

317

ORGS

SAN FRANCISCO G.I.O. COUNCIL

1942-43

C-A

171

Clarence Harrison

H. Sutter

A REPORT ON THE EFFECT OF
RECENT ARMY AND NAVY REGULATIONS
ON THE EMPLOYMENT OF ALIENS WHO
ARE MEMBERS OF CIO UNIONS IN
SAN FRANCISCO

Including a Report and
Recommendations to Army
and Navy Authorities

(Prepared by the Alien Committee of the San Francisco
CIO Council---
Germain Bulke, International Longshoremen and Ware-
housemen's Union, Local 1-10; chairman.
Steve Glumaz, Alaska Cannery Workers Union, Local 5;
vice-chairman.
Charles L. Irvine, San Francisco-Oakland Newspaper
Guild; secretary.
April 14, 1942)

CONTENTS

	Page
Introduction	1
The Extent of Unemployment Among Aliens in Waterfront Unions	1
Contradictions Resulting From Government Regulations	2
The Effect of Curfew and Zone Restrictions on the Employment of Aliens	3
Reluctance of Employers in Defense Industries to Hire Aliens	4
The Affect of Restrictions Against Aliens in the Fish Industry	5
Government Policies in Connection with the Employ- ment of Aliens in Defense Industries	5
National Defense and Military Appropriation Acts Bar Aliens From Employment	6
Recommendations	8
Government Orders, Regulations, Statements of Policy, Press Releases, Etc., Regard- ing the Employment of Aliens in Defense Industries	15
Table--Effect of Wartime Regulations on Employment of Aliens	26a
A Report and Recommendations to Army and Navy Auth- orities	27

Introduction

The San Francisco CIO Council on March 20th ordered a survey made of the employment status of alien members of unions affiliated with the Council in an effort to determine the number of workers who had been dismissed, refused work or whose employment had been curtailed because of recent Army and Navy regulations.

On the basis of the facts developed by the survey, it was planned to make specific recommendations to Army and Navy authorities for correcting the situation.

All of the 38 unions affiliated with the Council were contacted during the period of the survey. Considerable research work was undertaken, legal advice obtained and Government officials contacted.

The following is a report and recommendations resulting from the survey.

The Extent of Unemployment

Among Aliens in the Waterfront Unions

Approximately 2,000 members of local CIO unions have been affected in one way or another through Army and Navy regulations since the start of the war. This number includes both friendly aliens as well as those of enemy nationality. It includes only those alien members who have been deprived of employment or whose employment has been curtailed in one way or another because of war regulations. (It does not represent the total number of aliens in all local CIO unions).

Waterfront unions who regularly, or occasionally, supply longshoremen, and unions in the fishing industries, are the ones which have been hit the hardest.

In ILWU 1-10, approximately 700 friendly aliens have been deprived of 50 per cent of their work and 75 aliens of enemy nationality in the same local have been deprived of all work.

In ILWU 1-22 (Bargemen), out of a total of 570 members, 300 are friendly aliens, all of whom have been deprived of the majority of their normal work.

In the Alaska Cannery Workers Union there are 800 friendly aliens out of a total membership of 1300.

Most of these friendly aliens normally do longshore work in between fishing seasons, but practically all of them have been deprived of longshore work.

Out of a total membership of 1,517 in the Industrially Unemployed Workers Union, 68 are friendly aliens and 7 are "enemy" aliens. Both categories have been denied work on Government-operated ships in addition to being denied work in certain industrial plants which have war orders.

The foregoing figures indicate the seriousness of the situation as it affects both the workers' income and the whole war production effort. Approximately 1,100 skilled longshoremen, many of whom have worked most of their lives on the San Francisco waterfront and whose loyalty to the Government can be easily established, are now being deprived of work---and at a time when skilled workers in such vital war work are invaluable.

Nearly all of unemployment on the waterfront has been the result of Army and Navy regulations which bar aliens from working on Government-operated ships.

However, where the Army or Navy gives contracts for such work, non-citizens can be employed. The situation in ILWU 1-2 (Ship Scalpers) is an example of this. Despite the fact that over 60 per cent of the membership of this union are aliens, there has been comparatively little unemployment, and aliens have been allowed to work even on warships---all because of the fact that this work is handled through private contractors.

Contradictions Resulting From Government Regulations

If aliens are not allowed to do longshore work on Government boats

because of fear of possible sabotage, there is a contradiction in the fact that the same aliens who are refused such work are allowed to ship out on the same boats. Filipinos from the Alaska Cannery Workers Union, for example, who have been deprived of work on the waterfront because they are not citizens, have no trouble in shipping out on Army transports. Members of ILWU 1-10 who are aliens and who are not allowed to load Government ships have been shipped out on the same ships through the Marine, Cooks and Stewards hiring hall and by the National Maritime Union.

While nearly half of the membership of ILWU 1-22 (Bargemen) are denied work on Government ships on the San Francisco waterfront, other members of the same union, who are aliens, continue to work on Government boats at Mare Island Navy Yard.

A similar contradiction exists in the employment of members of the National Maritime Union who are aliens. Not only are all of the friendly alien members of this union still employed on Government ships, but in some cases the union has been able to get clearance for even enemy aliens.

The Effect Of Curfew and

Zone Restrictions on the

Employment of Aliens

The problem in other CIO unions which have contracts with employers engaged in war production is concerned mainly with restrictions resulting from curfew regulations and zone restrictions.

Approximately 100 members of ILWU 1-6 (Warehousemen) who are enemy aliens have been shifted by the union from plants that are in restricted zones to other plants outside of these zones, and those who have been working night shifts have been changed to day shifts.

On the waterfront, this union is faced with the same problem as ILWU 1-10 (Longshoremen) and ILWU 1-22 (Bargemen); no one except an American citizen

is allowed to do carloading, which is work done directly for the Government, while weighers and strappers, who work on the same dock, may be friendly aliens because of the fact this work is handled through private contractors.

In textile, steel, furniture and other industries represented by the CIO, employers generally have shown a willingness to cooperate with the union in getting permits for enemy aliens to work after curfew, or in adjusting shifts. One employer in the furniture industry even went so far as to get permits for certain enemy alien employees, who are key men in the plant, to live outside of the 5-mile zone.

However, after March 29th, when the Army assumed authority, all permits were revoked (See supplementary report to Army and Navy authorities).

Reluctance of Employers In Defense Industries To Hire Aliens

Despite statement by both the Secretary of the Navy and Secretary of War that "United States statutes do not prohibit the employment of aliens by private employers in national defense industries", and despite numerous statements by the President to the same effect, there is a growing reluctance on the part of local employers to hire aliens.

The International Union of Mine, Mill and Smelter Workers, Local 50, reports, for example, that the Federated Metals Division of the American Smelting and Refining Company, has refused to hire any alien.

According to Government regulations, the only restrictions on the employment of aliens is in connection with work on restricted or certain aeronautical contracts, where, to employ aliens, the employer must secure the consent of the head of the department involved, and "thousands of such requests have been granted"--to quote from Army and Navy Department bulletins.

Refusal of local employers to hire aliens, or to make it difficult for them to secure employment, is preventing large numbers of skilled workers from participating in defense production.

The Affect of Restrictions Against
Aliens in the Fish Industry

A registration of local fishermen, conducted by the International Fishermen & Allied Workers of the Pacific, Local 34, disclosed that out of total registration of 312, 142 were citizens (102 naturalized; 40 American born); 170 were aliens, 90 of whom had applied for first papers and 80 of whom had not applied for first papers.

The average length of residence in the United States of those registered is 27 years; it is estimated that 75 to 85 per cent have families in this country, some with sons in the armed forces. Practically all of the alien members either own their own boats or have an interest in a boat.

Army and Navy regulations prohibit these aliens from working. The result has been a marked reduction in fish production.

Government Policies in Connection
With the Employment of Aliens in
Defense Industries

Does the general discrimination against all aliens--both friendly and "enemy"--conform to general Government policies? What are these policies?

On December 28, 1941, Attorney General Francis Biddle in a public statement said:

"No more short-sighted, wasteful or un-American policy could possibly be adopted at this time than that of barring non-citizens from legitimate private employment. In the first place, it is a most effective method of creating disunity, of breaking faith with people who have come to America as a haven of liberty and fair play. It is a complete disavowal of our American institutions, our freedoms, and the principles upon which our democracy was founded."

Representatives of the United States Employment Service throughout the country have been instructed to explain to manufacturers of war materials that

refusal to hire persons merely because they are aliens is contrary to the policy of the Federal Government (Press release Social Security Board, February 3, 1942).

The Federal Advisory Council for Employment Security recently denounced wholesale discrimination against aliens. This group of 45 representatives of business, labor, and the public, declared: "Aliens should not be discharged, because they are aliens, from any employment in which they are legally engaged. Such a discharge should be solely on the basis of an established presumption of disloyalty on the part of the individual."

President Roosevelt in a memorandum to William S. Knudsen and Sidney Hillman, June 12, 1941, stated: "No nation combating the increasing threat of totalitarianism can afford arbitrarily to exclude large segments of its population from its defense industries. Even more important is it for us to strengthen our unity and morale by refuting at home the very theories which we are fighting abroad."

Federal Security Administrator Paul V. McNutt (press release February 3, 1942): "There exists of course the possibility that among the aliens applying for work in the war industries there may be a saboteur. But, out of the five million aliens in America, the Federal Bureau of Investigation has placed in custody less than one-sixteenth of 1 per cent because they were regarded as dangerous to the peace and safety of the United States."

The Office of Production Management on April 11, 1941, in a letter to all holders of defense contracts, stated: "Every available source of labor capable of producing defense materials must be tapped in the present emergency."

National Defense and Military

Appropriation Acts Bar Aliens

From Employment

If the general policy of the Government provides for the use of all available manpower in defense production, why, then, are so many skilled

workers who are members of CIO unions refused employment?

We have seen that aliens, if employed by private contractors, are allowed to work on Government ships on the San Francisco waterfront, while other aliens, if paid directly by the Government, are not allowed to work.

An explanation of this situation may be found in two acts of Congress. The first, "Military Appropriations Act, 1942, Public Law 139--77th Congress (H. R. 4965)--An Act making appropriations for the Military Establishment for the fiscal year ending June 30, 1942, and for other purposes: 'Provided further, that no part of this or any other appropriation contained in this Act shall be available for the pay of any person, civil or military, not a citizen of the United States, unless in the employ of the Government or in a pay status on July 1, 1937, under appropriations for the War Department.'"

The second, "Fifth Supplemental National Defense Appropriations Act, 1942 (Public Law 474, 77th Congress, Chapter 141, 2nd session, approved March 5, 1942): 'Sec. 402. No part of any appropriation contained in this Act or authorized hereby to be expended (except as otherwise provided for herein) shall be used to pay the compensation of any officer or employee of the Government of the United States, whose post of duty is in continental United States unless such person is a citizen of the United States, or a person in the service of the United States on the date of the approval of this Act who being eligible for citizenship had theretofore filed a declaration of intention to become a citizen or who owes allegiance to the United States. This section shall not apply to citizens of the Commonwealth of the Philippines.

'Sec. 403. Limitation on appropriations heretofore enacted and available for obligation during the fiscal years 1942 and 1943, which prohibit the use of such appropriations and other funds for the employment in the service of the District of Columbia and the United States (including any agency a majority of the stock of which is owned by the Government of the United States) of persons who are not citizens of the United States or who have not filed dec-

larations of intention to become such, shall not apply hereafter to citizens of the Commonwealth of the Philippines."

RECOMMENDATIONS

As a result of the facts developed in the survey, the following recommendations are made:

1. Any union, the alien members of which are being refused work by private contracts, should immediately notify the employer that he is violating Federal policies and regulations in refusing to employ aliens. General government policies and specific Army and Navy regulations can be cited.

2. Steps should be taken through national office of the CIO and its legal department to see that future national defense appropriation acts contain provisions providing for the employment of aliens, as well as citizens. It is suggested that the following language, or similar language, be incorporated in all future appropriation acts:

PROPOSAL NO. 1

"No part of the appropriation contained in this Act shall be available for the pay of any alien who is not eligible for citizenship or has not theretofore filed a declaration of intention to become a citizen, if he is employed upon work which is declared by order of the head of the government department concerned to be secret or confidential, provided, however, that such aliens may be employed on such work if the head of the government department concerned shall give written consent therefor."

PROPOSAL NO. 2

"No part of the appropriation contained in this Act shall be available for the pay of any alien who is employed upon work which is declared by order of the head of the government department concerned to be secret or confidential, provided, however, that aliens may be employed on such work if the head of the government department concerned shall give written consent therefor."

3. If it is found that appropriations acts referred to in the survey do apply to longshoremen employed directly by the Government, the following procedure is proposed:

- (a) Find out whether local military authorities have the emergency powers to ignore such laws. If so urge them to use such powers.
- (b) If they have no such powers, attempt to see if a different appropriation, which is not so delimited, can be used.
- (c) If neither of the foregoing prove fruitful, attempt to have all work contracted out to private employers.

4. Contact Dean Wayne L. Morse, chairman of the Pacific Coast Maritime Industry Board, and provide him with all data relative to the number of skilled alien longshoremen who are not now allowed to work on Government ships and the number of unskilled workers who are now employed at peak periods, such as when convoys are loaded. Such data should show that for proper operations skilled longshoremen are indispensable. Seal Dean Morse's cooperation in taking the matter up with Government authorities.

5. Concur in the recommendations made on March 2 by the subcommittee of the Regional Labor Supply Committee, War Production Board, which include the following:

- (a) That the present procedures of the War and Navy Departments, which govern the employment of aliens in plants holding contracts under these Departments, be amended to permit aliens themselves to initiate requests for the approval of employment. The requests to be initiated through the local offices of the U. S. Employment Service; the U. S. Employment Service to assist in the preparation of the application forms and designate applications on which clearance should be expedited. This procedure should not preclude employers from requesting approval directly from the department concerned.
- (b) That a simplified standard application form be adopted by both the War and Navy Departments; that provision be made whereby clearance with one department shall satisfy the requirements of the other department.
- (c) That employers holding restricted or aeronautical contracts notify the appropriate inspection officers when aliens are employed under this procedure; the inspection officer to have power to restrict the types of work which aliens may perform and the sections of the plant to which aliens may have access whenever he deems such safeguards necessary.

- (d) That local inspection officers of the Navy and War Departments be granted limited authority to approve the temporary employment of aliens in defense plants pending final approval of the department concerned.
- (e) That items which are essentially standard be excluded from the definition "restricted and aeronautical."
- (f) That the Navy and War Departments issue a comprehensive statement to all contractors and sub-contractors outlining their policy with respect to the employment of aliens in defense plants so that there may be a clear understanding by the contractors and sub-contractors of the policy.

6. All unions which have enemy aliens should immediately acquaint these members with the new Army regulations, issued March 29, regarding exemptions. The regulations are as follows:

- (a) German and Italian aliens 70 or more years of age.
- (b) German and Italian aliens, parents, wives, husbands, children of, (or other person residing in a household whose support is dependent upon) any officer, enlisted man or commissioned nurse on active duty in the Army of the United States (or any component thereof), U.S. Navy, Marine Corps or Coast Guard.
- (c) German or Italian aliens, parents, wives, husbands, children of (or other person residing in

a. a household whose support is wholly dependent upon) any officer, enlisted man or commissioned nurse who on or since December 7, 1941, has died in line of duty with the army ^{ed} services of the United States indicated in the preceding paragraph.

(d) German and Italian aliens awaiting naturalization who had filed a petition for naturalization and who had the filing fee therefore on or before December 7, 1941.

(e) Patients in hospitals, or confined elsewhere, and too ill or incapacitated to be removed therefrom without danger to life.

(f) Inmates of orphanages and the totally deaf, dumb or blind.

Blanks for filing applications for exemption may be obtained from postoffices, immigration offices, U.S. Employment Service offices and the Wartime Civil Control Administration's 64 service offices.

7. Attention is called to the fact that all permits for enemy aliens, issued by the attorney-general's office, have been rescinded by the War Department and all future permits must be secured from the War Department. Unions which have enemy aliens who previously had permits should see that new permits are issued.

8. The fact that permits have been obtained for enemy alien members to work after curfew hours and to live outside of the restricted zones should be an incentive for all unions to seek similar exemptions for any of their members so affected, although new

Army regulations are much more restrictive in this connection.

9. Contact authorities to lift restrictions of employment of friendly aliens in restricted zones, such as Encinal Terminal and other waterfront docks.

10. Work out standard pass for all waterfront workers, coordinating passes required by Army, Navy, Coast Guard, State Guard, Harbor Commission, etc.

11. Meet with General De Witt, Admiral Greenslade or other authorities to work out a specific program to:

- (a) Secure regular employment for all friendly aliens on the San Francisco waterfront, on all ships and in all zones.
- (b) Have Government authorities issue orders to contractors acquainting them with Government policies regarding the employment of aliens, i.e. that there are no restrictions on the employment of aliens except as heretofore mentioned, and that no discrimination should be shown them.
- (c) Secure standard pass for all employees working on waterfront.
- (d) Propose that Civilian Boards be set up to assist the Army and Navy in examination of enemy aliens and to issue exemptions to those who are found to be loyal and patriotic, such boards to be similar to the Civilian Boards set up by the Department of Justice in connection with the internment of enemy aliens.
- (e) Propose that all alien fishermen be allowed to

resume operations, with enemy aliens being cleared through proposed Civilian Boards, and that the fishing boats be used as an auxiliary of the Navy.

(f) Expedite action by FBI, Army and Navy intelligence departments on cases affecting alien union members, as well as all other union members so affected.

12. Propose to the A.F. of L. that it carry out a similar survey and coordinate its work with the CIO and be represented at the meeting with Army and Navy authorities.

13. Propose to the Day Area Council Against Discrimination that it also be represented at the meeting with Army and Navy authorities.

14. Acquaint Governor Olson with all of the facts relative to discrimination against aliens and seek his cooperation and presence at the above referred to meeting.

Government Orders, Regulations, Statements of
Policy, Press Releases, Etc. Regarding the
Employment of Aliens in Defense Industries

PRESIDENT ROOSEVELT

January, 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, and on both counts it plays into the hands of the enemies of American democracy. By discharging loyal, efficient workers simply because they were born abroad or because they have "foreign-sounding" names or by refusing to employ such men and women, employers are engendering the very distrust and disunity on which our enemies are counting to defeat us.

Remember the Nazi technique: "Pit race against race, religion against religion, prejudice against prejudice. Divide and conquer!"

We must not let that happen here. We must not forget what we are defending: liberty, decency, justice. We cannot afford the economic waste of services of all loyal and patriotic citizens and non-citizens in defending our land and our liberties.

I urge all private employers to adopt a sane policy regard-

ing aliens and foreign-born citizens, and to remember that the sons of the "foreigners" they discharged may be among those who fought and are fighting so valiently at Pearl Harbor or in the Philippines.

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, depending on the contract.

- - - - -

SOCIAL SECURITY BOARD
(Press Release February 3, 1942)

Representatives of the United States Employment Service throughout the country have been instructed to begin immediately an intensive effort to make clear to employers holding war contracts that the Government has not placed an unqualified ban on the employment of aliens, Federal Security Administrator Paul V. McNutt announced today.

John J. Corson, Director of the Employment Service, he added, has instructed the manager of every local employment office to explain to manufacturers of war materials that refusal to hire persons merely because they are aliens is contrary to the policy of the Federal Government.

"The only restriction on the hiring of aliens," the Administrator explained, "is in the case of secret, confidential, or restricted Government contracts and in the case of contracts for aircraft parts or accessories. And even in such cases, noncitizens may be hired if permission is obtained from the War or Navy Department, whichever is concerned."

Reports to the United States Employment Service from many industrial communities indicate, Mr. McNutt said, that aliens are being turned away from plants of all types in increasing numbers, notwithstanding the generally recognized need for the utilization of every available worker in the country.

In order that the local employment office managers may fully understand the situation, the Employment Service has sent to them statements issued by the War and Navy Departments outlining policy concerning the employment of aliens on restricted jobs. These indicate the steps which an employer must take in order to obtain the permission of the War and Navy Departments for the employment of an alien. Such permission has been granted in thousands of cases, it was explained.

"This understandable but wholly unwarranted reluctance of employers to employ aliens in their plants," Mr. McNutt said, "has been deplored by President Roosevelt. The Attorney General has formally declared that the Federal Government condemns such discrimination."

In addition, he pointed out, the Federal Advisory Council for Employment Security recently denounced wholesale discrimination against aliens. This group of 45 representatives of business, labor, and the public, declared: "Aliens should not be discharged, because they are aliens, from any employment in which they are legally engaged. Such a discharge should be solely on the basis of an established presumption of disloyalty on the part of the individual."

"There exists of course the possibility that among the aliens applying for work in the war industries there may be a

saboteur," said Mr. McNutt. "But, out of the five million aliens in America, the Federal Bureau of Investigation has placed in custody less than one-sixteenth of 1 percent because they were regarded as dangerous to the peace and safety of the United States."

- - - - -

SAN FRANCISCO CHRONICLE
January 11, 1942

The labor supply committee of the Northern California and Nevada industrial area, composed of representatives of industry, labor and Federal Government departments, has charged that many employers with war contracts are letting prejudice against hiring aliens slow down their production.

The committee is an official war agency, operating under the Office of Production Management in Washington. Through its chairman, Alexander R. Heron, industrial relations director of the Crown Zellerbach Corporation, the committee said:

"Prejudice against hiring aliens at a time when the Nation needs every possible ounce of production has become so serious that President Roosevelt and Attorney General Biddle have sharply criticized the practice in recent official statements.

"This committee is seriously disturbed by reports which have come to us with respect to the firing of aliens and even of loyal and patriotic American citizens who are regarded as having 'foreign names,' whatever that may mean in a country which has drawn

its people from all parts of the world.

"Along the Pacific waterfront, where billions of dollars of war contracts await completion, there is no place for prejudice against hiring aliens or any racial or foreign group who can be put to work in our war industries.

"Employment of aliens in war industries is not prohibited, as many employers seem to think. The only restriction is that in the case of secret, confidential or restricted Government contracts and in the case of contracts for aircraft parts or accessories, aliens may be employed only with the consent of the head of the Federal department concerned. The necessity for this is obvious...

"The Axis powers must be beaten in the game of production. We, therefore, urge all employers in the Northern California and Nevada industrial area working on war orders to abandon all restrictions against aliens not demanded by the Government in the protection of confidential information."

- - - - -

DEPARTMENT OF JUSTICE, ATTORNEY GENERAL FRANCIS BIDDLE
Press Release December 28, 1941)

Two weeks ago the Department of Justice issued an appeal to state and local law-enforcement agencies and to the general public to help guard at home the freedoms our country is now fighting to defend by protecting the civil liberties of our loyal non-citizen population. There was a heartening response to this appeal--a minimum of hysteria and of the antagonism toward non-citizens as a

class which marred our wartime record of two decades ago, and a willingness to leave to the qualified Federal authority the problem of dealing with whatever disloyal or treacherous elements, citizen and alien alike, which may still exist.

There still remains, however, a serious problem in adjusting our sights to our one great objective; it is the problem of discrimination against aliens in private employment.

No more short-sighted, wasteful or un-American policy could possibly be adopted at this time than that of barring non-citizens from legitimate private employment. In the first place, it is a most effective method of creating disunity, of breaking faith with people who have come to America as a haven of liberty and fair play. It is a complete disavowal of our American institutions, our freedoms, and the principles upon which our democracy was founded.

I am sorry to say that numerous instances have come to the attention of the Department of Justice of employers discharging workers because of some vague "suspicion" that they may be disloyal aliens, and even because they have "foreign-sounding" names! I should like to remind such employers that of our total non-citizen population of about 5,000,000 fewer than 3000--six out of ten thousand--have been regarded as dangerous to the peace and safety of the United States. Those have been taken into custody by the Federal authorities.

I should also like to point out to these employers that many of the "foreigners" they have discharged now have sons serving in our Army and Navy. Among those who died fighting off the treacherous attacks upon Manila and Pearl Harbor were men named Wagner and Petersen and Monzo and Rossini and Mueller and Rasmussen.

To bar aliens from employment is both short-sighted and wasteful. Our country needs the skills and services of every able-bodied and loyal person, citizen or alien, and to deprive it of such services is an economic waste and a stupid error.

There appears to be some confusion, in this connection, as to the policy of the Federal Government and as to the requirements of Federal statutes concerning the employment of aliens. As to the first, it 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, creed, color or national origin.

As to the law, there is only one restriction: In the case of secret, confidential or restricted Government contracts, and in the case of contracts for aircraft parts or accessories, the employer must secure permission from the head of the Federal Department concerned for the employment of aliens. The War and Navy Departments have established regular procedures for handling such applications and have passed upon thousands of them. It should be noted that the percentage of cases in which permission has not been granted to employ aliens even on such confidential work is negligible.

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 dis-

charging such employees. The Federal Government condemns such discrimination and urges all employers not to adopt such a policy.

War threatens all civil rights; and although we have fought wars before, and our personal freedoms have survived, there have been periods of gross abuse, when hysteria and hate and fear ran high, and when minorities were unlawfully and cruelly abused. Every man who cares about freedom, about a government by law - and all freedom is based on fair administration of the law - must fight for it for the other man with whom he disagrees, for the right of the minority, for the chance for the underprivileged with the same passion of insistence as he claims for his own rights. If we care about democracy, we must care about it as a reality for others as well as for ourselves; yes, for aliens, for Germans, for Italians, for Japanese, for those who are with us as well as those who are against us: For the Bill of Rights protects not only American citizens but all human beings who live on our American soil, under our American flag. The rights of Anglo-Saxons, of Jews, of Catholics, of negroes, of Slavs, Indians - all are alike before the law. And this we must remember and sustain - that is if we really love justice, and really hate the bayonet and the whip and the gun, and the whole Gestapo method as a way of handling human beings.

- - - - -

MEMORANDUM FROM BRIGADIER GENERAL T.J. HAYES, DIRECTOR,
PRODUCTION BRANCH, U. S. ARMY

October 24, 1941

MEMORANDUM FOR: The Chief of the Air Corps
 The Chief of Chemical Warfare Service
 The Chief of Engineers
 The Chief of Ordnance
 The Quartermaster General
 The Chief Signal Officer
 The Surgeon General
 The Judge Advocate General

SUBJECT: Employment of Aliens on War Department Contracts.

1. The employment of aliens on War Department contracts has been the subject of conferences and correspondence with other government agencies, employers and various organizations and individual aliens.

2. The Office of the Under Secretary of War has announced that there is no prohibition either by law or regulation of the employment of non-citizens on War Department contracts other than those contained in the two Acts of Congress, namely, the Act of July 2, 1926, and the Act of June 28, 1940.

3. In accordance with the authority contained in the above Acts, the War Department has granted thousands of consents for the employment of aliens on classified (secret, confidential, restricted) and aeronautical War Department contracts, upon applications (on the standard form questionnaire) made to the Office of the Under Secretary by both prime and sub-contractors, usually through and on the recommendation of the Chief of the Supply Arm or Service concerned.

4. When the Secretary of the Navy grants consent for the employment of an alien it is the practice of the War Department to grant similar consent without further action on the part of either

the alien or the employer. This policy has been adopted in the interests of uniformity, for the greater convenience of employers and aliens, and to facilitate the utilization of the service of the alien in national defense work. However, the fact that a Navy application has been filed in no way relieves the employer of his statutory obligation to secure the consent of the Secretary of War. When the approval of the Secretary of the Navy is accepted by the Secretary of War the alien's employer is so notified in writing. Until such notification has been received it should not be assumed that the Secretary of War concurs in the approval of the Secretary of the Navy.

5. The statutes governing the employment of aliens on aeronautical and classified War Department contracts are criminal statutes and the responsibility for determining citizenship is definitely placed on the employer. It is a part of the duty of all concerned in the War Department to take immediate cognizance of any violation, deliberate or otherwise, of these statutes.

6. It is requested that this information be furnished all Procurement Offices.

By direction of the Under Secretary of War.

T.J. Hayes
Brig. General, U.S. Army
Director, Production Branch

- - - - -

MEMORANDUM FROM THE SECRETARY OF THE NAVY

November 18, 1941

TO: The Chief of the Bureau of Yards and Docks
The Chief of the Bureau of Navigation
The Chief of the Bureau of Ordnance
The Chief of the Bureau of Ships
The Chief of the Bureau of Supplies and Accounts
The Chief of the Bureau of Medicine and Surgery
The Chief of the Bureau of Aeronautics
Commandants, All Naval Districts
Commandant, Washington Navy Yard
Commandant, Naval Station, Guam
Commandant, Naval Station, Tutuila, Samoa
All Inspectors of Ordnance
All Supervisors of Shipbuilding
All Inspectors of Machinery
All Inspectors of Navigational Material
All Inspectors of Naval Material

Subject: Aliens - Employment of on Navy National Defense Contracts.

1. United States Statutes do not prohibit the employment of aliens by private employers engaged in National Defense industries. They do provide that an employer must secure the consent of the Secretary of the Navy to employ aliens on work being performed under Navy classified (secret, confidential, restricted) or aeronautical contracts. The procedure for obtaining consent to employ aliens on Navy classified and aeronautical contracts has heretofore been established, and the Secretary of the Navy has granted many such consents where applications have been properly made by a contractor on alien questionnaires (Form NNI-132).

2. All employers who have already received Navy classified or aeronautical contracts should already have been furnished with questionnaires (Form NNI-132). They should be advised that the Navy Department has not restricted the employment of aliens but has required an alien questionnaire (Form NNI-132) to be filled out by aliens having access to work on Navy classified or aeronautical

contracts.

3. Questionnaire Forms NNI-132 should be forwarded by the Inspector to the cognizant technical bureaus as soon as each individual questionnaire has been properly executed, and neither the company nor the inspector should wait until all questionnaires of one company have been completed. Delay in forwarding the completed questionnaire of any individual alien may work a hardship on the individual and slow up production of the company. The Navy Department is interested in causing the slightest possible delay and inconvenience to both employer and employee.

4. Each question of the alien questionnaire (Form NNI-132) should be completely answered. Reasons for inability to answer any question should be stated on the form. Your attention is directed to the questions in the form requesting information on past employment. The complete history of employment of the alien as requested should be given. Any unaccounted-for period of time should be explained.

5. The fact that an application has been filed with the Secretary of War for consent to employ aliens on War Department contracts or that consent has been granted by the Secretary of War for employment on War Department contracts in no way, under present arrangements, relieves the employer of his statutory obligation to secure the consent of the Secretary of the Navy for the employment of aliens on Navy classified or aeronautical contracts.

6. It is requested that the information contained herein be widely distributed among all contractors holding Navy classified or unclassified contracts, and among those contractors who are expected to receive such contracts.

FORRESTAL

TABLE - EFFECT OF WARTIME REGULATIONS ON EMPLOYMENT OF ALIENS REPRESENTED BY THE CIO
IN INDUSTRIES ENGAGED IN DEFENSE PRODUCTION
San Francisco, April 1, 1942

UNION	No.Members	No.Friend- ly Aliens	No.Enemy Aliens	No.Enemy Aliens Discharged or Refused Work	No.Friendly Aliens Discharged or Refused Work (including part- ial unemployment)
ILWU 1-10 (Longshoremen)	4000	700	75	75	700
ILWU 1-22 (Bargemen)	570 (in- cluding 145 permit mem- bers.)	300	2	2	300
ILWU 1-2 (Ship Scalers)	411 (in- cludg 200 per- mit members.	253	4	4	----
ILWU 1-6 (Warehousemen)	12000	*	150**	**	*
ILWU 1-34(Dock Checkers)	640	11	1	1	11
Inland Boatmen's Union of the Pacific (S.P.)	300	----	1	1	----
Marine Cooks & Stewards Assn.	5000	50 (or more)	50	50	50
SWOC, Local 1684	800	?	20	4	----
United Furniture Workers, Local 262	850	?	100	----	----
Industrially Unemployed Workers Union	1517	68	7	7	68
Alaska Cannery Workers Union, Local 5	1300	800	65	40	200
IUMM&SW, Local 50	420	70	65	20	20
Textile Workers Union, Locals 71 & 158	1000	400(approx- imate)	250(approx.)	6	----
IFAW Local 34	312	----	170	170	----

* Only friendly aliens refused employment are carloaders on waterfront working on govern-
ment ships. All have been shifted to other work by the union.

** This figure represents only the number of enemy aliens affected and does not represent
the total number in the union. Of this number 100 have been affected by curfew regula-
tions; 50 by zone restrictions.

A REPORT ON THE EFFECT OF RECENT ARMY AND NAVY REGULATIONS
ON THE EMPLOYMENT OF ALIENS WHO ARE MEMBERS OF CIO UNIONS
IN SAN FRANCISCO

(Prepared by the San Francisco CIO Council for presentation
to Army and Navy authorities)

Introduction

Recent Army and Navy regulations which require that only American citizens be employed by the Government in loading ships have deprived hundreds of experienced longshoremen of work and have slowed down the movement of war cargo.

Army regulations issued on March 29, 1942, which set up new curfew hours and zone restrictions, together with other restrictions on the activities of enemy aliens, have seriously affected workers in defense industries in this area and are tending to disturb production in these industries.

It is the purpose of this report to develop these problems in as concise a manner as possible and to offer recommendations for their solution.

The report is being presented in a spirit of complete cooperation with Army and Navy authorities and with a full realization of the scope and gravity of the problems as they affect military operations.

A Statement of the Problems

It should be said at the outset that the San Francisco CIO Council, in cooperation with the national office of the Congress of Industrial Organizations, is dedicated to a program of all-out, maximum production in defense industries. This program includes the utilization of all available plant capacity and machines, all available manpower, and the operation of plants on a 24-hour-a-day, seven-day-a-week basis.

The CIO, with its five million members in such vital war industries as coal, steel, auto, rubber, oil, utilities, maritime, etc., is playing an important part in the production and movement of war materials. Here in San Francisco

the great majority of the CIO Council's 40,000 members are employed either directly or indirectly in the production or transportation of such materials.

Labor in San Francisco has taken the lead in achieving unity within its own ranks as a means of helping to win the battle of production. A.F. of L., CIO and Railway Brother unions - representing over 125,000 organized workers in this city - have formally united for the purpose of preventing jurisdictional disputes and strikes and for achieving all-out production in the defense industries.

The Effect of Army and Navy Regulations on the Loading
of War Cargoes and on Employment of Longshoremen

Workers to load ships on the San Francisco waterfront are normally obtained through the International Longshoremen's and Warehousemen's Union, Local 10 (longshoremen) and from I.L.W.U., Local 22 (bargemen), and at peak periods when more men are needed, through I.L.W.U., Local 6 (warehousemen), I.L.W.U., Local 2 (ship-scalers) and the Alaska Cannery Workers' Union, Local 5.

Present Army and Navy regulations prohibit anyone except an American citizen from doing longshore work for the Government in the port of San Francisco.

There are approximately 1,175 workers who are thoroughly skilled in the various phases of longshore work who are not citizens of the United States and who are now not allowed to work on Government ships because of these regulations.

Of this number, 775 are members of I.L.W.U. Local 10 (longshoremen), 300 members of I.L.W.U. Local 22 (bargemen), and 100 members of the Alaska Cannery Workers' Union. Of the total, only 75 are enemy aliens, and all of these have been issued withdrawal cards from their union.

There are, therefore, approximately 1100 thoroughly trained longshoremen,

all of whom are from countries which are either allies of this country or are friendly to this country, who are unable to play their full part in the war effort because of the fact they cannot work on Government ships.

An examination of the record of these workers will disclose that most of them have worked a good part of their lives on the San Francisco waterfront, have homes and families in this city - many with sons in the armed forces - and that they are completely loyal to this government. A survey of I.L.W.U., Local 22 (bargemen), for example, disclosed that out of 300 friendly alien members of that union, the tenure of employment on the San Francisco waterfront ranged from 15 to 42 years. Of the 225 permanent (book) members of that union, all are charter members, i.e., since 1934.

Because of the fact that longshore work on Government ships is restricted to citizens, I.L.W.U., Local 10 (longshoremen), through which longshoremen are dispatched, has had to call on as many as 1,800 workers from other unions in a 28-day work period, the majority of whom have been inexperienced workers.

The establishment of certain restricted zones, such as the Encinal Terminal and certain docks on the San Francisco waterfront, where only longshoremen who are citizens are allowed to work, has further limited employment of experienced longshoremen.

As a result of these regulations, the Army and Navy Transport Service has been required to employ as many as 2,000 dock-seamen, the great majority of whom are not experienced workers.

The techniques of longshore work cannot be picked up overnight. It is estimated by both unions and employers that at least 1,500 hours of work over a one-year period is necessary to qualify a person for this type of work. In addition, longshoremen work in gangs where teamwork is essential; one inexperienced worker in a gang can upset the whole tempo of work in that gang, thereby not only seriously affecting the productivity of the gang, but reducing the product-

ivity of the individual skilled worker, as well.

From the foregoing facts, it is apparent that there exists a large supply of highly trained longshoremen which is available to the Army and Navy but which is not being utilized at the present time.

As long as these men are not being used, war cargoes cannot be moved as rapidly as they might be, and hundreds of workers are deprived of their livelihood.

The Effect of Restrictions Against

Aliens in the Fish Industry in San Francisco

The fish industry in San Francisco has been affected adversely by three factors: 1. Restrictions imposed by the Navy. 2. Commandeering by the Navy of a number of fishing vessels. 3. The bulk of the fishermen in San Francisco are Italian aliens who have been forbidden to pursue their usual occupation.

A registration of local fishermen, conducted during December 1941, by the International Fishermen & Allied Workers of the Pacific, Local 34, disclosed that out of a total registration of 312, 142 were citizens (102 naturalized; 40 American born); 170 were aliens, 90 of whom had applied for first papers and 80 of whom had not applied for first papers.

The average length of residence in the United States of those registered was 27 years. It is estimated that from 75 to 85 per cent have families in this country and that a number have sons now serving in the armed forces. Nearly all own their own boats or have an investment in a boat.

Fish production is essential to the war effort not only because it supplies an important food item (the fresh fish requirements of the Army and Navy are estimated at 500,000 pounds of fish per month), but because of the value of numerous fish by-products. We cite only that of fish liver oil, which is the main source of Vitamin A. Since the inception of the war, the supplies of fish

liver oils from Norway and Japan, which accounted for 75 per cent of total United States consumption, have been cut off. Vitamin A is essential for maintaining good eyesight, and as such is especially important for the air corps of the United States and allied armed forces.

Current Army and Navy regulations have forced 50 per cent of the local fishermen out of business. This has meant a proportionate decrease in production. When we consider the fact that the catch of fish out of San Francisco comprises approximately 36-40 per cent of the total catch in California, we can realize what a serious effect such a decrease in production will have on the general war effort.

The Result of Curfew and Zone Restrictions
On Aliens Employed in Defense Industries
In San Francisco.

Army regulations barring enemy aliens from restricted zones and imposing curfew regulations have affected hundreds of workers engaged in local defense production.

Prior to March 29, 1942, when the Army assumed full authority in the enforcement of the above regulations, the attorney-general's office had issued permits of exemption to enemy aliens engaged in defense production, but these permits were subsequently revoked by the Army.

The result has been that in cases where enemy aliens had been working on night shifts it has been necessary to change them to day shifts and to replace them on the night shifts with citizens. In one steel plant, for example, there are 80 enemy aliens (Italians) who had been issued permits to work after curfew. When these permits were revoked they were changed to the day shifts - and in many cases to unskilled jobs - and their work assumed by citizens. This situation has caused serious friction and disunity among the workers in the plant, for it is obvious that a citizen is reluctant to give up his job on a day shift

to accommodate an enemy alien.

The same situation has developed in the warehouse, furniture, textile and other industries represented by the CIO that are engaged in national defense work.

Many of these aliens are key men in their respective plants and it will be difficult, if possible, to replace them.

The seriousness of this situation is emphasized by the fact that there are some 14,000 Italian aliens in San Francisco, all of whom are affected by curfew regulations and many thousands of whom are engaged in defense production.

Growing Reluctance of Employers to Hire Aliens

Despite statements by both the Secretary of the Navy and the Secretary of War that "United States statutes do not prohibit the employment of aliens by private employers in national defense industries," and despite numerous statements by the President to the same effect, there is a growing reluctance on the part of many local employers to hire aliens.

The International Union of Mine, Mill and Smelter Workers, Local 50, reports, for example, that the Federated Metals Division of the American Smelting and Refining Company has refused to hire any alien.

According to Government regulations, the only restrictions on the employment of aliens is in connection with work on restricted or certain aeronautical contracts where, to employ aliens, the employer must secure the consent of the head of the department involved, and "thousands of such requests have been granted", to quote from Army and Navy Department bulletins.

Refusal of local employers to hire aliens, or to make it difficult for them to secure employment, is preventing large numbers of skilled workers from participating in defense production.

Difficulties in Securing Passes for Waterfront Workers

ILWU Local 22 (bargemen) and ILWU Local 2 (Ship-scalers) report that they have had difficulties in securing the required passes for members to work on the waterfront, and that there have been conflicting orders in this connection from the Navy, Army, Coast Guard, Harbor Commission and State Guard.

Many qualified workers have thus been deprived of work, and it has caused confusion among the membership of the unions involved.

Delays in Prosecution by the FBI, Army and Navy Intelligence Departments

Complaints have come from the Marine Cooks and Stewards Association, National Maritime Union, and the I.L.W.U. Local 10 (longshoremen) that workers have been removed from the job by orders of the Federal Bureau of Investigation, Army or Navy Intelligence Departments, without complaints issued against them. In some cases workers have been forced to remain idle for two or three months without ever having been informed of the charges against them or without receiving any trial or hearing.

RECOMMENDATIONS

This report thus far has attempted to outline some of the problems that have arisen as a result of recent Army and Navy regulations insofar as they affect production and employment in the industries in this area represented by the CIO.

We trust the following recommendations, which are being offered solely with a view toward assisting Army and Navy authorities, will prove of value in solving the problems.

It is recommended that:

1. Civilian Boards be established to investigate the history and

? (if other than Japanese race)
activities of enemy aliens, applying for exemption from Army and Navy regulations. That the boards provide those aliens, ^{so described} whose loyalty may be in doubt with prompt hearings and give them a proper opportunity to prove they are loyal and that it is in the public interest for them to continue to follow their regular occupation. Such boards should be empowered, after proper investigation and hearings, to grant to ^{such} individual aliens clearance or permits to continue to work in their respective industries. These boards should also be empowered to waive the evacuation order of those enemy aliens ^{as described} who may be found to be loyal to this country.

2. Orders be issued to allow friendly aliens, i.e., those aliens from countries which are either allies or at present friendly to this country, to do longshore and similar work for the Government, as well as on privately operated ships, and that they be further allowed to work in areas which are now considered restricted areas.

3. That Army and Navy authorities issue a comprehensive statement to all contractors and sub-contractors outlining the Government's policy with respect to the employment of aliens in defense plants so that there may be a clear understanding by the contractors and sub-contractors of the policy.

4. The issuances of passes to waterfront workers by the Army, Navy, Coast Guard, State Harbor Commission and State Guard be coordinated and the procedure simplified.

5. The Federal Bureau of Investigation, Army and Navy Intelligence Departments expedite cases of workers who have been removed from the job and that such workers be informed of the charges against them and that they be given prompt hearings.

6. The naturalization of aliens who are employed in national defense industries, or have special skills needed for national defense industries, be facilitated.

April 18, 1942

Rear Admiral J. W. Greenslade,
Commandant Twelfth Naval District,
Federal Office Building,
San Francisco, California

Dear Sir:

Under separate cover we are sending you two copies of a report we have compiled on alien problems in San Francisco, describing briefly and factually the effect present restrictions have on war production and related activities in this area.

Concluding the report are specific recommendations for handling the problems in a manner, which, we believe, assures full protection to the Government and at the same time enables patriotic aliens to resume employment. It is our intention to request a conference with you after you have had the opportunity of reading the report and recommendations.

We wish to express our admiration of the humane and considered manner in which our military authorities have dealt with aliens. On behalf of the 50,000 members of the CIO, we pledge our continued cooperation to the end that this area shall remain free of sabotage and other acts hindering the war effort.

Sincerely,

George Wilson
GEORGE WILSON
Secretary

uopwa-34

April 18, 1942

Lieutenant General John L. DeWitt,
Commander Ninth Corps Area
Presidio
San Francisco, California

Dear Sir:

Under separate cover we are sending you two copies of a report we have compiled on alien problems in San Francisco, describing briefly and factually the effect present restrictions have on war production and related activities in this area.

Concluding the report are specific recommendations for handling the problems in a manner, which, we believe, assures full protection to the Government and at the same time enables patriotic aliens to resume employment. It is our intention to request a conference with you after you have had the opportunity of reading the report and recommendations.

We wish to express our admiration of the humane and considered manner in which our military authorities have dealt with aliens. On behalf of the 50,000 Members of the CIO, we pledge our continued cooperation to the end that this area shall remain free of sabotage and other acts hindering the war effort.

Sincerely,

George Wilson
GEORGE WILSON
Secretary

ucpwa-34

SAN FRANCISCO C. I. O. COUNCIL

AFFILIATED WITH THE CONGRESS OF INDUSTRIAL ORGANIZATIONS

C. I. O. BUILDING, 150 GOLDEN GATE AVENUE, ROOMS 101-102

SAN FRANCISCO, CALIFORNIA

TELEPHONE TU XEDD 6363



PRESIDENT, GEORGE WILSON

SECRETARY-TREASURER, PAUL SCHNUR

July 15, 1943

TO ALL CALIFORNIA CIO UNIONS

Dear Sirs and Brothers:

We are enclosing herewith a folder issued by the Committee on American Principles and Fair Play. This Committee, of whose executive committee I am a member, has asked that I bring the activities of the organization to your attention with the view that some members of your union may wish to contribute financially to our program.

The Committee was organized several months before the United States entered the war, for the purpose of protecting minority groups. Dr. Henry F. Grady, former under-Secretary of State, was our first chairman. Under his leadership the Committee did a most effective job protecting the rights of foreign born, particularly Japanese. Dr. Grady was obliged to resign because of the pressure of his many activities. He has remained on the Advisory Board.

Our present chairman is Maurice E. Harrison, and Honorary chairman is Dr. Robert Gordon Sproul, University of California.

I believe we have been extremely successful in off-setting the damaging programs of the American Legion, the Native Sons and other organizations which are attempting to use war-caused prejudices to discriminate against all Japanese - whether American born or foreign born and regardless of their loyalty to the United States. Also, we were extremely active in the recent session of the State Legislature and successfully blocked efforts to discriminate against Japanese and Japanese-Americans by legislative means.

In the beginning we were a San Francisco organization, but several months ago we expanded and now have a membership extending throughout the Pacific Coast.

Needless to say, the program of our Committee is financed by private subscriptions and membership dues. Treasurer Harry S. Scott at 465 California Street, San Francisco, or Assistant Treasurer Galen Fisher at Orinda, California will be glad to receive checks from those who wish to be a part of this timely movement to protect our minorities. A General membership is \$2; a Sustaining membership, \$10 or over; a Student membership, \$1, and a Contributing membership, \$5.

Sincerely and fraternally,

GEORGE WILSON
President

GW:ss
uopwa 34
enc