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IMMIGRATION AND CRIME.

REPORT OF COMMITTEE "G" OF THE INSTITUTE.^a

GRACE ABBOTT, CHAIRMAN.

There are perhaps three theories on which special consideration of the relation of immigration to crime may be based:¹

1. That the volume of crime in the United States is disproportionately increased by immigration and that, in consequence, to reduce crime immigration must be reduced.

2. That because of racial and environmental differences the kinds of crime committed and the temptations which lead to these crimes differ in the case of the immigrant and of the native born of native parentage and that any program for crime prevention must be adjusted to meet these differences.

3. That the foreign born are not given the same opportunity to secure justice as are the native born and that a special program for their protection is therefore necessary.

It might be said at the outset that sufficient evidence is not available for the complete verification or denial of any one of these theories. In this statement nothing more has been attempted than to indicate some of the sources of information or fields in which special study is needed. The conclusions are based on a study of these sources, and on the experience of the Immigrants' Protective League during the last seven years with the individual immigrants whose cases it has followed in court.

It has been assumed in the discussion that the interest of the Institute is in no sense limited to those who are recent immigrants or is concerned whether they are or are not naturalized.

It is necessary as a preliminary step to call attention to what is at present being done through our immigration law to prevent criminals from coming to the United States from other countries.

^aThe complete membership of the committee is as follows: Miss Grace Abbott, Chicago, Chairman; Gino C. Speranza, 40 Pine St., New York City; Robert Ferrari, 327 E. 116th St., New York City; Prof. E. A. Ross, Madison, Wis.; Prof. Charles Cheney Hyde, Chicago; Miss Frances A. Kellor, 22 E. 30th St., New York City; Dr. Bernard Glueck, Govt. Hosp. for the Insane, Washington, D. C.

¹The protection of the rights of aliens which are usually guaranteed in treaties made by the United States but under our division of authority must be enforced by the states forms an interesting part of the committee's field which is not here discussed.

Protection Against Admission of the Criminal Immigrant to the United States.—Under the immigration law, those aliens “who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude” (United States Immigration Act of February 20, 1907, Section 2) are debarred from entering the United States. The obvious difficulty in the enforcement of this law is that except in unusual instances the United States has no advance information regarding the character of immigrants and admission of guilt cannot be expected from the really criminal.

It should, however, be noted that the immigrant may be denied admission on evidence which would not be accepted as establishing the fact that he had been convicted of a crime in a court. The exclusion of the immigrant rests with administrative officers—the so-called “Board of Review,” composed of inspectors—with the right of appeal to the Secretary of Labor.

The Immigration Act does not place upon the applicant for admission the burden of proving that he does not belong to this or any of the other excluded classes, but, inasmuch as the courts have held that there is no testimony which it will hold necessary or insufficient to warrant the findings of the inspectors (Barlin & Rodgers, 191 Federal 190) and the immigrant is not allowed counsel at his hearing, the rights usually guaranteed the accused are not followed in determining that he is excludable as a criminal.

Those who are admitted but are found within a period of three years to have belonged to one of the excluded classes are liable to deportation. At the hearing in these cases, which is also before an administrative officer in the immigration service, the alien is allowed to inspect all the evidence on which the warrant for his deportation was issued and to have counsel at his hearing, so deportation is usually less easy to accomplish than exclusion.

The nationality of those debarred and deported as criminals for every 1,000 admitted during the year ending June 30, 1914, is given in the following table:

TABLE SHOWING THE NATIONALITY OF CRIMINAL ALIENS DEBARRED AND DEPORTED FOR EVERY 1,000 ADMITTED TO THE UNITED STATES DURING THE YEAR ENDING JUNE 30, 1914. (Annual Report of the Commissioner General of Immigration, pp. 104 and 108):

Nationality—	Debarred	Deported	Debarred and deported	Admitted	No. deported and debarred for every 1000 admitted
African	20	1	21	8,447	2.50
Bohemian and Moravian...	2	1	3	9,928	0.00
Croatian and Slovenian....	14	2	16	37,284	0.43

English	67	36	103	51,746	2.00
Finnish	7	2	9	12,805	0.70
French	37	9	46	18,166	2.55
German	63	22	85	79,871	1.06
Greek	17	14	31	45,881	0.68
Hebrew	35	3	38	138,051	0.28
Irish	25	9	34	33,898	1.00
Italian, North	26	2	28	44,802	0.63
Italian, South	197	12	209	251,612	0.82
Lithuanian	3	..	3	21,584	0.14
Magyar	51	8	59	44,548	1.32
Polish	42	2	44	122,657	0.36
Roumanian	32	1	33	24,070	1.37
Russian	20	2	22	44,957	0.50
Ruthenian	18	1	19	36,727	0.52
Scandinavian	8	11	19	36,053	0.53
Scotch	15	5	20	18,997	1.05
Slovak	16	1	17	25,819	0.66
All Others	40	13	53	110,587	0.48
Total	755	157	912	1,218,480	0.75

These figures show that so far as the records of the U. S. immigration service are concerned, a larger per cent of criminals are found among the immigrants from Western Europe than among those from Southern and Eastern Europe, but that the numbers excluded for this cause are as a whole very small.

It is generally believed, however, that debarring and deporting criminals from the United States under the present law has made the general emigration of European criminals impossible, although the individual offender is not always detected.

Suggestions for further precautions to prevent the admission of criminals are made from time to time. The one which was approved by the United States Immigration Commission (Vol. 2, p. 221) and has received serious consideration is that every applicant for admission shall be required to present a certificate showing that he has not a criminal record and is not under observation as a dangerous or suspicious character by the police in the country from which he comes. That political offenses with which Americans generally sympathize would make it impossible for many to secure such certificates is the objection which has defeated that plan. The suggestion that American investigators determine the personal and family history of each immigrant before emigration, which has been made by some eugenists

(Davenport, *Heredity in Relation to Eugenics*, p. 222 and 223) as the only safe method of insuring a pure racial stock, has not been considered practical.

The Extent of Crime Among the Foreign-Born Population.—The Committee on Statistics of the American Institute of Criminal Law and Criminology has recommended that the race, birthplace, and birthplace of the parents of the defendant and other facts regarding his social status, in addition to information as to the criminal process, should be recorded in the court records in criminal cases. These recommendations have not been adopted, so it is still impossible to discuss with real accuracy the question as to whether the immigrants have increased, disproportionately to their numbers, the volume of crime in the United States. A considerable body of evidence is, however, available on this subject.

The Report of the United States Immigration Commission (Vol. 36, *Immigration and Crime*, p. 1) says that "no satisfactory evidence has yet been produced to show that immigration has resulted in an increase of crime disproportionate to the increase in the adult population. Such comparable statistics of crime and population as it has been possible to obtain indicate that immigrants are less prone to commit crime than are the native Americans." According to the Special Report of the Census Office on Prisoners and Juvenile Delinquents in Institutions (1904, pp. 18-19) "it is evident that the popular belief that the foreign born are filling the prisons, has little foundation in fact. It would seem, however, that they are slightly more prone than the native whites to commit minor offenses." The New York Commission of Immigration (p. 20) also found that "there is no evidence to prove that the aliens who have been in this country less than five years are more likely to commit crimes than are citizens of the same sex and age." The Report of the Massachusetts Commission on Immigration, 1914 (p. 101) showed a disproportionate amount of crime among the foreign born, but that "of these foreign-born offenders, the number of those who come from English-speaking countries is disproportionately large as they constitute 34.6 per cent of all those committed to penal institutions and only 15.1 per cent of the total population."

The most recent analysis of the racial status of persons arrested and convicted of crimes and misdemeanors is contained in the section on "Statistics Relating to Crime" in the Report of the Chicago Council Committee on Crime (submitted March 22, 1915). Chicago's immigrant population is fairly typical of other large industrial centers and so the findings of this Commission have national as well as local significance. The popular belief that immigration is a cause of crime, according to this report, is "largely due to a comfortable feeling that

we are superior to the people of Europe and to a desire to shift the responsibility for our shortcomings on to other peoples" (p. 59). The Chicago figures, however, show that we are not entitled to enjoy this comfortable feeling "for comparing the distribution of arrests with the distribution of the population over 15 years of age, it appears that the Americans, both white and colored, have a larger percentage of arrests than their proportion of population entitles them to have, while the immigrant who forms 46.7 per cent of the population, furnishes only 35.3 per cent of the arrests. Comparing the convictions with the population, the American, both white and colored, makes a still more unfavorable showing; that is, 59.4 per cent of the convictions were Americans (white), while their percentage of the population over 15 years of age was only 50.9 per cent, whereas the immigrants, who formed 46.7 per cent of the population were only 33.4 per cent of those convicted" (p. 52). The following table taken from the report above referred to (Footnote p. 56) shows the nativity of male persons arrested and convicted for felonies and misdemeanors:

A. Nativity of Male Persons Arrested and Convicted of Felonies, 1913.

Nativity—	Arrests No.	(Offenses) Per cent	Convictions		Per cent distribution of male population of Chgo. 21 yrs. and over
			No.	Per cent	
American—					
White	5,756	56.3	2,241	56.9	43.1
Colored	882	8.6	354	9.0	2.6
Foreign	3,599	35.1	1,344	34.1	54.3
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Austrian	401	3.9	158	4.0	11.2
English	166	1.6	79	2.0	5.2
French	22	0.2	10	0.3
German	815	8.0	366	9.3	12.6
Greek	139	1.4	29	0.7	0.6
Hollanders	19	0.2	8	0.2	0.7
Irish	186	1.8	98	2.5	4.4
Italian	392	3.8	108	2.7	3.2
Russian	1,027	10.0	331	8.4	8.5
Scandinavian	214	2.1	93	2.4	6.7
Other	218	2.1	64	1.6	1.2
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Total	10,237	100.0	3,939	100.0	100.0

B. Nativity of Male Persons Arrested and Convicted for Misdemeanor,
1913.

Nativity—	Arrests No.	(Offenses) Per cent	Convictions		Per cent distribution of male population of Chgo. 21 yrs. and over
			No.	Per cent	
American—					
White	50,999	58.5	23,656	59.6	43.1
Colored	4,741	5.4	2,179	5.5	2.6
Foreign	31,416	36.1	13,855	34.9	54.3
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Austrian	3,282	3.8	1,492	3.8	11.2
English	1,240	1.4	537	1.3	5.2
French	181	0.2	90	0.2
German	6,942	8.0	2,977	7.5	12.6
Greek	1,592	1.8	947	2.4	0.6
Hollanders	209	0.3	115	0.3	0.7
Irish	2,354	2.7	901	2.3	4.4
Italian	2,972	3.4	1,333	3.4	3.2
Russian	7,519	8.6	3,314	8.3	8.5
Scandinavian	2,857	3.3	1,330	3.3	6.7
Other	2,268	2.6	819	2.1	1.2
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Total	87,156	100.0	39,690	100.0	100.0

Commenting on this the Report says that in convictions for both felonies and misdemeanors "the various foreign groups show almost uniformly a smaller percentage of convictions than their proportion of the population entitles them to have" (p. 56). "The Italians show an excess of one-tenth of 1 per cent in convictions and this is surely so small as to be negligible! And the Greeks, who form 0.6 per cent of the population, form 1.8 per cent of the arrests and 2.2 per cent of the convictions. That is, the Greeks have 1.2 per cent of the arrests and 1.6 per cent of the convictions in excess of the percentage justified by their proportion of the population. In the above tables, which have been compiled separately for felonies and misdemeanors, it appears that the offenses of the Greeks are largely misdemeanors. That is, 0.7 per cent of the felony convictions were Greek, while 2.4 per cent of the misdemeanor convictions were Greek. This apparent excess of "crime" among the Greeks is undoubtedly due to the fact that the Greeks are largely engaged in the peddling business, and violations of ordinances would undoubtedly bring them to court often." (Footnote p. 56.)

These quotations have been given at some length because it is considered important to answer at the outset the popular opinion that our real problem lies in the disproportionate amount of crime for which the immigrant is responsible.

Crime Prevention Among Immigrants.—To determine what measures would tend to reduce crime or how those measures which have been generally accepted as promoting this end may be adapted to the needs of the immigrant population, it is necessary (1) to know the kinds of crimes usually committed by the various national groups and (2) to understand their social, environmental and racial characteristics. Until proper records are kept by the courts and penal institutions it will be impossible to determine the first of these. The United States Immigration Commission made "the central feature" of its investigation the determination of how "the criminality of the immigrant differs from that of the native born" (Vol. 36, p. 13). The material available or secured by the commission was, however, very meager and no attempt was made to discover to what extent apparent tendencies on the part of certain races to commit certain kinds of crime were the result of local conditions rather than race.

Much further investigation on this subject is obviously necessary. In the meantime it is possible on the basis of such material as is now available for a city to make important experiments in crime prevention by an intelligent use of our educational and social institutions. The Chicago figures showing the disproportionate number of misdemeanors are suggestive of immediate need of instruction regarding the many ordinances of which the immigrant is wholly ignorant. To formulate such a program means nothing more than recognizing that the population of the United States is and always has been a cosmopolitan one and that such plans as are adopted should be designed to meet the needs not of a homogeneous population but of a cosmopolitan one.

The Report of the Massachusetts Commission on Immigration (p. 104) calls attention to the fact that "in so far as a lack of proper recreation and provisions for social intercourse tends to result in immorality among young men and women of all nationalities, it is especially serious in the case of the non-family groups of young foreign men and young immigrant women whose needs the American community has much greater difficulty in understanding. The lack of proper social life, together with the absence of the old forms of social control, is undoubtedly responsible for much of the very serious and often unnatural moral delinquency which is found in non-family groups of single men."

Crimes or misdemeanors are frequently committed by immigrants

in entire ignorance of the law, because of an adherence to national customs which, innocent in a rural district, are dangerous in the city and have therefore been prohibited. The release from old restraints and the breaking away from old traditions which inevitably follow emigration result in some cases in a moral confusion which assistance in adjustment to their new environment could prevent. If these causes are properly considered, the initial breaking of the law can be prevented in many cases by the expenditure of a relatively small amount of money and forethought.

This does not mean that the immigrant is to be dealt with as a group outside of the community life but that any plans to reduce the temptation to commit crime should be made after consideration has been given the custom and language differences of the various elements in its population and their ignorance of American law. If this is not done such reforms as are undertaken will not meet the needs of the people of the community. The ignoring of these differences sometimes leads an entire colony to conclude, what is unfortunately not always untrue, that there is a double standard of law enforcement—one for the Americans and another for the immigrant.

Are Special Measures for the Protection of the Immigrant who is Accused of Crime Necessary?—In so far as the fear of punishment acts as a deterrent of crime, it is dependent upon the belief by the people that the law is surely and uniformly administered. It is, moreover, not fear so much as confidence in the fairness of the courts which prevents men from settling their private differences by an illegal taking of the law into their own hands. The first conscious contact of the immigrant with the law comes, in most cases, with his first experience in the courts and his respect not only for our courts but for the government as a whole is largely determined by the treatment he receives at that time. It is, therefore, important to inquire whether in his arrest, trial and commitment, the foreign born is denied any of the safeguards which protect the American born and whether the complaint of the foreign born is heard with the same consideration as that of the native born.

Prejudice Against the Immigrant.—The kind of prejudice against the stranger which means a denial of justice is less frequently met with in the larger centers where the population is cosmopolitan than in small cities and towns. Even in the great centers, however, evidence is not lacking that judges and juries are sometimes easily convinced that a foreigner, especially one from Eastern Europe, is probably guilty of any crime with which he is charged. Much more common is the belief that the foreigner feels disgrace less keenly than the American, that his social position is already so low that he does not suffer much

from arrest or conviction. Because of this belief, he is often committed on evidence on which an American would be dismissed. Occasionally the most flagrant injustice is done. A Chicago judge of the Municipal Court recently said he was unwilling to believe the testimony of some Albanians because they were not Christians and so would not understand the nature of an oath. The elimination of race prejudice is a slow process as every American knows. It is perhaps worth noting that indiscriminate and unfounded generalizations as to racial traits and differences contribute to such prejudice.

Unnecessary Arrests.—In Chicago, 57 per cent of all the cases disposed of by the Criminal Branches of the Municipal Court in 1913 were discharged. (Report of the Chicago Council Committee on Crime, p. 42.) As this report points out there are two possible explanations for this: "(1) A large number of innocent persons are arrested; or (2) a large number of persons who are legitimately arrested and who should be convicted are being released because of some defect in our prosecuting machinery" (p. 31). In either case the result is the greatest confusion in the mind of the immigrant as to what is and is not unlawful in the United States.

That innocent persons are more frequently arrested among the foreign born than among the native born is the inevitable consequence of the popular belief in their criminality and of the feeling that they suffer less from arrest because of their inferior place in the social scale than do the native Americans. Quite the reverse is often true. Unjust arrest means for the immigrant, especially, discouragement and loss of idealism or a contempt for American institutions which leads to lawlessness.

Interpreters.—Without proper interpreters there can be nothing better than accidental justice in cases in which non-English speaking immigrants are concerned. In these cases, the judge can learn the facts only through the interpreter and so the competence and disinterestedness of the latter are absolutely essential. In the lower courts especially, proper provision for interpreters is not usually made and the result frequently is that the innocent are punished and the guilty escape. Instances of the abuses growing out of the use of incompetent interpreters are given in the Report of the Massachusetts Commission on Immigration (p. 107), the Report of the Chicago Council Committee on Crime (p. 194) and the Journal of the American Institute of Criminal Law and Criminology (Vol. 11, p. 559). To correct these abuses the Chicago Commission on Crime (p. 14) recommended that a "central bureau of official interpreters be established," while the Massachusetts Commission on Immigration (p. 111) recommended the better plan of requiring that "interpreters who are salaried officers

of the court, appointed only after a thorough test of their competence by the civil service commission should be provided."

The Present System of Fines.—Our system of sentencing a man who is unable to pay the fine imposed upon him by the court which "virtually sends men to jail because of their poverty is not only unjust but demoralizing to the individual and costly to the state" (Report of the Council Committee on Crime in Chicago, p. 43). The recently arrived immigrant who, perhaps through ignorance, violates a city ordinance is, because he is poor and without well-to-do friends, compelled to suffer a punishment which was not designed for his offense and in consequence runs the risk of the kind of demoralization which too frequently comes from contact with jails and prisons. While the immigrant, for reasons which are well known, is often unable to pay a fine during at least the early part of his residence in the United States, he belongs more frequently than other offenders to those who in their first crimes or misdemeanors, have stumbled rather than fallen. They can, therefore, be reclaimed, if the proper treatment is prescribed.

The installment payment of fines under the supervision of a probation officer would, it is believed, prevent the petty offender from becoming a confirmed criminal and so actually reduce the number of serious crimes committed by the foreign born.

With more speedy trials, dependence on the professional bondsmen would be reduced and the man who wants to be decent would be less frequently compelled to place himself under obligation for his release to the criminal element of a neighborhood.

Public Defense for the Accused.—The immigrant is peculiarly at the mercy of the unscrupulous lawyer because of his complete ignorance of American customs and criminal procedure. The most successful of the lawyers who hang about the courts offering their services to the immigrant who is arrested are able to communicate with him in his own language and therefore to successfully deceive him. Efforts to drive these lawyers out of the jails and courts, particularly in foreign neighborhoods where no interpreters are employed, are sure to be unsuccessful. Until the community undertakes to see that the accused are not unjustly punished as well as that the guilty do not escape punishment, the troubles of the immigrants will continue to be the great opportunity for the shyster lawyer.

Recommendations.—On the basis of this very brief statement the following recommendations are made:

1. That court records in criminal cases include race, birthplace, and birthplace of parents in order that reliable information in regard to the relation of immigration to crime may be available.
2. That such criminal statistics as are available be used in deter-

mining what adjustment of our social and educational institutions should be made to reduce the temptation in the various national groups to commit crime.

3. That competent interpreters paid by the city and appointed by civil service examination should be provided in all criminal cases in which non-English speaking immigrants are concerned.

4. That the modification of the present system of imprisoning those who are unable to pay the fine imposed on them by an extension of the probation system will be especially productive of good results among immigrants inasmuch as their offenses are frequently the result of ignorance or the difficulty of adjusting old standards to their new environment.

5. That because of his peculiar helplessness a public defender is especially needed for the non-English speaking immigrant who is accused of crime.