

## **Neighbors Not Enemies Act**

### **H.R. 3621/S. 3690**

The **Neighbors Not Enemies Act** would repeal the Alien Enemies Act of 1798 in its entirety. The 1798 laws known collectively as the “Alien and Sedition Acts” were a set of four bills targeting immigrants under the guise of war. While three of the acts have since expired or been repealed, the Alien Enemies Act (AEA) remains in effect to this day. The AEA should be repealed because it is an archaic law that has been used to single out racial and religious minorities and deny them due process and the human right to be treated fairly.

### **Why Should We Care?**

During World War II, the [Alien Enemies Act of 1798](#) (AEA)<sup>1</sup> was used to detain Japanese and Japanese Americans living in America without evidence of actions threatening national security. The AEA gives the President extreme executive powers to target foreign nationals of an “enemy nation” during wartime. The AEA allows the U.S. government to “apprehend, restrain, secure and remove” any non-U.S. citizen from a “hostile nation” without due process or evidence of wrongdoing. More recently, during the 2016 election, President Trump referred to the usage of AEA as a justification for the Muslim Ban stopping people from a long list of predominately Muslim countries from entering the U.S. This law has also been rendered redundant by [many other laws that still exist to effectively defend our nation](#) against foreign actors, and does not serve as a lynchpin of modern American national security.<sup>2</sup>

### **How Was the Alien Enemies Act Used Against Japanese, Germans & Italians During WWII?**

In 1941, President Franklin Delano Roosevelt issued [Presidential Proclamations 2525](#)<sup>3</sup>, 2526, and 2527 to authorize the United States to detain allegedly potentially dangerous enemy aliens and confiscate enemy property.<sup>4</sup> Thousands of suspected enemy aliens were arrested, mostly people of Japanese, German or Italian ancestry. By February 16, 1942, the Department of Justice held 2,192 Japanese, 1,393 Germans, and 264 Italians, and arrests continued even after that date.<sup>5</sup> Many arrested were first generation Japanese “Issei”<sup>6</sup> leaders of the Japanese American community and its organizations.

---

<sup>1</sup> Nakamura, Kelli. Alien Enemies Act of 1798. (2015, July 29). *Densho Encyclopedia*. Retrieved 21:12, March 28, 2022 from <https://encyclopedia.densho.org/Alien%20Enemies%20Act%20of%201798>.

<sup>2</sup> Jennifer K. Elsea & Matthew C. Weed, Cong. Research. Serv., RL31133, [Declarations of War and Authorizations for the Use of Military Force: Historical Background and Legal Implications](#) (2014).

<sup>3</sup> Presidential Proclamation 2525 Enemy Aliens, U.S. National Archives, <https://www.internmentarchives.com/specialreports/smithsonian smithsonian10.php>

<sup>4</sup> World War II Enemy Alien Control Program Overview, Brief Overview of the World War II Enemy Alien Control Program, U.S. National Archives, January 7, 2021, [World War II Enemy Alien Control Program Overview | National Archives](#).

<sup>5</sup> Nakamura, Kelli. Alien Enemies Act of 1798. (2015, July 29). *Densho Encyclopedia*. Retrieved 21:05, March 28, 2022 from <https://encyclopedia.densho.org/Alien%20Enemies%20Act%20of%201798>.

<sup>6</sup> “Issei” is a term used for Japanese immigrants originating from the Japanese language term for “first generation.”

By the end of WWII, over **31,000** suspected enemy aliens and their families, including a few Jewish refugees from Nazi Germany, had been interned at Immigration and Naturalization Services (INS) internment camps and military facilities throughout the United States.<sup>7</sup>

### **What Could Happen If the Alien Enemies Act Is Not Repealed?**

The U.S. government could “apprehend, restrain, secure and remove” any non-U.S. citizen from a nation with whom the U.S. is at war, without due process or evidence of wrongdoing. This includes people living in the U.S. who have legal permanent status through H-1B, H-2B and L-1 visas, unless they are naturalized U.S. citizens. For example, if the U.S. were to declare war with a country, **any** citizen of that country over 14 years of age who is not also a naturalized U.S. citizen, could be apprehended, restrained, secured or subject to repatriation. There now exist multiple alternative laws that would adequately serve to apprehend suspected wrongdoers who are a threat to national security such that the AEA is no longer necessary to preserve our national security at the cost of broadly denying rights to people due to their lack of citizenship status.<sup>8</sup>

### **Japanese Americans Stand in Solidarity**

Japanese Americans have long experienced racial prejudice, which led to the mass incarceration of nearly 120,000 people of Japanese ancestry, nearly  $\frac{1}{3}$  of whom were U.S. citizens, during WWII and the discrimination that followed. The COVID-19 outbreak rekindled deep-rooted sentiments of anti-Asian hate. The Asian diaspora, specifically in the United States, fell victim to broad based Anti-Asian hate crimes. Now, more than ever, Japanese Americans are standing in solidarity with Muslims, Germans, German-Jewish, and Italians victimized by the use of the Alien Enemies Act. Together, we recognize the power we hold through unity to combat racial and religious prejudice. Our goal is to prevent other religious and ethnic minorities from suffering discriminatory action under the guise of the Alien Enemies Act. We must learn from historical mistakes built on fear of others and embrace a fair and just system by repealing the Alien Enemies Act of 1798.

We would like to invite you and other organizations to join us in this effort. For more information, please contact Naoko Fujii, JACL Legislative Research Consultant at [nfujii@jacl.org](mailto:nfujii@jacl.org).



---

<sup>7</sup> World War II Enemy Alien Control Program Overview, Brief Overview of the World War II Enemy Alien Control Program, U.S. National Archives, January 7, 2021.

<https://www.archives.gov/research/immigration/enemy-aliens/ww2>.

<sup>8</sup> Jennifer K. Elsea & Matthew C. Weed, Cong. Research. Serv., RL31133, Declarations of War and Authorizations for the Use of Military Force: Historical Background and Legal Implications (2014). <https://crsreports.congress.gov/product/details?prodcode=RL31133>.