

Tempe, Arizona  
April 14, 2009

Fred S. Zeidman,  
Chairman, United States Holocaust Memorial Museum Council  
100 Raoul Wallenberg Place, SW  
Washington, DC 20024-2126

RE: Hearing on the Treatment of Latin American of Japanese Descent, European Americans. Jewish Refugees During World War II: H.R. 1425, Wartime Treatment Study Act; held on March 19, 2009.

Dear Chairman Zeidman:

During the March 19, Subcommittee hearing identified above I was disheartened to learn that Hudson Institute member, Mr. John Fonte, relied on erroneous statements made by a representative of the U.S. Holocaust Memorial Museum (USHMM), Senior Historian, Mr. Peter Black when submitting testimony to the subcommittee. An excerpt of Mr. Fonte's testimony with reference to Mr. Black's statement is attached.

Mr. Fonte relied on the reliability and accuracy of Black statements when constructing his testimony for the subcommittee. (See May 8, 2007 letter from Richard Hertling, Principal Deputy Assistant Attorney General, to Patrick Leahy, chairman of the Judiciary committee, regarding concerns over S.621, the Wartime Treatment Study Act.) Certainly, it was useful for Fonte to rely on Black's statements to oppose the bill. Indeed who wouldn't perceive Black, a Senior Historian and scholar, from such a venerable well respected institution such as the United States Holocaust Memorial Museum as an expert beyond reproach? By citing Black as an irrefutable expert Fonte would not be required to support any further validation of his contentions. Who would have the audacity to discredit a Holocaust scholar like Mr. Black? Who would question his scholarship?

As you may recall I wrote to you, on August 25, 2007 requesting that as Chairman of the USHMM you look into Black's egregious statements and issue a public retraction and correction.

To even imagine that a Senior Historian at the United States Holocaust Memorial Museum is responsible for diminishing the civil rights abuses that befell thousands of innocent European American civilians who were victims of arrest, internment, and deportation and exchange with the enemy is appalling, but to continue the deceit is inexcusable and indefensible.

In my letter of July 2, 2007 to Mr. Black I wrote:

*"To be sure what happened to tens of thousands of German Americans, Italian Americans, and Japanese Americans pales in comparison to the Holocaust. However, you, of all persons, should realize that the Holocaust began when the first innocent victim*

*knowingly was sentenced to his/her fate. Why would anyone, and in particular someone in your position, want to minimize what befell victims of internment of the United States?"*

The "big lie" generated by Black has now been amplified and intensified by Fonte in a public Congressional hearing. The time has come for the USHMM to either issue a retraction/correction for Black's statements or to identify specifically any and all facts that the USHMM disputes in the Wartime Treatment Study Act, H.R. 1425.

In conclusion the Wartime Treatment Study Act calls for a "study, an examination of the records" of WWII internment, if the USHMM has primary documents that challenge the veracity of the numbers in the bill they can be presented at the appropriate time in the process. To date the USHMM has offered no documents to support Black's contention that the bill is "outrageously exaggerated." Furthermore, arguing over the precise numbers is a mere distraction to obscure an investigation into the more important issues of injustice and violations of constitutional and individual rights.

Sincerely,

Arthur D. Jacobs  
Major, USAF Retired  
A US-born internee at 12  
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cc: Mr. Peter Black, Senior Historian, United States Holocaust Memorial Museum  
Chairwoman Zoe Lofgren  
Senior Member Steve King  
Member, Daniel E. Lungren  
Representative Robert Wexler  
Senator Russell D. Feingold

Enclosure

Congressional Testimony on Wartime Treatment Study Act  
John Fonte, Ph.D.  
Senior Fellow and Director of the Center for American Common Culture  
Hudson Institute  
House Judiciary Committee  
Immigration Subcommittee  
March 19, 2009

**“The Wartime Treatment Study Act is historically inaccurate and an unreliable guide for the future”**

Thank you Chairman Lofgren and Ranking Member King.

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The inclusion of the issue of Jewish refugees to this bill was not part of the original concept of the bill and is an obvious fig-leaf, added later. On May 8, 2007 the Department of Justice sent a letter to Senate Judiciary Chairman Leahy on the Wartime Treatment Study Act signed by Principal Deputy Assistant Attorney General, Richard A. Hertling. The DOJ letter stated that in 2001 Justice had contacted the Senior Historian at the US Holocaust Memorial Museum and the historian said “that the bill’s identical depiction of the treatment of Axis citizens and European Americans [US citizens] was “outrageously exaggerated.” The Holocaust Museum historian when asked about the bill’s accusation that “the United States Government violated the civil rights of European-American citizens” stated that he is “aware of no historical facts to support those conclusions.”

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