

108TH CONGRESS  
1ST SESSION

# H. R. 3226

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

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2003

Mr. WEXLER (for himself and Mr. HONDA) introduced the following bill;  
which was referred to the Committee on the Judiciary

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## A BILL

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

1       *Be it enacted by the Senate and House of Representa-*

2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Wartime Treatment

5       Study Act”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

4 (2) Nazi Germany persecuted and engaged in  
5 genocide against Jews and certain other groups. By  
6 the end of the war, 6,000,000 Jews had perished at  
7 the hands of Nazi Germany. United States Govern-  
8 ment policies, however, restricted entry to the  
9 United States to Jewish and other refugees who  
10 sought safety from Nazi persecution.

14 (4) The United States Government should con-  
15 duct an independent review to assess fully and ac-  
16 knowledge these actions. Congress has previously re-  
17 viewed the United States Government's wartime  
18 treatment of Japanese Americans through the Com-  
19 mission on Wartime Relocation and Internment of  
20 Civilians. An independent review of the treatment of  
21 German Americans and Italian Americans and of  
22 Jewish refugees fleeing persecution and genocide has  
23 not yet been undertaken.

24 (5) During World War II, the United States  
25 Government branded as “enemy aliens” more than

1       600,000 Italian-born and 300,000 German-born  
2       United States resident aliens and their families and  
3       required them to carry Certificates of Identification,  
4       limited their travel, and seized their personal prop-  
5       erty. At that time, these groups were the two largest  
6       foreign-born groups in the United States.

7               (6) During World War II, the United States  
8       Government arrested, interned or otherwise detained  
9       thousands of European Americans, some remaining  
10       in custody for years after cessation of World War II  
11       hostilities, and repatriated, exchanged, or deported  
12       European Americans, including American-born chil-  
13       dren, to hostile, war-torn European Axis nations,  
14       many to be exchanged for Americans held in those  
15       nations.

16               (7) Pursuant to a policy coordinated by the  
17       United States with Latin American countries, many  
18       European Latin Americans, including German and  
19       Austrian Jews, were captured, shipped to the United  
20       States and interned. Many were later expatriated,  
21       repatriated or deported to hostile, war-torn Euro-  
22       pean Axis nations during World War II, most to be  
23       exchanged for Americans and Latin Americans held  
24       in those nations.

4 (9) The wartime policies of the United States  
5 Government were devastating to the Italian Ameri-  
6 cans and German American communities, individuals  
7 and their families. The detrimental effects are still  
8 being experienced.

## 1 SEC. 3. DEFINITIONS.

2 In this Act:

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

6 (2) EUROPEAN AMERICANS.—

7 (A) IN GENERAL.—The term “European  
8 Americans” refers to United States citizens and  
9 permanent resident aliens of European ances-  
10 try, including Italian Americans, German Amer-  
11 icans, Hungarian Americans, Romanian Ameri-  
12 cans, and Bulgarian Americans.13 (B) ITALIAN AMERICANS.—The term  
14 “Italian Americans” refers to United States  
15 citizens and permanent resident aliens of  
16 Italian ancestry.17 (C) GERMAN AMERICANS.—The term  
18 “German Americans” refers to United States  
19 citizens and permanent resident aliens of Ger-  
20 man ancestry.21 (3) EUROPEAN LATIN AMERICANS.—The term  
22 “European Latin Americans” refers to persons of  
23 European ancestry, including Italian or German an-  
24 cestry, residing in a Latin American nation during  
25 World War II.

1     **TITLE I—COMMISSION ON WAR-**  
2     **TIME TREATMENT OF EURO-**  
3     **PEAN AMERICANS**

4     **SEC. 101. ESTABLISHMENT OF COMMISSION ON WARTIME**  
5                   **TREATMENT OF EUROPEAN AMERICANS.**

6         (a) **IN GENERAL.**—There is established the Commis-  
7     sion on Wartime Treatment of European Americans (re-  
8     ferred to in this title as the “European American Commis-  
9     sion”).

10         (b) **MEMBERSHIP.**—The European American Com-  
11     mission shall be composed of 7 members, who shall be ap-  
12     pointed not later than 90 days after the date of enactment  
13     of this Act as follows:

14                 (1) Three members shall be appointed by the  
15     President.

16                 (2) Two members shall be appointed by the  
17     Speaker of the House of Representatives, in con-  
18     sultation with the minority leader.

19                 (3) Two members shall be appointed by the ma-  
20     jority leader of the Senate, in consultation with the  
21     minority leader.

22         (c) **TERMS.**—The term of office for members shall be  
23     for the life of the European American Commission. A va-  
24     cancy in the European American Commission shall not af-

1 fect its powers, and shall be filled in the same manner  
2 in which the original appointment was made.

3 (d) REPRESENTATION.—The European American  
4 Commission shall include 2 members representing the in-  
5 terests of Italian Americans and 2 members representing  
6 the interests of German Americans.

7 (e) MEETINGS.—The President shall call the first  
8 meeting of the European American Commission not later  
9 than 120 days after the date of enactment of this Act.

10 (f) QUORUM.—Four members of the European Amer-  
11 ican Commission shall constitute a quorum, but a lesser  
12 number may hold hearings.

13 (g) CHAIRMAN.—The European American Commis-  
14 sion shall elect a Chairman and Vice Chairman from  
15 among its members. The term of office of each shall be  
16 for the life of the European American Commission.

17 (h) COMPENSATION.—

18 (1) IN GENERAL.—Members of the European  
19 American Commission shall serve without pay.

20 (2) REIMBURSEMENT OF EXPENSES.—All mem-  
21 bers of the European American Commission shall be  
22 reimbursed for reasonable travel and subsistence,  
23 and other reasonable and necessary expenses in-  
24 curred by them in the performance of their duties.

1   **SEC. 102. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.**

3           (a) IN GENERAL.—It shall be the duty of the European American Commission to review the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection 7 (b).

8           (b) SCOPE OF REVIEW.—The European American Commission's review shall include the following:

10           (1) A comprehensive review of the facts and circumstances surrounding United States Government actions during World War II that violated the civil liberties of European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21–24), Presidential Proclamations 2526, 2527, 2655, 2662, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders respecting the registration, arrest, exclusion, internment, exchange, or deportation of European Americans and European Latin Americans. This review shall include an assessment of the underlying rationale of the United States Government's decision to develop related programs and policies, the information the United States Government received or acquired suggesting the related

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

6 (2) A review of United States Government ac-  
7 tion with respect to European Americans pursuant  
8 to the Alien Enemies Acts (50 U.S.C. 21–24) and  
9 Executive Order 9066 during World War II, includ-  
10 ing registration requirements, travel and property  
11 restrictions, establishment of restricted areas, raids,  
12 arrests, internment, exclusion, policies relating to  
13 the families and property that excludees and intern-  
14 ees were forced to abandon, internee employment by  
15 American companies (including a list of such compa-  
16 nies and the terms and type of employment), ex-  
17 change, repatriation, and deportation, and the imme-  
18 diate and long-term effect of such actions, particu-  
19 larly internment, on the lives of those affected. This  
20 review shall include a list of all temporary detention  
21 and long-term internment facilities.

22 (3) A brief review of the participation by Euro-  
23 pean Americans in the United States Armed Forces  
24 including the participation of European Americans

1       whose families were excluded, interned, repatriated,  
2       or exchanged.

3                   (4) A recommendation of appropriate remedies,  
4       including how civil liberties can be better protected  
5       during war, or an actual, attempted, or threatened  
6       invasion or incursion, an assessment of the contin-  
7       ued viability of the Alien Enemies Acts (50 U.S.C.  
8       21–24), and public education programs related to  
9       the United States Government’s wartime treatment  
10      of European Americans and European Latin Ameri-  
11      cans during World War II.

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

15               (d) REPORT.—The European American Commission  
16      shall submit a written report of its findings and rec-  
17      ommendations to Congress not later than 18 months after  
18      the date of the first meeting called pursuant to section  
19      101(e).

20 **SEC. 103. POWERS OF THE EUROPEAN AMERICAN COMMI-**  
21 **SION.**

22               (a) IN GENERAL.—The European American Commis-  
23      sion or, on the authorization of the Commission, any sub-  
24      committee or member thereof, may, for the purpose of car-  
25      rying out the provisions of this title, hold such hearings

1 and sit and act at such times and places, and request the  
2 attendance and testimony of such witnesses and the pro-  
3 duction of such books, records, correspondence, memo-  
4 randum, papers, and documents as the Commission or  
5 such subcommittee or member may deem advisable. The  
6 European American Commission may request the Attor-  
7 ney General to invoke the aid of an appropriate United  
8 States district court to require, by subpoena or otherwise,  
9 such attendance, testimony, or production.

10 (b) GOVERNMENT INFORMATION AND COOPERA-  
11 TION.—The European American Commission may acquire  
12 directly from the head of any department, agency, inde-  
13 pendent instrumentality, or other authority of the execu-  
14 tive branch of the Government, available information that  
15 the European American Commission considers useful in  
16 the discharge of its duties. All departments, agencies, and  
17 independent instrumentalities, or other authorities of the  
18 executive branch of the Government shall cooperate with  
19 the European American Commission and furnish all infor-  
20 mation requested by the European American Commission  
21 to the extent permitted by law, including information col-  
22 lected as a result of Public Law 96–317 and Public Law  
23 106–451. For purposes of the Privacy Act (5 U.S.C.  
24 552a(b)(9)), the European American Commission shall be  
25 deemed to be a committee of jurisdiction.

1 **SEC. 104. ADMINISTRATIVE PROVISIONS.**

2       The European American Commission is authorized

3 to—

4               (1) appoint and fix the compensation of such  
5       personnel as may be necessary, without regard to  
6       the provisions of title 5, United States Code, gov-  
7       erning appointments in the competitive service, and  
8       without regard to the provisions of chapter 51 and  
9       subchapter III of chapter 53 of such title relating to  
10      classification and General Schedule pay rates, except  
11      that the compensation of any employee of the Com-  
12      mission may not exceed a rate equivalent to the rate  
13      payable under GS-15 of the General Schedule under  
14      section 5332 of such title;15               (2) obtain the services of experts and consult-  
16      ants in accordance with the provisions of section  
17      3109 of such title;18               (3) obtain the detail of any Federal Govern-  
19      ment employee, and such detail shall be without re-  
20      imbursement or interruption or loss of civil service  
21      status or privilege;22               (4) enter into agreements with the Adminis-  
23      trator of General Services for procurement of nec-  
24      essary financial and administrative services, for  
25      which payment shall be made by reimbursement  
26      from funds of the Commission in such amounts as

1 may be agreed upon by the Chairman of the Com-  
2 mission and the Administrator;

3 (5) procure supplies, services, and property by  
4 contract in accordance with applicable laws and reg-  
5 ulations and to the extent or in such amounts as are  
6 provided in appropriation Acts; and

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

14 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

15 From funds currently authorized to the Department  
16 of Justice, there are authorized to be appropriated not to  
17 exceed \$500,000 to carry out the purposes of this title.

18 **SEC. 106. SUNSET.**

19 The European American Commission shall terminate  
20 60 days after it submits its report to Congress.

1   **TITLE II—COMMISSION ON WAR-**  
2   **TIME TREATMENT OF JEWISH**  
3   **REFUGEES**

4   **SEC. 201. ESTABLISHMENT OF COMMISSION ON WARTIME**  
5                   **TREATMENT OF JEWISH REFUGEES.**

6       (a) **IN GENERAL.**—There is established the Commis-  
7   sion on Wartime Treatment of Jewish Refugees (referred  
8   to in this title as the “Jewish Refugee Commission”).

9       (b) **MEMBERSHIP.**—The Jewish Refugee Commission  
10   shall be composed of 7 members, who shall be appointed  
11   not later than 90 days after the date of enactment of this  
12   Act as follows:

13               (1) Three members shall be appointed by the  
14   President.

15               (2) Two members shall be appointed by the  
16   Speaker of the House of Representatives, in con-  
17   sultation with the Minority Leader.

18               (3) Two members shall be appointed by the Ma-  
19   jority Leader of the Senate, in consultation with the  
20   minority leader.

21       (c) **TERMS.**—The term of office for members shall be  
22   for the life of the Jewish Refugee Commission. A vacancy  
23   in the Jewish Refugee Commission shall not affect its pow-  
24   ers, and shall be filled in the same manner in which the  
25   original appointment was made.

1       (d) REPRESENTATION.—The Jewish Refugee Com-  
2 mission shall include 2 members representing the interests  
3 of Jewish refugees.

4       (e) MEETINGS.—The President shall call the first  
5 meeting of the Jewish Refugee Commission not later than  
6 120 days after the date of enactment of this Act.

7       (f) QUORUM.—Four members of the Jewish Refugee  
8 Commission shall constitute a quorum, but a lesser num-  
9 ber may hold hearings.

10       (g) CHAIRMAN.—The Jewish Refugee Commission  
11 shall elect a Chairman and Vice Chairman from among  
12 its members. The term of office of each shall be for the  
13 life of the Jewish Refugee Commission.

14       (h) COMPENSATION.—

15           (1) IN GENERAL.—Members of the Jewish Ref-  
16 ugee Commission shall serve without pay.

17           (2) REIMBURSEMENT OF EXPENSES.—All mem-  
18 bers of the Jewish Refugee Commission shall be re-  
19 imbursed for reasonable travel and subsistence, and  
20 other reasonable and necessary expenses incurred by  
21 them in the performance of their duties.

22 **SEC. 202. DUTIES OF THE JEWISH REFUGEE COMMISSION.**

23       (a) IN GENERAL.—It shall be the duty of the Jewish  
24 Refugee Commission to review the United States Govern-  
25 ment's refusal to allow Jewish and other refugees fleeing

1 persecution in Europe entry to the United States as pro-  
2 vided in subsection (b).

3 (b) SCOPE OF REVIEW.—The Jewish Refugee Com-  
4 mission's review shall cover the period between January  
5 1, 1933, through December 31, 1945, and shall include,  
6 to the greatest extent practicable, the following:

7 (1) A review of the United States Government's  
8 refusal to allow Jewish and other refugees fleeing  
9 persecution and genocide entry to the United States,  
10 including a review of the underlying rationale of the  
11 United States Government's decision to refuse the  
12 Jewish and other refugees entry, the information the  
13 United States Government received or acquired sug-  
14 gesting such refusal was necessary, the perceived  
15 benefit of such refusal, and the impact of such re-  
16 fusal on the refugees.

17 (2) A review of Federal refugee policy relating  
18 to those fleeing persecution or genocide, including  
19 recommendations for making it easier for future vic-  
20 tims of persecution or genocide to obtain refuge in  
21 the United States.

22 (c) FIELD HEARINGS.—The Jewish Refugee Com-  
23 mission shall hold public hearings in such cities of the  
24 United States as it deems appropriate.

1       (d) REPORT.—The Jewish Refugee Commission shall  
2 submit a written report of its findings and recommenda-  
3 tions to Congress not later than 18 months after the date  
4 of the first meeting called pursuant to section 201(e).

5 **SEC. 203. POWERS OF THE JEWISH REFUGEE COMMISSION.**

6       (a) IN GENERAL.—The Jewish Refugee Commission  
7 or, on the authorization of the Commission, any sub-  
8 committee or member thereof, may, for the purpose of car-  
9 rying out the provisions of this title, hold such hearings  
10 and sit and act at such times and places, and request the  
11 attendance and testimony of such witnesses and the pro-  
12 duction of such books, records, correspondence, memo-  
13 randum, papers, and documents as the Commission or  
14 such subcommittee or member may deem advisable. The  
15 Jewish Refugee Commission may request the Attorney  
16 General to invoke the aid of an appropriate United States  
17 district court to require, by subpoena or otherwise, such  
18 attendance, testimony, or production.

19       (b) GOVERNMENT INFORMATION AND COOPERA-  
20 TION.—The Jewish Refugee Commission may acquire di-  
21 rectly from the head of any department, agency, inde-  
22 pendent instrumentality, or other authority of the execu-  
23 tive branch of the Government, available information that  
24 the Jewish Refugee Commission considers useful in the  
25 discharge of its duties. All departments, agencies, and

1 independent instrumentalities, or other authorities of the  
2 executive branch of the Government shall cooperate with  
3 the Jewish Refugee Commission and furnish all informa-  
4 tion requested by the Jewish Refugee Commission to the  
5 extent permitted by law, including information collected  
6 as a result of Public Law 96–317 and Public Law 106–  
7 451. For purposes of the Privacy Act (5 U.S.C.  
8 552a(b)(9)), the Jewish Refugee Commission shall be  
9 deemed to be a committee of jurisdiction.

10 **SEC. 204. ADMINISTRATIVE PROVISIONS.**

11 The Jewish Refugee Commission is authorized to—  
12 (1) appoint and fix the compensation of such  
13 personnel as may be necessary, without regard to  
14 the provisions of title 5, United States Code, gov-  
15 erning appointments in the competitive service, and  
16 without regard to the provisions of chapter 51 and  
17 subchapter III of chapter 53 of such title relating to  
18 classification and General Schedule pay rates, except  
19 that the compensation of any employee of the Com-  
20 mission may not exceed a rate equivalent to the rate  
21 payable under GS–15 of the General Schedule under  
22 section 5332 of such title;  
23 (2) obtain the services of experts and consult-  
24 ants in accordance with the provisions of section  
25 3109 of such title;

5 (4) enter into agreements with the Adminis-  
6 trator of General Services for procurement of nec-  
7 essary financial and administrative services, for  
8 which payment shall be made by reimbursement  
9 from funds of the Commission in such amounts as  
10 may be agreed upon by the Chairman of the Com-  
11 mission and the Administrator;

16 (6) enter into contracts with Federal or State  
17 agencies, private firms, institutions, and agencies for  
18 the conduct of research or surveys, the preparation  
19 of reports, and other activities necessary to the dis-  
20 charge of the duties of the Commission, to the ex-  
21 tent or in such amounts as are provided in appro-  
22 priation Acts.

**1 SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

2        From funds currently authorized to the Department  
3 of Justice, there are authorized to be appropriated not to  
4 exceed \$500,000 to carry out the purposes of this title.

**5 SEC. 206. SUNSET.**

6        The Jewish Refugee Commission shall terminate 60  
7 days after it submits its report to Congress.

○