. Torian (Feb. 18, 1942) (Southern Pacific Transportation Company
Files).

148/ Letter from unknown correspondent (signature unreadable), to C.A. Veale (June 9, 1942) (Southern
Pacific Transportation Files).

149/ Letter from J.G. Goodfellow, to J.G. Torian, (Apr. 11, 1942) (Southern Pacific Transportation Company
Files).
home after December 11, 1941. The company based this action on the advice of local counsel and that of the Federal Bureau of Investigation. The company removed fourteen Japanese aliens and six Italian aliens. On December 19, 1941, the company contacted the Federal Bureau of Investigation to discuss the Italian aliens who had for many years worked for them and many of whom had taken out papers for naturalization. In responding to whether they could be returned to work, the Federal Bureau of Investigation's advice was to inquire among co-workers if any statements were made against the United States or in support of Axis governments.

F. SUMMARY

This Justice Department will never waver in our defense of the Constitution nor relent in our defense of civil rights. The American spirit that rose from the rubble in New York knows no prejudice and defies division by race, ethnicity, or religion. The spirit which binds us and the values that define us will light America's path from this darkness.

Attorney General John Ashcroft
September 24, 2001

After the December 7, 1941 attack on Pearl Harbor, citizens and aliens of Italian descent were subjected to restrictions, including curfews, searches, confiscations of property, the loss of livelihood, and internment. Individuals residing in “prohibited zones” were required to move from their homes and were excluded from certain areas. And persons of Italian ancestry who were not United States citizens were declared enemy aliens and were required to carry identification cards designating them as such. These wartime restrictions were sanctioned by the Alien Enemy Act of 1798, Presidential Proclamation No. 2527, Executive Order 9066, and various other Presidential Proclamations, Department of Justice regulations, and Public Proclamations issued by the defense commands.

The Wartime Violation of Italian Americans Civil Liberties Act provides that this report must include, among other things, “[a] review of the wartime restrictions on Italian

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150 These documents were obtained from the Nevada Northern Railroad Museum and it is not clear whether these aliens were working for Nevada Northern Railroad or the Nevada Consolidated Copper Corporation (which had mining operations and some railroad facilities). Memorandum from H.M. Peterson (Dec. 11, 1941), indicating that alien employees of Nevada Consolidated Copper Corporation (which had mining operations and may have had some interests with local railroad companies) were to be removed from work; and Letter from R.J. Beem, to Mr. Jackling, Chief Executive Officer (Dec. 12, 1941) (Collection of Letters from the Nevada Northern Railroad Documents, East Ely Railroad Depot Museum, East Ely, Nevada).

Americans to determine how civil liberties can be better protected during national emergencies.” The Department of Justice believes that the federal government’s reaction to the recent, tragic events of September 11, 2001 demonstrates that civil liberties are being protected through adherence to the United States Constitution. By sending the clear message to the American people that the Constitution and American values will not fall victim to terrorists, our national leaders have created an environment in which the unconstitutional violation of civil liberties will not be tolerated.

In an address to a Joint Session of Congress and the American people on September 20, 2001, President George W. Bush stated that the United States must abide by the principles upon which the country was founded and treat all individuals fairly and with dignity:

I ask you to uphold the values of America, and remember why so many have come here. We are in a fight for our principles, and our first responsibility is to live by them. No one should be singled out for unfair treatment or unkind words because of their ethnic background or religious faith.

On September 17, 2001, FBI Director Robert Mueller had stated that the investigation of the attack on the United States had not targeted and would not target individuals based on their ethnic background:

When we seek to interview and question an individual, we are doing so based on predications that the individual may have information relating to the acts that took place last week. We do not, have not, will not target people based solely on their ethnicity, period, point blank.

Our national leaders have also addressed the rise in bias-motivated crimes in the United States since the attack by stating, in no uncertain terms, that such acts of violence and threats of violence will not be tolerated. On September 13, 2001—just two days after the attack on the United States—Attorney General John Ashcroft addressed reports of violence and threats of violence in the United States against Arab Americans and other Americans of Middle Eastern and South Asian descents:

We must not descend to the level of those who perpetrated Tuesday’s violence by targeting individuals based on their race, their religion, or their national origin. Such reports of violence and threats are in direct opposition to the very principles and laws of the United States and will not be tolerated.

The Attorney General’s admonition was echoed that day by Ralph F. Boyd, Jr., the Assistant Attorney General for the Civil Rights Division, who stated that “[a]ny threats of violence or discrimination against Arab or Muslim Americans or Americans of South Asian descents are not just wrong and un-American, but also are unlawful and will be treated as such.”
In testimony before the Senate Committee on the Judiciary on September 25, 2001, Attorney General Ashcroft reported on the Justice Department’s actions with respect to bias-motivated crimes following the September 11 attack:

The Department of Justice is firmly committed to pursuing these misguided wrongdoers vigorously. . . . Let there be no mistake: The Department of Justice will not tolerate acts of violence or discrimination against people in this country based on their race, national origin, or religion.

These statements demonstrate the federal government’s recognition that it must safeguard the constitutional rights of individuals while protecting the safety and security of individuals during times of national emergency. By vigorously enforcing anti-discrimination laws, the federal government has demonstrated that civil liberties are being protected through adherence to the Constitution.
REPORT TO THE CONGRESS OF THE UNITED STATES

A REVIEW OF THE RESTRICTIONS
ON PERSONS OF ITALIAN ANCESTRY
DURING WORLD WAR II

APPENDICES
Appendix A
An Act
To provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgment of such injustices by the President.

SEC. 1. SHORT TITLE. Italian American Civil Liberties
This Act may be cited as the “Wartime Violation of Italian American Civil Liberties Act”.

SEC. 2. FINDINGS. The Congress makes the following findings:

1. The freedom of more than 600,000 Italian-born immigrants in the United States and their families was restricted during World War II by Government measures that branded them "enemy aliens" and included carrying identification cards, travel restrictions, and seizure of personal property.

2. During World War II more than 10,000 Italian Americans living on the West Coast were forced to leave their homes and prohibited from entering coastal zones. More than 50,000 were subjected to curfews.

3. During World War II thousands of Italian American immigrants were arrested, and hundreds were interned in military camps.

4. Hundreds of thousands of Italian Americans performed exemplary service and thousands sacrificed their lives in defense of the United States.

5. At the time, Italians were the largest foreign-born group in the United States, and today are the fifth largest immigrant group in the United States, numbering approximately 15 million.

6. The impact of the wartime experience was devastating to Italian American communities in the United States, and its effects are still being felt.

7. A deliberate policy kept these measures from the public during the war. Even 50 years later much information is still classified, the full story remains unknown to the public, and it has never been acknowledged in any official capacity by the United States Government.

SEC. 3. REPORT. The Attorney General shall conduct a comprehensive review of the treatment by the United States Government of Italian Americans during World War II, and not later than 1 year after the
date of the enactment of this Act shall submit to the Congress a report that documents the findings of such review. The report shall cover the period between September 1, 1939, and December 31, 1945, and shall include the following:

(1) The names of all Italian Americans who were taken into custody in the initial roundup following the attack on Pearl Harbor, and prior to the United States declaration of war against Italy.

(2) The names of all Italian Americans who were taken into custody.

(3) The names of all Italian Americans who were interned and the location where they were interned.

(4) The names of all Italian Americans who were ordered to move out of designated areas under the United States Army’s “Individual Exclusion Program”.

(5) The names of all Italian Americans who were arrested for curfew, contraband, or other violations under the authority of Executive Order No. 9066.

(6) Documentation of Federal Bureau of Investigation raids on the homes of Italian Americans.

(7) A list of ports from which Italian American fishermen were restricted.

(8) The names of Italian American fishermen who were prevented from fishing in prohibited zones and therefore unable to pursue their livelihoods.

(9) The names of Italian Americans whose boats were confiscated.

(10) The names of Italian American railroad workers who were prevented from working in prohibited zones.

(11) A list of all civil liberties infringements suffered by Italian Americans during World War II, as a result of Executive Order No. 9066, including internment, hearings without benefit of counsel, illegal searches and seizures, travel restrictions, enemy alien registration requirements, employment restrictions, confiscation of property, and forced evacuation from homes.

(12) An explanation of whether Italian Americans were subjected to civil liberties infringements, as a result of Executive Order No. 9066, and if so, why other Italian Americans were not.

(13) A review of the wartime restrictions on Italian Americans to determine how civil liberties can be better protected during national emergencies.

SEC. 4. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) the story of the treatment of Italian Americans during World War II needs to be told in order to acknowledge that these events happened, to remember those whose lives were unjustly disrupted and whose freedoms were violated, to help repair the damage to the Italian American community, and to discourage the occurrence of similar injustices and violations of civil liberties in the future;

(2) Federal agencies, including the Department of Education and the National Endowment for the Humanities, should support projects such as—
(A) conferences, seminars, and lectures to heighten awareness of this unfortunate chapter in our Nation's history;

(B) the refurbishment of and payment of all expenses associated with the traveling exhibit "Una Storia Segreta", exhibited at major cultural and educational institutions throughout the United States; and

(C) documentaries to allow this issue to be presented to the American public to raise its awareness;

(3) an independent, volunteer advisory committee should be established comprised of representatives of Italian American organizations, historians, and other interested individuals to assist in the compilation, research, and dissemination of information concerning the treatment of Italian Americans;

(4) after completion of the report required by this Act, financial support should be provided for the education of the American public through the production of a documentary film suited for public broadcast; and

(5) the President should, on behalf of the United States Government, formally acknowledge that these events during World War II represented a fundamental injustice against Italian Americans.

Approved November 7, 2000.
Appendix B
Chronology of Events Surrounding the Evacuation, Relocation and Internment Of Persons of Italian Ancestry During World War II

1939

9/1/39  ♦  Germany invaded Poland, initiating World War II.
9/3/39  ♦  Great Britain declared war on Germany.
9/5/39  ♦  President Franklin D. Roosevelt issued Presidential Proclamation 2348, which declared the neutrality of the United States in the war between Germany and France.
9/9/39  ♦  President Roosevelt issued Presidential Proclamation 2352, establishing a national emergency to observe, safeguard, and enforce neutrality.

1940

♦  According to the 1940 Census of the United States there were 1,623,580 residents of Italian descent in the United States.
5/7/40  ♦  President Roosevelt signed Executive Order 8403 establishing the Los Angeles-Long Beach Harbor Naval Defensive Sea Area, California.
6/10/40  ♦  Mussolini invaded France, thereby allying Italy with the Axis powers.
6/28/40  ♦  The United States Congress passed the Alien Registration Act, also known as the Smith Act, which required all aliens to register with the Immigration and Naturalization Service.
1941

5/29/41 ♦ Presidential Proclamation 2487 was published, declaring an unlimited national emergency because of the European war. This proclamation also authorized the Maritime Commission of the United States to prepare and issue a Declaration of Requisition for marine vessels pursuant to Public Law 74-835.

6/27/41 ♦ Executive Order 8802 was published, reaffirming the federal government's policy against discrimination in the employment of aliens in the defense industry.

11/27/41 ♦ President Roosevelt signed Executive Order 8953 establishing more extensive Naval Defensive Sea Areas for Los Angeles - Long Beach Harbor, California.

12/7/41 ♦ Japan bombed the United States Navy at Pearl Harbor, Territory of Hawaii.

♦ Proclamation 2525 was issued immediately after the Pearl Harbor attack. It empowered the Attorney General to apprehend, exclude, regulate, and confiscate property from United States citizens and aliens of Japanese ancestry.

♦ The Federal Bureau of Investigation began arresting Japanese, German, and Italian aliens considered dangerous to United States security.

12/8/41 ♦ The United States declared war on Japan.

♦ Proclamations 2526 and 2527 were issued against Germany and Italy, respectively, as threats to United States territory. Thus, German and Italian nationals were rendered “enemy aliens” and were subject to apprehension, detention, and various restrictions.

♦ President Roosevelt delegated to Attorney General Biddle the authority to promulgate and execute regulations prescribed in the continental United States under the Presidential Proclamations.

12/10/41 ♦ Federal Bureau of Investigation Director J. Edgar Hoover reported that the majority of individuals for whom arrests were planned had been taken into custody: 1,291 Japanese, 857 Germans, and 147
Italians.

12/11/41  ❧ Germany declared war on the United States.
           ❧ The United States declared war on Italy.
           ❧ San Francisco, California and the West Coast were declared a wartime “Western Theatre of Operations” by the Western Defense Command. No private vessels were allowed to sail at night in San Francisco Bay.
           ❧ Lt. General John L. DeWitt was named the Commanding General of the Western Defense Command.
           ❧ President Roosevelt signed Executive Order 8970 establishing several Defensive Sea Areas off the coasts of the continental United States including Portland, Maine; Portsmouth, New Hampshire; Boston, Massachusetts; San Francisco, California; and San Diego, California.

12/12/41  ❧ The United States Navy began requisitioning significant numbers of fishing boats on the West Coast.

12/15/41  ❧ The Attorney General established the Alien Enemy Control Unit.

12/16/41  ❧ President Roosevelt signed Executive Order 8978 establishing Defensive Sea Areas for New York Harbor, New York; Delaware Bay and River, Delaware; Chesapeake Bay and Norfolk, Virginia; and Charleston Harbor, South Carolina.

12/30/41  ❧ Federal Bureau of Investigation agents were given the authority to search the homes of enemy aliens if there was reason to suspect contraband (i.e., radios, guns, or cameras) on the premises.

1942

1/5/42    ❧ Deadline for enemy aliens in San Francisco to surrender radio transmitters, shortwave receivers, and precision cameras to the Western Defense Command.

1/14/42   ❧ Presidential Proclamation 2537 was signed requiring that enemy
aliens register to obtain Certificates of Identification from the Attorney General and carry them at all times.

1/28/42 ♦ The Department of Justice announced strategic locations to be cleared of enemy aliens by February 24, 1942.

1/30/42 ♦ California Congressional delegation met in Washington, D.C. to urge the evacuation of enemy aliens from the West Coast.

1/31–2/7/42 ♦ The Attorney General announced 135 prohibited zones in California, Washington, Oregon, and Arizona.

2/2/42 ♦ Registration of enemy aliens began.

2/4/42 ♦ Attorney General Biddle issued curfew zones for enemy aliens along the West Coast, effective February 24, 1942.

2/10/42 ♦ The Department of Justice instituted regulations on the travel and other conduct of Japanese, German, and Italian aliens.

2/14/42 ♦ The Department of Justice amended the regulations issued on February 10, 1942, by specifying areas from which enemy aliens were excluded. Sixty-eight areas in California, twenty-four areas in Oregon, and seven areas in Washington were designated areas in which Japanese, German, and Italian aliens were no longer permitted.

2/15/42 ♦ Enemy aliens began to leave restricted military zones throughout northern California. “Move out and stay out” orders were to become effective on February 24, 1942.

2/16/42 ♦ The industrial and waterfront areas of San Francisco, California were declared a restricted zone by the military.

♦ The Department of Justice had taken into custody 2,192 Japanese, 1,393, Germans, and 264 Italians.

2/19/42 ♦ President Roosevelt signed Executive Order 9066 delegating to the Secretary of War the power to exclude any and all persons from designated areas.

2/23–3/12/42♦ The House of Representatives Select Committee Investigating
Evacuation from prohibited zones was ordered for all enemy aliens. All of northern California was declared a “strategic area” and enemy aliens were subject to a 9 p.m. curfew. Enemy aliens were required to evacuate areas around Army posts, airfields, and vital utilities.

The travel and curfew restriction zone was extended to southern California and Arizona. Seventeen more areas in California and eighteen more areas in Arizona were designated as places from which alien enemies were excluded.

Lt. General DeWitt issued Public Proclamation No. 1 creating military areas in California, Washington, Oregon, and Arizona.

All persons to be affected by the proposed evacuation of Military Area No. 1 were encouraged to leave during this “voluntary evacuation period.” Persons were required to file a Change of Residence Notice.

Lt. General DeWitt issued Public Proclamation No. 2 creating military areas in Idaho, Montana, Nevada, and Utah.

President Roosevelt signed Executive Order 9102, creating the War Relocation Authority for the internment of Japanese aliens and Japanese Americans.

Public Law 77-503 was enacted, thereby making it a federal offense to violate any order issued by a designated military commander acting under the authority of Executive Order 9066.

Lt. General Drum of the Eastern Defense Command announced his intention to establish military areas along the East Coast.

President Roosevelt ordered Secretary of War Stimson to confer with him prior to taking any action against German and Italian aliens on the East Coast.

The War Department advised Lt. General DeWitt against mass evacuation of German or Italian aliens on the West Coast. Military commanders retained the right to exclude individuals on the basis of
military necessity.

6/27/42  ♦  Lt. General DeWitt lifted the exclusion-zone regulations of the Western Defense Command. Italian aliens returned to their homes, although they remained subject to travel and curfew restrictions.

10/12/42  ♦  Attorney General Biddle announced that the restrictions on enemy aliens would no longer pertain to persons of Italian ancestry.

1943

9/8/43  ♦  Italy surrendered.

1944

6/6/44  ♦  The United States invaded Normandy, France.

1945

5/5/45  ♦  Germany surrendered.

9/2/45  ♦  Japan surrendered.

9/4/45  ♦  Public Proclamation No. 24 rescinded all individual exclusion orders, public proclamations, and civilian exclusion orders.

12/7/45  ♦  President Harry S. Truman issued Presidential Proclamation 2674, which revoked portions of Presidential Proclamations 2525, 2526, and 2527.
Appendix C
Appendix C.1
Section 3(1) - The names of persons of Italian ancestry taken into custody in the initial roundup following the attack on Pearl Harbor and prior to the United States declaration of war against Italy *

<table>
<thead>
<tr>
<th>Name</th>
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</tbody>
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Appendix C.2
Section 3(2) – The names of other persons of Italian ancestry who were taken into custody during World War II *

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<td>35 Andreani, Giosafatee</td>
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309 Carbone, Rosario Pasquale
310 Cardellini, Giovanni
311 Cardili, Giulano John
312 Cardillo, Domenick
313 Cardinelli, Carmine
314 Cardoza, Josephine Frances
315 Caremolia, Salvatore

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<td>Spano, Joseph</td>
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<td>Suezi, John</td>
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<tr>
<td>Suraci, Maria</td>
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<td>Surroz, Ireneo</td>
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</tbody>
</table>

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# Section 3(2) - The names of other persons of Italian ancestry who were taken into custody during World War II

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<table>
<thead>
<tr>
<th>Name</th>
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<tr>
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<td>Toppi, Luigi</td>
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Section 3(2) – The names of other persons of Italian ancestry who were taken into custody during World War II *

Name

1786 Torelli, John Nicholas
1787 Torriglia, Lorenzo Giacomo
1788 Torino, Enrico
1789 Tornotti, Roberto
1790 Torres, Vincenzo
1791 Tortora, John
1792 Tortora, Luigi
1793 Tortorelli, Guiseppe
1794 Tosto, Antonio
1795 Trama, Santo
1796 Tranceina, Joseph Frank
1797 Tranquillo, Casarini
1798 Trapani, Ermete Mario
1799 Traverso, Giacomo
1800 Trentacosta, Ines
1801 Trento, Guido M
1802 Tribuani, Alfredo Bernard
1803 Tridente, Samuel
1804 Troglio, Giovanni
1805 Trombetta, Domenico
1806 Troy, Tony
1807 Trucco, Andrea
1808 Tucci, Philip
1809 Tuftan, Frank
1810 Turrin, Vittorio Victor
1811 Tutino, Carlo
1812 Uberti, Antonio
1813 Umile, Francesco
1814 Unale, Giacomo
1815 Vaccarino, Carmelo
1816 Vaccaro, Anthony
1817 Vaeucci, Cesare
1818 Vagnoni, William
1819 Valdastri, Mario
1820 Valente, Bartolomeo

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<td>Venditti, Achille</td>
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<td>Víctor, Frank Manca</td>
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<td>Vinci, Luigi</td>
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<td>Vinciguerra, Pasquale</td>
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<td>Viola, Rocco</td>
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<td>Vuga, August</td>
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Appendix D
Section 3(3) - The names and locations of persons of Italian ancestry who were interned

<table>
<thead>
<tr>
<th>Name</th>
<th>Location</th>
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<tbody>
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<td>1 Abramo, Vincenzo</td>
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<tr>
<td>2 Acquistapace, Giacomo Pietro</td>
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</tr>
<tr>
<td>3 Adamo, Charles</td>
<td>Ellis Island, New York</td>
</tr>
<tr>
<td>4 Adorno, Francesco</td>
<td>Fort Missoula, Montana</td>
</tr>
<tr>
<td>5 Alaimo, Vincenzo</td>
<td>Camp Forrest, Tennessee, Fort MacAlester, Oklahoma, Medical or other health institution</td>
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<tr>
<td>6 Albanese, Giovanni</td>
<td>Fort Missoula, Montana</td>
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<tr>
<td>7 Albanese, Pasquale</td>
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<tr>
<td>8 Albano, Giralamo</td>
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<tr>
<td>9 Alessi, Angelo</td>
<td>Unknown</td>
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<tr>
<td>10 Aliotti, Unknown</td>
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<tr>
<td>11 Alvigini, Mario</td>
<td>Ellis Island, Fort George Meade, Maryland, Fort MacAlester, Oklahoma, Fort Missoula, Montana</td>
</tr>
<tr>
<td>12 Appoloni, Sabri</td>
<td>Camp Forrest, Tennessee, Fort MacAlester, Oklahoma, Fort Missoula, Montana, Fort Sam Houston, Texas</td>
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</tbody>
</table>

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Section 3(3) - The names and locations of persons of Italian ancestry who were interned

<table>
<thead>
<tr>
<th>Name</th>
<th>Location(s)</th>
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<tr>
<td>14 Areta, Pasquale</td>
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<tr>
<td>15 Augusto, Don</td>
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<tr>
<td>16 Averga, Ralph Raffaele</td>
<td>Camp Forrest, Tennessee, Fort MacAlester, Oklahoma, Fort Missoula, Montana, Tuna Canyon (Tujunga), California</td>
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<tr>
<td>17 Bacocchina, Angelo</td>
<td>Camp Forrest, Tennessee, Fort MacAlester, Oklahoma, Fort Missoula, Montana, Fort Sam Houston, Texas</td>
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<td>18 Banatti, Pietro</td>
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<td>19 Banchero, Francesco</td>
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<td>20 Barletta, Vicente</td>
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<td>21 Baroncocco, Osvaldo</td>
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<td>22 Bastiani, Pietro</td>
<td>Fort Sam Houston, Texas</td>
</tr>
<tr>
<td>23 Bedini, Nello</td>
<td>Tuna Canyon (Tujunga), California</td>
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</table>

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<table>
<thead>
<tr>
<th>Name</th>
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<td>24 Belfiore, Giovanni</td>
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<td>Fort Missoula, Montana</td>
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<td></td>
<td>Sharp Park, California</td>
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<td>25 Beltrone, Vincenzo</td>
<td>Ellis Island, New York</td>
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<td>Fort George Meade, Maryland</td>
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<td>Fort MacAlester, Oklahoma</td>
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<td>Fort Missoula, Montana</td>
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<td>26 Benussio, Antonio</td>
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<td>27 Berizzi, Louis</td>
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<td>Fort Sam Houston, Texas</td>
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<td>San Francisco INS Detention Facility, California</td>
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<td>29 Bertoglio, Giacomo</td>
<td>Camp Forrest, Tennessee</td>
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<td>Fort Bliss, Texas</td>
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<td>Fort MacAlester, Oklahoma</td>
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<td></td>
<td>Fort Missoula, Montana</td>
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<td>30 Bertoletti, Frank</td>
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<td>31 Bevilacqua, Enrico</td>
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<th>Name</th>
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<tbody>
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<td>Bianchi, Angelo</td>
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<td>Sharp Park, California</td>
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<td>Fort Sam Houston, Texas</td>
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<td>Sharp Park, California</td>
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<td>Bombieri, Enrico</td>
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<thead>
<tr>
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<th>Location</th>
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</thead>
<tbody>
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Section 3(3) - The names and locations of persons of Italian ancestry who were interned

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<table>
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<tr>
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| Piccco, John  | Camp Forrest, Tennessee  
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              | Fort MacAlester, Oklahoma  
              | Fort Missoula, Montana  
              | Fort Sam Houston, Texas |
| Pidala, Anthony | Miami INS Detention Facility, Florida |
| Piggin, Fedele | Angel Island, California  
              | Camp Forrest, Tennessee  
              | Fort MacAlester, Oklahoma  
              | Fort Sam Houston, Texas |
| Pinasco, Giobatta | Fort Missoula, Montana |
| Pinza, Ezio   | Ellis Island, New York                                |
| Pisa, Francesco | Ellis Island, New York  
                  | Fort George Meade, Maryland  
                  | Fort MacAlester, Oklahoma |
| Podesta, Giovanni Guseppe | Ellis Island, New York  
                       | Fort George Meade, Maryland  
                       | Fort MacAlester, Oklahoma  
                       | Fort Missoula, Montana |
| Polizzi, Salvatore | Fort Missoula, Montana |
| Polli, Giovanni | Fort Missoula, Montana |

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### Section 3(i) - The names and locations of persons of Italian ancestry who were interned

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Section 3(3) - The names and locations of persons of Italian ancestry who were interned

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<table>
<thead>
<tr>
<th>Name</th>
<th>Location</th>
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</table>
| 356 Scorza, Oreste Mario | Camp Forrest, Tennessee
| | Fort MacAlester, Oklahoma
| | Fort Sam Houston, Texas
| 357 Sdraulig, Louis Joseph | Camp Forrest, Tennessee
| | Fort MacAlester, Oklahoma
| | Sharp Park, California
| 358 Secli, Cosimo D | Fort George Meade, Maryland
| | Gloucester City INS Detention Facility, New Jersey
| 359 Sercia, Gioacchino | Camp Forrest, Tennessee
| | Fort MacAlester, Oklahoma
| | Fort Missoula, Montana
| | Fort Sam Houston, Texas
| 360 Sercia, Giovanni | Camp Forrest, Tennessee
| | Fort MacAlester, Oklahoma
| | Fort Missoula, Montana
| | Fort Sam Houston, Texas
| 361 Sercia, Unknown | Unknown
| 362 Serena, Pelio | Fort Missoula, Montana
| 363 Sgambelluri, Giuseppe | Fort Missoula, Montana
| 364 Sgattoni, Dente | Fort Missoula, Montana
| 365 Sicotra, Giuseppe | Fort Missoula, Montana
| 366 Silla, Nick | Camp Forrest, Tennessee
| | Fort MacAlester, Oklahoma
| | Medical or other health institution

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### Section 3(3) - The names and locations of persons of Italian ancestry who were interned

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<tr>
<th>Name</th>
<th>Location(s)</th>
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<td>Silvestrini, Italo Louis</td>
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<td>Simsich, Adolph</td>
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<td>Spelgatti, Giovanni</td>
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<table>
<thead>
<tr>
<th>Name</th>
<th>Location</th>
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<table>
<thead>
<tr>
<th>Name</th>
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Section 3(3) - The names and locations of persons of Italian ancestry who were interned

<table>
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<tr>
<th>Name</th>
<th>Location</th>
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Section 3(3) - The names and locations of persons of Italian ancestry who were interned

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<td>Fort Sam Houston, Texas</td>
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Appendix E.1
Section 3(4) - The names of persons of Italian ancestry ordered to move from designated areas under the Individual Exclusion Program and the names of persons of Italian ancestry who appeared before the Individual Exclusion Board, although it is unknown if an exclusion order was issued

<table>
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<td>Cinquini, Enrico</td>
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<td>Lamattina, Rocco V</td>
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</tbody>
</table>

* These individuals appeared before the Individual Exclusion Board, but it is unknown if an exclusion order was issued.

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Section 3(4) - The names of persons of Italian ancestry ordered to move from designated areas under the Individual Exclusion Program and the names of persons of Italian ancestry who appeared before the Individual Exclusion Board, although it is unknown if an exclusion order was issued *

<table>
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<th>Name</th>
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<td>40 Morelli, Giulia Gaddi</td>
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<td>41 Ostaggi, Leo</td>
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<td>42 Ottino, Amalia</td>
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<td>58 Usigli, Gastone</td>
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<tr>
<td>59 Vocci, Amilcare *</td>
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</table>

* These individuals appeared before the Individual Exclusion Board, but it is unknown if an exclusion order was issued.

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Appendix E.2
Section 3(4) - The names of persons of Italian ancestry not subject to individual exclusion orders who were ordered to temporarily move from designated areas *

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<tr>
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<td>33 Perata, Iride Mariani</td>
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<td>34 Ponsetto, Ninin</td>
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<td>35 Sabatini, Giocondo</td>
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* This list of names was not required under the Act; therefore, we did not search historical records for such a listing. However, we are including it here based on our interviews and the experiences of many persons, such as those evacuated from Pittsburg, California.
Section 3(4) - The names of persons of Italian ancestry not subject to individual exclusion orders who were ordered to temporarily move from designated areas *

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Section 3(5) - The names of persons of Italian ancestry arrested for curfew, contraband, or other violations *

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Section 3(5) – The names of persons of Italian ancestry arrested for curfew, contraband, or other violations *

Name

36 Bianconi, Louis Lawrence
37 Bianuri, Jane Giacoratti
38 Biggio, Adolph Stephen
39 Bobbio, Angelo
40 Boloney, Antonio
41 Bomarito, Mike
42 Bonata, Uldrico
43 Bonato, Virginio
44 Bonazzola, Erminio
45 Bongi, Enrico Guiseppi
46 Bordini, Michael Angelo
47 Borzini, Carlo
48 Bosa, Valentino
49 Bottalla, Anthony Rosario
50 Bressoini, Pete
51 Brondino, Emilio
52 Bruno, Agatino
53 Burgo, Pietro
54 Caglieri, Stefano
55 Caiati, Alberto Carlo
56 Calacino, Tony
57 Calati, Alberto
58 Campostrini, Enrico
59 Candela, Carlo
60 Cannata, Raffaele Louigi
61 Carbone, Antonio Francisco
62 Cardella, Francisco
63 Cardoza, Josephine F
64 Carminati, Giacomo Baptiste
65 Carpino, Robert
66 Caruso, Paul
67 Casagrande, Charles
68 Casazza, Angelo
69 Castaldi, Salvatore
70 Cavenaghi, Angelo Doveri

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<table>
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Name

211 Grasso, Liacomo
212 Gregori, Aurelio
213 Gugliemino, Pietro
214 Guidi, Samuel Moses
215 Guisti, Antone
216 Iacobellis, Rocco
217 Imperia, Guido
218 Incantro, Filadelfo
219 Justi, Antone F.
220 La Cenere, Victorio
221 Lafarciola, Librada B
222 Lapergola, Rocco
223 Larron, Clyde Evers
224 Lary, Vincent
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227 Lavagnino, Joseph
228 Lavagnino, Rocco
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230 Leffa, Vittoriano
231 Leonardi, Giuseppe
232 Leonardo, Carlo
233 Lepori, Augusto Frank
234 Lina, Barbara Lene
235 Lippi, Leopoldo
236 Lisanti, Domenico
237 Locati, Eligio
238 Lombardo, John
239 Lopreste, Joe
240 Lorenzi, Salvatore
241 Lori, Ray
242 Lotti, Egidio
243 Loui, Salvatore Poppa
244 Loureta, George
245 Lucchesi, Ida Matalina

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<td>Vitale, Francico</td>
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<td>Wommack, Thelma</td>
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<td>Zollezzi, Luigi Cristoforo</td>
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<tr>
<td>Zomer, Francesco</td>
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<tr>
<td>Zuffi, Domenick</td>
</tr>
</tbody>
</table>

* Since complete records were not available from all jurisdictions, there may be persons of Italian ancestry who were arrested for curfew, contraband, or other violations who do not appear on this list.

** Except for this person who was arrested between December 7, 1941 and February 18, 1942; the remaining individuals were arrested on or after February 19, 1942.

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Appendix G
**Section 3(7) - A list of ports from which fishermen of Italian ancestry were restricted**

<table>
<thead>
<tr>
<th>Naval District</th>
<th>Port</th>
</tr>
</thead>
</table>
| 1st Naval District | Boston, Massachusetts  
|                 | Gloucester, Massachusetts  
|                 | Portsmouth, New Hampshire  
|                 | Newport, Rhode Island  |
| 3rd Naval District | New Haven, Connecticut  
|                 | New London, Connecticut  
|                 | New York, New York  |
| 4th Naval District | Wilmington, Delaware  
|                 | Philadelphia, Pennsylvania  |
| 5th Naval District | Washington, District Of Columbia  
|                 | Annapolis, Maryland  
|                 | Baltimore, Maryland  
|                 | Norfolk, Virginia  
|                 | Portsmouth, Virginia  |
| 6th Naval District | Savannah, Georgia  
|                 | Wilmington, North Carolina  
|                 | Charleston, South Carolina  |
| 7th Naval District | Jacksonville, Florida  
|                 | Key West, Florida  
|                 | Miami, Florida  |
| 8th Naval District | Pensacola, Florida  
|                 | New Orleans, Louisiana  
|                 | Galveston, Texas  |
| 11th Naval District | Long Beach, California  
|                 | San Diego, California  
|                 | San Pedro, California  |
| 12th Naval District | California City, California  
|                 | Eureka, California  
|                 | Monterey, California  
|                 | Richmond, California  
|                 | San Francisco, California  |
| 13th Naval District | Bremerton, Washington  
|                 | Seattle, Washington  |

* Only the major ports within each naval district are listed, although smaller ports may have been affected. A comprehensive list of ports associated with each naval district during World War II could not be found, even after extensive research. The naval districts listed here represent the coastal districts in the contiguous United States; other districts, such as the 9th, 10th, and 14th districts, were either non-contiguous or interior districts. A 2nd Naval District did not exist.
Appendix H
Section 3(8) – The names of fishermen of Italian ancestry who were prevented from fishing in prohibited zones

All enemy aliens who were fishermen experienced restrictions upon fishing, and all fishing vessels were restricted from certain areas at certain times in the various naval districts


This list was compiled by the U.S. Department of Justice after extensive review of historical records (see Appendix M), personal interviews, and other sources (see Appendix N). The list may include names more than once where source material captured the identity of individuals differently, and may fail to identify individuals whose names were not contained within the memoranda and reports reviewed. Consequently, this list, while representing the most accurate and thorough accounting possible, should be regarded in that light.
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<table>
<thead>
<tr>
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<tbody>
<tr>
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<td>37 Billanti, Carmello</td>
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<td>38 Bomarito, Mike</td>
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<td>45 Bruno, Raoul</td>
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<td>56 Cardinale, Vince</td>
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<td>57 Cardinalli, Joe</td>
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<td>64 Cefalu, Vince</td>
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<table>
<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>65 Cerrito, Frank</td>
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<td>102 Cutino, Gaetano</td>
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<td>103 Cutino, John</td>
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<tr>
<td>104 Cutino, Orazio</td>
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<td>105 Cutino, Paul</td>
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<td>108 Damato, Nick</td>
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<td>109 Davi, James</td>
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<td>110 Davi, Neno</td>
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<td>111 Davi, Tony</td>
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<td>112 Davigo, Sal</td>
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<td>113 Davigo, Santo</td>
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<td>116 Depaolo, John</td>
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<td>117 Depolo, James</td>
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<td>118 Develahovich, John</td>
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<td>125 Durio, V.</td>
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| Name               | 129 Enea, Sal  
|--------------------|----------------|  
| Name               | 130 Fantos, F.  
|--------------------|----------------|  
| Name               | 131 Ferrante, Frank  
|--------------------|----------------|  
| Name               | 132 Ferrante, Sal  
|--------------------|----------------|  
| Name               | 133 Ferrante, Joe  
|--------------------|----------------|  
| Name               | 134 Ficaro, Leo  
|--------------------|----------------|  
| Name               | 135 Firicano, Frank  
|--------------------|----------------|  
| Name               | 136 Flores, Frank  
|--------------------|----------------|  
| Name               | 137 Francisco, Alexandre  
|--------------------|----------------|  
| Name               | 138 Frontero, John  
|--------------------|----------------|  
| Name               | 139 Frontiero, Gerome Tony  
|--------------------|----------------|  
| Name               | 140 Frontiero, Paul Scola  
|--------------------|----------------|  
| Name               | 141 Frontiero, Sebastiano  
|--------------------|----------------|  
| Name               | 142 Furriel, John Umberto  
|--------------------|----------------|  
| Name               | 143 Galardi, Anthony  
|--------------------|----------------|  
| Name               | 144 Galardi, Gus  
|--------------------|----------------|  
| Name               | 145 Galardi, Joseph  
|--------------------|----------------|  
| Name               | 146 Galardi, Michael  
|--------------------|----------------|  
| Name               | 147 Garcia, Tony  
|--------------------|----------------|  
| Name               | 148 Gargas, Steve  
|--------------------|----------------|  
| Name               | 149 Gaspar, Chris  
|--------------------|----------------|  
| Name               | 150 Genovese, Sal  
|--------------------|----------------|  
| Name               | 151 Ghio, Stefano  
|--------------------|----------------|  
| Name               | 152 Giacolone, Joseph  
|--------------------|----------------|  
| Name               | 153 Giamona, Joe  
|--------------------|----------------|  
| Name               | 154 Gondolfa, J.  
|--------------------|----------------|  
| Name               | 155 Gondolfo, Frank D  
|--------------------|----------------|  
| Name               | 156 Goulart, Manuel J  
|--------------------|----------------|  
| Name               | 157 Gradis, John  
|--------------------|----------------|  
| Name               | 158 Graffeo, Paul  
|--------------------|----------------|  
| Name               | 159 Grammatico, Joe  
|--------------------|----------------|  
| Name               | 160 Grillo, Pietro  

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<tr>
<th>Name</th>
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<td>255 Russo, Anthony</td>
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<td>Scardina, Santo</td>
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<tr>
<td>Scola, Antonio</td>
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<td>Scola, Jerome</td>
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<td>Scola, Joseph</td>
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<tr>
<td>Scola, Joseph</td>
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<td>Scola, Michael</td>
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<td>Scola, Paul</td>
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<td>Scola, Peter</td>
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<td>Scola, Sebastian</td>
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<tr>
<td>Serca, Unknown</td>
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<td>Sinagra, Joseph</td>
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<td>Sinagra, Michael</td>
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<td>Soglinzzo, Luiggi</td>
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<td>Sollazo, Frank</td>
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<td>Sollecito, Antonio</td>
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<tr>
<td>Sollecito, Vince</td>
</tr>
<tr>
<td>Souza, G.</td>
</tr>
<tr>
<td>Spadaro, Frank</td>
</tr>
</tbody>
</table>

This list was compiled by the U.S. Department of Justice after extensive review of historical records (see Appendix M), personal interviews, and other sources (see Appendix N). The list may include names more than once where source material captured the identity of individuals differently, and may fail to identify individuals whose names were not contained within the memoranda and reports reviewed. Consequently, this list, while representing the most accurate and thorough accounting possible, should be regarded in that light.
Section 3(8) - The names of fishermen of Italian ancestry who were prevented from fishing in prohibited zones

All enemy aliens who were fishermen experienced restrictions upon fishing, and all fishing vessels were restricted from certain areas at certain times in the various naval districts.

<table>
<thead>
<tr>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>289 Spadaro, Joe</td>
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<tr>
<td>290 Spadaro, Paul</td>
</tr>
<tr>
<td>291 Spadero, J.G.</td>
</tr>
<tr>
<td>292 Spardo, John</td>
</tr>
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<td>293 Spataro, John</td>
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<tr>
<td>294 Spinale, Antonio</td>
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<td>295 Spinale, Dominic</td>
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<td>296 Spinale, Frank</td>
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<td>297 Spinale, Joseph</td>
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<tr>
<td>298 Stagnaro, Giacomo</td>
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<td>299 Stellato, Johnnie</td>
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<tr>
<td>300 Taormina, Ignacio</td>
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<tr>
<td>301 Tardio, Frank</td>
</tr>
<tr>
<td>302 Toponci, H.E.</td>
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<td>303 Toriani, A.</td>
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<td>304 Torrente, Mariano</td>
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<td>305 Trezza, Ratzi</td>
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<td>306 Trezza, Unknown</td>
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<td>307 Tringali, S.</td>
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<td>308 Tringali, Salvatore</td>
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<td>309 Trutanich, Martin</td>
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<tr>
<td>311 Ventimiglia, Leonard</td>
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<tr>
<td>312 Ventimiglia, Sal</td>
</tr>
<tr>
<td>313 Vidovich, Andrew</td>
</tr>
<tr>
<td>314 Westo, E.J.</td>
</tr>
<tr>
<td>315 Zolezzi, Fortunado</td>
</tr>
</tbody>
</table>

This list was compiled by the U.S. Department of Justice after extensive review of historical records (see Appendix M), personal interviews, and other sources (see Appendix N). The list may include names more than once where source material captured the identity of individuals differently, and may fail to identify individuals whose names were not contained within the memoranda and reports reviewed. Consequently, this list, while representing the most accurate and thorough accounting possible, should be regarded in that light.
Appendix I
Section 3 (9) – The Names of Fishermen of Italian Ancestry Whose Boats were Confiscated

The following names, compiled by the U.S. Department of Justice after extensive review of historical records, personal interviews, and other sources, are persons of Italian ancestry whose fishing vessels were impounded for repeated incursions into restricted waters. These names were derived from a memorandum from the Commanding Officer, U.S. Naval Net Depot, Tiburon, California, to the Commandant, 12th Naval District (March 3, 1942). While similar memoranda may exist concerning additional vessels, our research revealed that the acquisition of fishing vessels was overwhelmingly through formal charter or purchase, as opposed to confiscation (see Section II. D. 2 of this report).

1 Balistrieri, Mario
2 Pizzo, Philip
Appendix J
Section 3(10) – The names of railroad workers of Italian ancestry prevented from working in prohibited zones

<table>
<thead>
<tr>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Alamia, Pietro</td>
</tr>
<tr>
<td>2 Chidicamo, Augustine</td>
</tr>
<tr>
<td>3 Marabella, Ralph</td>
</tr>
<tr>
<td>4 Markatallo, Vito</td>
</tr>
<tr>
<td>5 Unnamed *</td>
</tr>
<tr>
<td>6 Unnamed *</td>
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<tr>
<td>7 Unnamed *</td>
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<tr>
<td>8 Unnamed *</td>
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<tr>
<td>9 Unnamed *</td>
</tr>
<tr>
<td>10 Unnamed *</td>
</tr>
<tr>
<td>11 Unnamed *</td>
</tr>
<tr>
<td>12 Unnamed *</td>
</tr>
</tbody>
</table>

* Letter from R.J. Beem, to Mr. Jackling, Chief Executive Officer of Nevada Consolidated Copper (Dec. 12, 1941) indicating that six Italian aliens were removed from service; and a mailgram from C.A. Veale, to J.G. Torian (Feb. 18, 1942) (Southern Pacific Transportation Company) indicating that two Italian aliens were removed from service.

This list was compiled by the U.S. Department of Justice after extensive review of historical records (see Appendix M), personal interviews, and other sources (see Appendix N). The list may include names more than once where source material captured the identity of individuals differently, and may fail to identify individuals whose names were not contained within the memoranda and reports reviewed. Consequently, this list, while representing the most accurate and thorough accounting possible, should be regarded in that light.
Appendix K
Section 3 (11) A List of Wartime Restrictions on Persons of Italian Ancestry as a Result of Executive Order No. 9066

Subsection 11 of Section 3 of the Act requires that this report provide a list of wartime restrictions on persons of Italian ancestry as a result of Executive Order 9066. As more fully discussed in the text, although Executive Order 9066 was not issued until February 19, 1942, federal actions affecting persons of Italian ancestry had occurred since December 7, 1941. Actions affecting persons of Italian ancestry prior to February 19, 1942 were based on other federal laws and regulations, including Presidential Proclamation 2527 and the regulations issued thereunder. For example, pursuant to Presidential Proclamation 2527, aliens of Italian ancestry were detained and a few hundred were subsequently interned.

Many of the restrictions imposed in December 1941 and early 1942 were incorporated by reference into the military proclamations issued in March 1942, pursuant to Executive Order 9066. Those restrictions are listed here with an explanation that such restrictions had been imposed before Executive Order 9066 went into effect.

1. Individual Exclusion Hearings without Benefit of Counsel

Although enemy aliens of Italian ancestry were subject to apprehension and internment without a trial, aliens were provided a hearing before the Exclusion Hearing Board. Aliens were allowed to have a friend, relative, or other advisor, including an attorney, present at the hearing. The attorney was allowed to testify as a witness, but the attorney was not allowed to cross-examine other witnesses or to present argument before the Board.

2. Travel Restrictions

Restrictions imposed on enemy aliens of Italian ancestry limited the distances they were allowed to travel. During the day, aliens were required to be at their place of residence or employment, or in transit between those two places, or within five miles from their place of residence.

These travel restrictions began on December 8, 1941 with the issuance of Presidential Proclamation 2527. Similar travel restrictions were included in the Western Defense Command, Public Proclamation No. 3, issued on March 24, 1942, under the authority of Executive Order 9066.
3. Curfew Restrictions

Restrictions imposed on enemy aliens of Italian ancestry limited the evening hours they were allowed to be away from their residences. Resident aliens were forbidden from being outdoors between the hours of 8 p.m. and 6 a.m.

Presidential Proclamation 2527, issued on December 8, 1941, delegated authority to the Attorney General to establish various restrictions, including curfews, for persons of Italian ancestry. Similar curfew restrictions contained in the Western Defense Command’s Public Proclamation No. 3 were issued on March 24, 1942, under the authority of Executive Order 9066.

4. Enemy Alien Registration Requirements

Enemy aliens of Italian ancestry were required to file change of address notices and change of employment forms when they moved or changed jobs.

These registration requirements began on December 8, 1941, with the issuance of Presidential Proclamation 2527. The change of address requirement was included in the Western Defense Command, Public Proclamation No. 1, issued on March 2, 1942 and in Proclamation No. 2, on March 16, 1942, under the authority of Executive Order 9066.

5. Employment Restrictions

Employment restrictions against aliens were widespread both before and during the war. Such restrictions were imposed on employment related to secret, confidential, or restricted government contracts or aircraft contracts where permission of the Army and Navy was required. Alien fishermen were subject to restrictions on where and when they could fish, while alien railroad workers may have been removed from work or transferred to other positions or locations where the curfew and travel restrictions were not in effect.

Travel restrictions began on December 8, 1941, with the issuance of Presidential Proclamation 2527. These restrictions were included in the Western Defense Command’s Public Proclamation No. 3 issued on March 24, 1942, under the authority of Executive Order No. 9066. Other employment restrictions for military areas began with regulations issued by the Attorney General in January 1941, establishing areas in which enemy aliens of Italian ancestry were restricted. Similar prohibited and restricted areas were continued by Public Proclamation No. 1, issued on March 2, 1942, under the authority of Executive Order 9066.
6. Forced Evacuation from Homes

Persons of Italian ancestry were forced to temporarily evacuate their homes if they came within certain designated military zones, particularly along the West Coast. If a mother or father was an alien and the rest of the family had United States citizenship, either the individual alien left the family behind or the family, as a whole, relocated outside the exclusion area.

Presidential Proclamation 2527, issued on December 8, 1941, delegated authority to the Attorney General to establish such military areas to exclude or restrict persons. Pursuant to that authority, the Attorney General issued regulations in January 1941 that established prohibited areas for enemy aliens of Italian ancestry and required their evacuation in February 1942. This designation of restricted areas was continued by Public Proclamation No. 1, issued on March 2, 1942, under the authority of Executive Order 9066.
Appendix L
Appendix L.1

Executive Order No. 9066, 7 Fed. Reg. 1407 (February 25, 1942)
EXECUTIVE ORDER No. 9066

AUTHORIZING THE SECRETARY OF WAR TO
PRESCRIBE MILITARY AREAS

Whereas the successful prosecution of the war requires every possible protection against espionage and against sabotage to national-defense material, national-defense premises, and national-defense utilities as defined in Section 4, Act of April 20, 1918, 40 Stat. 533, as amended by the Act of November 30, 1940, 54 Stat. 1220, and the Act of August 21, 1941, 55 Stat. 655 (U. S. C., Title 50, Sec. 104):

Now, Therefore, by virtue of the authority vested in me as President of the United States, and Commander in Chief of the Army and Navy, I hereby authorize and direct the Secretary of War, and the Military Commanders whom he may from time to time designate, whenever he or any designated Commander deems such action necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate Military Commander may determine, from which any or all persons may be excluded, and with respect to which, the right of any persons to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate Military Commander may impose in his discretion. The Secretary of War is hereby authorized to provide for residents of any such area who are excluded therefrom, such transportation, food, shelter, and other accommodations as may be necessary, in the judgment of the Secretary of War or the said Military Commander, and until other arrangements are made, to accomplish the purpose of this order. The designation of military areas in any region or locality shall supersede designations of prohibited and restricted areas by the Attorney General under the Proclamations of December 7 and 8, 1941, and shall supersede the responsibility and authority of the Attorney General under the said Proclamations in respect of such prohibited and restricted areas.

I hereby further authorize and direct the Secretary of War and the said Military Commanders to take such other steps as he or the appropriate Military Commander may deem advisable to enforce compliance with the restrictions applicable to each Military area hereabove authorized to be designated, including the use of
Federal troops and other Federal Agencies, with authority to accept assistance of state and local agencies.

I hereby further authorize and direct all Executive Departments, independent establishments and other Federal Agencies, to assist the Secretary of War or the said Military Commanders in carrying out this Executive Order, including the furnishing of medical aid, hospitalization, food, clothing, transportation, use of land, shelter, and other supplies, equipment, utilities, facilities, and services.

This order shall not be construed as modifying or limiting in any way the authority heretofore granted under Executive Order No. 8972, dated December 12, 1941, nor shall it be construed as limiting or modifying the duty and responsibility of the Federal Bureau of Investigations, with respect to the investigation of alleged acts of sabotage or the duty and responsibility of the Attorney General and the Department of Justice under the Proclamations of December 7 and 8, 1941, prescribing regulations for the conduct and control of alien enemies, except as such duty and responsibility is superseded by the designation of military areas hereunder.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE
February 19, 1942
Appendix L.2

Act of March 21, 1942, ch. 191, 56 Stat. 173 (Public Law 503)
[CHAPTER 191]

AN ACT

To provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, leaving, or committing any act in military areas or zones.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever shall enter, remain in, leave, or commit any act in any military area or military zone prescribed, under the authority of an Executive order of the President, by the Secretary of War, or by any military commander designated by the Secretary of War, contrary to the restrictions applicable to any such area or zone or contrary to the order of the Secretary of War or any such military commander, shall, if it appears that he knew or should have known of the existence and extent of the restrictions or order and that his act was in violation thereof, be guilty of a misdemeanor and upon conviction shall be liable to a fine of not to exceed $5,000 or to imprisonment for not more than one year, or both, for each offense.

Approved, March 21, 1942.
Appendix L.3

Presidential Proclamation No. 2525, 6 Fed. Reg. 6321, 55 Stat. 1700 (December 7, 1941)
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Authority

WHEREAS it is provided by Section 21 of Title 50 of the United States Code as follows:

"Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety."

and

WHEREAS by Sections 22, 23 and 24 of Title 50 of the United States Code further provision is made relative to alien enemies:
Proclamation

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, as PRESIDENT of the United States and as Commander in Chief of the Army and Navy of the United States, do hereby make public proclamation to all whom it may concern that an invasion has been perpetrated upon the territory of the United States by the Empire of Japan.

Conduct To Be Observed by Alien Enemies

And, acting under and by virtue of the authority vested in me by the Constitution of the United States and the said sections of the United States Code, I do hereby further proclaim and direct that the conduct to be observed on the part of the United States toward all natives, citizens, citizens, denizens or subjects of the Empire of Japan being of the age of fourteen years and upwards who shall be within the United States or within any territories in any way subject to the jurisdiction of the United States and not actually naturalized, who for the purpose of this Proclamation and under such sections of the United States Code are termed alien enemies, shall be as follows:

All alien enemies are enjoined to preserve the peace towards the United States and to refrain from crime against the public safety, and from violating the laws of the United States and of the States and Territories thereof; and to refrain from actual hostility or giving information, aid or comfort to the enemy of the United States or interfering by word or deed with the defense of the United States or the political processes and public opinions thereof; and to comply strictly with the regulations which are hereby or which may be from time to time promulgated by the President.

All alien enemies shall be liable to restraint, or to give security, or to remove and depart from the United States in the manner prescribed by Sections 23 and 24 of Title 30 of the United States Code, and as prescribed in the regulations duly promulgated by the President.

Duties and Authority of the Attorney General and the Secretary of War

And, pursuant to the authority vested in me, I hereby charge the Attorney General with the duty of executing all the regulations hereinafter contained regarding the conduct of alien enemies within continental United States, Puerto Rico, the Virgin Islands and Alaska, and the Secretary of War with the duty of executing the regulations which are hereinafter set forth and which may be hereafter adopted regarding the conduct of alien enemies in the Canal Zone, the Hawaiian Islands and the Philippine Islands. Each of them is specifically directed to cause the apprehension of such alien enemies as are subject to apprehension or deportation under such regulations. In carrying out such regulations within the continental United States, Puerto Rico, the Virgin Islands and Alaska, the Attorney General is authorized to utilize such agents, agencies, officers and departments of the United States and of the several states, territories, dependencies and municipalities thereof and of the District of Columbia as he may select for the purpose. Similarly the Secretary of War in carrying out such regulations in the Canal Zone, the Hawaiian Islands and the Philippine Islands is authorized to use such agents, agencies, officers and departments of
the United States and of the territories, dependencies and municipalities thereof as he may select for the purpose. All such agents, agencies, officers and departments are hereby granted full authority for all acts done by them in the execution of such regulations when acting by direction of the Attorney General or the Secretary of War, as the case may be.

Regulations

And, pursuant to the authority vested in me, I hereby declare and establish the following regulations which I find necessary in the premises and for the public safety:

(1) No alien enemy shall enter or be found within the Canal Zone and no alien enemy shall enter or leave the Hawaiian Islands or the Philippine Islands except under such regulations as the Secretary of War shall from time to time prescribe. Any alien enemy found in the Canal Zone, the Hawaiian Islands, or the Philippine Islands in violation of any such regulations and any alien enemy who enters or is found within any restricted area to be hereafter prescribed by the Military Commanders of such territory in the Canal Zone, the Hawaiian Islands, and the Philippine Islands, may be immediately apprehended by authority of the Military Governors in each such territory, or if there be no Military Governor, then by authority of the Secretary of War, and detained until it is determined, under the regulations to be prescribed by the Secretary of War, whether any such alien enemy should be permanently interned following which such alien enemy shall either be released, released on bond, or permanently interned, as the case may be.

(2) The exercise of the power to prescribe restricted areas and the power of arrest, detention and internment of alien enemies in the Canal Zone, the Hawaiian Islands or the Philippine Islands shall be under the jurisdiction of the Military Commanders of each such territory, each acting under such regulations as the Secretary of War shall hereafter prescribe.

(3) No alien enemy shall enter or leave Alaska, Puerto Rico or the Virgin Islands except under such regulations as the Attorney General shall from time to time prescribe. Any alien enemy found in Alaska, Puerto Rico or the Virgin Islands in violation of any such regulations and any alien enemy who enters or is found within any restricted area to be hereafter prescribed by the Military Commanders of each such territory in Alaska, Puerto Rico and by the Naval Commander in the Virgin Islands, shall be immediately apprehended by the authority of the Attorney General acting through the United States Attorney in such such territory and detained until it is determined, under the regulations to be prescribed by the Attorney General, whether any such alien enemy shall either be released, released on bond, or permanently interned, as the case may be.

(4) The Military Commanders in Alaska and Puerto Rico and the Naval Commander in the Virgin Islands shall have the power to prescribe restricted areas.
(5) No alien enemy shall have in his possession, custody or control at any time or place or use or operate any of the following enumerated articles:

a. Firearms.
b. Weapons or implements of war or component parts thereof.
c. Ammunition.
d. Bombs.
e. Explosives or material used in the manufacture of explosives.
f. Short-wave radio receiving sets.
g. Transmitting sets.
h. Signal devices.
i. Codes or ciphers.
j. Cameras.
k. Papers, documents or books in which there may be invisible writing; photograph, sketch, picture, drawing, map or graphical representation of any military or naval installations or equipment or of any arms, ammunition, implements of war, device or thing used or intended to be used in the combat equipment of the land or naval forces of the United States or of any military or naval post, camp or station.

All such property found in the possession of any alien enemy in violation of the foregoing regulations shall be subject to seizure and forfeiture.

(6) No alien enemy shall undertake any air flight or ascend into the air in any airplane, aircraft or balloon of any sort whether owned governmentally, commercially or privately, except that travel by an alien enemy in an airplane or aircraft may be authorized by the Attorney General or his representative, or the Secretary of War, or his representative, in their respective jurisdictions under such regulations as they shall prescribe.

(7) Alien enemies deemed dangerous to the public peace or safety of the United States by the Attorney General or the Secretary of War, as the case may be, are subject to summary apprehension. Such apprehension shall be made in the continental United States, Alaska, Puerto Rico and the Virgin Islands by the duly authorized officer of the Department of Justice as the Attorney General may determine. In the Canal Zone, the Hawaiian Islands and the Philippine Islands, such arrests shall be made by the Military Commanders in such territory by authority of the respective Military Governors thereof, and if there be no Military Governor, then by authority of the Secretary of War. Alien enemies arrested shall be subject to confinement in such place of detention as may be directed by the officers responsible for the execution of these regulations and for the arrest, detention and internment of alien enemies in each case, or in such other places of detention as may be directed from time to time by the Attorney General, with respect to continental
United States, Alaska, Puerto Rico and the Virgin Islands, and by the Secretary of War with respect to the Canal Zone, the Hawaiian Islands and the Philippine Islands, and there confined until he shall have received such permit as the Attorney General or the Secretary of War with respect to the Canal Zone, the Hawaiian Islands and the Philippine Islands shall prescribe.

(3) No alien enemy shall land in, enter or leave except the United States, except under the regulations prescribed by the President in his Proclamation dated November 14, 1941, and the regulations promulgated thereunder or any proclamation or regulation promulgated hereafter.

(9) Whenever the Attorney General of the United States, with respect to the continental United States, Alaska, Puerto Rico and the Virgin Islands, or the Secretary of War, with respect to the Canal Zone, the Hawaiian Islands, and the Philippine Islands, deems it to be necessary, for the public safety and protection, to exclude alien enemies from a designated area, surrounding any fort, camp, arsenal, airport, landing field, aircraft station, electric or other power plant, hydroelectric dam, government naval vessel, navy yard, pier, dock, dry dock, or any factory, foundry, warehouse, storage yard, or warehouse for the manufacture or munitions or implements of war or any kind, nature or description for the use of the Army, the Navy or any country allied or associated with the United States, or in any wise connected with the national defense of the United States, or from any locality in which residence by an alien enemy shall be found to constitute a danger to the public peace or safety of the United States or from a designated area surrounding any canal or any wharf, pier, dock or dry dock used by ships or vessels of any designated country engaged in foreign or domestic trade, or of any warehouse, shed, elevator, railroad terminal, depot or yard or other terminal, storage or transfer facility, then no alien enemy shall be found within such area or the immediate vicinity thereof. Any alien enemy found within any such area or the immediate vicinity thereof prescribed by the Attorney General or the Secretary of War, as the case may be, pursuant to these regulations, shall be subject to summary apprehension and to be dealt with as hereinabove prescribed.

(10) With respect to the continental United States, Alaska, Puerto Rico, and the Virgin Islands, an alien enemy shall not change his place of abode or occupation or otherwise travel or move from place to place without full compliance with any such regulations as the Attorney General of the United States may from time to time make and declare; and the Attorney General is hereby authorized to make and declare, from time to time, such regulations concerning the movements of alien enemies within the continental United States, Alaska, Puerto Rico and the Virgin Islands, as he may deem necessary in the premises and for the public safety.

(11) With respect to the Canal Zone, the Hawaiian Islands and the Philippine Islands, an alien enemy shall not change his place of abode or occupation or otherwise travel or move from place to place without full compliance with any such regulations as the Secretary of War may from time to time make and declare; and the Secretary of War is hereby
authorized to make and declare, from time to time, such
regulations concerning the movements of alien enemies
within the Canal Zone, the Hawaiian Islands, and the
Philippine Islands as he may deem necessary in the premises
and for the public safety.

(12) No alien enemy shall enter or be found in or upon any
highway, waterway, airway, railroad, subway, public utility, building, place or thing not open and accessible
to the public generally, and not generally used by the public.

(13) No alien enemy shall be a member or an officer of, or
affiliated with, any organization, group or assembly hereafter
designated by the Attorney General, nor shall any alien
deny advocate, defend or subscribe to the acts, principles
or policies thereof, attend any meetings, conventions or
gatherings thereof or possess or distribute any literature,
propaganda or other writings or productions thereof.

This proclamation and the regulations herein contained shall extend
and apply to all land and water, continental or insular, in any way
within the jurisdiction of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and
caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 7th day of December, in the
year of our Lord nineteen hundred and forty-one, and of the
Independence of the United States of America the one
hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.
Appendix L.4

Presidential Proclamation No. 2526, 6 Fed. Reg. 6323, 55 Stat. 1705 (December 8, 1941)
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION

WHEREAS it is provided by section 21 of title 50 of the United States Code as follows:

"Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety."
AND WHEREAS by sections 23, 24 and 25 of title 50 of the United States Code further provision is made relative to alien enemies:

Proclamation.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, as President of the United States and as Commander in Chief of the Army and Navy of the United States, do hereby make public proclamation to all whom it may concern that an invasion or predatory incursion is threatened upon the territory of the United States by Germany.

Conduct To Be Observed by Alien Enemies

And, acting under and by virtue of the authority vested in me by the Constitution of the United States and the said sections of the United States Code, I do hereby further proclaim and direct that the conduct to be observed on the part of the United States toward all natives, citizens, denizens or subjects of Germany being of the age of fourteen years and upwards who shall be within the United States or within any territories in any way subject to the jurisdiction of the United States and not actually naturalized, who for the purpose of this Proclamation and under such sections of the United States Code are termed alien enemies, shall be as follows:

All alien enemies are enjoined to preserve the peace towards the United States and to refrain from crime against the public safety, and from violating the laws of the United States and of the States and Territories thereof; and to refrain from actual hostility or giving information, aid or comfort to the enemies of the United States or interfering by word or deed with the defense of the United States or the political processes and public opinions thereof; and to comply strictly with the regulations which are hereby or which may be from time to time promulgated by the President.

All alien enemies shall be liable to restraint or to give security, or to remove and depart from the United States in the manner prescribed by sections 23 and 24 of title 50 of the United States Code, and as prescribed in the regulations duly promulgated by the President.

Duties and Authority of the Attorney General and the Secretary of War

And, pursuant to the authority vested in me, I hereby charge the Attorney General with the duty of executing all the regulations hereinafter prescribed regarding the conduct of alien enemies within continental United States. Puerto Rico, the Virgin Islands and Alaska, and the Secretary of War with the duty of executing the regulations which are hereinafter prescribed and which may be hereafter adopted regarding the conduct of alien enemies in the Canal Zone, the Hawaiian Islands and the Philippine Islands. Each of them is specifically directed to cause the apprehension of such alien enemies as in the judgment of each are subject to apprehension or deportation under such regulations. In carrying out such regulations within the continental United States, Puerto Rico, the Virgin Islands and Alaska, the Attorney General is authorized to utilize such agents, agencies, officers and departments of the United States and of the several States, territories, dependencies and municipalities thereof and of the District of Columbia as he may select for the purpose. Similarly the Secretary of War in carrying out such regulations in the Canal Zone, the Hawaiian Islands and the Philippine Islands is authorized to use such agents, agencies, officers and departments of the United
States and of the territories, dependencies and municipalities thereof as he may select for the purpose. All such agents, agencies, officers and departments are hereby granted full authority for all acts done by them in the execution of such regulations when acting by direction of the Attorney General or the Secretary of War, as the case may be.

Regulations

The regulations contained in Proclamation No. 2525 of December 7, 1941, relative to natives, citizens, denizens or subjects of Japan are hereby incorporated in and made a part of this proclamation, and shall be applicable to alien enemies defined in this proclamation.

This proclamation and the regulations herein prescribed shall extend and apply to all land and water, continental or insular, in any way within the jurisdiction of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 8th day of December, in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:

Cordell Hull
Secretary of State.
Appendix L.5

Presidential Proclamation No. 2527, 6 Fed. Reg. 6324, 55 Stat. 1707 (December 8, 1941)
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Authority

WHEREAS it is provided by Section 31 of Title 50 of the United States Code as follows:

"Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject; and in what cases and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety."

AND WHEREAS by Sections 22, 23 and 24 of Title 50 of the United States Code further provision is made relative to alien enemies:
Proclamation

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, as President of the United States and as Commander-in-Chief of the Army and Navy of the United States, do hereby make public proclamation to all whom it may concern that an invasion or predatory incursion is threatened upon the territory of the United States by Italy.

Conduct To Be Observed by Alien Enemies

And, acting under and by virtue of the authority vested in me by the Constitution of the United States and the said sections of the United States Code, I do hereby further proclaim and direct that the conduct to be observed on the part of the United States toward all natives, citizens, denizens or subjects of Italy being of the age of fourteen years and upwards who shall be within the United States or within any territories in any way subject to the jurisdiction of the United States and not actually naturalized, who for the purpose of this Proclamation and under such sections of the United States Code are termed alien enemies, shall be as follows:

All alien enemies are enjoined to preserve the peace towards the United States and to refrain from crimes against the public safety, and from violating the laws of the United States and of the States and Territories thereof, and to refrain from actual hostility or giving information, aid or comfort to the enemies of the United States or interfering by word or deed with the defense of the United States or the political processes and public opinions thereof; and to comply strictly with the regulations which are hereby or which may be from time to time promulgated by the President.

All alien enemies shall be liable to restraint, or to give security, or to remove and depart from the United States in the manner prescribed by Sections 23 and 24 of Title 50 of the United States Code, and as prescribed in the regulations duly promulgated by the President.

Duties and Authority of the Attorney General and the Secretary of War

And, pursuant to the authority vested in me, I hereby charge the Attorney General with the duty of executing all the regulations hereinafter prescribed regarding the conduct of alien enemies within continental United States, Puerto Rico, the Virgin Islands and Alaska, and the Secretary of War with the duty of executing the regulations which are hereinafter prescribed and which may be hereafter adopted regarding the conduct of alien enemies in the Canal Zone, the Hawaiian Islands and the Philippine Islands. Each of them is specifically directed to cause the apprehension of such alien enemies as in the judgment of each are subject to apprehension or deportation under such regulations. In carrying out such regulations within the continental United States, Puerto Rico, the Virgin Islands and Alaska, the Attorney General is authorized to utilize such agents, agencies, officers and departments of the United States and of the several states, territories, dependencies and municipalities thereof and of the District of Columbia as he may select for the purpose. Similarly the Secretary of War in carrying out such regulations in the Canal Zone, the Hawaiian Islands and the Philippine Islands is authorized to use such agents, agencies, officers and departments of the United States and of the territories, dependencies and municipalities thereof as he may select for the purpose. All such agents, agencies, officers and departments are hereby granted full authority for all acts done by
them in the execution of such regulations when acting by direction of the Attorney General or the Secretary of War, as the case may be.

Regulations

The regulations contained in Proclamation No. 2525 of December 7, 1941, relative to natives, citizens, denizens or subjects of Japan are hereby incorporated in and made a part of this proclamation, and shall be applicable to alien enemies defined in this proclamation.

This proclamation and the regulations herein prescribed shall extend and apply to all land and water, continental or insular, in any way within the jurisdiction of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 3rd day of December, in the year of our Lord nineteen hundred and forty-one, and of [seal] the Independence of the United States of America the one hundred and sixty-sixth.

By the President:

FRANKLIN D ROOSEVELT

Secretary of State.
Appendix M
Names and Locations of Historical Records Reviewed

1. The National Archives at College Park
   8601 Adelphi Road
   College Park, Maryland

   Record Group 38   Office of the Chief of Naval Operations
                       Security Classified Administrative Correspondence, Chief of
                       Naval Operations
                       Office of Navy Intelligence: Records of the Intelligence
                       Branch, Correspondence & Reports, Coastal
                       Information Section
                       Office of Navy Intelligence: Alien-Owned Boats

   Record Group 60   General Records of Department of Justice
                       Index to Alien Enemy Files (NN3-60-01-061)
                       Department of Justice Administration, Closed Legal Case Files
                       (146-13-1--146-13-2-0)
                       Alien Enemy Cards
                       Department of Justice Administrative Orders, Circulars and
                       Memorandums 3650 (2/42-12/45)
                       Department of Justice World War II Files (Subversive Activities)
                       Detention
                       Closed Legal Case Files
                       Detention of alien enemies
                       Department of Justice World War II Files; Classified Subject Files
                       Travel, contraband, and curfew violations: Alien enemies
                       within the United States (146-13-3)
                       Photographic Equipment, records relating to (146-13-4)
                       Employment, records relating to (146-13-5)
                       Radio Equipment, records relating to (146-13-6)
                       Restricted Zones, records of restricted areas designated by
                       the Attorney General (146-13-7)
                       Contraband, records relating to personal possessions
                       confiscated by the United States Marshals (146-13-8)
                       Department of Justice World War II Files; Requisition of Property
                       Requisition of commercial property by the government
                       (146-23-NS)
                       Department of Justice Various Central Classified Files, 1918–1981
                       Status of Internment of Italian Civilians at Fort Meade
                       (146-13-2)
Basis for Travel and Vessel Restrictions Policy—including Circular 3295 (146-54)
Correspondence of Francis Biddle

Record Group 65  Records of the Federal Bureau of Investigation
World War II Federal Bureau of Investigation
Headquarter’s Files

Record Group 107  Office of the Secretary of War
Formerly Security Classified Correspondence of
John J. McCloy
General Correspondence of John J. McCloy 1941-1945
General Correspondence, Assistant to the Secretary,
Goldwaite H. Dorr

Record Group 121  War Relocation Authority - Institutionalized Evacuee Cards

Record Group 219  Office of Defense Transportation

Record Group 220  Records of Temporary Committees, Commissions and Boards
Commission on Wartime Relocation and Internment of
Civilians
Government correspondence and policy documents
on the treatment of enemy aliens during World War II

Record Group 338  United States Army, Western Defense Command, Civil Affairs
Division
Individual Exclusion Board, Non-Japanese Case Files
Army Commands,
Western Defense Command and 4th Army, Wartime
Civil Control Administration and Civil Affairs Division
Central Correspondence 1942 (291.1-291.2- Italian)
United States Army Commands; Individual Exclusion Board
Individual Exclusion Board and Program
Western Defense Correspondence
Eastern Defense Correspondence
Southern Defense Correspondence
Wartime Civil Correspondence
Adjunct General’s Office; Western Defense Command
Western Defense Command, Southern Defense Command
and Eastern Defense Command Correspondence
Individual Exclusion Board Correspondence 1942-45
Record Group 389  Office of the Provost Marshal General
  Alien Enemy Information Bureau, Records relating to Italian
  Civilian Internees during World War II 1941-1946
  Italians in United States custody
  Correspondence Relating to the Maintenance of Internal
  Security
  Detention Lists and Correspondence
  Civilian Alien Internee Case Files
  Internal Security Division
  Executive Division

2. National Archives and Records Administration’s
  Pacific Region (San Francisco)
  1000 Commodore Drive
  San Bruno, California

Record Group 181  Records of Naval District and Shore Establishments
  Commandant’s General Correspondence, Formerly
  Classified
  Headquarters, 12th Naval District, San Francisco
  Federal Bureau of Investigation Reports
  Records of Naval District and Shore Establishments
  12th Naval District, San Francisco
  Subgroup 58, Services 3206, Accession number:
  5-434 – FS 2, “Status of Vessels - decommissioned”
  12th Naval District, Mare Island, San Francisco
  Commandant’s Coded Administrative Records 1835-1956
  QS1 - QS1/S85-3(9); QS1-A4 -3(3)
  12th Naval District, Commanders Office, Formerly Classified
  General Correspondence 181-58-3224

3. Washington National Records Center
  4205 Suitland Road
  Suitland, Maryland

Record Group 131  Alien Property

4. National Archives and Records Administration’s
  Mid Atlantic Region (Center City)
  900 Market Street
Philadelphia, Pennsylvania

Record Group 181 Records of Naval District and Shore Establishments

5th Naval District, Norfolk (A4-1–A4.3)
Central Files - Commandant's Office 1922-1953 (A4-3)

4th Naval District, Philadelphia, Commandant's Office 1922-1953
General Correspondence Files and Reports
(Production Department)

4th Naval District, Philadelphia, Central Subject Files A4-1
(1940-1945)

4th Naval District, Philadelphia, Central Subject Files A4-3
(1945)

5. National Archives and Records Administration’s
Northeast Region (Boston)
380 Trapelo Road
Waltham, Massachusetts

Record Group 181 Naval District and Shore Establishments

Records and General Correspondence, Formerly Classified
Headquarters, First Naval District, Boston Commandant’s
Files, 1941 - 1942

Formerly Classified General Correspondence, 1943-44

Records of the Naval Districts & Shore Establishments, Port
Director, Boston: Vessel Acquisition, Inspection, and
Dispatch Files, 1940-47

Formerly Classified General Correspondence, Records of
Naval Districts & Shore Establishments

6. National Archives and Records Administration
700 Pennsylvania Avenue, N. W.
Washington, D. C.

Record Group 26 Coast Guard
General Correspondence and Reports: Legal Records
Records of the Intelligence Division
Records Relating to Port Safety and Law Enforcement

Record Group 80  Navy Department
Office of the Secretary, 1940-42
General Correspondence of the Navy Department, Office of the Secretary

Record Group 85  Immigration and Naturalization Service Records
General Camp Records/Indexes/Rosters

Record Group 248  War Shipping Administration
Records of Lewis W. Douglas
Records of Fred Searls
Records of Julius J. Rosenberg
Records Relating to Application of Ship Warrants

7. Federal Bureau of Investigation
   J. Edgar Hoover Building
   Freedom of Information Act Reading Room
   935 Pennsylvania Avenue, N. W.
   Washington, D. C.

       Custodial Detention Files: World War II

8. San Francisco Public Library
   Historical Collection, 6th Floor
   San Francisco, California

9. Immigration and Naturalization Services Library
   Historical Section
   Washington, D. C.

10. Library of Congress
    Washington, D. C.
11. Bancroft Library
   University of California at Berkeley
   Berkeley, California

12. Franklin D. Roosevelt Library
    4079 Albany Post Road
    Hyde Park, New York
Other Sources

Books and Periodicals


Fox, Stephen. “General DeWitt and the Proposed Internment of German and Italian Aliens during World War II.” *Pacific Historical Review*, 57 (November, 1988).


Scherini, Rose. “The Fascist/Anti-Fascist Struggle in San Francisco.” *New Explorations*


**Government Documents**


Press Release, 12th Naval District (July 24, 1941).


Press Release, The White House, Statement of the President (July 12, 1942).


U.S. Department of Commerce, Bureau of the Census. *Historical Statistics of the


**Law Journals**


**Legal Authorities**

**Statutes**


**Cases**

Techt v. Hughes, 229 N.Y. 222, 128 N.E. 185 (1920).

**Legislative Materials**


**Administrative and Executive Materials**

Executive Order No. 8403, 5 Fed. Reg. 1661 (May 9, 1940).

Executive Order No. 8802, 6 Fed. Reg. 3109 (June 27, 1941).

Executive Order No. 8953, 6 Fed. Reg. 6123 (December 2, 1941).

Executive Order No. 8970, 6 Fed. Reg. 6417 (December 16, 1941).

Executive Order No. 8978, 6 Fed. Reg. 6469 (December 18, 1941).


Presidential Proclamation No. 2674, 10 Fed. Reg. 14945 (December 12, 1945).

Regulations Controlling Travel and Other Conduct of Alien of Enemy Nationalities, 7 Fed. Reg. 844 (February 10, 1942).

Press Release, U.S. Department of Justice (December 26, 1941).


Press Release, U.S. Department of Justice (June 3, 1942).

**Western Defense Command Public Proclamations**

Public Proclamation No. 1, issued by the Western Defense Command on March 2, 1942.

Public Proclamation No. 2, issued by the Western Defense Command on March 16, 1942.
Public Proclamation No. 3, issued by the Western Defense Command on March 24, 1942.

Public Proclamation No. 11, issued by the Western Defense Command on August 18, 1942.

Public Proclamation No. 13, issued by the Western Defense Command on October 19, 1942.

Public Proclamation No. 24, issued by the Western Defense Command on September 4, 1945.