In the first six months of 1942, the United States was engaged in active warfare along the Atlantic Coast with the Germans, who had dispatched submarines to American Atlantic waters, where they patrolled outside harbors and roadsteads. Unconvoyed American ships were torpedoed and destroyed with comparative impunity before minefield defense and antisubmarine warfare became effective several months later. In the last weeks of January 1942, 13 ships were sunk totalling 95,000 gross tons, most of it strategically important tanker tonnage. In February, nearly 60 vessels went down in the North Atlantic and along the American East Coast; more than 100,000 tons were lost. At the same time, the naval war expanded to the east coast of Florida and the Caribbean. March 1942 saw 28 ships totalling more than 150,000 tons sunk along the East Coast and 15 others, more than 90,000 tons, lost in the Gulf of Mexico and the Caribbean. More than half were tankers. The destruction continued through April, May and June as American defenses developed slowly; the peak came in May, when 41 ships were lost in the Gulf.¹

This devastating warfare often came alarmingly close to shore. Sinkings could be watched from Florida resorts and, on June 15, two American ships were torpedoed in full view of bathers and picnickers at Virginia Beach.² The damage done was described by the Navy:

The massacre enjoyed by the U-boats along our Atlantic Coast in 1942 was as much a national disaster as if saboteurs had destroyed...
half a dozen of our biggest war plants. . . . If a submarine sinks two 6000-ton ships and one 3000-ton tanker, here is a typical account of what we have totally lost: 42 tanks, 8 six-inch Howitzers, 88 twenty-five-pound guns, 40 two-pound guns, 24 armored cars, 50 Bren carriers, 5210 tons of ammunition, 600 rifles, 428 tons of tank supplies, 2000 tons of stores, and 1000 tanks of gasoline. Suppose the three ships had made port and the cargoes were dispersed. In order to knock out the same amount of equipment by air bombing, the enemy would have to make three thousand successful bombing sorties.3

Japanese attacks on the West Coast were insignificant by comparison. The few shells lobbed ashore at Goleta, California, and the incendiary balloons floated over the Pacific Northwest amounted to little more than harassment. Yet the far more severe treatment which Japanese Americans as a group received at official hands, and less formally from their fellow citizens, appears to suggest the opposite. The wartime treatment of alien Germans and Italians, as well as the German American experience of the First World War, lends new perspective to the exclusion and detention of the ethnic Japanese.

The less harsh controls faced by German Americans in 1942 did not emerge simply from a more benign view of their intentions. Samuel Eliot Morison, the eminent historian of American naval operations in World War II, firmly believed that disloyal elements along the Atlantic Coast aided German submarine warfare: "The U-boats were undoubtedly helped by enemy agents and clandestine radio transmissions from the United States, as well as by breaking codes."4 Morison does not support this conclusion with any evidence and, given the lack of corroboration for similar beliefs on the West Coast, one must view it skeptically. Nevertheless, this view surely represents the beliefs of responsible people at the time.

This destructive struggle, with its suggestions of active aid from people on shore, produced no mass exclusion of German aliens or German American citizens from the East Coast. The Justice Department interned East Coast German aliens it thought dangerous, and a small number of German American citizens were individually excluded from coastal areas after review of their personal records. Exclusion or detention of some categories of German aliens was considered, but rejected. Immediately after the Pearl Harbor attack, the FBI picked up Axis nationals whom they suspected, frequently on the basis of membership in suspect organizations.5 By February 16, 1942, the Justice Department had interned 2,192 Japanese; 1,393 Germans and 264 Italians.6 For enemy aliens of all nationalities, internment differed markedly from German or Japanese aliens. Loyalty was an issue, but it was not the government's primary concern.

Those aliens who entered the Immigration Service's control were told to report to the local Immigration Office and fill out a loyalty questionnaire. Those who passed were assigned to camps set up near the borders of the states in which they were living. They received loyalty certificates, which were valid for at least one year, and which cost $1.00 a year to renew.

Hearing the Justice Department's word, the local United States Attorney generally attended to the loyalty proceedings in such cases. He would review the papers presented and, if satisfied, would sign the certificate. A refusal to process a loyalty certificate would have been interpreted as disloyalty.

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If a submarine sinks a tanker, here is a typical cargo: 8 six-inch Howitzers, 24 armored cars, 600 rifles, 428 tons of ordnance, 1000 tanks of gasoline. The sinkings and the cargoes were small amounts of equipment and resources to make three thousand tons of shipping more effective.

The attack and the cargoes were insignificant by comparison, California, and the Northwest amounted to a mere amount of official hands, and less to suggest the opposite. Italian Americans, as well as the world War, lends new perspectives.

Americans in 1942 did not have their intentions. Perhaps naval operations in the Atlantic and the U-boats were undoubtedly radio transmissions from submarines. Morison does not explain, given the lack of correspondence, one must view it as representing the beliefs of the time.

Other impediments prevented full, fair hearings. Many cases had to proceed through translators; hearing board members were busy and wanted to proceed quickly; sessions frequently lasted until late at night. Fundamentally, in the absence of evidence of particular acts, determining loyalty by interrogation is speculative, and the boards could not overcome that problem. The FBI and the Alien Enemy Control Unit had a running conflict as to how strict a standard should be applied, and the Justice Department obtained removal of hearing officers thought too lenient. By August 1942, the Department of Justice began to recognize that some of its decisions were arbitrary and organized an appeals system for internees. One ground for rehearing was lack of uniformity in treatment between the earlier and later cases. Nevertheless, because the government had unquestioned authority to detain aliens of enemy nationality in time of war, these procedures did represent an effort to provide rough fairness in making individual determinations of loyalty and security risk.

In the spring of 1942 the War Department seriously considered whether the power of Executive Order 9066 should be used to exclude from certain areas all German and Italian aliens or at least some categories of such enemy aliens. Secretary Stimson, in his letter and
memorandum of February 20 delegating authority to General DeWitt, had instructed the General to consider and develop plans for excluding German aliens, but to ignore the Italians, at least for the time being.\textsuperscript{11} A week earlier, the War Department had asked corps commanders for recommendations on civilian control; it received suggestions for programs which would supposedly provide increased security by excluding large groups of enemy alien residents from extensive stretches of the Pacific and Atlantic coastlines.\textsuperscript{12} General DeWitt pressed for a program that would have exempted a number of classes of German and Italian aliens, but would still have removed several thousand Germans and Italians from the West Coast.\textsuperscript{*13} There were no serious proposals for the mass movement of categories of American citizens of German and Italian descent, although local commanders sought the power to exclude individual citizens.\textsuperscript{14}

The mass movement of Germans and Italians was effectively opposed. With about one million German and Italian aliens in the country, it was quickly recognized that moving such a large group en masse presented enormous practical difficulties and economic dislocations.\textsuperscript{15} Moreover, exclusion would mean establishing relocation camps, for excluded people would not be accepted in the heartland.\textsuperscript{16} In addition, to have detained many Germans who were already refugees from the Nazis would have been bitterly ironic.\textsuperscript{17}

But most critical was the public and political perception of the lesser danger presented by Germans and Italians. Within the government, there does not appear to have been much more detailed knowledge about German and Italian individuals than there was about the ethnic Japanese. Writing after the war, the Western Defense Command summed up official ignorance:

> It would be unbelievable to anyone not concerned with intelligence matters that there were not available anywhere prior to Pearl Harbor, a record of German, Italian and Japanese organizations in the United States, with some knowledge of their structure, purpose and activities.\textsuperscript{18}

In this situation, public perception was crucial. The Italians were told DeWitt believed they were “potentially dangerous,” even though General MacLeish, whom McCloy had told was “convinced that the Italians, probably the most desirable enemy aliens.”\textsuperscript{20} Indeed, the Italians announced that they were not accustomed to such perceptions.\textsuperscript{21}

In a rare open deviation from the views of his superior, Bendetsen gave his personal recommendation to McCloy; he urged that there be no movement of Italians by groups but only the individual internments that were already being carried out by the Justice Department. Bendetsen wanted to exempt from any move some classes of German aliens in addition to those DeWitt suggested. Memo, Bendetsen to McCloy, May 11, 1942. NARS. RG 107 (CWRIC 287-89).
Authority to General DeWitt, developed plans for excluding at least for the time being. 11 He asked corps commanders for suggestions for increased security by excluding extensive stretches of the coast. 12 DeWitt pressed for a program of German and Italian aliens. Several thousand Germans and Italians were no serious proposals for American citizens of German and Italian ancestry sought the power to exclude such a large group en masse and economic dislocations. 15 DeWitt was effectively opposed to creating relocation camps, for the heartland. 16 In addition, he already had refugees from the political perception of the Italians. Within the government, there was much more detailed knowledge than there was about the Western Defense Com-13. This superior, Bendetsen gave the order that there be no movement of internments that were already available anywhere prior to the knowledge of their structure, purposes, and connections with their homelands. The fact remains that no such lists existed. . . .18

In this situation, for the Germans and Italians as for the ethnic Japanese, public perceptions and their political implications were very important. The Italians were virtually dismissed as a threat. In February, Stimson told DeWitt to ignore the Italians for the time being because they were “potentially less dangerous, as a whole.” 19 In May, Archibald MacLeish, in the Office of Facts and Figures, and Alfred Jaretzki, Jr., whom McCloy had brought in to help deal with German and Italian aliens, proposed to exempt Italians from the restrictions on enemy aliens. 20 In the fall, after approval by Roosevelt, who dismissed the Italians as “a lot of opera singers,” 21 Attorney General Biddle announced that they would no longer be considered “aliens of enemy nationality.” 22

There was greater feeling that there were possibly more sinister German groups and individuals, but the political weight opposed any mass movement or detention. In February, when the evacuation of ethnic Japanese was about to start, Congressman Tolan telegraphed Biddle about setting up boards to inquire into the individual loyalty of Germans and Italians. 23 In March, Tolan’s Committee published its findings and recommendations and bluntly dismissed mass movement of Germans and Italians: “This committee is prepared to say that any such proposal is out of the question if we intend to win this war.” 24 There was no important Congressional support for such a program, and the Justice Department also opposed mass evacuation. 25 The President himself told Stimson in early May, when he heard that evacuation of East Coast Germans and Italians was under consideration, that alien control was “primarily a civilian matter except of course in the case of the Japanese mass evacuation on the Pacific Coast.” The War Department was to take no action against Germans and Italians on the East Coast without consulting the President first. 26

No effective, organized anti-German and anti-Italian agitation aroused the public as it had against the ethnic Japanese on the West Coast, and the War Department, although it considered moving some classes or categories of Germans, was not sufficiently persuaded to press the President to allow it. 27

On May 15, Stimson recommended to the President at a Cabinet meeting that, under the Executive Order, area commanders be allowed to exclude from militarily sensitive areas particular individuals, but not classes of German or Italian aliens. 28 Roosevelt approved the plan. On the West Coast, DeWitt, having first demanded that the War De-
partment absolve him of the consequences of not evacuating entire classes of German and Italian aliens, issued individual exclusion orders to a small number of Germans and Italians. On the East Coast, General Drum followed the same course but also issued orders to dim lights and to exclude all persons, aliens or citizens, from certain military areas which had been narrowly defined to avoid requiring people to relocate. These East Coast orders differ from the Japanese exclusion program because they did not discriminate among American citizens on the basis of ethnicity or parentage.

Very few people suffered individual exclusion. For example, in the Western Defense Command from August 1942 to July 1943, 174 persons, including native-born citizens and enemy aliens, received exclusion orders. Many of those were German-born or Italian-born American citizens. Similar action was taken by the Eastern and Southern Defense Commands, which barred 59 and 21 persons respectively from coastal areas.

This individualized approach to determining loyalty was followed despite visible, active pro-Nazi operations among German Americans before the outbreak of war. As late as February 20, 1939, the Deutscheramerikanische Volksbund, popularly and simply known as the Bund, brought more than 20,000 people to Madison Square Garden for a rally to praise Hitler while denouncing Roosevelt and his administration. At that time the Bund was organized by chapters throughout the United States and claimed a membership of more than 200,000. This certainly exaggerated the numbers on which the Bund could rely for active pro-Nazi sympathy, and the Bund itself, full of sound and fury, frequently rang hollow—its leader, Fritz Kuhn, was sent to prison in 1939, convicted of embezzling Bund funds after having led a dissipated life unsuited to his political mission. Nevertheless, at the beginning of the war there were reasonable grounds for anxiety about German-directed sabotage or fifth column activity, substantiated when two groups of German saboteurs landed in New York and Florida from submarines and were arrested in Fall 1942.

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Two typical explanations of the divergent treatment of the two
ethnic groups have been numbers and political influence.38 The Amer-
can population of German descent in 1940 was so large that any major
program of exclusion or detention would have been very difficult to
execute, with enormous economic and political repercussions. In 1940,
1,237,000 people of German birth lived in the United States, the largest
foreign-born ethnic group except for the Italians. Further, if one con-
sidered the children of families in which both parents were German-
born, the number of Germans in the country reached 5 million and,
counting families with one German-born parent, the number rose to
6 million.39 A population of that size had political muscle; the industrial
northeast, the midwest and the northern plains states all had substantial
German American voting blocs. Radical measures such as exclusion or
detention would have carried a very heavy political cost.

Many believe that the explanation for treating German and Jap-
anese Americans differently lies in nothing so mechanical as numbers
or votes, but in visceral reactions of prejudice. While this explanation
gives a particularly dark cast to events of 1942, it also holds out hope
that as the American people matures, the danger of similarly intolerant
actions diminishes. Insofar as reactions to the ethnic Japanese and
Germans were influenced by unreasoned, uninformed public perceptions,
this reading of history is persuasive, but the history of German
Americans over the last eighty years also underscores the importance
of war hysteria in 1942.

The German American experience after the United States entered
the First World War was far less traumatic and damaging than the
Nisei and Issei experience in 1942. Still, it makes clear that the emo-
tional response to war, not racism alone, plays a significant part in the vilification and deprivation of liberty suffered by any ethnic group ancestrally linked to an enemy.

The positions of people of German descent in 1917 and of the Issei and Nisei at the start of the Second World War were much different. In 1917, more than 8 million people in the United States had been born in Germany or had one or both parents born there. Although German Americans were not massively represented politically, their numbers gave them notable political strength and the support of voices outside the ethnic group, such as Senator Robert M. La Follette of Wisconsin. In fact, in some states, German immigrants were permitted to vote before becoming American citizens. German American sympathy for the fatherland was firmly and publicly expressed during the period of neutrality, when political German ethnic organizations urged an embargo on shipping war materiel to England and France, hoping to prevent war between the United States and Germany. This active support of the German cause occasionally reached the level of sabotaging arms shipments to Europe.

When America went to war in 1917, a steady stream of actions, official and private, were taken against citizens of German descent and resident German aliens. As in 1942, initial fears of sabotage and espionage contributed to a broad range of restrictive government measures. German aliens were excluded from the District of Columbia and kept out of sensitive military areas such as wharves, canals, ships and railroad depots; permission was required to change residence. Several thousand German aliens were interned for minor violations of these regulations. Numerous states disenfranchised aliens with voting rights. In what appears to be a prima facie violation of the First Amendment, the German language press was smothered by requiring that it print war news and comment on government actions in English and have them reviewed by the post office. At the start of the war more than 500 German language periodicals were published in the United States; almost half were gone at war's end.

Vigorous and pervasive quasi-governmental groups also pursued citizens of German ancestry. Supported and encouraged by the Attorney General, the American Protective League was organized; its 200,000 untrained members, sworn in as volunteer detectives with badges, set out to investigate spies and saboteurs. No actual spy was ever apprehended by this semi-official network, but it harassed German Americans through thousands of investigations. Informally, immense pressure was brought to bear on vigilante activity that included:

The history of these periods of fear—1917 and 1942—is marked by the German as an unassimilable foreigner, his language and institutions—the language of the homeland—being regarded as abhorrently foreign and perceived as the basis of all the more disturbing anti-German agitation before the war.

The rumors came in:

Allegedly, Germans poisoned Negroes in the South by working against feared Red Cross workers in spreading and bacteria in medical supplies rumored to be grinding Mennonite flourmill to glass chips in the floor.

The stereotypical delusions developed in its viciousness. The sound of the German language had, by 1917, been declared or prohibited in most states. German in public was pronounced for their suppression.

German culture had a distinctive life by 1917 than Japan, and even more so, German chauvinism also sought to influence: Bach and Beethoven burned, German names newly-christened the "New Chicago or Pittsburgh accent..."
GERMANS AND GERMAN AMERICANS

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pressure was brought to bear through Liberty Loan drives and semi-
vigilante activity that included one lynching in Illinois.

The history of these attacks in several aspects resembles events
of 1942: rumors in the press of sabotage and espionage, stereotypes of
the German as an unassimilable, rapacious Hun, and efforts to suppress
the institutions—the language and the churches—that were most palpably
foreign and perceived as the seedbed of Kaiserism. This history
is all the more disturbing because there was no history of extensive
anti-German agitation before the war.

The rumors came in from every part of the country:
Allegedly, Germans posing as Bible salesmen tried to stir up the
Negroes in the South. In Dayton, the militia guarded the water
works against feared acts of German sabotage. German-speaking
Red Cross workers in Denver supposedly put glass in bandages
and bacteria in medical supplies. Cincinnati’s meat packers were
rumored to be grinding glass into sausages. In South Dakota, a
Mennonite flour mill was closed when a customer reported finding
glass chips in the flour.

The stereotypical description of ethnic Germans was well-devel-
oped in its viciousness. The American Defense Society, with Theodore
Roosevelt as its honorary president, put out a tract attacking the Germans
as
the most treacherous, brutal and loathsome nation on earth...
The sound of the German language . . . reminds us of the murder
of a million helpless old men, unarmed men, women, and children;
and the] driving of about 100,000 young French, Belgian, and
Polish women into compulsory prostitution.

Others assailed Germans as barbarous Huns who could never be as-
similated into American society.

This war on the domestic front focused first on stamping out the
German language. By 1918 approximately half of the states had cur-
tailed or prohibited instruction in German; several, along with dozens
of cities and towns, had restricted the freedom of citizens to speak
German in public. German churches were investigated and de-
nounced for their supposed allegiance to the German state.

German culture had, of course, seeped more deeply into American
life by 1917 than Japanese culture had in 1942, and First World War
chauvinism also sought to cleanse the United States of German cultural
influence: Bach and Beethoven were banned, German books were
burned, German names were changed. Defeating Kaiser Wilhelm,
newly-christened the “Beast of Berlin,” by denying the citizens of
Chicago or Pittsburgh access to Schubert or Goethe obviously promised
PERSONAL JUSTICE DENIED

more emotional release in striking a blow against enemy symbols than thoughtful analysis of how those blows could possibly hurt Germany when they fell on other Americans.

The reaction of many German Americans was not unlike what the Issei and Nisei did. Many ethnic organizations and clubs disappeared or Americanized (though this was not true of the churches, particularly separatist, pacifist sects such as the Mennonites and Hutterites, many of whom left the United States for Canada under the barrage of patriotic oppression), and the loyalty of German Americans had to be proven in the blood of European battlefields. General John J. Pershing, who led American forces in Europe, was himself of German descent, having Anglicized his name from Pfoerschin, but even this counted for little with those who demanded battlefield demonstration of loyalty and reached shocking extremes of demanding military service from the old pacifist sects, who were as adamantly opposed to bearing arms for Germany as for the United States.

This earlier history of vilification hardly clarifies why there was no massive outburst against resident German aliens and German Americans in 1942. Perhaps one scapegoat is enough for a nation’s frustrated anger; perhaps assimilation worked to blunt and blur hostilities; perhaps, for other reasons, Americans had come to make distinctions within the German American community between “trustworthy” and “untrustworthy” Germans. In any case, the history of German Americans in 1917 and Japanese Americans in 1942 reveals some basic elements of the country’s social structure. We are indeed a nation of immigrants and, of course, virtually every immigrant ethnic group carries some affection for and loyalty to the language, culture and religion of its homeland. The strength of such ties varies depending on whether the reasons for immigration are economic, or spring from persecution due to religion, political views, race or some other factor. Typically, in time ancestral ties are loosened, but in the first few generations they are real and tangible, often more vigorously pursued by a third generation seeking its roots than by an Americanizing second generation. War between the United States and the ancestral country inevitably creates tension for those who, to some degree, wish to maintain loyalty, if not to the political aims, at least to the cultural values and social practices of both countries.

Outside the ethnic group, both world wars have stirred fear and anxiety that the group’s loyalty lay with the mother country, not the United States. To some extent Chinese Americans experienced similar reactions during the Korean War. The risks and fears of war stir deep emotions, but to do so is placing ethnic sentiments above the individual. As early as the 1901 Tolantino incident, it was unsound: To fashion the future citizenship alone the [sic] of loyalty failed to live up to the hardships and injustices.

What remained—1917 to 1942—was an earlier mistrust, intensified by sanctions upon the homeland, and this course of the formal control.

The United States, to make it the fact, had an enemy state. Never Amendment, nor near vigilant state. Never Amendment, near vigilant state. The full government afforded the loyal territory issue:

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The risks and terrors of war
stir deep emotion, and the impulse to act unreflectively is strong—but to do so is to give up one of the basic tenets of our nation by placing ethnic ties above a free choice of citizenship made by the individual. As early as May 1942, after listening to extensive testimony, the Tolan Committee concluded that equating ethnicity with loyalty was unsound: "This testimony has impressed upon us in convincing fashion the fundamental fact that place of birth and technical noncitizenship alone provide no decisive criteria for assessing the alignment of loyalties in this world-wide conflict."64 In both world wars we failed to live by those precepts and, through that failure, brought hardship and injustice to loyal citizens and resident aliens.

What remains particularly troubling is that after a quarter century—1917 to 1942—far from demonstrating that we learned from our earlier mistreatment of another ethnic group, we unleashed summary sanctions upon a small ethnic group on a scale unknown in our history; and this course of action was officially sanctioned by the executive with the formal cooperation of the legislature.

The United States has won the loyalty of millions who have chosen to make it their home and country; whatever other basis there may be to suspect disloyalty in wartime, our history shows that ethnic ties to an enemy people are not equivalent to political loyalty to an enemy state. Nevertheless the First World War saw the invasion of First Amendment rights and the development of quasi-governmental groups near vigilantism; World War II brought exclusion and detention with full governmental participation. Both of these invaded rights and liberties which, because they were protected by the Constitution, were afforded the strongest shield available in American law.

Congress, urged by an anxious, angry public, has the power to repeal peacetime prohibitions designed to reinforce those constitutional protections, and the courts can find ways to evade their responsibility. The Supreme Court, striking down the use of martial law in loyal territory at the end of the Civil War, summarized the central issue:

When peace prevails, and the authority of the government is undisputed, there is no difficulty in preserving the safeguards of liberty; . . . but if society is disturbed by civil commotion—if the passions of men are aroused and the restraints of law weakened, if not disregarded—these safeguards need, and should receive, the watchful care of those intrusted with the guardianship of the Constitution and laws. In no other way can we transmit to posterity unimpaired the blessings of liberty.