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Crime and Immigration

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CRIME AND IMMIGRATION.

(Report of Committee G, of the Institute.)¹

GINO C. SPERANZA, CHAIRMAN.²

The Executive Board of the Institute at the last annual meeting referred to this committee the following questions for investigation, and report:

First: "Do existing treaty provisions directly or by implication and interpretation sufficiently protect the alien's rights and remedies in the United States?"

Second: "Do existing legal provisions, either in our statutes or in our treaties, sufficiently protect the United States from alien criminals?"

Third: "Is it advisable to settle the status of the immigrant by international agreement?"

Owing partly to the fact of the absence of the chairman of the committee in Europe, where he made study of Italian penal institutions, and largely to the impossibility of getting together a group of very busy men geographically scattered in different states, it has been impossible to prepare a committee's report as such, that is, a report which should embody the views of all or of a majority of the committee, whose membership is composed of men and women of very diverse callings and of very divided opinions and convictions.

Under the circumstances it was deemed advisable and it was decided at a meeting at which a majority of the New York members attended to assign each of the three questions referred to the committee to a member thereof to report at this annual meeting.

The first query was assigned to Professor Kirchwey, whose report is hereto annexed, and your attention is earnestly called to his suggestions towards the solution of what has become a public scandal, viz: our inability as a nation to meet our obligations, solemnly entered into with foreign states to protect their citizens who come to us. Prof. Kirchwey's

¹The members of this committee are as follows: Gino C. Speranza, N. Y. City, chairman; Robert Ferrari, N. Y. City; Charles C. Hyde, Chicago; Dr. Carl Remuse, Ellis Island; Francis A. Kellor, N. Y. City; Miss Grace Abbott, N. Y. City; Edward A. Sterner, Grinnell, Ia.; Robert Wachtern, Washington, D. C.

²Member of the Bar Association of New York, and of the Law Committee of the Prison Association of New York, appointed by Governor Hughes to the Commission of Immigration of the state of New York. For over ten years counsel to the Consulate General of Italy at New York, and organized for the Italian government the first legal aid office for immigrants. Has written on legal and immigration questions in the American Law Register, the Albany Law Journal, The Green Bag, The Outlook, The Popular Science Monthly, etc.

proposed remedies are juridically sound, simple of enactment and fair in scope. I sincerely hope they will be fully discussed by the institute, and if approved, endorsed at the annual meeting.

The second query was referred to Robert Ferrari, Esq., of the New York Bar, whose report I annex and urge that it be read in full. Though it may transcend somewhat the strict limits of the subject assigned to him it is a valuable summary of the important subject of immigration restriction, with which the control of the alien criminal is so intimately connected. While Mr. Ferrari's report represents only his personal views, conclusions and recommendations, it seems to your chairman a most fair discussion of the subject by a man who combines with his American legal training a sympathetic but critical attitude towards the views of the immigrant as it comes to him through his foreign origin.

The third question to wit: "Is it advisable to settle the status of the immigrant by international agreement?" was referred to the chairman, who begs to reply thereto briefly as follows:

In considering the problems of the immigrant we are still often under the impression that the immigrant is a person who leaves his native land and comes to our shores for the purpose of taking up his residence here and making this his country. This has been true and is still true to a certain extent. But the increasingly apparent fact in our immigration is its transient character except in the case of immigration from those countries where religious and political freedom is not yet an assured fact. In Europe it is a well known fact that migration of large numbers of persons from one continental country to another is not only temporary but seasonal. This is due to the fact that the chief impetus of migration today is due to the endeavor of laborers to find employment or work; and this is true now very largely, of immigration to our country.

The transient character of immigration to this country was first noticed when attention was drawn to the so-called birds of passage; then when it assumed larger proportions it was called our immigrant "back water" and was the subject not only of comment but of criticism. But whatever our views thereof, the important fact is that there is a distinctly growing stream of transient immigration becoming almost as marked as the interstate migration in European states, and that is due purely to economic causes.

This being so the question both of protecting such immigration and of self protection from it rises in a very special manner from a national to an international problem. It is like controlling the waters of a river whose ebb and flow traverse different states; the problem of the use, con-

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servation and abuse of the energy and power derived from such river is one that can only be justly dealt with by agreement between the states through which it runs; so likewise is the problem of preventing its pollution or damage by overflow or otherwise.

Now most of the continental countries of Europe have already agreements between them regarding the status, protection and control of temporary immigration, their laws extend the benefits and safeguards of modern social legislation to alien immigrant laborers on the basis of reciprocity; special international tariffs have been enacted regulating the transportation of immigrants and reciprocal international contracts as to their care in transit, special lodgings, passports, the labor of minors and women, hours of labor, white slavery, accidents and kindred subjects.

On the other hand, progress is being made in certain European countries in establishing a distinct legal and political status for the immigrant, exempting him from certain duties under certain conditions during absence from his native land, and depriving him of certain benefits, but automatically re-instating him in such benefits and re-imposing such duties on his return. Indeed, students of the question are already debating the possibilities of double citizenship and suspended citizenship, and it will no doubt surprise some of you that in some parts of Italy, for instance, political elections are arranged with due regard to the time when immigrants to the Americas are most likely to return.

Our own country, though it has seen the wisdom of international action in the case of mail, parcels post and trademarks and to a certain extent in the sale of opium, white slavery and health, has taken practically no action as regards the discipline of that mighty stream of human beings which pours in upon us from every country in the world. True that at certain ports of Europe it has medical examiners from our marine service, but that is only in a few cases and solely as a matter of courtesy by the foreign sovereignty.

I cannot in this paper point out the benefits both to ourselves and to immigrants that would accrue from international agreement and international action. I must here confine myself to the advantages that we could derive from such international action, in preventing the coming into this country of alien criminals, ex-convicts and fugitives from justice.

The ingenuousness as well as the ineffectiveness of our statutes in keeping out such elements have often been pointed out. Certain improvements in our own laws such as are suggested by Mr. Ferrari in his paper would help to more effective exclusion. But the only certain way

is by specific international agreements as to who shall be considered criminals for purposes of exclusion, what shall constitute proof of such criminality and what each country shall specifically and solemnly agree to do in order to prevent its criminals from emigrating and to take them back in case they do pass through the lines.

I am aware that many will say that no such agreements could be entered into because there are governments which are most happy to dump their criminals upon us. I think that was probably true once, and I have even heard it vouched that at a certain port of Southern Europe police officers used to actually take criminals on ship board to make sure that they would come to the land of the free. But nowadays emigration is not only a safety valve to the overpopulated countries of Southern Europe, but such a positive benefit to the economy of such countries that foreign governments cannot afford, even if they would, that their great masses of honest immigrants should be infected and polluted by a criminal element. I believe they would welcome such international action which, moreover, would tend to stop that smaller official connivance at getting criminals out of Europe, which still exists today among certain of the lower officials there.

In my report last year I pointed out what Joseph Petrosino, a mere lieutenant of the Municipal Police of New York, attempted to do in order to free us from a certain criminal element in New York. What he attempted to do at the cost of his brave life the high contracting powers of this republic and the kingdom of Italy could do successfully by a stroke of the pen. I also pointed out the sinister character of the criminal life of a very small element of our alien population and the need of eradicating certain forms of crimes and of obstruction to the administration of the criminal law, which heretofore have been practically unknown to our criminal records.

In this respect the question of alien criminals in our midst is a real problem, and it is immaterial to show laboriously by statistics that the "*native* criminal exhibits in general a greater tendency to commit more serious crimes than the immigrant." Granting all that, the question remains whether this country, Anglo-Saxon in origin but most complex in its recent accretions, is prepared in its legal machinery to meet certain manifestations of criminal life imported from countries where entirely different means and methods of detection and prosecution exist. In other words, are our police regulations and systems of criminal investigations; are our methods of proof and of evidence; is our entire structure of criminal law and penal procedure adapted to fight unlawful acts

alien to our criminal history and procedure? It matters little whether there are ten per cent of immigrant criminals or one-millionth per cent; the point I wish to urge is that if an infinitely small fraction of immigrants transplant into this country a form of criminal life which we cannot fight with existing weapons, we must meet this new case, however rare it may be, just as we would try to suppress a single case of bubonic plague from Asia.

Some will urge that there are no specifically novel forms of criminal life imported, but I firmly believe the facts, if vigorously sought, impartially studied and courageously presented, would establish their presence here and their having already taken root, I believe they will be found to be crimes due not so much to nationality but rather to peculiar conditions of life in older countries, to ancient tyrannies, economic slavery and a traditional hatred of constituted authority. And the very best evidence of their foreign origin is given by the fact that foreign governments have awakened to the necessity of suppressing them at enormous cost of time, labor and money. The greatest of recent examples of such vigorous prosecutions is the celebrated Camorra trial at Viterbo.

But criminal life that has its origin in despotism and hatred of constituted authority, transplanted to this country of free institutions and rich in a jurisprudence safeguarding liberty, becomes a menace of subtle and tremendous possibilities to law and order and the due administration of law. It creates terrorism in a democracy and paralyzes the police and the magistracy in the enforcement of law.

The investigation of data relating to the criminal life of immigrants will require fearless as well as impartial investigators, for their labors will be exposed to the easy but palsying cry of race prejudice. But it seems to me that a committee like this, composed of men and women sympathetically interested in honest immigration, with special knowledge of foreign life and laws, of diverse origin and beliefs, many trained in our laws and all devoted servants of this republic, is especially fitted to take up a thorough investigation of such a controversial subject. It should not shirk the opportunity to render a public service and should have the encouragement and aid of your institute.

REPORT OF PROFESSOR GEORGE W. KIRCHWEY.¹

The pending controversy with Japan over the rights of Japanese

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subjects in the state of California has called renewed attention to the difficulties which confront the United States government in the enforcement of treaty obligations where the rights of aliens resident in the United States are concerned.

There have been times when public opinion was heated to a white heat by episodes of that kind and when our inability to perform our treaty obligations to other states produced upon the American people the curious result of irritating them against civilized and friendly nations, who respectfully, but firmly, insisted that we did not by the ordinary rules of international law meet our treaty obligations as other nations.

Certainly it must present itself to every reasonable mind as an indisputable conclusion that, if the United States government is to enter into treaty obligations with other nations, it shall in some way or other find a way of performing those obligations. We are today helpless in the face of a variety of contingencies that may present themselves. Take, for example, that shocking incident of the massacre of Italians in New Orleans by an infuriated mob, something like twenty years ago; the United States held up its hands helplessly, when reparation was demanded by the government of Italy, and we made what seemed to so many of us, the perfectly satisfactory reply that a federal government is a government of limited powers and that it rested with the state of Louisiana to do justice; and when the Italian government asked how it was to look to the sovereign state of Louisiana to secure justice for its outraged citizens, the answer was nothing more than a governmental shrug of the shoulders. The state of Louisiana is sovereign indeed, but with respect to Italy wholly unknown—a county, a province, a subdivision of the United States—incapable of entering into treaty obligations with foreign powers, and there was no means by which Italy could enforce the obligations of the United States with respect to Louisiana otherwise than to make war, not on Louisiana, but on the United States. This is, of course, a ridiculous, not to say an impossible, situation of affairs; it is one that cannot continue indefinitely. We cannot forever be in the position of holding up our hands helplessly and confessing our impotence, and at the same time stand forth in the councils of the nations and demand the protection of our citizens without respect to the internal organization and constitution of foreign powers.

There are grave differences of opinion as to why the federal government fails to find itself in a position to enforce the treaty obligations which it has the power to incur. It is believed by some eminent members of the American bar that under the constitution Congress does not

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possess the authority to confer upon the federal courts the power to protect aliens within the limits of a given state; that that is a function of the state and that it requires an amendment to the constitution to vest that power in the national government.

There are others who believe that the power is constitutionally vested in Congress, in the federal government, and that all that is needed is an act of the federal legislature conferring the requisite jurisdiction upon the courts of the United States to intervene for the protection of aliens everywhere within the boundaries of the United States, and thus secure the enforcement of our national treaty obligations.

Your committee have given a good deal of consideration to the problem and we have come unanimously to the conclusion that the power to make good its treaty obligations is now vested in the government under the constitution; that what is requisite and all that is requisite is adequate legislation by Congress, vesting specific or general authority in the federal tribunals to enable them to apply penal and other provisions of the law to the end of protecting the aliens within our borders. Legislation of this sort has frequently been proposed and submitted to Congress. It has failed sometimes through inertia, sometimes through active opposition on the part of those who felt that such congressional action would be unconstitutional, or on the part of others who felt that such congressional action, though constitutionally permissible, was inexpedient as involving an infringement of the sovereignty of individual states. Senator Turner, of the state of Washington, has repeatedly introduced and has submitted for consideration to the bar of the United States a bill vesting in the federal tribunals the requisite authority. Perhaps the simplest and most obvious solution of the problem which has been proposed is one which has been most frequently brought to the attention of the Congress of the United States in recent years, and which has been most frequently endorsed by the presidents of the United States who, because of the embarrassing position in which they had been or were likely to be placed under existing conditions, have felt themselves under the necessity of recommending such legislation. The federal courts today exercise a criminal jurisdiction under Section 5508 of the Revised Statutes of the United States. This section denounces certain specific acts as crimes—among others the crime of conspiracy “to injure, oppress, threaten or intimidate *any citizen* in the exercise or enjoyment of any right or privilege secured to him by the constitutions or laws of the United States.” It will be remembered that a treaty is made by the constitution part of the supreme law of the land. It is proposed to amend

this clause, by substituting for the word "citizen" the word "person," so that the section shall denounce the crime of conspiracy to injure, oppress, threaten or intimidate *any person* in the exercise or enjoyment of any right or privilege secured to him by the constitution or laws (which would include treaties) of the United States.

In cases where the infringement of treaty rights of resident aliens is, as in the recent California incident, due to the action of a state, the problem is at once more delicate and easier of solution. The state, by its adverse legislative or administrative action, operates on individual aliens, and these have under existing law the right of appeal to the courts. As a treaty is by the constitution made a part of the supreme law of the land, the vindication of treaty rights as against state interference, would seem to be only a matter of ordinary judicial procedure. In cases of this kind the federal courts have had ample authority conferred on them by Section 5510 of the Judiciary Act, which reads as follows:

"Sec. 5510. Every person who, under color of any law, statute, ordinance, regulation, or custom, subjects, or causes to be subjected, any inhabitant of any state or territory to the deprivation of any rights, privileges, or immunities, secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than one year, or by both."

REPORT OF ROBERT FERRARI.¹

One of the questions referred for investigation to the Committee on Crime and Immigration at the last annual meeting of this institute is the following:

"Do existing legal provisions, either in our statutes or in our treaties, sufficiently protect the United States from alien criminals?"

The subject may be considered under six heads: I. The History of Legislation in the United States in Respect to Crime and Criminals. II. The Laws in Force Now. III. Crime among the Foreign-Born in the United States. IV. Principles of Exclusion. V. New Laws Recommended. VI. The Dillingham Bill.

I. *The History of Legislation Regarding Crime and Criminals in*

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the United States. Peaceful immigration in large numbers is the product of the nineteenth century. Regarded from the point of view of number of individuals, and variety of races, such an immigration as the United States has seen during the last thirty years is not paralleled by any other immigration in history. Races from almost every part of the world, civilized, barbarian, and savage, have poured into the already broad stream of American life and made it broader.

But unity and strength are indispensable elements in the life of a people that craves to live and do. A gradual crumbling of the social structure is inevitable if some means are not taken to sustain the structure. In times when immigration into a country is small no murmur is heard from the natives. Their economic, their social, their political and religious life remains intact. So, we find that in England during some centuries there was no alien legislation. Immigration had been negligible before 1900. It had consisted mainly of skilled workmen who had come, often upon invitation of the government itself, or of the King, to introduce trades. But for several years before 1905, the year in which the first alien law of any account was passed by Parliament, there had been a large immigration from the East of Europe and the population had concentrated in London, thus making the problem of the alien insistent and obvious. In America, on the other hand, though the immigration had been, in its early history, much greater than that into England, even during the few years preceding 1905, no alarm was felt. The entrance of foreigners was welcomed because of the vast domains ready for occupancy. I do not believe that the racial element had much to do with the tolerance of the early time. If the Southern Europeans had come then as they have come during the past thirty years there would have been almost as cordial acceptance of them as of the races that did come—those from the North of Europe. The people were too busy settling territory that seemed to be illimitable to allow of the thought that there was not enough for all. The problem of immigration is now so acute, not so much because of the racial streams that are flowing into the vast river of American life, but because of the economic disturbance which these strangers are supposedly bringing along with them, a disturbance possible by reason of the pre-emption of land, and the vast aggregations of capital which are necessary for the carrying on of the business of modern life. Race prejudices are deeply rooted. But wonderful things have happened in America in the past and even more wonderful things are still to happen. Race prejudices are deeply rooted. But miracles have been performed with supposedly discordant racial ele-

ments. The pocket book, bread and butter are the determinants in major parts, of prejudices. If any proof were needed, such strikes as those at Lawrence, Mass., and at Paterson, N. J., would afford ample justification for the statement that race prejudices, even the most malignant, and centuries old, may be swept aside by the broad besom of economic needs. A priori reasoning is often fallacious. The welding together of twenty races is an economic fight—of twenty races, discordant, inharmonious, refractory, repellant one to another—is a feat which all must recognize not as a *tour de force* rising in solitary grandeur, but as a fact which is bound to become prosaic and commonplace because of its frequency.

The United States, then, took no thought to restrict immigration till 1835. The Know-Nothing movement began at that time. It was local at first, but soon became national. We are concerned here only with crime and criminals. On February 19, 1838, a resolution was introduced into the House of Representatives calling for a consideration of the expediency and propriety of providing by law against the coming into the United States of paupers and vagabonds. This resolution went to a select committee. The committee reported a bill which made it punishable by imprisonment for not less than one year nor more than three, or by a fine of \$1,000, for any master of a ship to import any alien passenger who was a criminal convicted of an infamous crime. But Congress did not consider the bill. For ten years little attempt was made to pass legislation against aliens.

The increase of immigration between 1848 and 1850 aroused the slumbering native American sentiment. In the thirty-fourth Congress, 1854-1855, the native Americans had 43 Representatives, and five Senators. No legislation was possible because the Know-Nothings were in the minority. They flickered out of existence after a fiery flare.

The states, in the meantime, believing they had authority to legislate, passed laws restricting immigration. New York, especially, in 1824 put upon the books an alien law. The Supreme Court held this law constitutional. Judge Story dissented. New York proceeded to act according to this decision. Massachusetts followed in 1837 with an alien law. In 1849 these two legislative acts of New York and Massachusetts were held to be unconstitutional in the "Passenger Cases." Similar laws were in force in other states, California, Louisiana. These, too, were declared unconstitutional. The court suggested in its decision that since immigration legislation was a matter confided to Congress by the Constitution, "Congress could more appropriately, and with more acceptance

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exercise it than any other body known to our law, state or national; that by providing a system of laws in these matters applicable to all ports and to all vessels, a serious question which has long been a matter of contest and complaint may be effectively and satisfactorily settled."

In accordance with this recommendation the New York representatives in Congress, immediately set about securing the passage of a general immigration law. No legislation was enacted, however, until six years later, in 1882. In that year the first general immigration law came into effect. It provided that convicts of any kind and degree, except those condemned for political offenses, should not be permitted to land. In 1889 a standing committee on immigration in the Senate, and a Select Committee on Immigration and Naturalization in the House were established. Various reports were submitted by these committees. In 1891 the second general act was passed. It provided for the exclusion of "all persons who have been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude." This clause restricted the kinds and the number of crimes, bringing with them exclusion. It further provided for the return within a year after arrival of any alien who had come into the United States in violation of law. A strong movement was evident for the restriction of immigration between 1890 and 1896. Investigations were conducted by joint committees of Congress, and by the Industrial Commission, but no legislation, with the single exception of the raising of the head tax from 50 cents to \$1, was enacted till 1903. In 1903 the Department of Commerce and Labor was established, and the Commissioner-General of Immigration was placed under the jurisdiction and supervision of that department. In the first session of the fifty-ninth Congress (1907) several bills were introduced. During the second session a bill was enacted into law. Important changes were provided for by this bill introduced by Senator Dillingham of Vermont. Under Division II the provisions of this bill are given. But the historian has nothing to record in respect to changes or additions of provisions in respect to crime and criminals since. This completes the history of legislation as regards crime.

In 1907 the Immigration Commission was created. This commission after laborious and intelligent labor for four years produced a monumental report in forty-three volumes which contains a mine of golden information upon the whole subject of immigration. All publicists must use the facts here accumulated.

It will be seen that though immigration has been the subject of legislation for thirty-one years by the federal government, very little has

been done to keep out criminals, and to send them out of the country if they get in by mistake. And the administration of the law has been lax. The problem of crime has not been made the subject of much thought. Sweeping clauses have done the work.

II. *The law in force*, is this: Act of Feb. 20, 1907. Ch. 1134, 34 Stat. L. 898.

"Persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude * * * shall be excluded, provided that nothing in this Act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude."

III. *Crime Among the Foreign Born in the United States.*—"The conclusion to be drawn from (the Immigration Commission statistics) is that of the two bodies of criminals—the immigrant and the native—the native (or American born) exhibited in general a greater tendency to commit more serious crimes than the immigrant. The criminality of the latter consisted more largely of the minor offenses that are in considerable measure the result of congested city life. This is indicated by the larger proportion of minor offenders among prisoners in the North Atlantic states than in any other section of the country; the immigrant population of that group of states being almost entirely resident in urban communities." (Summary Report of the Immigration Commission on Immigration and Crime, p. 6.)

The statistics available before the report of the Immigration Commission led to the conclusion of the commission; and the experience of individuals tended in the same direction. But it is comforting to be able to rest upon what is universally recognized to be a painstaking and accurate research. The foreigner has been traduced and maligned. Great damage has been done him by rabid haters and baiters of the stranger. Considering that aliens who come among us must of necessity live in large groups, it is wonderful that the proportion of crime is as low as it is found to be. Scatter them over the broad acres of this vast continent, establish them in farms, distribute them in small villages, and the change will amount to transformation. This is seen beautifully in the case of those peoples who have to live in congested city slums because of self preservation, and who are taken out of the filth and the dungeon darkness of the tenements and allowed to breathe the expanding and inspiring air of nature's God. Those races who are violent in the concentrated quarters of the city are quite the contrary on the health-giving, soul-elevating, mind-purifying farms. The explanation is perfectly simple. There is little, if any, ingrained badness in a race. Whatever does exist can be eradicated by health, economic independence, and good

moral influence. Heredity affects races, too, as well as individuals. But there is no such deviation from the normal in the case of civilized races, as there is in the case of individuals. The swervings from the standard in individuals are great. The races that have been coming to us show no such striking disparity from one another, or from us. The difference between the most sturdy, energetic and intelligent races, and those that are slow-moving, inert and ignorant is insignificant as compared with the difference between the best and the worst of individuals of one race.

Our duty to the foreigner is clear. If we wish to make him good, we must show him how to become good. If we wish to keep him good, we must set before him a shining example of goodness. Our criminal record is neither encouraging to us, nor beneficial to him.

IV. *Principles of Exclusion.*—Though the volume of crime among foreigners on our soil is not disproportionate, yet it is the right and the duty of a nation to keep out of its borders anti-social men. The early history of immigration into the United States is redolent of the dumping of paupers and criminals into it from England and Germany. We woke up finally to the awkward fact that we had a duty to perform to ourselves and those dependent upon us. Our Niagara of crime is tumultuous enough as it is. We must keep down the volume of its rushing waters by damming up the tributary streams, and hurling them back upon their places of origin. The right of self-preservation is an invaluable right. Upon it all other rights depend. Without it none would be secure. Our attitude toward the stranger must be broad and kind, but it must not be self-destructive.

Individual and racial differences rapidly disappear in this maelstrom of twentieth century life; and the world approaches one type. The transformation already wrought in so short a time gives good warrant for even greater metamorphosis in the future. The brotherhood of man, the parliament of the world may be a dream of poets and philosophers, but there can be no denying the coming into being of late years of remarkable changes which were before considered inconceivable. Restriction of immigration is now being directed to the Southern Europeans. Is it too much to indicate that while the rabid restrictionists are bawling exclusion because of racial inferiority, the inferior races—if they be in fact inferior—are climbing up to the stature of their self styled superiors?

America has always been considered a haven for the politically and the religiously oppressed. The right of asylum has been recognized from the earliest times. This country was settled by people who fled

from religious persecution and sought an asylum here in the wilderness. Is there any right of asylum? Upon this matter we stand on strong ground in respect to the exclusion of criminals. We may recognize the right of the politically or the religiously oppressed to seek shelter among us, and yet limit this right to those who are not criminal in fact, or even in tendency according to our own lights.

Theoretically, no nation may keep out of its borders those who come in peacefully to settle. But a practical philosophy makes it not only right, but incumbent upon a people to protect its laws, its institutions, its customs. If a nation has no right to sovereignty over its own territory, to whom shall the decision of matters within its boundaries be given? And yet there are limitations, in international law, even upon this practical philosophy of sovereignty over a nation's own territory. However, a nation may exclude from its borders for the same reason for which it may arrest and imprison offenders against its laws within its territory. These laws may or may not be moral. They may in short, be even distinctly anti-social, derogatory and destructive of its own welfare. But these matters are extraneous to the question. The fact is that the law-making power, backed by the physical force of the state, supported by the physical strength of its people, has decreed that a certain act is against its interest. Authority must be lodged somewhere. The right of asylum, however, is a relative right. It is a right, dependent upon circumstances.

England's attitude and our own toward the right of asylum has wobbled according to our points of view. It is against the immigration law for an anarchist to enter our gates. It is against the law of the state of New York to preach anarchy, or the overthrow of government by force. Some of us may not agree with this policy. Tolerance has always in the long run been conducive to good. The startling facts of assimilation in the United State are flaming evidence that if you let people do what they want to do, they will, if you are good enough, do what you would want them to do. Ages of persecution have not broken up racial solidarity in some parts of Europe. A few years of residence in America have welded together into a firm, and indissoluble whole, nations and peoples whose lives had been one long, fierce battle to the death. The burden of European peoples, however, is not now religious or political intolerance, but economic pressure. Lack of economic opportunity—the absence of the ordinary necessities of life, are what have weighed upon European peoples for the last half century and more, and they are finding relief in America. What is our duty in the face of such

a problem? Surely, the right to bread is superior to that of political or religious liberty. It is the moral duty of an individual or of a nation to open wide the doors of economic freedom. But this moral duty does not extend to an individual when his own subsistence is threatened, nor to a nation.

For thirty years America has seen a mountainous immigration. These strangers have found work, and industry has enormously benefited. Our workmen have been pushed up higher. Their former places have been taken by the immigrants. Between 1900 and 1910 nearly 50,000 manufacturing establishments went into operation, covering 360 different industries, giving employment where no employment was given before that time.

There is one other point of view from which the principles of exclusion may be looked at. It is that of the assimilation of the alien hordes. From the standpoint of international law, and of that political philosophy which recognizes existing facts, and will not be circumvented by thoughts of the purely logical and philosophical, the right of exclusion is undoubted. If, now, a people has certain ideals, and then these ideals are jeopardized by the incoming of strangers, is that people entitled to preserve its ideals pure and undefiled, by barring out those who in its opinion would contaminate them?

The miracle of the fusing of many races in one land is being wrought right here among our very people, in our very sight. The marvelous assimilative power of our institutions, the attractive qualities of our fundamental laws, our theory of freedom in thought, in speech and in action, the almost complete absence of any obstacles to, or pressure upon the religious, political, social, and economic sides of the lives of immigrants—these things are producing the miracle of the fusion of races. The approach of the immigrant to the native is marked. But that of the native born children of the immigrant is even more striking. The native commits crimes for gain. The foreigner commits crimes of violence. His son veers away from his father in almost all respects, and nears his American brother. His crimes, too, are crimes for gain. Native and foreign-born children of foreign-born parents attend school in larger numbers proportionately, though they do not reach the higher institutions of learning in the same proportion because of the lack of financial means. For a certain six months' period, for which we have the figures for continuous attendance, the children of foreign-born parents had a percentage of attendance of 90, and the native-born children of native-born parentage a percentage of 73. In large cities, like New York, in the public schools, the children of foreigners learn English bet-

ter than the children of natives, write it with correctness and grace, and speak it with precision, fluency and ease. They enter the occupations of Americans, they learn their trades, swarm into their professions, penetrate their life and spirit. They love the land in which they were born, understand and appreciate its institutions, share its ideals, and become part and parcel of it.

The physical structure of man has always been considered that part of him the most impervious to change. Mental characteristics, it was thought, and rightly, changed comparatively easily with the environment. Moral and spiritual characteristics also changed easily with the changed environment. The terrific struggle between the philosophers who held to innate ideas, and those who held to acquired ideas was long ago decided in favor of the latter. Locke began a revolution which has been bearing fruit ever since. An American Indian child brought up among whites in the United States will take on quite naturally, it seems, the characters of its surroundings. Its intellectual, emotional, moral, and spiritual content will be the intellectual, emotional, moral, and spiritual content of its instructors and its associates. Of course there are obvious limitations to development. We may admit this without admitting that it has strong bearing upon the question of the perfect assimilation of the peoples who are actually coming among us now. The main point to be stressed is that while it had been almost universally believed by scientists, by philosophers and by the lay public alike that the human mind was chameleonic in that it took on the color of its surroundings, perfectly simply, naturally and easily, the human physical structure was refractory to environment, and that, if by its impression were made upon the physical structure, that impression was made only after long residence within it. The studies and experiments of Prof. Boas carried on for the Immigration Commission among certain foreign peoples in New York City demonstrated a most startling proposition in anthropology. The cephalic index, that is, the ratio of length to breadth of head among Italians and Jews of the first generation had after a few years' residence among us changed markedly. The long-headed Southern Italian had become shorter-headed, and the short-headed Jew had become longer-headed. The report says that the descendant of the European immigrant "changes his type, even in the first generation, almost entirely. Children born not more than a few years after the arrival of the immigrant parents in America develop in such a way that they differ in type essentially from their foreign-born parents. These differences seem to develop during the earliest childhood

and persist throughout life. It seems that every part of the body is influenced in this way, and even the form of the head, which has always been considered one of the most permanent hereditary features, undergoes considerable changes. The importance of this entirely unexpected result lies in the fact that even those characteristics which modern science has led us to consider as most stable are subject to thorough changes under the new environment." Does not this indicate the conclusion of Prof. Boas, "that racial physical characteristics do not survive under the new social and climatic environment of America?" And the writer of the "Brief Statement of the Conclusions and Recommendations of the Immigration Commission" adds: "the adaptability of the various races together on our shores seems, if these indications shall be fully borne out, to be much greater than has been anticipated." Who will now be confident in his judgment of the plasticity or hardness of the racial elements coming to us? Who will now say that, admitting the inferiority of some races—but this is, in truth, for the most part gratuitous assumption and presumption on the part of the "superior" races—who will say that the "inferior" races will not become like the "superior" in the environment of the "superior?" We might respect the thought of him who said that economically these races, inferior and superior alike, are detrimental to our own people. We could be considerate to him who advocated exclusion because of self interest, because his bread was being taken away from him. But even here we could meet our opponents on grounds which would appeal to them. I must register my disagreement with the recommendation of the Immigration Commission, on this point, just as we shall see, I have to record my disagreement with the Commission in regard to other recommendations. No doubt immigrants from the South of Europe have taken many places formerly occupied by natives. But it is true also that natives have been forced upward, and that numerous places have been created which did not exist previously to the coming of these races, that new industries have been made possible by these foreigners, and that old industries have been expanded because of them. The insistent problem for me, as it should be for all of us, is the proper distribution of wealth that is created both by natives and by foreigners. Wealth beyond the dreams of avarice has been piled up by a few, and the men who have done so much to create it have had only a meager reward.

Prof. Boas at the conclusion of another work, "The Mind of Primitive Man," says: "I hope the discussions contained in these pages

have shown that the data of anthropology teach us a greater tolerance of forms of civilization different from our own, and that we should learn to look upon foreign races with greater sympathy and with the conviction that, as all races have contributed in the past to cultural progress in one way or another, so they will be capable of advancing the interests of mankind, if we are only willing to give them a fair opportunity."

But we may allow all fairness towards so-called inferior races and yet be very chary of putting people in possession of a political weapon which they cannot handle, and which may bring destruction, or harm, to our institutions. It is no reflection upon any race or any average individual to say to a person: "You may come in. You may do your best among us. You may work, and live, and hope, and enjoy. All the opportunities we may consistently give you, we will give you. Whatever is for your benefit and for ours, we will do. We will even go farther: we will make some sacrifices for you. We will give you civil rights, political and religious liberty. But before we give you the power to change by constitutional methods—that is, give by the ballot—our laws and our institutions, we want to be sure you are qualified to think straight and clear, and to act in consonance with the best interests of the commonwealth. In short, before we make you a citizen of this country you must have lived among us long enough to have become acquainted with us, and you must show us that you have ability to understand our problems and capacity and willingness to contribute to the solution of them."

Universal suffrage has been an expensive experiment, and a ruinous failure. The native Bowery bum of New York City has been put on a higher plane than the student of government and society. Completely incompetent people have been handed the weapon of government. In our country we have made many mistakes, but none, surely, more costly and ghastly than the one we committed after the war. This fact is coming to be admitted by all fair minded students of the problem. It is no disparagement of any race, or set of individuals, that I am making. All native whites are not fit for self-government. And I say, in the case of the immigrant, that our policy of granting full citizenship after a residence of five years is a gross blunder, and the policy of some states of giving the vote after one year's residence in the United States is political murder. I make no distinction of races. The period of residence to qualify for citizenship in the United States should be at least fifteen years. And the States should, if they are to keep the right to determine conditions of voting, and not confide that right to the Federal

Government, be wiser in granting the inestimable privilege for which rivers of blood have been shed, and indescribable suffering and torture have been undergone. Above all, it should not be a pawn for native politicians.

Universal suffrage cannot work under the present system of things. If we have come out little scathed, we owe it to our inherent strength, and to unbounded luck. God keeps not only the strong, but the weak. And we have had in our makeup a combination of strength and weakness. Universal education must first be the rule before universal suffrage can be an instrument for good. The State, the Government, the community, society, call it what you will, even the Hocus-pocus, must be alive to its duty, and must practise it. It is not enough that we should have compulsory education. It is necessary to have an enforcement of the law. It is not enough to have an enforcement of a compulsory education law. It is necessary to make it possible for parents to send their children to school, without wallowing in poverty because they lack the financial support which these children would bring to them if they were allowed to work. The community should see to it that the willing and able have work, and that they get a proper share of the product of their work. Then it will not entail sacrifice to keep a child at school, where he may learn not only what he does now—a smattering of everything, which is called a liberal education, and a knowledge of nothing, that will help him to earn his daily bread at a trade—but also how to fit into his proper place in the community, and not trench upon others who have pre-empted his place. Keeping a child at school will then be accomplished by joy, and ease, hope, and a certain definiteness that the child will find his proper sphere of labor and usefulness in the community. We had better recognize, and that immediately, that conditions have changed, and that we must conform our institutions to those changes. The time has gone by when the individual counted in the scheme of things. There is a striking passage somewhere in Bryce's "American Commonwealth" which vividly pictures how insignificant the individual is, especially among large aggregations of men. Our old-fashioned policy of uncompromising personal freedom does not fit into the new world we live in. Masses count, not individuals. And if so, then individuals should not be left to the mercy of other individuals, who have extraordinary and artificial props of strength and power, but should be aided, and backed by the force of the community life, and spirit.

The discussion of the problem of assimilation is not complete with-

out a discussion of the bearing of crime on it. Is it to our advantage or to the advantage of any one who has a right to an advantage, to have those whom we consider criminals come in? Upon the same practical ground upon which we imprison anti-social men we keep them out of our country. Here we run against the same weakness against which we ran in discussing, a while ago, the relation between society and crime. There is always the danger of extending the field of exclusion to include those men who are really progressive, but who are considered by the present society as dangerous to its existence, or its peace. But this weakness is inherent in national polity, and there is no way of eliminating it, except by constant progress in civilization.

What criminals we shall exclude will be determined by our conception of crime; and this conception will depend for its existence, and its force upon our advance. Our immigration laws demand the exclusion of criminals who have been convicted of, or who admit the commission of a crime involving moral turpitude. The Immigration Commission advises the exclusion of criminals who have committed "serious crimes." In both of these cases the problem is the difficult one of definition. Any one may see what floundering there was, and what evasion, by the ministers of the Crown of England during the debate on the Aliens Bill in 1905, when they were questioned concerning the meaning of the words "decent living," as applied to aliens. And any one who will take the trouble to look up the decisions in the United States will see what a confusion and a babel there is in regard to what are crimes involving moral turpitude. What may involve moral turpitude to one court, may, to another, involve none. The immigration officers have delicate and difficult questions to answer here. Some offenses that have been held to involve moral turpitude are the following: Abortion, adultery, bribery, burglary, forgery, fornication, keeping a bawdy house, larceny, libel, removing boundary works. Some of us would hold that there is no moral turpitude in one or another of these crimes. At least in one of these crimes I should wish to be informed of all the circumstances before I should say that moral turpitude were or were not involved. Indeed, we find courts themselves divided upon certain crimes. And this division is more marked in the following crimes which have been held by some courts to involve no moral turpitude: Assault and battery, breach of the peace, forcible entry and detainer, trespass, sales of intoxicating liquor without a license. If so many persons and institutions and arms of government have found it so hard to determine the definition, or to fix upon instances upon which all may

agree, it little behooves us either to decry or even sharply to criticize the elastic phrase "moral turpitude." That it is elastic, no one will deny. That its meaning depends upon the social conditions of the time, every one ought to admit. That it is good to have a broad, general term, rather than none at all, will be conceded. That it is supple, and by intelligence may be made fair in its operation, may be hoped for.

When the Dillingham bill was before Congress the provision that passports should be required from aliens, caused great alarm among one race. That race was by common agreement the only one affected, and one country in Europe was the single country of whose government this race was fearful. "The provision would be made an instrument of persecution," it was said. "No one will be able to get a passport." If the fact is so, then there was no necessity for Congress to expunge the provision altogether, but there was every duty upon it to retain it, and add a modifying clause of this kind: "Provided, That any alien who shall prove to the immigration authorities that he has no passport because he is fleeing from religious or political persecution, or because the government under which he lived and from which he is fleeing has refused to give him a passport not by reason of the fact that the alien seeking admission had committed a crime involving moral turpitude, but for reasons of oppression and persecution, shall, if he be otherwise eligible, be admitted." The European systems of recording, identifying and following up criminals are excellent, and it is sheer folly for us not to take advantage of what would prove to be one of the most effective methods of preventing undesirable criminals from entering our country.

We have a further right and duty. If we may prevent criminals from coming in, we may send them out once they have come in. Deportation should be resorted to not only when criminals have passed in unlawfully, but also when aliens have become criminals within a short period after arrival. The period ought to be short enough to raise the presumption that the American environment has not contributed powerfully to the making of the criminal.

In this connection, and for the more effective operation of this part and that relating to passports, of the future immigration law, it would be well to enter into international agreements with the powers. The Italian Government has for several years assisted in enforcing the provision of our existing law by refusing to issue passports to criminals who are subject to exclusion here. The Italian emigration law now includes this passport provision. But passports are not demanded in the United States. So that, while Italian criminals cannot embark at Italian

ports, they can and do come through the ports of other countries. The case of Italy is the only instance in which arriving immigrants bring with them any written evidence as to their moral character at home. And America does not take advantage of it.

V. *New Laws Recommended.*—1. Persons who have been convicted of crimes involving moral turpitude should be excluded. These persons would include those who had been present at their trials, and those who had been tried in their absence. Italy, for instance, has a mode of trial for persons who escape arrest and flee the country. The present law provides only for those who have been convicted of crime while they were present at the trial. The Immigration Commission advises two other clauses (1) excluding “those who have been tried abroad for criminal offenses, but have not been convicted, although the probability of guilt appears great.” This is a terrific job to take up, and, again, it is not wise from the point of view of fairness; (2) excluding “those who are regarded at home as dangerous or suspicious persons and therefore kept under observation by the police, although accused of no specific offense.” This is going too far.

2. Moral turpitude should be defined by mentioning the specific crimes included within it. It is not right to the Board of Inquiry, or to the immigrant, and is not beneficial to the country to have the exceeding looseness of the present.

3. Passports should be required of immigrants, making special provision for those immigrants who are fleeing from religious or political persecution, and who for that reason could not obtain passports.

4. International agreements should be entered into to make effective and easy-moving the provision calling for passports.

5. The examination of aliens on arrival should be more thorough. This may be done by increasing the staffs, and giving more time. This recommendation, so far as our problem of crime is concerned, will be pressing till we get recommendation 3 put into force. But larger staffs, it may be said, by the way, are necessary to put into proper force other provisions of the immigration law.

6. Aliens should be searched; and firearms, daggers, and dangerous weapons of all kinds seized. We have seen that the crimes of the alien are those of violence. Once here he would not in many cases replace the weapons seized. The psychology of the human mind will indicate how large a part inertia plays. Remove temptation, and people will only in rare cases go after it.

7. Stringent laws concerning dangerous weapons should be passed

by the different states. New York has made a beginning. The manufacture of them should be highly limited. The sale of them to foreigners and natives alike should be strongly restricted.

8. More careful scrutiny of cabin passengers should be made. Criminals, as well as those afflicted with loathsome and dangerous contagious diseases are in the cabin, too. The social diseases are found in greater numbers among those who come in the cabin than among those who now come to us in the steerage and who, with the exception of one race which is virtuous in spite of its enforced living in the cities, have lived in the vigorous and pure environment of the open country. Our immigration from Southern Europe is made up of a country population, morally clean and innocent of gonorrhoea and syphilis. If reports indicate the stain of these diseases on the immigrants in the large congested centers in which they live in America, the obvious cause of the deterioration is the new environment. Criminals can usually pay the small difference between the fares of the steerage and the second cabin.

9. Boards of inquiry should be made up of officers with judicial training. This is important for the proper execution of the other provisions of the Immigration Law, but as much, if not more so, for the proper carrying into effect of the clause excluding criminals. When passport legislation shall have come into being, it will be comparatively easy to decide the question of criminality and desirability or undesirability. But meanwhile the present law calls aloud for men with judicial training.

10. Board meetings ought not to be "separate and apart from the public" (Sec. 25, Act of Feb. 20, 1907, Ch. 1134, 59th Congress, Sess. II), but open to the public. The proceedings at the immigrant stations are judicial. Our traditions, and reason are on the side of openness.

11. Boards of inquiry should not send back, without further investigation, a person who, they have decided, falls into the class of criminals who have committed crimes involving moral turpitude. This mechanical, automatic working of the law, ought to be changed for a more reasoning, human execution. Extenuating circumstances surrounding the commission of crimes of moral turpitude, the conduct of the individual before and after the commission of the crime, his motive for the commission of it, his sense of the enormity of it, or his hardness to the stirrings of the normal conscience—these and similar matters should be considered before excluding one who, to the satisfaction of the Board of Inquiry, has been found guilty of a crime involving moral turpitude. Newer and more sensible methods should be intro-

duced not only into the courts, but wherever circumstances will bear them. Boards of inquiry should in these criminal cases take the recommendations of the mental specialists.

12. Persons who commit crime involving moral turpitude in the United States within three years after their coming should be deported.

13. But deportation should not be mechanical, or automatic. It should not inevitably follow upon conviction. It should be in the discretion of the judge who presides in the court of conviction to order deportation or not. This judge should take into consideration the same matters boards of inquiry have been recommended to take into account. In other words, the criminal should be studied as an individual, as a person, in many ways *sui generis*, and punishment should be individualized, made applicable to the particular person under conviction. Special boards of experts, learned in psychiatry, should be constituted who would determine a specific course of action on the part of judges in the case of all criminals, liable to deportation, as well as others. We should also have judges skilled in criminal law, and in normal and pathological psychology, and criminal sociology. But these things are yet to come. We must utilize what we have now. Let us, then, give judges the power, in their discretion, to order deportation.

14. No educational test. The literacy test is illusory. As applying to immigrants other than criminals it is short sighted, and positively harmful, as well as decidedly unjust to strangers. As applying to criminals it is fatuous and futile. The facts are that those who come with a criminal record almost invariably prosecute their unlawful trades of preying upon the people of their own race; and these persons are well equipped with educational accoutrements. It is by these that they live upon their more ignorant brethren. Lack of the three R's does not necessarily make a man anti-social, nor does the possession of the rudiments of education, or even the branches, the leaves, the flowers of education protect from a criminal act or career. But our observation permits all and statistics bear out some of the following conclusions: Illiterate men are apt to be perpetrators of deeds of violence; literate men, of unlawful deeds for gain. The former are apt to be frank, true and loyal; the latter, especially the half-baked, are apt to be subtle and insinuating, corrupting and predatory. The former are likely to commit unlawful acts of violence upon those of their own kind; the latter are likely to commit gainful offenses against, and, to a minor extent, acts of violence upon, the more ignorant and, in addition, upon those of their own class.

CRIME AND IMMIGRATION

15. Alien seamen should be included in the term "immigrant"—and be subject to all the provisions of the immigration law.

VI. *The Dillingham Bill.* This bill will be introduced at the next session. Aside from the percentage limitation of immigrants, which will not at all accomplish its purpose and which is wrong in principle, since my belief is that we should not yet restrict the immigration of able-bodied, honest men, and aside from several minor matters, there are many admirable provisions in it which it will be valuable for us to enact, and which do not immediately concern the members of this institute. The following provisions are in regard to criminals: Sec. 43. "That the following classes of aliens shall be excluded from admission into the United States persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude." Sec. 19. "That any alien, at any time within three years after entry, who shall enter the United States in violation of law. any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, committed within three years after the entry of the alien to the United States. shall. be taken into custody and deported. Provided that the provision of this section respecting the deportation of aliens convicted of a crime involving moral turpitude shall not apply to one who has been pardoned, nor shall such deportation be made or directed if the Court sentencing such alien for such crime shall, at the time of imposing judgment or passing sentence, make a recommendation to the Secretary of Labor that he shall not be deported in pursuance of this Act; nor shall any alien convicted as aforesaid be deported until after the termination of his imprisonment."

Legislators have to be guided in large part by what they believe they can immediately achieve. Notwithstanding, may we hope that Senator Dillingham will see fit to add to this bill some of the provisions herein recommended?

APPENDIX I.

Provisions of the National Immigration Laws, 1882 to 1907, Relating to Crime and Criminals.

47th Cong. Sess. 1. Chap. 376. (1882.)

"It shall be the duty of such state commission, board or officer so designated to examine into the condition of passengers arriving at the ports within such state in any ship or vessel. . . . ; and if on such examination there shall be found among such passengers any convict. . . . they shall report the same in writing to the collector of such port, and such persons shall not be permitted to land.

Sec. 4. "That all foreign convicts except those convicted of political offenses, upon arrival, shall be. . . . sent back to the nations to which they belong, and from whence they come."

ROBERT FERRARI

51st Cong. Sess. II. Chap. 551, 1891. Sec. 1. "That the following classes of aliens shall be excluded.....all persons who have been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude".... Then follows a proviso excepting political offenses.

Sec. 11. "That any alien who shall come into the United States in violation of law may be returned as by law provided, at any time within one year thereafter."

57th Cong. Sess. II. Ch. 1012 (1903).

Sec. 2. "That the following classes of aliens shall be excluded.....all..... persons who have been convicted of a felony, or other crime or misdemeanor involving moral turpitude....." Here follows a proviso excepting political offenders.

Sec. 20. "That any alien who shall come into the United States in violation of law.....shall be deported.....at any time within two years after arrival."

59th Cong. Sess. II. Chap. 1134 (1907).

Sec. 2. "That the following classes of aliens shall be excluded..... All persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude."

Sec. 20. "That any alien who shall enter the United States in violation of law.....shall.....be taken into custody and deported.....within three years after the date of his entry into the United States."

APPENDIX II.

The following extracts are from the letter of the Secretary of Commerce and Labor, Charles Nagel, to President Taft advising the rejection of the S. 3175, the bill known popularly as the Dillingham Bill—as amended by the House:

"We need labor in this country, and the natives are unwilling to do the work which the aliens come over to do."

"The census will disclose that with rapid strides the foreign born citizen is acquiring the farm lands of this country. Even if the foreign born alone is considered, the percentage of his ownership is assuming a proportion that ought to attract the attention of the native citizens. If the second generation is included it is safe to say that in the Middle West and West a majority of the farms are today owned by foreign-born people, or they are the descendants of the first generation. This does not embrace only the Germans and the Scandinavians, but is true in a large measure, for illustration, of the Bohemians and the Poles. It is true in surpassing measure of the Italian; not only of the Northern Italian, but of the Southern."

"The census returns show conclusively that the importance of illiteracy among aliens is overestimated, and that these people are prompt after their arrival to avail of the opportunities which this country affords. While, according to the reports of the Bureau of Immigration, about 25 per cent of the incoming aliens are illiterate, the census shows that among the foreign born people of such states as New York and Massachusetts, where most of the congestion complained of has taken place, the proportion of illiteracy represents only about 13 per cent."