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THE CRIMINALITY OF THE FOREIGN BORN¹

C. C. Van Vechten²

In a time of national emergency the problem of the criminality of the foreign born takes on a new aspect and an added seriousness.

Historically the problem of the criminality of immigrants to this country is as old as immigration. Certainly the Red Men looked on the early white settlers as thieves of their land. And from the very first each group of settlers has looked at the next wave as a rather dangerous and criminally inclined group. Ninety-five years ago when the great grandparents of the Germans and Irish who are now so stable and reputable a portion of our population were pouring across the Atlantic the Native American National Convention assembled in Philadelphia and resolved that the earlier immigrants were superior men and women who had been "recruited chiefly from the victims of political oppression, or the active and intelligent mercantile adventurers of other lands"; but they found the newer immigrants "the worst and most degraded of the European population . . . victims of social oppression or personal vices, utterly divested by ignorance or crime of the moral and intellectual requisites for political self-government."³

Most of my readers will recall the things that were said when the post-war immigration restriction bills were passed. Even though we had just concluded belligerencies with Germany, we were not unwilling to accept immigrants from Germany as well as from the rest of Northern and Western Europe. We based our quotas on national origins as shown by the census of 1890 so as to exclude the allegedly degraded and criminalistic South and East Europeans. The present situation has tended to focus attention on immigrants in general and on those from the Axis powers in particular. For aliens we have gone to the extreme of requiring registration and fingerprinting.

Just what is the basis for our attitudes on the criminality of the foreign born? Before considering statistics let's see what we know. We know that these people were people who had the courage, the ambition, the hope to seek out a new life in a country of opportunity. That should be a credit point. We also know that these were people with different habits, different ideas, different customs. But we must judge them by our laws. We must expect to find some criminality in the areas where

¹ Read before the American Prison Congress, Wardens' Association, Cincinnati, Ohio, October 21, 1940.

² Chief of the Institutional Section, Bureau of the Census, Washington, D. C.

³ Address of the Delegates of the Native American National Convention assembled at Philadelphia, July 4, 1845, to the citizens of the U. S. (pamphlet).

legal and moral codes differed. We know also that few immigrants found legitimate success easy. During depressions many of them were unemployed. Even during good times most of them worked at the hardest, most irregular, and poorest paying jobs. That meant that they lived huddled together in the poorest areas. We know enough to know that where we find poverty and slums, there we must expect to find crime.

Turning to statistics we find that we must start by stating assumptions and limitations. The first limitation of our data is that we know only about those criminals who get caught. Detectives have said that they have never seen a perfect crime. This is because the only perfect crimes are those in which no one even suspects that a crime has been committed. There surely are some of these. But far more frequent are the crimes that do not result in arrest. Presumably these are committed by more efficient criminals. What I have figures about, then, is *caught* criminals.

Most police departments record the nativity of the persons they arrest, but the data is hard to make very much of. The difficulty is, of course, that absolute numbers do not tell us very much—we need rates. To know that in a year the city police arrested 100 foreign born persons does not mean anything, unless we know fairly accurately how many foreign born persons there were in the city during that time. This data has not been present in reliable form in most places since the

1930 census. It is not known how many foreign born persons live in the area covered by Uniform Crime Reporting, so national rates have not been possible. There is an additional difficulty with statistics on the criminality of the foreign born based on arrest records—the lack of reliability of the records. The police seldom have any means of verifying the nativity information given by arrested persons and some police officers have peculiarisms—such as recording “Jewish” as a country of birth—which invalidate the record. Back in 1934 Dr. E. H. Sutherland and I published a study on the Reliability of Criminal Statistics.⁴ We studied police, court, and institutional records of Illinois inmates and found a little over 10 percent of inconsistencies on place of birth.

Since court data on nativity are scattered and fragmentary, we must turn next to the records of prisoners. This means that we must go to the records of the Criminal Statistics Unit of the Census Bureau, as the one reporting agency with nation-wide scope. There is still the limitation that we are now going to talk not about all foreign-born criminals, but just about those who get to prison.

Since this problem has been attacked before we must consider what conclusions have been reached by those who have seriously studied it in the past. Dr. Sutherland in 1923 considered the question “Is There Undue Crime Among Immigrants?”⁵—and concluded that the statistics were so unreliable

⁴ Journal of Criminal Law and Criminology, Vol. 25, No. 1, p. 15.

⁵ Sutherland, Edwin H., “Is There Undue Crime Among Immigrants?”, Proceedings National Conf. Social Work, 1927, pp. 572-9.

that no one knew. He found a crude commitment rate considerably higher for immigrants than for the native whites, but for New York City and New York State he found lower rates for immigrants when the rates were based on adult male populations. The National Commission on Law Observance and Enforcement, better known as the Wickersham Committee, conducted an exhaustive survey of the issue and concluded that "In proportion to their respective numbers the foreign-born commit considerably fewer crimes than the native-born; . . . the foreign-born approach the native-born most closely in commission of crimes involving personal violence, . . . in crimes for gain the native-born greatly exceed the foreign-born."⁶ This Committee also discovered that the arrest rate, the conviction rate, and the commitment rate for foreign-born constantly bore out their conclusions. The Federal Immigration Commission also stated that, on the basis of all the data it collected "Immigrants are less prone to commit crime than are native Americans."⁷ The Attorney General's Study of Release Procedures, Vol. 2, p. 366, notes that "Many studies have concluded that foreign-born whites are less liable to resort to crime than native-born whites."⁸ The Gluecks in their study of 500 men paroled from the Massachusetts Reformatory at Concord found that "79 percent of our

ex-prisoners were native-born as compared to 54.1 percent native born in the Massachusetts white population of voting age."⁹ Finally Sutherland in his rewritten text says, "The arrest rate per 100,000 adult population in 1937 was 514.2 for native white and 212.1 for foreign white. The native white population had a higher arrest rate in each age group and for all except three types of crime, and in these three types the rates were almost identical."¹⁰

It would seem then that we have traditional and popular beliefs of the greater criminality of the foreign-born ranged on one side, and the statistically backed assertions of the experts that it is less grouped on the other. In such a situation it is reasonable to mistrust the popular beliefs, but it is imperative to examine very carefully the exact meaning of the assertions of the experts.

At first glance the figures substantiate the contention of the experts that the foreign-born are less criminal than the native-born. In 1938 the Census Bureau received reports of 42,353 native white males 15 years of age and older, and 2,779 foreign-born white males of the same age group who were admitted to prison after being convicted and sentenced for committing various felonies. In order to calculate rates it is necessary to know the total number of men in each of these nativity groups. Since the 1940 Census figures are not

⁶ National Commission on Law Observance and Enforcement; Report on Crime and the Foreign Born, No. 10, June 24, 1936, p. 4.

⁷ Abstracts of Reports of the Federal Immigration Commission (61st Cong., 3rd Session, Senate Doc. 747), Vol. 1, p. 163.

⁸ Vol. II, p. 366.

⁹ Glueck, Sheldon and Eleanor, 500 Criminal Careers; p. 123.

¹⁰ Sutherland, Edwin H.; Principles of Criminology, p. 123.

yet available in terms of age and race distributions of the population, and since profound changes have occurred in the composition of our national population in the last decade, we are compelled to refer to estimates in order to make rate comparisons. Fortunately, reliable estimates by Thompson and Whelpton, made for the National Resources Committee are available. These varied slightly from earlier estimates prepared by the Census Bureau for the foreign-born and were corrected in terms of the preliminary 1940 total as presented by the Census Bureau. The rates which are given from this point on will be recomputed when final census figures are available, but it is certain that they will not be materially changed. The figures show a commitment rate of 11 per 10,000 for native-born white males over 15 and only 5 per 10,000 for foreign-born white males over 15. The native rate is two and a fifth times as great as the foreign one.

The experts would seem to have demonstrated the greater overall commitment rate of the native-born. But at least one vital factor is hidden in the over-all rates; the critical variable of Age. We all know that prisons receive more men between 20 and 25 than between 40 and 50, even taking into account that there are more 25 year olds than 40 year olds in the general population. Commitment rates drop sharply after 25. So our 11-5 ratio is a good comparison only if the age distributions of the native and foreign-born are similar. But they are not similar; not by a long, long ways. Depression and restrictions have greatly curtailed immigration in the last two decades; the foreign-born population is an old population. Only when we compare small age groups are we going to get really valid comparisons. The accompanying chart shows comparisons by specific age groups.

COMMITMENT RATES PER 10,000 MALE PERSONS IN THE U. S. BY NATIVITY AND AGE

Nativity	All Ages	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-59	60-69	70 and Over
Native white. . . .	11	11.8	21.5	16.7	13.2	11.7	8.6	6.0	3.9	1.8	0.7
Foreign-born ..	5	16.7	29.5	22.9	13.2	8.6	6.7	4.3	2.8	1.4	0.4

It indicates that the criminality of the foreign-born is much greater than that of the native-born under age 30, about the same from 30 to 35, and considerably less over 35. But there are few foreign-born men under 30, many in the older age groups. The apparent two to one advantage of the foreign-born is not so much due to their lifelong ability to keep out of trouble, but merely to the fact that most of them are in the upper age groups where, for native and

migrant alike, commitment rates are sharply lower than for the younger ages.

I should like to present an over-all figure of the respective amounts of criminality of the native and foreign-born with the disturbing factor of age eliminated. Computations and statistical assumptions are presented in the technical note. The procedure used was as follows: I took the 1930 life tables for males in the United States.

These gave me a survivor figure (per 100,000) for each of my age groups. Each survivor figure was multiplied by the rate of commitment for natives and for migrants at that age; the resultant figure was a number of individuals to be admitted. The summation of the numbers for each group gives what is called a corrected rate. The corrected rates were 4,191 for native white and 4,644 for foreign-born. Granting my assumptions, this indicates a ratio of 9 admissions of natives to 10 of foreign-born men when each group has spent its entire adult life in this country. The difference is small enough that it may be due to errors in population estimates or even chance.

May we say that the argument is a draw? The experts are certainly right when they say that the aggregate criminality of the foreign-born is low; popular opinion seems to be right in the idea that the foreign-born person who arrives here as a child is more likely to commit crime than the native, though here the difference is neither so great nor, such are the difficulties of the data, so certain. And it must be added in justice to the migrants now here that since a large proportion of them arrived here after reaching maturity, namely after the period when the foreign-born crime rate is in excess of the native one, there is no reason to suppose that they, our present foreign-born group, have in fact contributed more to crime in America than our native population of comparable age.

Sociologists working in the field of

criminology have amassed a good deal of data indicating that the criminality of migrants is considerably influenced by age at arrival here and length of stay. Unfortunately, I know of no adequate measures of the extent of the influence. We do know the very high delinquency rates associated with the American-born children of immigrants. This is the delinquency area pattern with which many of you are familiar. It is my guess that those who have been brought to this country as small children approximate the behavior of their younger brothers who were born here while those who came as adults more nearly approximate the old-country behavior patterns, patterns which involve far less crime than we have in this country.

So far we have been considering the probabilities of the foreign-born person's getting into trouble. What can we say about the likelihood that once in he will persist in criminal ways? For an answer in this case we must turn to the so-called prediction studies, the efforts that have been made to apply insurance mathematics to parole and probation risks. The most comprehensive of such studies are found in the Attorney General's Survey of Release Procedures,¹¹ where success on both probation and parole were considered. In each of the jurisdictions on which it was possible to obtain data it was found that the foreign-born were as good or better risks as the native-born. Here, however, the factor of age enters as it does in crude crime rates for we find that both for probationers and parolees the tendency of the violation rate is

¹¹ Probation; Vol. II, p. 366 et seq. Parole Vol. IV, p. 467 et seq.

downward with increasing age. It may be that the somewhat better showing of the foreign-born is due to that fact, or to the fact that, as a group, they are older than the native-born. What evidence there is favors the foreign-born, however. A study I did of a juvenile institution in Michigan showed a success rate of 55.6 percent for foreign-born against an over-all success rate of 48.5 percent.¹²

So much for the amount of criminality of the foreign-born. What about the nature of it? Earlier studies provide some answers to this query. Sutherland has written that, "National groups differ widely also in the comparative frequency of different crimes. . . . Persons of Italian nativity were committed to State prisons for major offenses in 1933, three times as frequently as persons of Irish nativity, while they were committed to jails and workhouses only two-thirds as frequently. This is due principally to differences in their drinking habits. . . . Thus, certain crimes or groups of crimes are characteristic of certain national groups. These same types of crime, are, usually, characteristic of the home countries also. . . . Thus the traditions of the home country are transplanted to America and determine the relative positions of the immigrant groups with reference to the types of crime."¹³ The Wickersham Committee also found differences among different national groups. While, as has been mentioned, the Committee concluded that the arrest, conviction, and commit-

ment rates of the foreign-born were generally lower than the rates for the native whites for various crimes, it noted that the foreign-born rates approximated the native white rates most nearly in crimes of personal violence.¹⁴

Current data seem to support the Wickersham conclusions. I would like to make some generalizations from Table No. 1.

1. The rates of crimes for personal gain are very much higher for natives than for the foreign-born; 11 to 3 for robbery, 22 to 5 for burglary, 20 to 5 for larceny.
2. The rates for crimes of personal violence are about the same; and in this connection it may be worth while to note that the victims of crimes of violence, at least of those where the offender is caught, are preponderately of the same nationality, social and economic groups as the offenders. People steal from strangers, but they murder their friends.
3. As a result of the above we find, of course, that a much larger portion of the crimes of the foreign-born are crimes of violence.

In view of what has been said earlier about the higher commitment rates of the younger foreign-born, these rates for various crimes must be qualified by noting that they hold for the two groups only so long as no correction is made for the differences in the age distribution. In the near future, the Census Bureau plans to undertake a more comprehensive analysis of this

¹² A Study of Success and Failure of 1,000 Delinquents Committed to a Boys' Republic. Page 148.

¹³ Sutherland—Principles of Crime. Pp. 124 ff.
¹⁴ National Committee on Law Observance and Enforcement, pp. 122, 131, 156.

age specific problem, and in so doing to make adjustments for differentials in the age distribution of the native-born and foreign-born groups.

It will be noted too, that there is nothing said about crimes against the political order. This is because the States do not prosecute for treason and most of the criminal syndicalism laws have been allowed to lapse into disuse. So small has been the number of such crimes that they have not even rated a category. The Census Bureau is considering a request to the States that they report crimes against the political order as a separate category.

We arrive, then, at the conclusion that, on the record, the foreign-born group does not represent a particular hazard either from the point of view of the amount or the nature of its crime. The present group is rapidly passing beyond the age periods within which most crime occurs. Neither is it likely to become one in the future. It is hardly conceivable that we will again see the unfettered migration of millions from Europe, or from anywhere else for that matter.

Unfortunately, however, the record does not tell the whole story. Sabotage stories appear from time to time in the press. In some cases, treachery seems to have been definitely proved; in others the evidence has been dissipated in fragments across the landscape. If, as seems probable, we find our Nation and our economy drawn ever more deeply into the business of defense, we are going to see the problem of sabotage grow to even more serious proportions. And central to that problem are going

to be foreign-born individuals, some of them aliens, many naturalized, probably very few with records of ordinary types of crime. It is important that we do the right things about them.

I am sure that I do not need to tell prison wardens that serious plotters against the existing regime, the ones who really menace, do not go around shouting against the administration or announcing their intentions. Neither are prison breaks or attacks prevented by any arbitrary attempt at separation of the sheep from the goats. What is effective is a fair, even-handed treatment, the careful prevention of opportunities to make trouble, and the business of keeping ears open and mouth shut. Nationals of certain powers have indicated open hostility to the United States and its way of life; there are many others, however, who will be loyal to the land of refuge and freedom if we only treat them decently and give them a chance to prove loyalty. And those who are trustworthy may, by their very ability to enter conspiracies, be infinitely valuable.

What is true of the parents is still more true of the children. American children who have been educated in American schools and brought up in American neighborhoods are overwhelmingly loyal. The thoughtless American who indulges in epithets derogatory to foreign-born persons is endangering our security by alienating the loyalties of the majority who want nothing more than to be accepted as the good Americans they are. And if we alienate them, it is we even more than they who will pay the price.

This does not mean that we should provide easy opportunities for betrayal.

I am reminded of an inmate assistant I once had. He had a bad record and a long sentence. The parole board was tough, and the prison didn't do any pampering. He once warned me, saying, "It is part of your job to see that you are not the only thing between me and outside. I'd hate to hurt you, but we both know that if you were so negligent of your duty as to get to be the only thing that kept me in here, I'd just have to take you out of the way. Of course, so long as I have to stay here I know that the only way to get the things I want is by going along

and being as useful as I can to you." We got along beautifully. I got a lot of work done, he got privileges—inside the walls.

I think this Nation is today in a comparable position. We need to keep it to the interests of those with alien ideologies—whether they be foreign-born or of pioneer stock—to go along with American Democracy even though they may originally regard it as a prison they would like to overthrow. Above all, we need to remember that our first duty is to see that our own negligence does not provide the opportunity for betrayal.

TABLE NO. 1.
Number, percent, and commitment rates for native and foreign-born whites 15 and over by offense

Offense	Native White			Foreign-Born White		
	Number	Per- cent	Rate per 10,000	Number	Per- cent	Rate per 10,000
Total	42,353	100.0	11.0	2,779	100.0	5.0
Murder	820	1.9	.2	94	3.4	.2
Manslaughter	693	1.6	.2	74	2.7	.1
Robbery	4,193	9.9	1.1	151	5.4	.3
Aggravated assault	1,277	3.0	.3	148	5.3	.3
Burglary	8,554	20.2	2.2	259	9.3	.5
Larceny, except auto theft.....	7,676	18.1	2.0	281	10.1	.5
Auto theft	3,082	7.3	.8	72	2.6	.1
Embezzlement and fraud.....	1,602	3.8	.4	100	3.6	.2
Stolen property	326	.8	.1	27	1.0	..*
Forgery	4,488	10.6	1.2	235	8.5	.4
Rape	1,406	3.3	.4	113	4.1	.2
Other sex offenses.....	1,439	3.4	.3	158	5.7	.3
Violating drug laws.....	1,263	3.0	.3	248	8.9	.4
Carrying weapons	185	.4	..*	25	.9	..*
Nonsupport or neglect	429	1.0	.1	23	.8	..*
Violating liquor laws.....	3,101	7.3	.8	251	9.0	.5
Violating traffic laws.....	256	.6	.1	20	.7	..*
All other	1,574	3.7	.4	500	18.0	.9

* Less than 1/10 of 1 person per 10,000.

Assumptions and limitations in using the Standardized rates presented here:

1. Age Specific Crime rates are independent of age distribution. The
2. Recidivism was ignored, it is assumed that this does not affect the conclu-

crime rate at each age would be the same even though age distribution changed.

TECHNICAL NOTE:
COMPUTATION OF STANDARDIZED RATE

Commitment rates for native white and foreign-born white by age

Age	Native White			Foreign-Born White		
	Number in Population*	Number Committed 1938	Commitment Rate per 10,000	Number in Population*	Number Committed 1938	Commitment Rate per 10,000
15 and up	38,347,277	42,353	11.0	5,517,888	2,779	5.0
15-19	5,363,292	6,366	11.9	62,433	104	16.7
20-24	5,113,560	11,037	21.6	78,289	231	29.5
25-29	4,736,980	7,900	16.7	160,542	369	23.0
30-34	4,173,101	5,488	13.2	301,264	399	13.2
35-39	3,557,690	4,160	11.7	466,761	400	8.6
40-44	3,213,813	2,768	8.6	582,708	390	6.7
45-49	3,037,415	1,814	6.0	791,809	338	4.3
50-59	4,585,357	1,778	3.9	1,553,888	399	2.6
60-69	2,932,369	520	1.8	937,486	127	1.4
70 and up	1,635,150	116	0.7	582,708	21	0.4
Unknown	406	1	...

* Thompson and Whelpton, 1937 estimate; *National Resources Committee*. Volume on Population, pp. 10-11; assuming medium fertility and mortality and no net migration of foreign-born persons; uniformly reduced 9/10 of 1 percent to give 1940 census preliminary total.

Standardized rates of crime for native white and foreign-born white by age

Age	Survivors per 100,000	Native White Observed		Foreign-Born White Observed	
		Rate	Frequency*	Rate	Frequency*
15-19	89,485	11.9	532.4	16.7	747.2
20-24	88,137	21.6	951.9	29.5	1300.0
25-29	86,539	16.7	722.6	23.0	995.2
30-34	84,760	13.2	559.4	13.2	559.4
35-39	82,634	11.7	483.4	8.6	355.3
40-44	79,901	8.6	343.6	6.7	267.7
45-49	76,317	6.0	229.0	4.3	164.1
50-59	68,110	3.9	265.6	2.6	177.1
60-69	53,407	1.8	96.1	1.4	74.2
70 and up.....	11,012	0.7	7.0	0.4	4.1
Total			4191.0		4644.3

* Frequency equals number of survivors times age specific rate multiplied by length of intervals in years. For 70 and over group the life expectancy of 9.2 years was used.

sions. (Crude recidivism rates show that the foreign-born have better records both on probation and on parole, but here again the factor of age is involved. Recidivism declines with increasing age.)

3. It is assumed that the inadequate coverage of certain southern States where there are few migrants is balanced by the omission of local penitentiaries in New York and Pennsylvania cities.

4. It is assumed that survivorships rates are the same for native and foreign-born white males of the same age, and that the age specific crime rates remain constant throughout the lifetimes of the survivors of our hypothetical standard population.

5. It does not account for possible relationship between either age at migration or time since migration and crime.