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ON LAW OBSERVANCE AND ENFORCEMENT

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REPORT

ON

CRIME AND
THE FOREIGN BORN



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LETTER OF TRANSMITTAL

JUNE 24, 1931.

Mr. PRESIDENT: I beg to transmit herewith a tenth report of the National Commission on Law Observance and Enforcement, treating of Crime and the Foreign Born.

I have the honor to be,

Very truly yours,

GEORGE W. WICKERSHAM,

Chairman.

To the PRESIDENT OF THE UNITED STATES.

CRIME AND THE FOREIGN BORN

The inquiry committed to this commission has required an attempt to examine the incidence of crime, the administrative, judicial, and correctional processes for dealing with it, and the causes and conditions affecting adversely, either willingness to observe the law, on the one hand, or faulty enforcement of it on the other. Even so limited, the field of inquiry is vast, and a factual basis necessary for positive conclusions is, in many parts of the field, unobtainable. In other reports, the commission has discussed the condition of criminal statistics, both State and Federal, and has pointed out their lack of accuracy and completeness, the absence in the statistical field of generally accepted definitions of crimes, and of continuity of practice, which render comparisons of the records of different parts of the country, or of the same part of the country in different years, misleading and unreliable. For some of the inquiries which the commission has felt it important to institute, statistics are wholly wanting and, often, these are subjects about which popular opinion has built up assumptions, resting upon no carefully ascertained facts, insusceptible of proof or disproof because facts are not available for examination. The subject of crime and criminal justice in relation to the foreign born affords a conspicuous illustration of such a situation. Adverse assumptions are easy and habitual with regard to minority groups. Differences of race, religion, speech, and habit, which obviously segregate minorities, are instinctively extended by the majority to imply other differences and, when some members of a minority group are found to have been guilty of antisocial conduct, the majority all too quickly assumes such conduct to be a characteristic weakness of the minority group as a whole. Foreign-born immigrants in any country are in a constant state of experiment and adjustment. They lack that spontaneous adaptation to the institutions of the country which is natural to the native born.

The native born have never known any other institutions, are sensible of no conflicts, aware of no strangeness or differences; while to the immigrant, at first, all is strange. The very effort of such a minority group to acquire knowledge of the new institutions often seems a disposition to disregard them and brings a judgment of lawlessness upon mere eagerness and aspiration. On the other hand, it is, of course, true that such minority groups, feeling the handicap of their position, are under a strong temptation to evade and disregard what they can not understand, to treat as discrimination the disadvantage to which they are inevitably subjected, and to equalize their condition by disregarding restraints which the majority has come to recognize, by tradition, as essential to the social order. These difficulties are especially impressive when immigration is in such volume, or social or industrial conditions are such, as to tempt immigrant groups to settle as colonies of nationals, living in segregated quarters in great cities. Such colonies present a mass problem of assimilation, and, for obvious reasons, attenuate the process of their absorption into the country. So massed they become an obvious minority group and expose themselves in greater degree to the temptation above described and to the disposition of the majority to regard individual delinquencies as badges of racial disposition.

This disposition is further heightened, in times of economic distress, when the last comer into the competition for employment is regarded as an intruder. At such times there is grave danger of the growth of antiforeign feeling, generating real and drastic discriminations, which in turn breed defensive and retaliatory disorder.

Such considerations, of course, must be taken into account in the formulation of the Nation's policy toward immigration, but with that question this commission has not felt itself called upon to deal. It lies essentially within the legislative discretion of Congress and it is dependent upon economic and social conditions only remotely involved in a study of law observance and enforcement, except as the whole social fabric of a people must be examined to determine the causes of the crime prevalent among them. The commission, however, has felt it important to study all the

available data upon the subject of crime and criminal justice and the foreign born as a separate inquiry from the problem presented by the administration and enforcement of the immigration and deportation laws.

As an expert in this inquiry the commission was fortunate in securing the services of Dr. Edith Abbott, dean of the Graduate School of Social Service Administration of the University of Chicago. Dean Abbott's long and distinguished career as a student and teacher of social economics, her membership in learned societies and associations devoted to social research, and her authorship in the fields of women in industry, immigration, juvenile delinquency, and social science generally, not only make her one of the most distinguished scholars in the general field of social economics but particularly qualified her to direct this particular study. To assist her, Dean Abbott has had the aid of Miss Alida C. Bowler; Dr. Jacob Horak, professor in Heidelberg College, Ohio; Dr. Paul S. Taylor, professor of economics at the University of California; Dr. Max S. Handman, professor of economics at the University of Texas; Mr. Paul Livingstone Warnshuis, of the Presbyterian Board of National Missions; and Prof. Jesse F. Steiner, of the School of Social Work of Tulane University. The special qualifications of these investigators are stated by Dean Abbott in her report which is herewith transmitted.

Dean Abbott's report contains an introductory statement with regard to the scope of the inquiry. This is followed by a critical and historical survey of public opinion from colonial to modern times, with regard to the problem of crime and the foreign born, leading to certain historical conclusions. Part II of the report, by Miss Bowler, surveys recent statistics of crime and the foreign born and attempts to draw such conclusions as are possible in view of the general inadequacy of the available statistics. Part III of the report, by Doctor Taylor, Doctor Handman, and Mr. Warnshuis, considers crime and criminal justice as presented by the Mexican immigrants in the United States. Part IV presents three community studies—crime and the foreign born in New Orleans, San Francisco, and Stockton, Calif. Part V of the report contains the general conclusions which

Miss Abbott thinks justified by her own studies and those of her associates. With these conclusions this commission is in sympathy, and they are commended as a conservative résumé of available information and existing public feeling upon this subject.

It is important to observe that the study made by Miss Abbott and her associates is, for the most part, limited to the foreign born, strictly so called. It does not cover the prevalence of or tendency to crime among American-born descendants of parents, one or both of whom are foreign born. Crime statistics can hardly be said to have attempted to segregate and compile the data necessary for any inquiry as to the latter group. Whether or not the current impression of excessive criminal propensities among so-called "foreigners," generally, can partially be justified by the existence of criminal propensities among children of foreign-born parents, it is impossible either to affirm or deny. Within the limits of the problem which it has been possible to study, we are now in a position definitely to say that any such impression as to the foreign born is at variance with the facts. The conclusions reached by Miss Bowler, from her statistical studies, are that in proportion to their respective numbers the foreign born commit considerably fewer crimes than the native born; that the foreign born approach the record of the native born most closely in the commission of crimes involving personal violence, and that in crimes for gain the native born greatly exceed the foreign born.

Thus, at least one part of a highly contentious subject, about which feeling has at times been displayed, is placed in the clear, and this commission ventures to hope that its recommendations, elsewhere made, will lead to the accumulation of statistics so adequate and reliable as to permit, in the future, studies of similarly clarifying definiteness to be made with regard to the native children of foreign-born parents. Analogies from the history of the growth and change of public opinion upon this subject, as set forth by Miss Abbott in Part I of her report, will warn future investigators to expect much misunderstanding and misjudgment of each succeeding wave of immigration to our shores. For

reasons to which we have adverted, there was always present a temptation to rally public opinion around the cry of "America for Americans." At various points in our history this impulse has become especially acute and had important political and economic consequences. But, in the historical perspective of this impulse, it is interesting to note that each time the outcry is raised, the "Americans," for whom "America" is to be reserved, include the descendants of a former generation of immigrants against whom the same outcry was earlier raised as a basis of discrimination or exclusion. Each generation of immigrants has had to be freshmen in the college of American citizenship. As they have advanced to the dignity of juniors and seniors, they, in their turn, have had the common disposition to regard the freshmen of their day as peculiarly unpromising, if not dangerous, college material. This Commission is inclined to the belief that the future immigration policy of the United States can safely be determined on general economic and social grounds and that the difficulty of the problem of maintaining the social order, by inculcating a spirit of law observance and establishing an efficient system of law enforcement for those who will not observe, certainly has not been increased disproportionately by the conduct of the foreign born. This observation is made with the thought, of course, in mind that no immigration policy will ever be adopted which does not seek rigidly to exclude, as immigrants, degenerates, and individuals with confirmed criminal propensities and habits.

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JUNE 24, 1931.

REPORT ON CRIME AND CRIMINAL
JUSTICE IN RELATION TO
THE FOREIGN BORN
FOR
NATIONAL COMMISSION ON
LAW OBSERVANCE AND
ENFORCEMENT

BY EDITH ABBOTT

WITH SUPPLEMENTARY REPORTS BY

ALIDA C. BOWLER
PAUL S. TAYLOR
MAX S. HANDMAN
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INTRODUCTORY STATEMENT

The subject of crime and criminal justice in relation to the foreign born in this country does not lend itself easily to scientific analysis and definitive or trustworthy judgment. This is due in large part to the difficulty of securing facts—facts about crime that are properly recorded, facts about the foreign-born element in the population, and facts about the nativity of persons charged with or convicted of crime that are likely to be even more incorrectly recorded and extremely difficult to secure. It is a subject that is clouded with prejudice, and, although there have been many state papers prepared on this subject and many published treatises, it has rarely been subject to impartial, disinterested inquiry. In the following report an attempt has been made to assemble such official data as are available, to present the results of some special field studies that were undertaken, and to review the history of public opinion on this general subject.

In discussing crime and the foreign born there are two aspects of the question that should be clearly distinguished: First, there may be a criminal element among the foreign born or a high degree of criminality among the foreign born because of the immigration of those who belonged to the criminal classes abroad, due to the emigration of those leaving prison, the pardoning of criminals on condition of emigration, or the migration of men who have been carrying on criminal activities but who have not been discovered and who may in fact be migrating to escape discovery.

Approximately 50 years ago the immigration of convicts was prohibited by Federal law,¹ and certainly in the present century this law has been reasonably effective in preventing such persons from entering this country.² It is true that

¹ *Infra*, pp. 43-45.

² See, however, statements of the Federal Immigration Commission, which should be weighed in discussing this subject, *infra*, pp. 71-72.

these persons may not become criminals in a new life in a new country; but certainly the odds are not in their favor, and Congress acted wisely when their admission was finally prohibited in the last half century.

The second aspect of the problem is the question whether or not certain criminal tendencies are found chiefly or wholly among some immigrant groups and not among others. This second question is much more difficult than the first and much less likely to be treated dispassionately. For the statistical data on this subject are meager and difficult to weigh, and nonstatistical evidence is rarely free from personal bias and prejudice.

In attempting to discuss the possible relationship between delinquent behavior and national traits, Professor Handman, of Texas, who has prepared one of the reports³ for this committee, suggests that it is necessary "as a matter of scientific integrity to state with precision what is meant by both of these expressions—national traits and delinquent behavior." Professor Handman suggests that national traits and racial traits are confused in the minds of those who use them, and he also suggests that both terms—"national traits" and "delinquent behavior"—are "surrounded by a vagueness akin to chaos, and one is almost compelled to reconstruct his concepts as he goes along."

In the present report, however, the terms "crime" and "foreign born" will be used as they usually appear in the presentation of statistics that are made a matter of official record on these subjects. Data regarding crime among the foreign born must be assembled from the places where such data have already been officially collected and recorded. The chief sources of such data are the records of the police departments, the criminal courts, and the prisons.

In using the term "foreign born" in this report no attempt is made to discuss the complicated subjects of "nationality" and "race." The simple official classification by "country of birth" is followed. In popular discussions the term "foreign born" is used to include those of foreign birth and their children, whether their children were born

³ See Part III, sec. 2.

in this country or not. But legally the children who are themselves foreign born occupy a status quite different from that occupied by the children born in this country. These American-born children of the foreign born are legally American citizens and are classified in the census as "native born of foreign parents," whereas the older children in the same family are themselves alien and foreign born.

Furthermore, these American-born children of immigrants really constitute two problems. That is, from the point of view of delinquency, these children of immigrants present one problem while they are still children, the problem of juvenile delinquency; when they become adults the problem becomes the problem of "crime and the foreign born."

The problem of securing data about this second group—the children of immigrants who are now adults, the so-called second generation—is, however, insuperably difficult. It is impossible⁴ to secure adequate trustworthy data regarding the country of birth of the individuals who have themselves been charged with crime—those who have been arrested, who have been tried, convicted, or committed. If it is difficult to secure satisfactory data showing whether the persons arrested, for example, are themselves "native born" or "foreign born," then to secure even reasonably adequate data about their parents—to determine how many, for example, are "native born of native parents" and how many are "native born of foreign parents"—is clearly impossible. Granted that it is desirable to secure criminal statistics regarding crime in the second generation, such data can rarely be correctly ascertained.⁵

The possibility of having special records kept for a time for this committee in certain criminal courts or certain police departments was considered when the plan of this report was under consideration, but it was clear that this could in any event be done only on a very small scale and even then at great expense and with uncertainty as to the possibility of

⁴ See Miss Bowler's accompanying statistical report on this point.

⁵ Professor Handman's note on delinquency and nativity among the Mexicans in Texas prisons is especially interesting because such data were available for this purpose in Texas and are presented in the note submitted herewith. See also Miss Bowler's report regarding this point and certain data that are submitted for Buffalo and Detroit.

securing trustworthy data. It was therefore decided that this was not a justifiable expense in view of the probably meager and unsatisfactory data that would result within the period of the commission's existence.

With regard to the children of the foreign born who are still children and who appear in the juvenile courts, this is not a problem of crime but a problem of juvenile delinquency. These children are the children of the poorer classes of the community whether foreign or native born. The juvenile courts do not exist for the children of the well-to-do. Since there is a large proportion of immigrants among the people who are poor, it is expected that the children of immigrants will be more largely found in the courts established for the children of the poor.⁶

Finally, with regard to the statistics relating to crime and the foreign born, such statistics should be found dispassionately recorded in the form of criminal statistics. But it is necessary to point out that unfortunately our criminal records frequently contain no mention of nativity at all. Even when general nativity or specific country of birth is recorded, there is reason to think the data are far from accurate. For example, the Chicago City Council committee on crime called attention in a report made in 1915 to the fact that although statistics were available showing arrests and convictions by specific nationalities, these statistics were likely to be more inaccurate than those of general nativity. Thus attention was called to the fact that the Immigrants' Protective League, for example, had reported that it was not uncommon for the police department to report that an immigrant had been arrested and that, for some reason, the services of the league were required. When the police were asked, "What nationality is the prisoner?" in order that the right kind of interpreter might be sent, the answer was likely to be, "We don't know what nationality he is. He can't speak anything that anyone here can understand." It is safe to say that in such cases the "nationality" of the immigrant is not likely to get into the record correctly.⁷

⁶ See also in this connection Miss Bowler's Buffalo report.

⁷ Report of the committee on crime, Chicago City Council, 1915, p. 55.

A survey of police records in Illinois some years ago by the State board of control also brought out some interesting facts about the data regarding country of birth in certain Illinois cities. The statement⁸ from the Institution Quarterly seems important enough to quote in some detail:

In preparing the histories of repeaters in Rockford and Peoria we found many differences in statements of prisoners made at each arrest. The most detailed records are kept at Rockford. A typical history of a Rockford repeater is:

John Doe, arrested five times in the year 1915, gives his birthplace three times as the United States and twice as Sweden. His occupation is given twice as laborer, twice as molder, and once as machinist. His ages are 24, 26, 23, 27, and a second time 26. Of the 20 men whose histories were prepared, only two gave the same birthplaces, ages, and occupations at each arrest. In the Peoria records, which are as well kept although not so detailed, we find the same differences in statements.

A large per cent of the persons arrested are in no condition to make any reliable statements about themselves. A drunken man may say he is 30 at one arrest and 50 at the next and confuse his nationality, his civil condition, and his occupation.

In several of the cities the police record a man's nationality according to his name and not according to his statement. If his name is O'Brien he is recorded as an Irishman. If it is Svenson or Larsen he is recorded as a Swede. If it is Isaacs he will be recorded as a Jew—since some policemen class religion as a nationality—and if it is Schwartz he will be recorded as a German. The possessor of an Italian or a French name will be recorded as an Italian or a Frenchman and the man who keeps a fruit stand will be recorded as an Italian or Greek, no matter what his name or nationality. If a man's parents are known to be foreigners, he will be recorded as a foreigner even though he was born in this country. If a group of laborers are arrested for a general neighborhood fight and half of them are of foreign birth, the entire group will probably be recorded as foreigners, especially if all are intoxicated.

The man booked at the police station as a Lithuanian will be, if sent to the county jail, quite likely to be booked there as a Russian, a Bohemian, an Austrian, or a German. He may be a Pole on one record, a Russian on another; in one office an Indian or a Mexican and in the other an Italian, a Spaniard, or a Greek.

In the preparation of the present report a careful search has been made to secure records in which arrests and convic-

⁸ Illinois Institution Quarterly, Vol. VIII, No. 2, p. 72 (1917), A. M. Hinrichsen, The Criminal Statistics of Illinois. See also Pitfalls in Criminal Statistics, *ibid.*, Vol. VII, No. 4, p. 7.

tions have been tabulated with the facts as to nativity. In some cases, however, only general nativity—that is, whether native born or foreign born—is included in the record; but an effort has also been made to secure the facts about the particular country of birth from which the offender comes.

This part of the report has been in the hands of Miss Alida C. Bowler,⁹ who had recently been the secretary to the chief of police in Los Angeles, and was accustomed to work with police records and police and court statistics. Miss Bowler secured a large collection of reports and manuscript data by correspondence, and she also visited five important interior cities, Detroit, Pittsburgh, Cleveland, St. Louis, Buffalo, for supplementary material that could be secured by a field survey.

Miss Bowler and I together wish to express our warm appreciation of the hearty cooperation that has been given by the chiefs of police and their assistants in many cities, both large and small. We also wish to thank judges, State's attorneys, State and city commissioners of correction, institution heads, and social workers who have helped us at many points. The excellent and extremely useful report on the official statistics on the subject of crime and the foreign born which Miss Bowler has prepared would have been impossible without their hearty cooperation and willingness to help. Interviews with the foreign born in the Illinois prisons¹⁰ were also secured, and we are indebted for the helpful assistance given by the wardens and superintendents of the institutions in which this work was done.

The high crime rates among the Mexicans that appeared in the statistics received from the various American cities called for a careful study of this subject of crime and

criminal justice among the Mexican population now living in the United States. Unfortunately, the census statistics of 1930 relating to country of birth were not available for use in the preparation of this report, and the Mexican rates especially are undoubtedly subject to error because of the use of the 1920 census population. An effort was made, however, to secure some special reports on the subject of the Mexican immigrant in relation to crime to determine what lay back of the apparently high Mexican rates for arrests, convictions, and commitments in various places. It was finally possible to arrange for the following special investigations:

A study of the Mexican in relation to the problem of crime and criminal justice by Dr. Paul S. Taylor, associate professor of economics at the University of California. Professor Taylor had pursued some studies regarding the Mexican population of this country and their social and economic problems under the auspices of the advisory committee on scientific aspects of human migration for the National Social Science Research Council. Professor Taylor's published volume on Mexican Labor in the United States (University of California Publications in Economics VI, 1928-1930) was evidence of his admirable equipment for a further inquiry into the question of crime and administration of criminal justice in relation to the Mexican population of the United States.

The report of Professor Taylor has been supplemented by Prof. Max S. Handman, of the University of Texas, another well-known scholar whose interest in the problem of the Mexican was utilized. Professor Handman served on the Texas Commission on Prisons and Prison Labor from 1922 to 1925 and was well equipped to discuss the problem of crime. He has also been engaged with a group of scholars from the University of Texas in a survey of Mexican problems in the Southwest. Professor Handman, like Professor Taylor, responded generously to the request of the commission that he prepare a special report on the subject of the Mexican in relation to crime and criminal justice in the States of the Southwest with which he is so familiar.

⁹ Miss Bowler holds the degree of master of arts from the University of Illinois. She knows the foreign born for she has served overseas in relief work for the Red Cross among the French refugees from the Marne area and among the Rumanian peasants along the lower Danube. This experience brought her into close relationship with foreign-born groups of emigrant character.

¹⁰ Dr. Jacob Horak, professor in Heidelberg College, Ohio, carried on the field work here, assisted by Mr. James Ford, J.D., a graduate of the University of Chicago Law School. Doctor Horak is able to speak various Slavic languages and was well qualified to present an unbiased account of the interviews. Mr. Ford was able to speak the Italian language fluently as he is himself "second generation."

A special study of the problem of the Mexican immigrants committed to the penal institutions in Illinois was undertaken by Mr. Paul Livingston Warnshuis, who had been for some years a representative of the Presbyterian Home Mission Board in the Southwest and who is now in charge of the western branch of the Presbyterian Board of National Missions, with headquarters in Denver, Colo. Like Professor Taylor and Professor Handman, he was glad to place his expert knowledge of the Mexican people and their language at the service of the commission. Mr. Warnshuis, who was a graduate student in the University of Chicago, had a long and intimate knowledge of the problems of the Mexican immigrants. He was at home among them in Old Mexico and in New Mexico. He spoke their language fluently and was interested in problems concerning their well-being and in safeguarding at the same time the social welfare of the American States to which they have been migrating recently in such large numbers. He interviewed every Mexican in the Illinois State prisons at Joliet, Chester, and Menard, and at the State Reformatory at Pontiac, as well as in some of the local prisons. His report is submitted herewith.

Arrangements were also made for a study of crime and the foreign born in New Orleans under the direction of Professor Steiner and with the help of his graduate students in the Tulane University School of Social Work. Prof. Paul S. Taylor has also reported on conditions in San Francisco and in Stockton, Calif.

No field studies were undertaken in Chicago because it was felt that this could not be done on an adequate basis except with a large and competent staff. This was prohibitively expensive, and, in any event, the subject of Chicago crime is not one which could be satisfactorily studied during the political conditions that have existed. It was decided that conditions were not favorable and that money and time were not available for special Chicago studies. However, Chicago police statistics have been published for a period of years with a correlation between offenses and country of birth. A tabulation has been made of the Chicago statistics of arrests and convictions by country of birth for the past 15 years. Quinquennial averages have been pre-

pared for the period 1915-1929 and are submitted as part of Miss Bowler's report.¹¹

With regard to New York the situation was equally difficult. Statistics have been carefully assembled from New York City and New York State, but it was decided that adequate field studies would be prohibitively costly both in time and money.

The relation of the United States Immigration Service to the problem of crime among the foreign born and particularly questions of expulsion and deportation procedure were carefully examined, but these subjects were found to be so important that the commission arranged for an independent investigation of this subject by a distinguished lawyer, whose report was prepared independently of the work of this committee and has been submitted as an independent report.¹²

The whole subject of immigration in relation to crime during the various periods of American development, our national experience with regard to the possibility of criminality among the immigrants who have poured into this country from the founding of the first colonies on the Atlantic seacoast on down to the present day should be studied carefully before attempting an evaluation of the problems that are now presented.

¹¹ These Chicago tabulations were in charge of Miss Elizabeth A. Hughes, instructor in the School of Social Service Administration, who was assisted by Miss Emma L. Hodgins, now on the staff of the State criminologist, and formerly Lella Houghtelling Fellow in Social Service at the University of Chicago.

¹² Report on The Administration of the Deportation Laws of the United States, by Reuben Oppenheimer, of the Baltimore Bar. The report of Mr. Oppenheimer, however, did not deal with the problem of crime among the foreign born except in relation to the administration of the expulsion and deportation legislation.

PART I

THE PROBLEM OF CRIME AND THE
FOREIGN BORN

By EDITH ABBOTT

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SECTION I

PUBLIC OPINION AT DIFFERENT PERIODS OF AMERICAN HISTORY

1. PUBLIC OPINION DURING THE COLONIAL PERIOD

The theory that immigration is responsible for crime, that the most recent "wave of immigration," whatever the nationality, is less desirable than the old ones, that all newcomers should be regarded with an attitude of suspicion, is a theory that is almost as old as the colonies planted by Englishmen on the New England coast.

Concern about the new arrivals in the colonial days was perhaps justifiably aroused by two English policies: (1) The transportation of reprieved convicts on a large scale for a kind of white servitude or peonage in certain colonies, particularly Maryland and Virginia, where labor was needed; (2) the fact that undesirable "free immigrants" arrived who had been troublesome citizens at home and in turn also became troublesome citizens here. Many black sheep of good families were sent to the colonies to get rid of them; and some erratic adventurers who chose America as a promising field for their operations became sources of trouble.

First, with regard to transportation, accurate statistics on this subject will, of course, never be available. But from the very early days men were certainly sent from the London Bridewell to Virginia. These men were unfortunate rather than criminal and, in the twentieth century, would be called "the unemployed" instead of vagrants. But in the seventeenth and eighteenth centuries they were legally "vagrants" and were detained in the Bridewell until funds were secured,

"usually from municipal funds and collections"¹ to send them to America.

The author of an important article on this subject in the *American Historical Review*² says that "orders from the Privy Council, or from judges and even inferior magistrates, sent felons convict into American colonies from their earliest stages." He found, for example, in the first five volumes of the Old Bailey records a roster of 887 convict transports and similar numbers in later volumes. The total number of convict emigrants from the Old Bailey alone, he thinks, could not have been less than 10,000 between 1717 and 1775.

The organized traffic in convicts undoubtedly disturbed the peace of the early settlers. The plague of "transports," as they were called in England, of "King's passengers" or "seven-year men," as they were known on this side of the water, caused a serious struggle between the Colonies and the mother country. Virginia and Maryland attempted to control the evil by prohibitory statutes in the seventeenth century.

The Virginia House of Burgesses passed an act on April 20, 1670,³ in which is set out the "apprehensions and fears" of the Virginia counties that the peace of the Colony would be "too much hazarded and endangered by the great number of felons and other desperate villains sent hither from the several prisons in England," and the act provides that "any jail birds * * * who for notorious offenses have deserved to die in England" should not be allowed to land.

But in the same year a parliamentary statute provided that cattle killers and burners of corn stacks were punishable

¹ The Court Books of the London Bridewell, February 24, 1619, show that 16 vagrants were "sent to Virginia"; in 1622 others were "kept for Virginia" and other similar entries occur in 1635 and 1639. See E. Leonard, *The Early History of English Poor Relief* (Cambridge, 1900) pp. 229-230. The names of these vagrants can still be found in the Bridewell books and this English historian has a footnote which says that the descendants of several of these vagrants now occupy good positions in this country. It is also said that "an enterprising American has endeavoured to enlighten his countrymen on the subject but the publication of the names is now forbidden as the descendants did not care to be enlightened." (Footnote, p. 230.)

² See Vol. II, 12-33 (October, 1896), for a scholarly account of this traffic in "felons convict" by James Davie Butler, *British Convicts Shipped to American Colonies*.

³ Hening's Statutes at Large, II, 509.

by death or transportation to the Colonies⁴ and the Virginia act prohibiting the landing of convicts was overruled by orders from the King.

Maryland followed the lead of Virginia with a law of 1676,⁵ which also recites that shipowners and others had been bringing in "notorious felons and malefactors which in several of His Majesty's courts have been convicted of crimes and felonies * * * and procured out of the common jails" to sell as servants.

These colonial statutes against the importation of convicts were disregarded in England; and Parliament without regard for public opinion in the colonies in the year 1717⁶ passed a transportation act which provided for the systematic bringing over to America of a variety of persons convicted of crime. This act recited in its preamble the necessity for adopting a new mode of punishment for the offenses of robbery, larceny, and other felonious acts and provided that "the wicked and evil disposed persons" who had been "convicted of grand or petit larceny or any felonious stealing or taking of money or goods and chattels, either from the person, or the house of any other, or in any other manner" and who were "liable to be whipt or burnt in the hand or ordered to any workhouse," "such offenders, as also such offenders in any workhouse" were henceforth to be transported "for the space of seven years" to his Majesty's colonies and plantations in America, where according to the preamble of the act, there was a great want of servants who by their labor and industry might be the means of improving and making the colonies more useful to the mother country.

Not only that, but persons sentenced to death might be pardoned by "the royal mercy upon the condition of transportation to any part of America."⁷

⁴ *American Historical Review*, Op. cit. II, p. 17.

⁵ *Archives of Maryland*, II, 540.

⁶ "An act for the further preventing robbery, burglary, and other felonies and for the more effectual transportation of felons," 4 George I, c. 11, *Great Britain Statutes at Large*, XIII, 471-474.

⁷ "Where any persons have been convicted, or do now stand attainted of any offenses whatsoever, for which death by law ought to be inflicted, or where any offenders shall hereafter be convicted of any crimes whatsoever, for which they are by law to be excluded the benefit of clergy, and his Majesty * * * shall be graciously pleased to extend royal mercy to any such

The act also provided that "idle persons" under 21 who were said to be "lurking about in divers part of London and elsewhere," and who were in want of employment and might therefore "be tempted to become thieves" were lawfully to be transported for a period of eight years.⁸

After this great transportation act of 1717, the removal of convicts from the English jails to ships bound for America began on a large scale and continued until the time of our American Revolution. The convicts who were transported were brought in large numbers to the colonies, where there was a constant demand for labor and where the "transports" were quickly sold to the owners of plantations.⁹

In Pennsylvania the assembly passed an act of 1722 which imposed a duty on "persons guilty of heinous crimes, and imported into the Province as servants or other." However, the King's instructions to the governor made the carrying out of this act impossible. The governor was instructed that "Whereas acts have been passed in America for laying duties on felons imported—in direct opposition to an act of Parliament for the more effectual transportation of felons—it is our royal will and pleasure that you approve of no

offenders, upon the condition of transportation to any part of America, and such intention of mercy be signified by one of his Majesty's principal secretaries of state, it shall and may be lawful to and for any court having proper authority, to allow such offenders the benefit of a pardon under the great seal, and to order and direct the like transfer and conveyance to any person or persons (who will contract for the performance of such transportation), and to his and their assigns, of any such before-mentioned offenders, as also of any person or persons convicted of receiving or buying stolen goods, knowing them to be stolen, for the term of 14 years."

⁸ This section of the statute was explained by the fact that these "young persons" were not able lawfully to contract for their own transportation. This part of the statute enabled them to sell themselves into service in the colonies for eight years. "And whereas there are many idle persons, who are under the age of one and twenty years, lurking about in divers parts of London, and elsewhere, who want employment, and may be tempted to become thieves, if not provided for; and whereas they may be inclined to be transported, and to enter into service in some of His Majesty's colonies and plantations in America; but as they have no power to contract for themselves, and therefore that it is not safe for merchants to transport, or take them into such services; be it enacted by the authority aforesaid, That where any person of the age of fifteen years or more and under the age of twenty-one, shall be willing to be transported, and to enter into any service in any of His Majesty's colonies or plantations in America, it shall and may be lawful for any merchant, or other, to contract with any such person for any such service, not exceeding the term of eight years."

⁹ See the article in the American Historical Review, I, 12-33 (October, 1896), J. D. Bueller, British Convicts Shipped to American Colonies.

duties laid on the importation of any felons into Pennsylvania."¹⁰

The State of Delaware in 1740 passed a law "imposing a duty on persons convicted of heinous crimes." This statute recites that masters of vessels and others did "frequently import divers persons convicted of heinous crimes who soon after their coming into this Government do often commit many felonies, robberies, thefts, and burglaries to the great hurt of His Majesty's subjects trading to and inhabiting the same."¹¹

This was, of course, the Pennsylvania plan of permitting the entry of transported convicts on condition of the payment of duties that were, as a matter of fact, something like indemnities, instead of following the modern policy of excluding convicts at the ports of entry.

When it was proposed that the system of transporting convicts to America should provide for the Scotch as well as the English offenders, Benjamin Franklin prepared in the year 1767 one of his unique parliamentary petitions as "agent for the Province of Pennsylvania," and pointed out "most humbly"—

That the transporting of felons from England to the plantations in America is, and hath long been, a great grievance to the said plantations in general.

That the said felons, being landed in America, not only continue their evil practices to the annoyance of His Majesty's good subjects there, but contribute greatly to corrupt the morals of the servants and poorer people among whom they are mixed.

That many of the said felons escape from the servitude to which they were destined into other colonies, where their condition is not known, and, wandering at large from one populous town to another, commit many burglaries, robberies, and murders, to the great terror of the people, and occasioning heavy charges for apprehending and securing such felons, and bringing them to justice.

The Colonists were also disturbed by the men who were not brought over as convicts but who fled to this country to escape the consequences of misbehavior at home or were persuaded by their families to seek a new life in a new world.

¹⁰ Pennsylvania Archives, I, 306.

¹¹ Laws of Delaware, 1700-1797, I, 166-170.

There have always been two points of view about immigration and immigrants, the point of view of the country they have left and that of the country to which they have come. The tendency of the country they have left—that is, the country of emigration—is to think that people who wanted to leave the old home were probably misguided and not very desirable people. And the point of view in the new country is that if they are like those of us who made America of course they must be better than those left at home but unfortunately not so good as those of us already here.

There were in the early days, particularly in the seventeenth and eighteenth centuries, many people in England who believed that no one would emigrate from "England's green and pleasant land" unless he were a fugitive from justice. Emigration, wrote Lord Sheffield in 1793, "is the natural resource of the culprit"; and stories were frequently told of the men who "left their country for their country's good."

The important question, however, is what really happened to these convicts, or other emigrants who were considered undesirable, after they reached American soil. So far as historical records furnish any evidence, it appears that they became in most cases useful citizens.¹² These early "transports" were men convicted of felonies; but the English law was extremely harsh at that time,¹³ and what would now be considered minor offenses were felonies carrying capital sentences. Men were guilty of crimes, for example, if they killed the wild pheasants in the woods or the ground game in their own fields.

Moreover, the conditions of English life were very hard for the underprivileged members of society, and men drifted into criminal ways because they were destitute, unemployed, unemployable, and entirely without help. It is an old tradi-

¹² See, for example, Leonard, *Early History of English Poor Relief*, p. 230. "In the midst of all the abuse heaped upon the vagrant (in the seventeenth century) and in our own, it is interesting to remember that he sometimes did something useful when he got the chance. Even in the early days, of the Stuarts he and his descendants played a part in developing the British Empire and in founding the settlements which led to the existence of the United States."

¹³ See Blackstone, *Commentaries on the Laws of England* (new edition; London, 1813), Book IV, ch. 1, pp. 6-17; ch. 28, pp. 336-338.

tion that men will steal before they will see their children starve or even starve themselves, and there were many starving families at this time. The "felons convict," therefore, who were brought to a new kind of white servitude in a world where there was new hope for the poor man, were many of them able to become useful citizens.

The almost magical effect that American life had on these English "jail birds" is described in that very remarkable eighteenth-century book called the *Letters from an American Farmer*,¹⁴ which contains some vivid descriptions of our countrymen of that period. The following paragraph, for example, is very interesting:

In this great American asylum the poor of Europe have by some means met together, and in consequence of various causes. To what purpose should they ask one another what countrymen they are? Alas, two-thirds of them had no country. Can a wretch who wanders about, who works and starves, whose life is a continual scene of sore affliction or pinching penury, can that man call England or any other kingdom his country? A country that had no bread for him, whose fields procured him no harvest, who met with nothing but the frowns of the rich, the severity of the laws, with jails and punishments * * * (Here) everything has tended to regenerate them; new laws, a new mode of living, a new social system; here they become men; in Europe they were as so many useless plants, wanting vegetative mould and refreshing showers; they withered, and were mowed down by want, hunger, and war; but now, by the power of transplantation, like all other plants, they have taken root and flourished. Formerly they were not numbered in any civil lists of their country, except in those of the poor; here they rank as citizens. By what invisible power has this surprising metamorphosis been performed? By that of the laws and that of their industry. And the poor emigrant has become an American—a new man.

But, of course, all the convict emigrants did not become "new men," and the colonies sometimes carried the burden of new crimes committed by the transported felons in their new homes. Worse than this, the colonies and later the American States carried the support of the descendants of the early "felons convict." Dr. Charles Benedict Davenport, the eminent biologist, apparently believes the famous "Jukes family" to be descended from transported convicts of the

¹⁴ By J. Hector St. John de Crèvecoeur (London, 1782).

eighteenth century. In the introduction to the later history of the Jukes family, published by the Cold Springs Harbor Laboratory in 1915, Doctor Davenport says:

That there should be such strains in a colony that has been founded only three or four generations is not strange when we recall that the emigration of criminals and ne'er-do-wells, among others, to this country was assisted by the Government in order to relieve the congested centers of Europe of some of those whose presence was incompatible with the development of high civic ideals. It is the descendants of such people, among others, who came to the region which the Jukes family made notorious.

Whether Doctor Davenport is right in attributing the Jukes and their descendants to the ill effects of convict emigration instead of to the ill effects of the long war of the Revolution it is, of course, not possible to say. It is clear, however, that the colonists were justified in protesting vigorously against the transportation system.

2. PUBLIC OPINION DURING THE PERIOD FROM THE REVOLUTION TO THE CIVIL WAR

Immediately following the Revolution the Continental Congress recommended to all the new States that "proper laws" should be passed to prevent "the transportation of convicted malefactors from foreign countries into the United States,"¹⁵ and most of the States proceeded to pass statutes charging a head tax or penalizing in some way the landing of convicts at their ports.¹⁶ Pennsylvania in 1789¹⁷ passed "An act to prevent the importation of convicts into this Commonwealth," with a preamble which declared that because of the action of the Continental Congress in calling attention to the fact that a practice prevailed "of importing felons convict * * * under various pretenses," and because the "said felons convict so imported have been sold and dispersed among the people of this State, whereby much injury hath arisen to the morals of some and others have been

¹⁵ Journals of the American Congress, IV, 807 (Sept. 16, 1788).

¹⁶ See Edith Abbott, *Immigration: Select Documents and Case Record*, pp. 97, 102-104.

¹⁷ "An act to prevent the importation of convicts into this Commonwealth, Mar. 27, 1789," *Pennsylvania Statutes at Large, from 1682 to 1801*, XIII, 261, 262.

greatly endangered in their lives and property," statutory enactment was necessary.

Various other States¹⁸ took similar action, but on the whole these laws were never very effective. The wholesale transportation of English convicts had, to be sure, come to an end with the Revolutionary War and the convict ships no longer set sail for America but were sailing to the east instead—to the Australian colonies, to Botany Bay, and Van Dieman's Land. But the struggle to prevent the migration of convicts, not only from the United Kingdom but from Germany and Switzerland as well, really continued throughout the whole of the nineteenth century.

With the great revival of immigration that followed the close of the Napoleonic wars, it was inevitable that with the increasing population of various European countries and, in particular, with large numbers of people demoralized by hunger and the hardships of a long war, many persons emigrated who belonged to the criminal classes and that others who were unable to adjust themselves to the new conditions of American life should have developed criminal tendencies. There were in the three decades preceding our Civil War constant and vigorous complaints about the increase in crime and juvenile delinquency that had been caused by immigration. When the New York Society for the Reformation of Juvenile Delinquents was founded in 1821, it was given a liberal allowance from the immigrant head tax¹⁹ on the ground that the delinquents were largely children of immigrants.

In 1831 the editor of Niles' Register vigorously protested that not only the almshouses of Maryland but the jails and penitentiary as well had a tenfold proportion of their inmates "foreigners recently landed in the United States."²⁰ Three years later, in 1834, a criminal judge in Albany complained that Europe was casting upon our shores "the contents of her private prisons and her poorhouses." The whole

¹⁸ For example, the State of South Carolina on Nov. 4, 1788, passed "An act for preventing the transportation of convicted malefactors from foreign countries into this State."

¹⁹ This was finally invalidated by the decision in the "Passenger cases," 1849, *Smith v. Turner*, 48 U. S. 282.

²⁰ Niles' Weekly Register, XL (Apr. 2, 1831), 74.

country, according to Hezekiah Niles,²¹ was "infested by hordes of foreign wretches, pickpockets, thieves, robbers, forgers, etc." The complaint was made that "every city in the Union was infested by gangs of foreign depredators." In 1835, Niles complained that the police reports of New York City were "truly disgusting," and New York was said to be "the resort of rogues from all parts of the world. All the offenses stated at New York were committed by foreigners."²²

With the rise of the Native American Party came a series of charges that the recently arrived immigrants were undesirable accessions to our population, and a congressional investigating committee prepared a report on "foreign paupers,"²³ in which various charges were made against the immigrants of that period. These charges were indiscriminately assembled and, in general, treated the new immigrants of that period—chiefly the Irish and the Germans—quite unfairly.

However, the economist, Friedrich List, who served as the American consul in Leipzig, reported²⁴ to the Secretary of the Treasury that "not only paupers, but even criminals, are transported from the interior of this country to the seaports in order to be embarked there for the United States." List also reported his public protest against what he called the "nefarious practice" of transporting criminals who had been "condemned to hard labor for life." He said he had "attempted to demonstrate that this behavior was contrary to all laws of nations and that it was a shameful behavior toward a country which offers the best market to German manufacturers." This practice was also injurious, he thought, because it deterred "the better and wealthier classes [of Germany] from emigrating to the United States."

In the autumn of 1841 the New York Times contained an interesting note on "foreign criminals."²⁵ The Times said

²¹ Niles' Weekly Register, XLVII, 101, 102.

²² Ibid., XLIX, 94.

²³ "Report from the Select Committee on Foreign Paupers and Naturalization Laws, July 2, 1838," Twenty-fifth Congress, second session, H. Rept. No. 1040.

²⁴ Quoted in H. Rept. No. 1040 (1838), op. cit. pp. 54, 55.

²⁵ Quoted in Niles' National Register, LXI, 69 (Oct. 2, 1841).

that it was well known "that every arrival here from Europe brings to our city many foreigners who have been compelled to fly from their country on account of crimes committed at home. These criminals mix in with the honest and industrious emigrants, and it is difficult to find them out, notwithstanding accurate descriptions of the persons of these criminals have been forwarded by the police officers of Europe."

Then, as now, the police were also criticized. Thus it is pointed out that it had been a matter of surprise to the police that the foreign criminals on landing went directly to the haunts of rogues and thieves in New York City, "which clearly and conclusively proves," said the Times, "that they have been in correspondence with thieves already settled here, and probably come over by invitation, aware of the inducements afforded by the laxity and weakness of our police establishment."²⁶

A Native-American "Declaration of Principles" reads like that of a modern anti-immigration society. The earlier immigrants were regarded as 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 the newer immigrants—Irish and German in that day—were said to represent "the worst and most degraded of the European population" and described as "victims of social oppression or personal vices, utterly divested by ignorance or crime of the moral and intellectual requisites for political self-government."

The same declaration charged²⁷ that not only had the almshouses of Europe been "emptied upon our coast * * * not casually or to a trivial extent but systematically, and

²⁶ The Times also noted that several English police officers, at different periods, had visited the United States on business, and had "recognized the runaways by the dozen, in New York and Philadelphia." An intelligence officer was said to be shortly expected in New York City from London, and the Times said, "If the police of this city are disposed they may derive much useful information from him, as he has been an active agent at Bow Street, and a traveling officer of the Peel police for 13 years. The writer will inform the police on the arrival of the officer, that they may realize the advantages referred to."

²⁷ Address of the Delegates of the Native American National Convention, Assembled at Philadelphia, July 4, 1845, to the Citizens of the United States (pamphlet).

upon a constantly increasing scale;" but by the orders of European governments, "the punishment of crimes [had] been commuted for banishment to the land of the free; and criminals in irons have crossed the ocean to be cast loose upon society on their arrival upon our shores. The United States are rapidly becoming the lazar house and penal colony of Europe; nor can we reasonably censure such proceedings. They are legitimate consequences of our own unlimited benevolence; and it is of such material that we profess to manufacture free and enlightened citizens, by a process occupying five short years at most but practically oftentimes embraced in a much shorter period of time."

A little later the Know Nothing Party circulated charges regarding the immigration of convicts and another congressional inquiry was ordered, with the result that the earlier report on Foreign Paupers and Naturalization Laws,²⁷ was imitated and another official attack on immigrants was issued.

The second inquiry, which was published under the title "Foreign Criminals and Paupers,"²⁸ was a very partisan document, in which sweeping generalizations were drawn from relatively limited evidence.

In the meantime newspapers reported that foreign criminals were coming not only from Great Britain but from other countries of northern Europe. The United States consul at Hamburg challenged a group of emigrants about to depart for the United States on the ground that he believed them to be ex-convicts. Upon inquiry he found that they were convicts released from prison by the German State of Mecklenburg-Schwerin and given a sum of money for their steamship fares to the United States.²⁹ In this case the authorities had given the men certificates of good conduct in order to facilitate their landing. A strong remonstrance was sent to Mecklenburg, since it appeared upon investigation that this had been a customary way of saving the expenses of keeping up prisons; and the consul wrote that other German Governments were reported to be doing the same

²⁷ H. Rept. 1040 (1838).

²⁸ H. Rept. 350 (1850).

²⁹ Niles' National Register, LXXI (1846), 103.

thing. In fact, it was said to be common all through Germany to get rid of troublesome characters by persuading them to go to the United States.

A few years later a United States Senator announced in a congressional debate³⁰ that he believed that the members of the Senate were "aware that a policy, which scarcely seeks concealment, prevails amongst several of the States of continental Europe, in virtue of which, convicted and unconvicted criminals and paupers are transported to the United States, at the expense, and by the direction of their Governments." Foreign nations, he complained, had no right "to make of the United States a penal colony," and he thought that our Government had been too tolerant with regard to the European "practice of sending hither paupers and felons. There is scarcely an emigrant ship," he said, "which arrives in our ports that is not, to some extent, freighted with this kind of cargo. This has long been an evil; but latterly it has increased in magnitude, and to such an extent as to be justly regarded with alarm. But a month or two since, a single vessel landed in New York with 150 paupers, and 15 or 16 convicts, wearing as the badges of their conviction, chains upon their limbs." * * * "Felons, convicts, deep-dyed in crime," were, he claimed, being sent to this country by their governments. He maintained that it was "a common practice in several of the States of continental Europe to auction off to the lowest bidder, to the person who will bring them hither cheapest, their paupers, and in some instances, the inmates of their prisons and penitentiaries." He pointed out that our seaports had been closed against the contagion of disease but they had been "opened wide to admit the more fatal contagion which is flowing upon us, in the shape of pauperism and crime, from the prisons and lazar houses of Europe. We dread fever and the plague, and endeavor to exclude them, while 'the pestilence which walketh in darkness and blighteth at mid-day,' has been suffered to enter without let or hindrance. It is time we should open our eyes and look the evil in the

³⁰ James Cooper of Pennsylvania, Congressional Globe, Thirty-third Congress, second session, pp. 380-301 (Jan. 25, 1855).

face; we should examine our prison and almshouse statistics, and provide a remedy, cost what it may * * *"

Senator Cooper charged that the enormous disproportion between the amount of crime perpetrated by the native and foreign born was due to the fact that "hundreds and thousands of convicts from European workhouses and prisons are annually landed on our shores." Men "trained to crime at home, and sent hither only because their presence endangers the peace and security of society in the native country," were, he was sure, arriving here "in many instances direct from prison."³¹

In 1855 the mayor of the city of New York sent a protest to the President of the United States in which he said there can be no doubt that for many years the port of New York had been made "a sort of penal colony for felons and paupers by the local authorities of several of the continental European nations. The desperate character of a portion of the people arriving here from those countries, together with the increase of crime and misery among that class of our population, with other facts before us, prove conclusively that such is the case."³²

The same mayor in a message to the aldermen and members of the common council charged that it had long been the practice of many governments on the Continent of Europe "to get rid of convicts and paupers by sending them to this country and most generally to this port." He charged that the increase of crime in New York City could be traced to this cause rather than to the defects in the criminal laws or their administration. An examination of the criminal and pauper records, he said, showed conclusively that only a small proportion were born in America. "One of the very heaviest burdens we bear," he said, "is the support of these people, even when considering the direct cost; but when estimating the evil influences upon society, and the contami-

³¹ Senator Cooper also added to his charges regarding "the dark calendar of crime" that "the paupers, who are brought here by the compulsory agency of their governments, being thriftless at home, become criminals here. Idleness is too often the parent of vice, as well as of want. At home in their own country, idleness beget want, and here, both together beget crime."

³² See Biography of Hon. Fernando Wood, by Donald MacLeod, New York, 1850, p. 273.

nating effect upon all who come within the range of their depraved minds, it becomes a matter exceedingly serious and demanding immediate and complete eradication. I know of no subject of more importance; certainly we have the power to protect this city against the landing of so vile an addition to our population; the health, as well as the life and property of the people for whom you legislate, requires some action at your hands."³³

The report on Foreign Criminals and Paupers, which was transmitted to the Thirty-fourth Congress by the Committee on Foreign Affairs, declared that "juvenile vagrancy is another evil now exhibiting itself to a very alarming extent in all our large towns and cities, and an examination of the records of our juvenile delinquent institutions shows but too plainly from whence this painful increase comes."³⁴ A report made by the city marshal of Boston to the mayor of that city in 1849 described the number, character, and social circumstances of the street children in habits of vagrancy, wandering about and contracting idle habits. He reported that "the whole number of the class of children designated, between 6 and 16 years of age, was 1,066, which were arranged as follows: Of American parents 103, and of foreign parents 963."

It was also charged that out of 16,000 commitments for crimes in New York City during 1852 at least one-fourth were minors, and that no less than 10,000 children were "daily suffering all the evils of vagrancy in that city." In 1849 the chief of the police department of New York City called attention to "the increasing number of vagrant, idle, and vicious children of both sexes growing up in ignorance and profligacy, and destined to a life of misery, shame, and crime." He said that there were then 2,955 such children known to the police in 11 patrol districts, and most of the

³³ Quoted by Cooper in the Senate, op. cit.

³⁴ "It is reported by the Massachusetts Reform School, that of 324 inmates in 1840, there were 66 of foreign birth, of whom 42 were Irish, and of the 258 native born, no less than 96 were of Irish parentage; and of 278 admitted into the New York House of Refuge in 1850 there were 25 foreign born and 163 were of Irish parentage. During the year 1853, there were received 112 in the Rochester House of Refuge, 73 of whom were of foreign birth, and of these 40 were Irish. Of 157 admitted into the house of refuge in 1853, at Cincinnati, 107 were foreign born."

children were said to be "of German or Irish parentage, the proportion of American born being not more than 1 in 5."³⁵

The "vast juvenile vagrant population" was charged to immigration. The report said that the sources of "this great moral evil" could be "almost wholly traced to the many vices of our foreign population, who afford no other examples to their children than habits of disorder, idleness, and uncleanness, and degrading vices of all kinds, and who exercise no parental authority whatever over them." The report asked how it could be expected that children with no other example to emulate, who were sent neither to school nor to church, nor put to work would grow up "otherwise than as vicious idlers, with whom vagrancy is a confirmed habit and thieving a profession."³⁶

During the decade preceding the Civil War several books were published with a strong Know Nothing bias against the immigrant. These books repeated the old charges that the Irish and German immigrants were lawless and dangerous elements in the population. The most widely circulated of these books were Busey's *Immigration*,³⁷ Whitney's *Defence of the American Policy*,³⁸ and Sanderson's *Republican Landmarks*,³⁹ which contained two chapters on the sub-

³⁵ This account of juvenile vagrancy in relation to immigration is found in *Foreign Criminals and Paupers; Report from the Committee on Foreign Affairs, Aug. 16, 1856 (34th Cong., 1st sess.; H. Rep. No. 359.)*

³⁶ The report charged that "ignorance is the parent of vice; and it is a lamentable fact that a large portion of the immigrant population are not only ignorant themselves and wholly incapable of communing with either the school book or the Bible, but, what is yet worse, permit their offspring to grow up in the same ignorance. Though our schools are open to all, it is nevertheless true that thousands of the children of this class of our population do not attend the schools, but grow up in ignorance, idleness, vagrancy, and vice."

³⁷ Samuel C. Busey, *Immigration: Its Evils and Consequences.* (New York, 1856.)

³⁸ Thomas Richard Whitney, *A Defence of the American Policy as Opposed to the Encroachments of Foreign Influence.* (New York, 1856.)

³⁹ John P. Sanderson, *Republican Landmarks. The Views and Opinions of American Statesmen on Foreign Immigration. Being a Collection of Statistics of Population, Pauperism, Crime, etc., with an Inquiry into the True Character of the United States Government and Its Policy on the Subject of Immigration, Naturalization of Aliens, etc.* (Philadelphia, 1856.)

Two other books of this period which are interesting because they also had an apparently wide circulation were *The Sons of the Sires: A History of the Rise, Progress, and Destiny of the American Party, by an American* (Philadelphia, 1855); *The Wide-Awake Gift: A Know-Nothing Token for 1855*, edited by "One of 'Em" (New York, 1855).

ject of Pauper and Convict Legislation, as well as chapters on crime, intemperance, and juvenile vagrancy.

Whitney in his *Defence of the American Policy* speaks of immigration as "the Grecian horse of the American Republic."⁴⁰ Not only paupers, he wrote, but "nests of convicted felons" were being systematically sent to the United States from European governments and municipalities in order to rid themselves of the support of the one and the villainies of the other. Like Busey and Sanderson he repeats some of the statements published in the congressional documents dealing with immigration. Whitney tells of the British ship *Falcon*, which had recently arrived and had on board 10 convicts released on condition of emigration, and a ship from Antwerp which brought 10 more convicts from Belgium.⁴¹

He also reported a recent visit to the city prison, where he examined the record of capital offenses and found that within the 11 months past there had been some 23 persons committed from trial on the charge of murder, of whom only 6 were Americans. There were committed for the crime of manslaughter 6 persons, only 1 of whom was an American. On a charge of assault with intent to kill there were committed 35 persons, of whom only 3 were Americans. On a charge of arson there were committed 4 persons, all of whom were foreigners. He treated it as a sensational disclosure that there had been 69 commitments "of persons charged with the most heinous crimes known to our laws, and of the whole number so charged there were only 10 white Americans (5 of whom are of foreign parentage), the remaining 52 being all immigrants from foreign countries!"

Whitney also describes a session of one of the New York courts in 1851, when the judge in passing sentence on certain murderers made the following statement:

⁴⁰ Whitney, *op. cit.*, p. 166.

⁴¹ "These cases are cited merely to prove that this infamous system is carried on under the name and prestige of 'immigration,' and thus our hospitality is abused, and the moral atmosphere of society contaminated. The extent to which this species of imposture has been carried on is beyond the reach of estimate. Probably the most accurate data on which an opinion can be based are the enormous disproportion of European criminals in the United States as compared with those of American birth; a majority of all the capital crimes, the felonies, larcenies, and misdemeanors being committed by foreigners, whereas the foreign population of the country is only about one-seventh of the whole." Pp. 180-181.

Eight persons have been arraigned at this term for murder. Five of you have been convicted, and upon three of you the last punishment known to our law is denounced. * * * All of you are foreigners, who have sought our soil that you might enjoy the benefit of our free institutions, and, in return for the protection which our laws so freely offer to you, violate them without scruple, and apparently without remorse, even unto the shedding of blood. The preservation of peace and good order among us, and the security of human life, admonish us, in a peculiar manner, and under such circumstances to enforce the law upon you.

The burden of imported crime fell most heavily upon New York, and the reports of an early social agency, the New York Association for Improving the Condition of the Poor, gives police statistics of arrests for crime in the city during the year 1859:

Natives of the United States, 9,688, or 23 per cent.

Natives of Ireland, 22,870, or 55 per cent.

Natives of England and Scotland, 2,844, or 7 per cent.

Natives of Germany, 4,322, or 10 per cent.

Natives of other countries, 2,283, or 5 per cent.

The society thought that these figures showed what New York would be "without its foreign element of ignorance, pauperism, and crime. Its prisons * * * would be comparatively empty; half of the present police force might be disbanded, with a corresponding reduction in the cost of the criminal courts, and in the outlay for the pauper and criminal departments, which now tax so heavily our overburdened citizens." The same report commented that New York had shown generous sympathy "for the poor and oppressed of all nations" for a half century and had not only been "an asylum for the suffering, but a receptacle for the criminal population of the Old World. Paupers, thieves, swindlers, burglars, and other vicious persons" were said to "ply their depredations, and find ample scope for association and organization"⁴² in New York.

3. PUBLIC OPINION FROM THE CIVIL WAR TO THE FIRST FEDERAL IMMIGRATION ACT

During the Civil War the support of the Union cause by the immigrant population of the Northern States brought

⁴² Seventeenth Annual Report of the New York Association for Improving the Condition of the Poor (1860), p. 55.

for a time a more generous appreciation of the immigrant's contribution to American life. But the old charges still continued. Foreign convicts were said to be surreptitiously brought to this country and it was charged that America's crime record was serious because of the large numbers of foreign criminals.

The immigrants who remained in New York were said to be particularly undesirable. The western cities, according to one of the annual reports of the New York Association for Improving the Condition of the Poor, had not only the largest proportion of alien residents and naturalized citizens but also an important advantage over eastern cities in having a larger share of Germans, who were said to be more intelligent, thrifty, and self-controlled than the Irish.⁴³ This well-known and useful social agency complained that New York City had "in the lower strata of the population a larger mass of ignorance, vice, and heathenism combined than was ever before known in our history." Worse than that, the society charged that the chief source of the demoralizing element of the population was due to immigration. The society's annual report for 1867 charged that the deteriorated and destitute areas of the metropolis included "the residuum or dregs of 4,000,000 of European immigrants, including paupers, felons, and convicts that have landed at this port within the last 20 years. Uncultured as credulous, they brought with them the habits, prejudices, passions, and vices of the Old World."

Charles Sumner was moved to introduce in the United States Senate a resolution of protest dealing with criminal aliens in 1866. He had with him extracts from German newspapers showing that men convicted of very serious crimes in Germany had been pardoned on condition that they emigrate to this country.⁴⁴

Apparently some kindly persons in Europe tried through prison societies to help discharged prisoners by sending them here. There existed in Wurtemberg a charitable organiza-

⁴³ Twenty-fourth Annual Report of the New York Association for Improving the Condition of the Poor (1867), pp. 36, 37.

⁴⁴ Congressional Globe, Thirty-ninth Congress, first session, pp. 1492-1493.

tion known as the "Society for the Relief of Released Prisoners," with headquarters in Stuttgart, and with some 60 branch committees in the different German States.⁴⁵ The biennial report of this society for 1862-1864 said that in most cases the persons who were sent to the United States had been "sentenced to serve for many years in the penitentiary, but in consideration of their good conduct had been pardoned on condition of emigrating." The society stated in this early report that they believed they had furnished to the persons who were released from German prisons a new purpose in life and "the possibility of an honest livelihood in a foreign country which they would have sought for in vain in their native land."

There were many similar cases. Some of the most interesting are found in a report of the Secretary of State,⁴⁶ who, in 1874, laid before Congress an elaborate set of documents containing correspondence with various governments of Europe regarding the willful shipment of convicts and paupers to the United States.

The financial crisis and depression of the decade of the seventies were accompanied by a great falling off in immigration and by a gradual change in the economic and social conditions of the emigration countries of Europe. The tide of immigration changed from northern and western Europe to southern and eastern Europe, and with the return of prosperity came the evils of contract labor and the padrone

⁴⁵ See the United States Consular Reports, II, No. 8, pp. 895-898. See also the earlier House Document No. 359, p. 19.

⁴⁶ Landing of Foreign Convicts on Our Shores: A Report from the Secretary of State with Accompanying Papers, May 19, 1874 (43d Cong., 1st sess., Ex. Doc. No. 253.) A long series of letters was transmitted to the House of Representatives by the Secretary of State (Hamilton Fish) in response to a resolution of May 9, 1874, requesting the President to communicate to the House "any correspondence between the State Department and other governments as to the landing of foreign convicts on our shores, and what legislation, if any, in his judgment is necessary to prevent such outrages." In his letter of transmittal, the Secretary of State writes that "the involuntary deportation to the United States by foreign officials of foreign convicts and of foreign paupers, idiots, insane persons, and others incapable of supporting themselves, has been frequently made the subject of official correspondence. Although the resolution of the House refers in terms only to the deportation of convicts, it is supposed that it will not be thought improper, in answering it, to transmit also correspondence relating to the other classes of involuntary emigrants. This objectionable practice has been the subject of official correspondence in previous administrations, as well as during the present administration."

system. The old distrust of the immigrant, which had once been vigorously expressed against the Irish and the Germans, was now gradually transferred to the Italian, Hungarian, and Slavic immigrants.

During this decade (1870-1880) the decision of the United States Supreme Court⁴⁷ which invalidated the method used for the support of Castle Garden and threw into confusion the work of the New York State Emigration Commission placed the demand for Federal legislation on a new basis. During the same year was passed the first Federal immigration law prohibiting the landing of convicts. This abortive and little-known act of 1875 prohibited the admission of persons who have been convicted of "felonious crimes" in the country from which they emigrated and also prohibited the admission of women "imported for the purposes of prostitutions."⁴⁸ This act was merely a futile congressional gesture, since no machinery was provided for enforcing its prohibitions. In the following year (1876) a bill designed to "put the act of 1875 into effect and render it operative" failed to pass.⁴⁹

Among the arguments for Federal action during this period was the continued charge that the tide of immigration had brought "foreign convicts to American shores." For example, Mr. Sanborn, the secretary of the Massachusetts State Board of Charities, in 1876 reported to the National Conference of Charities and Correction,⁵⁰ recommending a Federal immigration law in place of the old State laws.

⁴⁷ Henderson v. The Mayor of New York, 92 U. S. 259 (1875). See E. Abbott, Federal Immigration Policies, 1864-1924, University Journal of Business, Vol. II, pp. 135-138, and Immigration: Select Documents and Case Records, pp. 98, 168.

⁴⁸ 18 U. S. Stat. L. 477 (43d Cong., 2d sess.) ch. 141. See E. Abbott, Federal Immigration Policies, 1864-1924, University Journal of Business, Vol. II, p. 133 et seq. The first four sections of the act dealt with what was then known as "the coolie trade" and with the importation of oriental prostitutes. No head tax was levied, and there was no method prescribed of preventing the landing of the classes of persons whom the law was supposedly designed to exclude.

⁴⁹ This bill was reported out by the Judiciary Committee of the House of Representatives. (See Cong. Rec., 44th Cong., 1st sess., Vol. IV, p. 3744.)

⁵⁰ National Legislation for the Protection of Immigrants and the Prevention of Pauperism: A Special Report from the Committee on Statistics and Legislation, by F. B. Sanborn, chairman of the Massachusetts Board of State Charities, Proceedings of the National Conference of Charities and Correction, 1876, pp. 162-166.

He suggested that the "policy of detaining and returning paupers (and criminals also * * *) has the effect to raise very much the standard of immigration, by making it more and more difficult for the unworthy and undesirable elements of the European populations to flow this way and mingle in the ocean stream of our own industrious self-reliant people." He pointed out that time would be necessary to produce the effects desired and thought there would continue to be "many instances where the supervision is quite ineffectual to prevent the influx of foreign pauperism, and, still more, of foreign criminality."

Mr. Sanborn said that he could not discuss "the important but difficult question of how to exclude from our immigration that considerable infusion of criminals and convicts which has long been noticed by those who have observed the growth of a criminal class in America," since the subject on the program was the relation between immigration and pauperism, but he pointed out that the two subjects were closely related since many of those whom he called the "imported criminals" had been at intervals in their career paupers also. And, he added, "this may be said—that one of the best means of detecting and turning back the flow of criminals toward this country from other lands is to keep up such an organization for the presentation of pauperism as has just been described."

New support for Federal regulation of immigration came from many sources. The now powerful State boards of charities in New York and Massachusetts and the members of the New York State Emigration Commission finally supported the demand for Federal action, and the first effective Federal immigration law was passed in 1882.

SECTION II

THE MODERN PERIOD OF FEDERAL CONTROL.

The act of 1882 provided that "all foreign convicts except those convicted of political offenses" were, upon arrival at our ports, to be "sent back to the nations to which they belong and from whence they came" and the owners of the vessels in which they came were to bear the expense of their return.¹ However, complaints regarding the immigration of convicts did not promptly cease. A congressional committee was again appointed in 1888 to inquire into the importation of various undesirable classes, including convicts. The report of this committee,² which appeared as a House document in 1889, continues the earlier complaints about convict immigration.

1. PERSISTENT CHARGES THAT THE IMMIGRANT IS RESPONSIBLE FOR CRIME

The congressional inquiry³ which was conducted by the Ford Committee, issued a report which was published with the testimony taken from a large number of witnesses. The report announced that it had been shown that "many persons belonging to the criminal class have been sent to the United States by officials of the European governments." Great Britain, Germany, and Switzerland were charged with "the exportation of their incorrigible convicts and their vicious and lawless members of society." This country, it was said, had been made "the refuge for a great many criminals whose character was such that they were

¹ 22 U. S. Stat. L., ch. 376, "An act to regulate immigration." (47th Cong., 1st sess.)

² The so-called Ford Committee; see Report of the Select Committee of the House of Representatives to Inquire into the Alleged Violation of the Laws Prohibiting the Importation of Contract Laborers, Paupers, Convicts, and Other Classes. (50th Cong., 2d sess., H. Rept. No. 3702.)

³ *Ibid.*

deemed to be irreclaimable, and therefore the officials of the government from whence they came have purchased tickets for them, opened the prison doors, conducted them on board a steamer, and shipped them to the United States, some of them being sent as cabin passengers in order thereby to render detection more difficult. And they have persisted in this course even after having been requested by officials of our Government to discontinue it."

O'Donovan Rossa, an Irish political offender who had been in 10 English prisons and had been released to come to the United States, told of men he had known in English prisons—not political offenders but thieves—who had been encouraged to come to America. He said that "the United States was the Botany Bay of England"; and he claimed that discharged convicts, including "all kinds of men committed to penal servitude in England," were given "every encouragement and aid" to come to this country. He reported to the congressional committee that men whom he knew as felons in England he met later as immigrants in this country.⁴ Of course, Rossa was a hostile critic of the British Government and was undoubtedly glad to present an account of any British policy that would be unpopular here. However, he apparently made verifiable statements regarding certain cases.

The agent of the Massachusetts State Board of Lunacy and Charity (S. C. Wrightington) gave some testimony before the committee along the same lines. He told of one man, for example, who had served in four different prisons in the United Kingdom, the last 18 months being in the Isle of Wight for burglary. When he was discharged from the prison and on ticket-of-leave, it was represented to him that in England "he would be under the surveillance of the police and would have to report to the authorities, and his life would be practically a burden"; that if he came to the United States, where he had relatives, "he would be a free and independent man, instead of being watched for the next 8 or 10 years." The British Government offered him free transpor-

⁴ Ford Committee Testimony, pp. 283-286.

tation and "everything pleasant," and he was finally sent to Boston.⁵

Among the documents submitted with the report of the Ford Committee was a letter from⁶ the royal director of police in Munich, describing the work of a prisoners' aid society in Munich about which complaints of sending convicts to America had apparently been made. The society gave the usual aid to discharged criminals, providing shelter, clothing, tools, and necessary assistance. But the director also reported that the society had been helping criminals "to seek a far country from a fear of their return to their former life, for the reason that it would be difficult to obtain a living in their old home, where their misdeeds were known."⁷

It is not strange that the German friends of the men who were being released from custody should think this policy a wise one. It was no doubt very beneficial to the ex-prisoner, and it is easy to understand why the society received "numerous letters of thanks" from America. The question, of course, was whether it was fair to ask this country to assume the responsibility of the readjustment of these unfortunate men to society. It is the old story of "transportation" often serving as a "way of salvation" to those transported. At the same time, it is a policy that places a heavy social burden on the friendly state that is made, involuntarily, to assume this care.

In this case the reports of the Munich society showed that "only the most dangerous convicts and those who have repeatedly relapsed into evil habits" were assisted. The prisoners helped were "especially those who, on account of their very dark past, are feared everywhere." Individuals who had been convicted a great many times or who were

⁵ Ford Committee Testimony, pp. 558-559.

⁶ Ford Committee Testimony, p. 106.

⁷ He added that the society had been "very strict in granting such requests, and when granted it has only been done under a physician's certificate that he is healthy and able to work and when the principal part of the expense is contributed by his relatives from some other source. The result is that the petitioner on his arrival in his new home would not be entirely without means, but would have sufficient to maintain him until he could find employment and shelter."

encumbered by large families were considered the most suitable for emigration.

Testimony before the Ford Committee was to the effect that the reports of the Munich society showed "on their face that these undesirable people are exported to the United States and landed here in violation of the present law and * * * that while Germany is doing all in her power to restrict the emigration of good citizens, especially to the United States, these societies for the exportation of convicts boast of the protection and pecuniary assistance of His Majesty the King of Bavaria, His Imperial Highness the Crown Prince of Germany, etc., while the taxpayers willingly contribute to defray the cost of exportation, because it is the cheapest mode of getting rid of people 'feared everywhere' and of large families."

The testimony of the secretary of the New York Board of Charities (Dr. Charles S. Hoyt) before the Ford Committee was that the ratio of convictions in the criminal courts was nearly three times as great for the foreign-born population as were the convictions of the native-born population. Doctor Hoyt's testimony was thoughtful and interesting. He said he thought that "even with a proper and healthy emigration we should undoubtedly have more people being dependent and more people who would become insane and probably more who would become criminals because of the change, surroundings, new scenery, and the hardships incident to the voyage and the anxiety in the new country." But he added that he did not think that the great disparity in the criminal records of the immigrant classes could be accounted for fully upon that ground. He said his attention had been directed very closely for the last 10 or 12 years to the disproportionate numbers of the foreign born in the various institutions, including the prisons:

I have a record in the office of the board of hundreds of cases in which persons have been found in insane asylums, poorhouses, in orphanages, and other institutions where the fact is as clearly established as you can establish testimony from individuals of the character, that they were assisted to this country in part by cities and towns, and in part by benevolent organizations and societies, and not infrequently by relatives and friends.⁹

⁹ Ford Committee Testimony, pp. 237, 238.

Doctor Hoyt spoke particularly of the Swiss criminals. He said that in Switzerland they "exported criminals" and made no concealment of the fact. The Swiss prison wardens maintained that America should exchange criminals, as it gives them better opportunities for life. "A criminal in Switzerland placed in America has opportunities which he don't have in his country. But the trouble is the trade is all on one side; you can't get an American to go there."¹⁰

The Chicago anarchist riot was perhaps responsible for the committee's questions about anarchists and the charge that anarchism was due to immigration. It is, however, interesting that it was the Germans and not the Russians who were accused of being dangerous at that time. In the committee report it was said with reference to anarchists that a few years earlier "they principally lived in Germany. The officials of the empire determined to get rid of them. Their newspapers were suppressed; they were forbidden to hold meetings; they were prosecuted in different ways, until Germany became an unpleasant abiding place for them. They then immigrated to England in large numbers, but the officials there made it so uncomfortable for them that they came to the United States. Here they have proven a lawless, turbulent class, and the whole country is familiar with their recent acts of violence."¹¹

Of interest also in this connection was the testimony of Johann Most, the well-known New York anarchist of the period. Most was asked whether at the time he came here, five years earlier, there had not been an unusual immigration of socialists and anarchists to the United States from Germany and Europe. His reply was that perhaps three or four years before, when the coercion bill against socialists was passed in Germany, "several hundreds were expelled, and, of course, they immigrated." However, "not all to America; some to Switzerland, to France, to England, etc., and a few hundred went over to America."¹¹

Johann Most himself had gone to England when expelled from Germany, and had there edited a paper called *Freiheit*. He got into trouble in England because he had ap-

⁹ Ford Committee Testimony, p. 239.

¹⁰ Ford Committee Report, pt. 1, p. 5.

¹¹ Ford Committee Testimony, p. 247.

proved in Freiheit the assassination of the Czar of Russia, and had then been sent to prison in England for 16 months. When released he came to the United States. He said he had been in prison not only in England but in Germany, Austria, and America, always because of his "anarchistic ideas." All this is important because it makes clear the difference between the enforcement of the immigration laws to-day and 50 years ago. The phrase about "political prisoners" is still in the immigration law, but it is doubtful whether it would be used in the same generous way to-day for the Bolsheviks of Russia or the anti-Fascists of Italy as in an earlier period for the anarchists of Germany.

Some of the early complaints of Italian crime appear in this report. The committee were told, for example, that "in the Italian colony the crimes against the person have increased very much, and the city prison has got an unusually large number of Italian prisoners charged with crimes against the person, murder, and various grades of assault, stabbing, etc."¹²

The result of the investigation of the Ford Committee into the enforcement of the immigration law of 1882 was to persuade Congress that the law was not being enforced and that immediate remedial legislation was needed. The term "convict" in the law was amplified in 1891. "Convict" had been used in the immigration law of 1882 without specifying what offenses would bring men within the class of excluded criminals. In 1891, however, there was submitted the more precisely defined term "persons who have been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude." But the act of 1891 like the act of 1882 contained an express provision that persons convicted of political offenses, even when the political offenses might be designated as a "felony, crime, infamous crime, or misdemeanor, involving moral turpitude," should not be excluded. What constitutes an offense involving moral turpitude¹³ and

¹² Ford Committee Testimony, p. 247.

¹³ Mrs. Pankhurst, for example, coming to lecture in the United States in 1913, was detained and taken to Ellis Island because she had been convicted in England of certain offenses commonly believed to involve "moral turpitude," but she claimed that she had not been an ordinary felon but a political prisoner.

what constitutes a political offense remain, however, a matter on which there are differences of opinion that must at times be adjudicated by the courts.

Congressional inquiries continued and the Industrial Commission of 1901 devoted one volume to immigration. The chapter devoted to Pauperism and Criminality Among the Foreign Born¹⁴ again referred to the frequent charges "that the large influx of foreigners of low class has been especially injurious in its effects on account of the relatively large proportion of paupers and criminality among these classes." The recent immigration laws of the United States were said to have had some beneficial effect in debarring those likely to become criminals, "although the relatively lower standard of immigration as a whole since 1890 may offset any effect of closer inspection or debarment."

In answer to the question, "What nationalities among our foreign-born population furnish the largest contribution to our criminal and dependent classes?" the comment of the report is as follows:

Taking the inmates of all penal and charitable institutions, we find that the highest ratio is shown by the Irish, whose proportion is more than double the average for the foreign born, amounting to no less than 16,624 to the million. The French, Italian, Swiss, and English furnish the next largest contributions to these undesirable classes. The relatively low proportion of dependents and delinquents among the Russians, Poles, and Bohemians is noteworthy. The immigrants from Sweden, Norway, and Denmark appear to be especially desirable from this standpoint. * * * The comparison even between nationalities is much less satisfactory as regards criminals than as regards paupers and inmates of benevolent institutions. The Italians appear to furnish the largest proportion of criminals, a fact which is doubtless connected with the exceedingly high proportion of males of ages capable of committing crime. The Irish come next, and the French follow the Irish. The Russians, Poles, and Germans stand almost on a par with one another, having a comparatively low proportion of criminals, while, as before, the most northern countries appear to furnish the most desirable immigrants, judging from this standpoint alone.

With regard to the "gross statistics as to the proportion of foreign-born criminals to the total number of foreign born in

¹⁴ Report of the Industrial Commission, Vol. XV, Special Report on General Statistics of Immigration and Foreign Born Population, ch. 6, pp. 285-291.

the country," it is said that, "taking the United States as a whole, the whites of foreign birth are a trifle less criminal than the total number of whites of native birth." On the other hand, there was said to be an excessively large proportion of prisoners among the native whites having foreign parents. And this was said to be "just as strong an argument as to the injurious effect of immigration as would a high proportion among the foreign born themselves. It seems to show that the second generation of the foreign element, having become more accustomed to the ways in this country, and more familiar, so to speak, with crime, and less under the control of their parents, whom they learn to look upon as ignorant and out of date, present an excessively high proportion of criminality."

2. THE "GRAND INQUEST"

The great official inquest into the effect of immigration was that conducted by the Federal Immigration Commission during the years from 1908 to 1911. It is not necessary here to examine the work of that commission except in so far as the subject of immigration and crime was considered. The 41 volumes that constitute the reports of that commission contain one volume on Immigration and Crime (vol. 36), one on Emigration Conditions in Foreign Countries (vol. 4), and one on the Importation and Harboring of Women for Immoral Purposes (vol. 37), which should be considered here.

In the conclusions published in the final report of the commission there is the following section on Immigration of Criminals, which is of great importance:

While control of the immigration movement so far as physical and mental defectives are concerned has reached a high degree of efficiency, no adequate means have been adopted for preventing the immigration of criminals, prostitutes, and other morally undesirable aliens. The control of the latter classes is a much more difficult matter. In spite of the stringent law, criminals or moral defectives of any class, provided they pass the medical inspection, can usually embark at European ports and enter the United States without much danger of detection. A considerable number of criminals or aliens with criminal records are debarred annually at United States ports,

but this results from the vigilance of immigrant inspectors or from chance information rather than from our system of regulation.¹⁵

The commission then stated that although it did not "appear from available statistics that criminality among the foreign born increases the volume of crime in proportion to the total population, nevertheless the coming of criminals and persons of criminal tendencies constitutes one of the serious social effects of the immigration movement." The commission then proceeded to condemn the immigration law then in existence on the ground that it was "not adequate to prevent the immigration of criminals." The immigration law was also said not to be sufficiently effective "as regards the deportation of alien criminals who are in this country. The effective exclusion of criminals merely by means of inspection at United States ports of entry obviously is impossible, and the movement can not be satisfactorily controlled in the absence of definite knowledge respecting the alien's criminal record in the country from which he comes."

The Italian Government was especially commended for cooperation in the matter of preventing the departure of criminal emigrants. The commission said:

Several years ago the Italian Government decided to assist in enforcing the provisions of our law by refusing to issue passports to criminals subject to exclusion here. Subsequently this was enacted as a part of the Italian emigration law. As passports are not demanded at our ports the benefit of this act of comity has not been great, for though Italian criminals can not embark at Italian ports, they can and do come through the ports of other countries. No apparent attempt has been made on the part of our Government to treat this attitude on the part of the Italian Government as a basis for negotiations to secure an agreement which might have produced more practical results.¹⁶

The commission visited Europe to investigate emigration conditions there and, in connection with the foregoing point, their final report stated that while in Italy they had looked into "the operation of this Italian statute and found that in the main it was enforced, though in some instances acts of minor officials resulted in giving passports to criminals."

¹⁵ Abstracts of Reports of the Immigration Commission (61st Cong., 3d sess., Senate Doc. No. 747), Vol. I, p. 27.

¹⁶ Op. cit., p. 28.

In general the commission reported that an apparent willingness had been found on the part not only of the Italian but of other governments to cooperate with the United States in the enforcement of our immigration laws. The commission said:

The best place to bar alien criminals is in their own countries, and the best way is through the utilization of the police records of such countries. Aliens from countries where adequate records are kept should be admitted only upon the production of proper certificates showing an absence of convictions for excludable crimes. If this is done, the alien criminal can be largely barred. Under the immigration act of 1907 the President is authorized to send commissioners to foreign countries to prevent the evasion of the laws governing immigration to the United States. Such agreement with the principal countries from which immigration comes is the best method through which to secure the desired result.¹⁷

It may be pointed out here that the present visa system and the extensive examination of would-be emigrants in Europe that is now maintained by the Immigration Bureau of the Federal Department of Labor and the State Department has apparently made it possible to bring the emigration of criminals to this country to an end.

In the section on Induced and Assisted Immigration (Vol. I, p. 29) the commission noted that "in earlier times a good many immigrants were enabled to come to this country through public assistance, and, in fact, it is recorded that many paupers and even criminals who had become a burden upon the public in Great Britain and some of the German States were practically deported to this country." The commission, however, thought that no part of the immigration movement of that time (1908-1911) was "thus publicly assisted."

3. THE STATE COMMISSIONS

In addition to the work of the Federal commission, several State commissions¹⁸ also dealt with the subject of crime and

¹⁷ Op. cit., p. 28.

¹⁸ Report of the Commission of Immigration of the State of New York (Senate No. 29, 1909); Report of the Commission of the State of New Jersey (1914); Report of the Massachusetts Commission on Immigration on the Problem of Immigration in Massachusetts (House No. 2300, 1914). For the quotations given below from the Massachusetts Report, see pp. 100-113.

immigration. Reporting in 1914, before the tightening up of the immigration law regarding deportation of criminals, the Massachusetts Immigration Commission thought it was "probably true" that the earlier Federal measures had meant a better regulation of immigration that had resulted "in the exclusion of more undesirables than was formerly possible, so that there should be less crime in the new than there was in the old immigration." The commission noted that among all nationalities the criminal statistics include only those offenders whose crimes are discovered and punished, and that it was sometimes said that the Italian, Polish, Greek, or Syrian offenders are not so surely brought to punishment as the American or English-speaking immigrant. However, the report points out that "representatives of the foreign colonies complained to the commission that serious crime in their midst sometimes went unpunished because of police indifference, while arrests and convictions for disorderly conduct were unnecessarily frequent. Police officials said, what is also probably true, that immigrant offenders are harder to apprehend because of a racial solidarity that makes it impossible for an outsider to secure information against an offender." This was, it may be noted, one of the early complaints regarding the Irish immigrants.^a

The Massachusetts commission thought that it was probably true, also, that "judicial errors which result in the punishment of the innocent or the release of the guilty are much more apt to occur, as will be shown later, when the defendant is unable to speak English."

The commission made some observations that are still helpful about the failure to assist the new immigrant in his problem of adjustment:

Often an objectionable habit or custom which the immigrant brings with him is allowed to become much more serious here because of American indifference or lack of understanding. For example, police officers agree that the "Poles would not give us any trouble if it weren't for their weddings." These celebrations often last several days, and drunkenness, disorder, and sometimes serious crimes are

^a See infra, p. 47. The Molly Maguire cases were frequently cited as evidence of the racial solidarity among the early Irish immigrants. The hatred of the informer which they brought with them from Ireland grew out of the long struggle with the hated British Government.

the result. Because the drinks are stronger and the groups are more largely made up of young people, the evil effects in America are greater than in Europe. Where regulation has been attempted it has at once reduced the excess which led to disorder and crime, and it is believed that cooperation between the church and the civil authority could greatly change the character of these celebrations.

It is pertinent also to note that the commission took note of the fact that more had been said "about Italian crime than about that of any other nationality," but the commission added that there has been "little, if any, discussion of prevention." The commission thought that in this connection it was encouraging to find that so-called "Black Hand" crimes are practically unknown in Massachusetts. As a very large proportion of the Italian population in this and other States comes from southern Italy and Sicily, the absence of these crimes would seem to bear out the contention of many Italians that local American conditions are responsible for these criminal organizations elsewhere. Police corruption, which takes the form of protection of criminals, enables an Italian, or sometimes criminals of other nationalities, to develop unmolested in an Italian colony the "Black Hand" system of blackmail.

While Black Hand crimes are almost unknown in Massachusetts, here, as everywhere, the Italian commits crimes of violence that are not premeditated but are the result of passion. The carrying of dangerous weapons has been prohibited for many years, but the loose way in which they are sold makes that prohibition impossible of enforcement.

The commission's final conclusion on this subject was that—

A longer discussion of the immigrant and crime would only reinforce what has been said many times in this report in other connections. Applied here it would be that unless the temperament, customs, ignorance of American laws and the language differences of the various groups are carefully considered in any program for the reduction of crime it will fail to accomplish what otherwise might be accomplished in preventing crime among immigrants.

There is, however, one aspect of the subject which deserves special consideration. In so far as a failure to take account of these differences results in two standards in the enforcement of the law on the part of the police, or in the application of the law on the part of the court, the effects can not be measured in criminal statistics, for the attitude of the whole colony toward American law and institutions is

affected. That this double standard, one American and the other immigrant, does often exist is undoubtedly true.

The commission criticized the presence of "shyster lawyers" who victimized the immigrant and also criticized the failure to provide competent interpreters. They concluded the chapter with the following paragraph, which may well be considered helpful at the present time:

That an innocent man should not be convicted is as important to the State as that a guilty one should not escape. If, as is often charged, we are making rather than reforming criminals, under our present prison system, it is even more important. Until the State concerns itself with the protection both of the Americans and of the immigrants who are having their first experience with courts of any sort, they will suffer much at the hands of these lawyers. Because of the greater handicap, the immigrant will suffer more seriously. How he comes out in his first direct contact with the law will do much to influence his future in America. In order, therefore, to prevent crime and teach respect for law, provision for public defenders should be made.

4. THE REPORTS BY H. H. LAUGHLIN

Among the congressional documents of the last decade that should not be overlooked are the "statements" of Harry H. Laughlin that have been issued from the Committee on Immigration and Naturalization of the House of Representatives.¹⁰ In these Laughlin "statements" or investigations it is claimed that a new and scientific method, the method of biology, is applied for the first time to the study of questions of immigration policy.

When Doctor Laughlin first appeared before the House committee as the representative of the Eugenics Research Association of Cold Spring Harbor, Long Island, N. Y., he came, he said, because his association believed that it was "high time that the eugenical element * * * received

¹⁰ These statements appear in five different sets of House hearings: H. H. Laughlin, *Biological Aspects of Immigration* (60th Cong., 2d sess., 1920), p. 26. *Ibid.*, *Analysis of America's Modern Melting Pot* (67th Cong., 3d sess., 1922), pp. 727-831. *Ibid.*, *Europe as an Emigrant-Exporting Continent and the United States as an Immigrant-Receiving Nation, with Appendixes* (68th Cong., 1st sess., 1924), pp. 1231-1437. *Ibid.*, *The Eugenical Aspects of Deportation* (70th Cong., 1st sess., 1928), including testimony taken April 28, 1926, with eight appendixes, p. 84. *Ibid.*, *American History in Terms of Human Migration, with three appendixes* (70th Cong., 1st sess., 1928), p. 21.

due consideration" in the formulation of our immigration policy. Specifically, he set forth a plan which the investigators of the Eugenics Research Association "thought should be enforced in testing the worth of immigrants," and he proposed adding two features to our immigration laws, the effect of which would be "the development of a practical eugenic standard." The relation of "biologic science" to immigration policies does not fall within the scope of this committee's interests, but some of Doctor Laughlin's statements about crime and immigration should not be overlooked.

As to the "eugenic" element in the Laughlin plan, a similar proposal had appeared 10 years earlier in Dr. Charles B. Davenport's interesting book, *Heredity in Relation to Eugenics*. Doctor Laughlin, however, did not share Doctor Davenport's detached and scientific point of view about the new immigration. Thus Doctor Davenport said that the immigration problem can not "be solved by excluding on the ground of race or native country." The exclusion of one Hungarian family of his acquaintance, said Doctor Davenport, "would have deprived American universities of three of their best scientific professors. The fact is that no race, per se, whether Slovak, Ruthenian, Turk, or Chinese, is dangerous and none undesirable; but only those individuals whose somatic traits or germinal determiners are, from the standpoint of our social life, bad."²⁰ Of the Italian, Doctor Davenport said:

Aside from his tendency to crimes of personal violence, the average Italian has many excellent characteristics, not one of the least of which is his interest in his work, even as a day laborer. He assimilates fairly rapidly, especially in rural districts; not a few Irish girls marry Italian husbands when both are Catholics; and this assimilation will add many desirable elements to the American complex.

Doctor Davenport was emphatic in saying that the application of the eugenic principle would discover desirable and undesirable elements both in the new and old immigration. Unlike Doctor Davenport, Doctor Laughlin was very severe in his criticisms of the "new immigration."

It is important, however, to note that Doctor Laughlin's recommendations are supported by references to the Jukes,

²⁰ See Davenport, *Heredity in Relation to Eugenics*, pp. 221-222.

Kallikaks, and Ishmaelites of well-known criminal and degenerate stock. It is strange that the last family is referred to as discovered by the field workers of his organization.²¹ The Ishmaelites have been known to social workers since Oscar McCulloch, secretary of the Charity Organization Society of Indianapolis, presented his paper describing them to the National Conference of Charities in 1888. It should be emphasized that the studies of the Jukes, Ishmaelites, and Kallikaks were none of them made by a biologist²² and not one of them had any relation to immigration. Oscar McCulloch was a social worker and Doctor Goddard, the author of *The Kallikak Family*, is a psychologist.

The Laughlin statement, however, indicates that it is studies like these that "our association is making in immigration; we want to prevent any deterioration of the American people due to the immigration of inferior human stock." It is therefore important to take note of the fact that the three notorious families studied—the Jukes, the Kallikaks, and the Ishmaelites—were none of them immigrant. As a matter of fact, the first of these families—the Jukes—was described by their original genealogist, Robert Dugdale, as follows:

They belonged to a long lineage, reaching back to the early colonists, and had intermarried so slightly with the emigrant population of the Old World that they may be called a strictly American family. They had lived in the same locality for generations and were so despised that their family name had come to be used generically as a term of reproach.

Among the Ishmaelites the central family first appears in Indianapolis about 1840. The original family stem, of

²¹ "Our field workers went to Indiana to study degenerate families, and found a certain name (now called the Ishmaels) so common that they said there must be something wrong with the family. They began to study it scientifically." (*Biological Aspects of Immigration*, p. 4.)

²² Robert L. Dugdale, *The Jukes: A Study in Crime, Pauperism, Disease, and Heredity* (1st edition, 1877). Dugdale was not a biologist but a business man interested in public affairs who became the secretary of the early "Society for Political Education."

Oscar C. McCulloch, *The Tribe of Ishmael: A Study in Social Degradation*. A paper read before the National Conference of Charities at Buffalo, 1888. Diagram prepared from records in the office of the Charity Organization Society, Indianapolis.

Henry Herbert Goddard, *The Kallikak Family: A Study in the Heredity of Feeble-Mindedness* (New York: Macmillan, 1912). Doctor Goddard is a psychologist.

which there are scant records as far back as 1790, is then in Kentucky, having come from Maryland through Pennsylvania. With the other families of the tribe of Ishmael the story is the same, and they were traced back for generations.²³ It is clear that this tribe of degenerates belonged to "the old American stock."

Again the third family mentioned by Doctor Laughlin, the Kallikaks, also belonged to the old stock. Doctor Goddard traced the ancestry of the feeble-minded Deborah Kallikak through six generations of American ancestors living in their ancestral home in a prosperous New Jersey farming district. The first discoverable American ancestors of this family were the parents of a young soldier who joined the Revolutionary Army at 15, frequented a tavern popular with the militia where he met a feeble-minded girl by whom he became the father of a feeble-minded son. From these two young people, one of good colonial stock and one of inferior colonial stock, have been traced 480 descendants of whom 140 are said to have been feeble-minded. But the Kallikak family seem to have been as definitely of American colonial stock as are the most devoted officials in our patriotic societies.

The Eugenics Record Office, under the direction of Dr. Charles Benedict Davenport, later undertook some researches into the history of other families of unsound stock. The first of these investigations to be published, *The Hill Folk*,²⁴ is described as a study of a rural community of a

²³ Mr. McCulloch wrote: "We start at some unknown date with 30 families. These came mostly from Kentucky, Tennessee, and North Carolina. Of the first generation—of 62 individuals—we know certainly of only three. In the second generation we have the history of 84. In the third generation we have the history of 289. In the fourth generation—1840-1860—we have the history of 644. In the fifth generation—1860-1880—we have the history of 679. In the sixth generation—1880-1890—we have the history of 57. Here is a total of 1,750 individuals. Before the fourth generation—from 1840-1860—we have but scant records. Our more complete data begin with the fourth generation, and the following are valuable. We know of 121 prostitutes. The criminal record is very large—petty thieving, larcenies chiefly. There have been a number of murders. The first murder committed in the city was in this family. A long and celebrated murder case, known as the "Clem" murder, costing the State immense amounts of money is located here. Nearly every crime of any note belongs here." (Oscar C. McCulloch, *The Tribe of Ishmael: A Study in Social Degradation*, pp. 4-5.)

²⁴ *The Hill Folk*, A Report on a Rural Community of Hereditary Defectives, by Florence H. Danielson and Charles B. Davenport, Eugenics Record Office Memoir, No. 1. (Cold Spring Harbor, 1912.)

sort familiar through the work of Dugdale and of McCulloch in this country. In this study, which "aims to show how much crime, misery, and expense may result from the union of two defective individuals," the shiftless progenitors are traced to the year 1800. One of them was an Englishman from the Massachusetts hill country and the other "was possibly of French origin." There is a tradition also of a Hessian revolutionary soldier as one ancestor.²⁵ However, any ancestors who emigrated to America before 1800 usually fall in the category of "old American families." The descendants of these men, "old Neil Rasp, possibly of French origin, and the Englishman, Nuke, have sifted through the town and beyond it. Everywhere they have made desolate, alcoholic homes which have furnished State wards for over 50 years and have required town aid for a longer time."²⁶

Similarly, another Cold Spring Harbor Memoir dealing with the Nam family,²⁷ another group of degenerates, also deals with descendants of "old American stock." One of the "fountain heads" of this family was, like the progenitor of the Kallikaks, a Revolutionary soldier, a native New Englander, born in western Massachusetts about 1740, "one of a set of vagabonds by the name of Nam, who lives in the mountains." Another "fountain head" was a man "born about 1750 in eastern Massachusetts."

The conclusion which Doctor Laughlin drew from the histories of these old American families is "that immigrants should be examined and that the family stock should be investigated, lest we admit more degenerate blood," and the congressional committee may well have got the impression that our modern immigration is directly responsible for the criminality, dependency, and degeneration in the families he described. He does not explain that in the earlier period convicts and paupers were transported to America from the prisons and poorhouses of Great Britain and continental Europe, in contrast to the modern immigration policy of the Federal Government, which has been "selective" since 1882

²⁵ See p. 34.

²⁶ See p. 1.

²⁷ *The Nam Family; a Study in Cœogenics*, by Arthur H. Estabrook.

and has excluded criminals, insane, paupers, and other undesirables.

In so far as these notorious families are concerned, they merely show that there was what Doctor Laughlin calls bad "germ plasm" in the American colonial stock as there is in the stock of every country.

On Doctor Laughlin's second appearance before the committee on November 21, 1922, when he presented the expert Analysis of the Metal and the Dross in America's Modern Melting Pot, he appeared in a dual capacity, first as a representative of the Carnegie Institution of Washington and, second, as the committee's own "expert eugenics agent." He described the Melting Pot report as "research in relation to the effectiveness of the immigration laws and regulations in keeping out the legally excludable classes, and the effect of the present situation and policy in reference to race conservation in the United States." But his method of studying the problem was to make "a statistical survey of the race or nationality and the specific pathological diagnoses of the inmates of the custodial institutions of the several States and of the Federal Government." The report is clearly not a biological study but a compilation and an interpretation of social statistics.

The general method of this study is the presentation of data relating to the nativity of the inmates of the social institutions of the United States. Doctor Laughlin claimed as justification for this study, which was apparently carried out in two and a half years, that "at the beginning of this investigation there were in existence no careful or extended studies on this particular subject; the figures that were generally given were either guesswork or based upon very small samples of the population." It was necessary, therefore, according to Doctor Laughlin, "to undertake the task of making a fresh and first-hand survey of the whole situation."

Why Doctor Laughlin made this statement in view of the fact that the census has made comprehensive reports on the nativity of institutional inmates at regular intervals over a period of nearly 50 years it is difficult to understand. He could hardly describe the complete census enumeration of nativities of institutional inmates as "guesswork or based

upon very small samples of the population" if he knew of the existence of these census reports. The nativity ratios not only for prisoners but for paupers, the insane, and feeble-minded for all institutions in all States, instead of the smaller samples secured by Doctor Laughlin, were available for the census of 1910 and a new institutional census was in preparation when he presented his report.

With regard to the statistical treatment of such data as were secured by Doctor Laughlin, a series of statistical criticisms by competent statisticians are already available.²⁷ These critics called attention to numerous fallacies in the statistical methods employed by Doctor Laughlin in presenting and interpreting his data, which need not be repeated here. Certainly none of his data need be accepted as throwing new light on the subject of immigration and crime.

5. EXPANSION OF PROVISIONS FOR EXCLUSION AND EXPULSION OF CRIMINALS

The exclusion and expulsion provisions of the immigration law have been constantly made more inclusive. In 1903 anarchists and prostitutes were included among the excluded classes. Various other amendments of these provisions were embodied in the comprehensive statute of 1917,²⁸ which still remains as the basic immigration law of this country.^{29a}

The present immigration law contains the following provisions³⁰ regarding exclusion for offenses that are usually regarded as falling under a crime classification:³⁰ Persons

²⁷ See, e. g., The Relative Numbers of European Defectives from the Chief Sources of European Immigration, etc.: A Statement by Prof. H. S. Jennings, Johns Hopkins University, in hearings before the committee Dec. 20, 1923, to Jan. 19, 1924; and see also Statistics and the Immigration Problem, by Prof. Joseph M. Gillman (University of Pittsburgh) in the American Journal of Sociology, Vol. XXX, July, 1924, pp. 20-48. See also School Issues by Ezekiel Cheever (H. E. Buchholz), issue of March, 1924.

²⁸ An act to regulate the immigration of aliens to, and the residence of aliens in, the United States, ch. 20, 39 U. S. Statutes at Large 874 (64th Cong., 2d sess.).

^{29a} That is, the new provisions of the quota acts and other similar amendments are superimposed on the basic act of 1917.

²⁹ 39 Stat. 874, sec. 3.

³⁰ The following qualification, however, is very important: "Provided, That nothing in this act shall exclude, if otherwise admissible, persons convicted, or who admit the commission, or who teach or advocate the commission, of an offense purely political."

who have committed a felony or other crime or misdemeanor involving moral turpitude;³¹ polygamists, anarchists,³² or persons coming here for the purpose of prostitution.³³

The provisions for expulsion as distinguished from exclusion are also very rigorous at the present time and make possible the deportation of aliens who have adopted criminal activities after their immigration. The law now provides that any alien sentenced to imprisonment for a term of one year or more "because of conviction in this country of a crime involving moral turpitude" within five years after immigration, can be deported. Expulsion and deportation without time limit, now provided for certain alien criminals, will be discussed at a later point.

In the expulsion cases the aliens, some of them long domiciled in the United States, have been able to contest vigorously the deportation proceedings.³⁴

There are, of course, some cases in which exclusion for old offenses "involving moral turpitude" also seems to bear very harshly upon the individual. Take, for example, Judge Grosscup's decision in the case of a Greek merchant in Chi-

³¹ Some interesting discussions of the interpretation of the legal term "involving moral turpitude" centered about the case of Vera Countess Cathcart when her exclusion was first ordered. See e. g., the *New Republic*, XLVI, 31, and newspapers for February and March, 1926.

³² Sec. 3 of the immigration act of 1917 excluded "anarchists and persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property; persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or who advocate or teach the unlawful destruction of property."

³³ "Or for any other immoral purpose." The exclusion provision also includes "persons who directly or indirectly procure or attempt to procure or import prostitutes or persons for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution." There are additional provisions regarding the importation of aliens "for the purpose of prostitution." (*Ibid.*, sec. 4.)

³⁴ See, e. g., numerous cases cited in Cook and Hagerty, *Immigration Laws of the United States, Compiled and Explained*, especially pp. 72-73 and 135-149; and see also the earlier *Treatise on the Laws Governing the Exclusion and Expulsion of Aliens*, by Clement L. Bouve, especially pp. 176-186 and 203-213. See also E. Abbott, in *Journal of Business*, Vol. II, 357-358.

cago, who as a boy in Greece had shot another boy at the age of 14. He had been tried in the Greek courts and had served a 7-year sentence of imprisonment. Immediately after the sentence expired, he had come to this country, where he had become a quiet, steady man of business. He had lived here 10 or 15 years, had acquired property, but he had returned to Greece and shortly after his reentry into the country had been arrested for deportation. Judge Grosscup's opinion held that "notwithstanding his long residence and good record" he was deportable, although the court indicated that the circumstances called for "the exercise of a broader discretion * * * than the plain enforcement of the act." In this country the boy would probably have been a ward of the juvenile court, but the court said this country could not hold that the courts of Greece were cruel or unjust or inhuman.³⁵

The evil of prostitution can not be overlooked in its relation to immigration and crime. The Federal Immigration Commission dealt with the importation of women for immoral purposes as one division of the white-slave traffic. Their investigations disclosed that this business was regularly carried on between some European countries and the United States." There was said to be "a considerable movement of prostitutes to this country," but the traffic in women and girls through both male and female procurers who were making a regular business of importing alien women for houses of prostitution was said to be the most serious phase of the situation. The white slave traffic act was passed in 1910 before the final reports of the commission were issued, but the most important point for consideration here is not that this act provided for the deportation of prostitutes and those engaged in the business of prostitution but that it included a new principle with regard to expulsion—deportation without any time limit for aliens who engaged in prostitution. This new principle was extended to certain persons committing "crimes involving moral turpitude" by the later comprehensive immigration act of 1917, in which

³⁵ *Prentis v. Stathakos* (1911), 192 Fed. 460. There is, of course, no way of knowing how far this case is typical, for the great mass of cases of deportation on this and on other charges are not taken to the courts.

all the provisions regarding exclusion and expulsion were greatly enlarged and extended. The new act increased the term of residence, during which persons entering unlawfully could be deported, from three to five years; and this, of course, made easier the deportation of those who had been criminals before landing.

The rigorous policy of deportation without any time limit was adopted in this act for (1) all persons who had ever been convicted abroad of a crime involving moral turpitude, and (2) anarchists,³⁶ and (3) aliens sentenced more than once in the United States to a term of imprisonment of one year or more for a crime involving moral turpitude.³⁷ That is, after 1917 persons who were members of the desirable classes when they arrived in the United States and who later on were converted into members of the undesirable classes, prostitutes or criminals or anarchists, could be expelled from the country and deported to the place from which they originally came. Under this law there were actually deported in 1930 152 aliens classified as "prostitutes after entry" and 759 aliens classified as "criminals after entry."³⁸ There were also deported 40 persons who had been in the United States more than five years but who had been discovered to have committed crimes involving moral turpitude in the countries which they had left; in addition, 51 others were deported for this cause within five years after entry.

Deportation without time limit clearly rests on a basis different from that of the old policy of deportation, after 1 year, or 3 years, or 5 years, of those inadmissible at the time of entry. The development of this new theory has greatly

³⁶ Aliens who "at any time after entry shall be found advocating or teaching the unlawful destruction of property, or advocating or teaching anarchy or the overthrow by force or violence of the Government of the United States or of all forms of law or the assassination of public officials."

³⁷ In a number of cases (disagreement over whether or not the offense committed by a particular alien was or was not an "offense involving moral turpitude" has been passed upon by the courts. In general, however, the cases that have gone to the courts have been cases of expulsion rather than exclusion. (See, e. g., U. S. ex rel. Giletti (1929), 35 Fed. (2d) 687; Ex parte Wilson (1929), 35 Fed. (2d) 537; U. S. v. Smith (1925), 8 Fed. (2d) 663; Sirtle v. Commissioner (1925), 6 Fed. (2d) 233.)

³⁸ Annual Report of the Commissioner General of Immigration, Fiscal Year Ended June 30, 1930, p. 243.

increased the number of deportations, as the following table shows:

TABLE A.—Aliens debarred by certain causes for quinquennial periods 1892 to 1930

[Compiled from annual reports of the Commissioner General of Immigration]

Period	Total criminal and immoral debarred		Causes for which debarred from entering				
	Number per 10,000 total immigration	Total number	Criminals	Polygamists	Anarchists	Prostitutes	Connected with business of prostitution
1892-1895.....	0.8	132	50	-----	-----	82	-----
1896-1900.....	.1	22	15	-----	-----	7	-----
1901-1905.....	.5	211	146	4	2	52	7
1906-1910.....	5.9	2,940	1,535	179	8	811	407
1911-1915.....	13.2	5,883	3,075	184	30	1,554	1,060
1916-1920.....	27.6	3,516	1,278	11	17	1,307	903
1921-1925.....	10.0	2,644	1,515	21	9	592	507
1926-1930.....	5.1	752	567	3	-----	106	70

TABLE B.—Aliens deported (under warrant proceedings) after entering the United States, years ended June 31, 1905, 1913, 1916, to 1930 by certain causes

[Compiled from annual reports of Commissioner General of Immigration]

Period	Total criminal and immoral deportations		Cause of deportation							
	Number per 10,000 total immigration	Total number	Criminals at time of entry	Criminals after entry	Anarchists and violations under act of Oct. 16, 1918, as amended June 5, 1920	Violations of narcotic act	Polygamists	Prostitutes or aliens coming for any immoral purpose	Prostitutes after entry	Connected with business of prostitution
1913 ¹	5.7	681	124	-----	4	-----	2	214	116	221
1916-1920.....	23.3	2,974	438	232	353	-----	4	702	515	730
1921-1925.....	17.6	4,632	742	1,654	626	81	23	549	365	682
1926-1930.....	61.7	9,060	2,885	3,189	16	293	32	880	780	976

¹ It was not possible to secure the causes of earlier quinquennial periods and 1913 was selected as an important pre-war year.

Expulsion was applied before 1910 to certain classes on the theory that they had never been lawfully eligible for admission to the United States. But since the acts of 1910

and 1917 an alien who was clearly entitled to admission and who had been legally admitted when she arrived here might later be expelled from the country. If later a man became a criminal or a woman a prostitute, even if his offense were the result of conditions existing in the United States, under the terms of the law he must be expelled, no matter how long he has resided here.

A Federal judge in discussing³⁹ the deportation of alien prostitutes under this law stated a supposed case, which he called "a not impossible case," of an alien girl brought to this country in infancy whose parents died before naturalization. The girl for some years carried on a struggle for existence successfully but, at a time when work was scarce and the pressure of poverty great, took the easiest way to keep soul and body together, and, falling, slipped rapidly down to "the condition denounced in the act, 'practicing prostitution.'" Even then, said the judge, although a friendly institution was ready to help her before all hope was lost, the alien girl was denied the opportunity of accepting this assistance. In the words of the court:

The sovereign power stretches out its powerful arm, seizes her, and casts her out of the country in which her young life was wrecked, to fling her into a country whence she came so many years before that to it she is practically an alien, possibly unable to articulate the simplest phrase in its language, penniless, it may be, and alone. If such be the wages of sin for the alien fallen woman, the price might be thought higher than announced in Romans vi, 23. It is certainly startling to find such a piece of legislation upon the statute books of a Christian country. But it is there nevertheless.

All that the court said in the case just cited regarding the injustice of the deportation of the alien girl, who after a long residence here became a prostitute, applies with equal force to other cases of deportation without time limit for causes arising after entry. The alien who becomes a criminal or an anarchist years after coming to the United States is deported to the country from whence he came, although the conditions in this country—antisocial conditions for which our American communities are responsible—may have been the cause of changing an honest and industrious man

³⁹ U. S. v. North German Lloyd S. S. Co. (1911), 185 Fed. 162.

into a dishonest and undesirable resident. It is certainly open to question whether such legislation deals justly with other nations. These nations are compelled to receive back into their borders their own citizens, it is true, but citizens who were welcomed and given a place here so long as they were able to work for us and who then after a period of long residence became, probably as a result of the conditions of American life for which America alone is responsible, undesirable residents of any country.

Whether the prostitute and the criminal who were lawfully admitted to this country should be deported "without time limit" is a question that deserves serious consideration. When a man or woman has established a bona fide domicile in this country, marries, and sets up an American home and becomes the parent of American children, and after a period of years in this country, becomes criminal, or prostitute, or anarchist, does not the responsibility belong to this country rather than to his early home?

It is true that a eugenics expert would probably say that these conduct manifestations are due to "defective germ plasm." There is, indeed, a conflict in determining the relative responsibilities of nature and nurture; and the relative importance of one or another set of influences can not be determined here. Certainly we should like to get rid of all men who disturb society by committing crimes. But, more than that, we wish to be just—even to the criminal or prostitute.

A denial of justice to the alien within our gates is intolerable in a republic whose earliest traditions are of just and equal laws. It is well to remember that a justice of the United States Supreme Court, when called on to decide an early expulsion case, made the following statement when he handed down his opinion:

Far nobler was the boast of the great French cardinal who exercised power in the public affairs of France for years, that never in all his time did he deny justice to anyone. "For 15 years," such were his words, "while in these hands dwelt empire, the humblest craftsman, the obscurest vassal, the very leper shrinking from the sun, though loathed by charity, might ask for justice."⁴⁰

⁴⁰ Wong Wing v. United States (1896), 163 U. S. 243.

SECTION III

MODERN AND EARLIER PUBLIC OPINION COMPARED

On the basis of such data as they secured during their long period of preparation for their reports, the Federal Immigration Commission made the following statements:

No satisfactory evidence has yet been produced to show that immigration has resulted in an increase in crime disproportionate to the increase in 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 native Americans. * * *

Is the volume of crime in the United States augmented by the presence among us of the immigrant and his offspring? is the question usually asked first in considering the relation of immigration to crime. In natural sequence to it is the further question: If immigration increases crime, what races are responsible for such increase? No one has satisfactorily answered these questions; no one can answer them fully without a machinery far greater than that which the Immigration Commission has had at its disposal. * * *

Such figures as are presented in the census reports indicate that immigration has not increased the volume of crime to a distinguishable extent, if at all. In fact the figures seem to indicate a contrary result.^a

With regard to crime rates from certain groups of countries the commission reported that immigration had—

evidently made changes in the character of crime in the United States. Whether these changes are for better or for worse must be left to individual decision. The determination of the nature of these changes has been the chief work undertaken in this investigation of immigration and crime. From the data gathered it is evident that immigration has had a marked effect upon the nature of the crimes committed in the United States. This effect has been to increase the commission of offenses of personal violence (such as abduction and kidnapping, assault, homicide, and rape), and of that large class of violations of the law known as offenses incident to city life. It is

^a Abstracts of Reports of the Federal Immigration Commission (61st Cong., 3d sess., Senate Doc. No. 747), Vol. 1, p. 163.

also probable that immigration has somewhat increased offenses against chastity, especially those connected with prostitution. That certain offenses of pecuniary gain, such as blackmail and extortion and the receiving of stolen property, are more common now because of immigration is likewise possible, but it can not be said that the majority of the gainful offenses have increased because of immigration. Indeed, the data analyzed in this report appear to indicate a far greater commission of such offenses by Americans than by immigrants.^b

The commission also reported that it was probable that—

Some of the changes in the character of crime may be traced to immigration from specific countries, although the difficulty of obtaining data regarding race has rendered the determination of racial influences almost impossible. The increase in offenses of personal violence in this country is largely traceable to immigration from southern Europe and especially from Italy. This is more marked in connection with the crime of homicide; of all the various race and nationality groups appearing in the data collected, the Italian stands out prominently as having the largest percentage of cases of homicide among its-crimes. Abduction and kidnaping likewise have evidently become more prevalent because of Italian immigration. The increase in offenses against public policy is perhaps more due to the growth of cities and the resultant increase in the number of forbidden acts than it is to immigration. To immigration, however, some increase in the commission of these acts is evidently due and may be largely traced to immigration from Ireland, Scotland, Italy, Greece, and Russia. The Irish and Scotch immigrants are notable in penal records for intoxication, the Italian for offenses of violence against public policy, and the Greek and Russian for the violation of corporation ordinances in large cities. Such probable increase in offenses against chastity as appears due to immigration is chiefly in crimes connected with prostitution, and has evidently been largely caused by immigration from France and Russia.

However, in attempting to attribute criminality to any particular immigrant group, it is important to remember that there has been in this country in each period of our history much reckless and prejudiced criticism of one or another of our various immigrant groups. At the present time this criticism is directed toward the Mexican, recently the Italian has been bitterly attacked, but during the period preceding and immediately following the Civil War such criticism was visited upon the Irish. During the greater part of the nineteenth century the Irish were charged with

^b Ibid., Vol. I, p. 164.

being a group of immigrants who had come from a country that was turbulent and disorderly and who were lawless in the new home as they had been in the old.

As early as 1825 a serious riot in New York at Five Points called forth the following comment from the New York Herald:

We have hitherto defended the Irish from the attacks of their foes, but we will not countenance any riotous proceedings in them or any others. * * * Let the whole militia of the city turn out under the authority of the corporation and put down at once this riotous disposition. If the Irish or others will not be quiet by mild words, other means must be adopted.

It was not infrequently charged that much violent crime was directly traceable to immigrant Irish peasants who were accustomed to taking the law into their own hands at home. Suffering as they did from political and economic oppression at home, retaliatory crimes committed on the person or property of those who evicted them from their homes were regarded tolerantly by public opinion.

In America during the second quarter of the nineteenth century there was said to be danger of rioting when large numbers of Irish laborers were employed. Many times these laborers were cheated and imposed upon, but they were condemned nevertheless for taking it upon themselves to punish the wrongdoers without letting the law take its course. Take, for example, an account of a Baltimore & Ohio Railroad riot near Baltimore in 1831. One of the contractors absconded without paying his workmen their wages. And the laborers, said to be all Irishmen, attempted to redress their wrongs by destroying the railroad they had recently laid. However, their numbers were so large and the leaders were regarded as so violent that the militia were called out and marched to jail some 60 men, who were said to be the leaders. Niles' Weekly Register, in commenting on the incident, said:

The damages sustained are of a large amount. The leaders, we trust, will obtain the full benefit of the law, but their poor and ignorant followers have been or will be chiefly excused. These men must be taught that force can not thus be applied in this country.¹

¹ Niles' Weekly Register, XL (1831), 327.

Nothing was said about extending "the full benefit of the law" to the contractors who had refused to pay any wages for the work of the rioting laborers.

The editor of Niles' Register thought that the oppression which the Irishman had suffered at home was responsible for much disorder:

Though his person has been transferred to America, it takes him some considerable time to shake off those prejudices and habits that belonged to and influenced him in the land of his birth, trodden under foot by a conqueror for centuries, and impoverished and abused for the glory of the oppressor, who to secure the dependence of Ireland, long discouraged, if not absolutely prohibited the establishment of numerous manufactures, and checked the education of the people on the principle that in some other places makes it an offense to teach persons to read! Let us, then, pass over as easily as we can the doings of the great majority of these men and charge them to account of British domination—but the principals, who knew better, should severely be made to feel the just weight of the law.²

Again in 1834 the inhabitants of two Maryland counties where Irish laborers were employed in railroad construction protested against the disorders and passed various condemnatory resolutions, including the following:

Resolved, That we do consider and hold the present class of Irish laborers employed on the Baltimore & Washington Railroad as a gang of ruffians and murderers, combined together under the most solemn ties to carry into effect such hellish designs as their passions or prejudices may prompt them to commit.

Resolved, That, inasmuch as by their plans of secret association justice and the laws are deprived of their dues, it behooves our fellow citizens to adopt such measures as will tend to their quiet and safety.³

Probably the most persistent attacks on the Irish were made as a result of the lawless activities of the American Order of Hibernians, familiarly known as the "Molly Maguires." Both names came down by direct descent from the Ribbonmen of Ireland. An account of the Molly Maguires is quoted here from an unbiased source, the American Law Review, and the record may also be had in the Pennsylvania State reports.

² *Ibid.*, 339.

³ *Ibid.*, XLVII, Nov. 20, 1834.

In 1875 the anthracite districts of Pennsylvania—

had become one vast Alsatia. From their dark and mysterious recesses there came forth to the outside world an appalling series of tales of murder, or arson, and of every description of violent crime. It seemed that no respectable man could be safe there, for it was from the respectable classes that the victims were by preference selected; nor could anyone tell from day to day whether he might not be marked for sure and sudden destruction. Only the members of one calling could feel any certainty as to their fate. These were the superintendent and "bosses" in the collieries; who could all rest assured that their days would not be long in the land. Everywhere and at all times they were attacked, beaten, and shot down, by day and by night; month after month and year after year, on the public highways and in their own homes, in solitary places and in the neighborhood of crowds, these doomed men continued to fall in frightful succession beneath the hands of assassins.

The author of the article in the American Law Review thought that conditions in Pennsylvania were like those—

which occurred so often, at irregular intervals, in the melancholy history of Ireland. The shootings and the burnings of the Whiteboys and of the Ribbonmen were produced with terrible energy and success upon this side of the Atlantic; and for a time it seemed that the disease was more incurable in its American than it had been in its Irish development. For the strong repressive force of an active and powerful dominant caste, and of military surveillance, were wanting in Pennsylvania. On the contrary, as will be seen, the perpetrators of the outrages in this country were a political power as well as a social terror, and seemed not unlikely to obtain control of all that machinery and organization of justice which alone could be relied upon to control them. Otherwise, the parallel was complete. Amid the numerous class to which the criminals belonged they were sure not only of shelter and protection but of honor and distinction in proportion to the heinousness of their villainy. A system of signals aided their escape upon the few occasions when escape was thought to be worth while; a host of ready perjurers stood ready to prove an alibi in the improbable event of a capture and trial, while amid multitudes who were cognizant of various stages and circumstances of the guilty act it was not often that a single one could be discovered to bear witness for the Government. By a natural progression the state of affairs grew rapidly worse, until the whole district appeared to be upon the verge of a riotous outbreak, which would readily have become the chronic and normal condition of the neighborhood.⁴

⁴ John T. Morse, Jr., "The 'Molly Maguire' Trials," American Law Review, XI, (January, 1877), 233-239.

This is quoted because it is important that we remember that the charges now made against the Italians, or even the Mexicans, are not different in kind from those made earlier against the Irish.

There seems to be little doubt that the lawlessness of the Irish immigrant was due in part to the fact that the British Government and the Irish landlords had for years deliberately weeded out "the trouble makers," as they called them, the radicals, the leaders of rebellion, and the potential leaders of other rebellions, and paid their passage money to America. We must remember, however, that some of the very qualities that made them "trouble makers" at home were greatly to be desired. Resistance to tyranny, love of liberty, determination to resist injustice, courage to refuse to submit to an oppressive government—these are qualities that America has certainly not despised.⁴

The French economist, Alfred Legoyt,⁵ who wrote a careful treatise on European immigration before the Civil War, held that emigration had been responsible for a general decrease in crime in Europe. He thought the marked decrease over the period 1820-1850 in the number of murders and violent crimes in proportion to the population in England, Ireland, and Scotland was largely due to emigration. This was due to the fact that the troublesome and disorderly element of the population left the country. These people became orderly in the new country as a result of greater comfort and a just government.

Ireland and certain other European countries progressed from lawlessness and rebellion to an orderly and reasonable government and their people have come to be greatly desired as immigrants. Much the same thing has been going on more recently regarding the Italians. When the Federal immigration commission went to Italy approximately 20 years ago to investigate conditions at first hand in that country their report contained the statement that an alarming

⁴ It is well to remember, for example, that John Furroy Mitchel, a recent reform mayor of New York, who gave his life in the World War, was a descendant of one of these turbulent Irish "trouble makers"—an earlier John Mitchel, who, with a "Young Ireland" group in New York, edited *The Citizen*.

⁵ Author of *L'émigration européenne; son importance, ses causes, ses effets*. (Paris, 1861.)

feature of the Italian immigration movement to the United States lay in the fact—

That it admittedly includes many individuals belonging to the criminal classes, particularly in southern Italy and Sicily. Moreover, the prevailing alarm in this respect is not occasioned entirely by the fact that a good many actual criminals come to the United States from Italy, but also by the not unfounded belief that certain kinds of criminality are inherent in the Italian race.⁶

However, the commission found that political conditions in Italy had had much to do with crime in that country. Thus their report said that it was—

Generally and reasonably said that the prevalence of the enumerated crimes, i. e., among Italians of the southern compartment and Sicily, is due to conditions under which these people lived for centuries. The territory known in earlier times as the "Two Sicilies" * * * was almost from the beginning of history subject to despotic rule * * * and the people were almost constantly under a despotism which retarded progress and even civilization.

But the commission reported that these untoward conditions had steadily improved under the enlightened government which had been accorded to the "Two Sicilies" since they became a part of united Italy in 1861.

The spirit of brigandage which formerly prevailed has almost disappeared with the passing of old leaders, and the people are said to be slowly losing the old characteristics of lawlessness which have made members of the race so conspicuous in the criminal element of the United States during recent years.

That is, political conditions rather than any "inherent criminality" might be held responsible for the unfavorable conditions under which the south Italians had lived and these unfavorable conditions were disappearing.

This situation with regard to the Italians should be compared with the kind of lawlessness that has been prevalent in certain frontier conditions in America. Here representatives of the oldest American stock were often responsible for rude justice summarily administered under conditions that are now forgotten. But even to-day difficulties are settled by rude homicidal methods in the feuds which survive

⁶ U. S. Immigration Commission, Vol. V, *Emigration Conditions in Europe*, p. 209.

among the purest Anglo-Saxon stock in this country in some of the mountain regions of the South.⁷ In the famous Hatfield and McCoy feuds, for example, of the Virginia and Kentucky border, and in Breathitt County, Ky., where the old feud of the Noble and Fugate families has flared up in pre-war election disorders, we find a modern survival in this country of methods of conduct that certainly can not be called "inherent criminality." Moreover, we should not forget that Negroes are still burned at the stake in southern cities where the inhabitants are old American stock. Surely we do not attribute such lawless cruelty to any "inherent criminality."

⁷ See S. S. McClintock, Kentucky Mountains and Their Feuds, American Journal of Sociology, VII, 1-28, 171-187 (1901), and see, for example, the Kentucky newspapers of Nov. 8-9, 1919, for "gun battles" in Estill County and Breathitt County, and see also the account of the death in Logan, W. Va., of "Devil Anse" Hatfield, one time Confederate Army officer and for many years one of the most famous feudists leaders of the southern mountains.

PART II

RECENT STATISTICS ON CRIME AND THE FOREIGN BORN

By ALIDA C. BOWLER

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INTRODUCTORY STATEMENT

Questions asked by the thoughtful citizen who is seeking simple truths about the foreign born in the field of criminal activity will probably take some such form as these: Do immigrants, in proportion to their number, commit a greater or lesser number of crimes than the native born? What types of crime do they commit most frequently? Do immigrants coming from some countries commit a greater number of crimes, and crimes of a more serious character, than those from other regions? Here are the queries so frequently posed and so variously answered.

To arrive at the truest answers to these questions demands painstaking examination of much evidence from many different sources. Such a review of the facts as known is an essential part of an analysis of the crime problem in the United States. It is rendered doubly indispensable by the bulk of currently published material relative to the crime problem and the foreign born. Material purporting to provide this analysis may be found almost any day of the week on every news stand. It appears as newspaper editorials, in the form of reported interviews with prominent citizens who hold public office or who follow private pursuits, and as earnest articles in popular weekly and monthly periodicals. Writers of these articles frequently lead their readers to believe that all the statements they make are statistically demonstrable, though they usually produce few figures or none at all. Unquestioning belief in these unproven assertions may be highly inimical to the formation of an intelligent opinion.

This study has had a threefold purpose. An effort has been made to assemble a considerable amount of statistical information from public records that contain data pertinent to a consideration of the subject, "Crime and criminal justice in relation to the foreign born." The material received

has been organized into such convenient tabular forms as seemed to reveal significant comparisons. And an attempt has been made to interpret the accumulated data from a scientific point of view and in the light of the experience of public officials and private individuals who have been in close touch with the foreign-born residents of their communities for many years.

SOURCES OF INFORMATION

The primary sources of information are the public agencies and officials actually engaged in the work of enforcing the laws and ordinances of Federal, State, county, and city governments and of administering justice as it is defined by those laws and ordinances; that is, the police, the prosecutors, the courts, probation officers, correctional and penal institutions, and State and municipal departments having supervision over or participating in the administration of the work with delinquents.

A somewhat extensive canvass was made of such of these agencies as seemed likely to have any useful material relative to the nativity of offenders passing through their hands. For the most part this canvass had to be made through correspondence. Letters describing the data required were sent out to the police departments of 54 cities having 100,000 inhabitants or more in 1930. Similar letters were sent to certain courts known to make and publish annual reports containing statistical compilations that include some social data on cases handled by them. For correctional and penal institutions the field from which information was sought was definitely restricted to the States of Massachusetts, New York, Pennsylvania, Ohio, Michigan, Illinois, Missouri, and California. These States were chosen for a number of reasons. They contain comparatively high percentages of foreign born in their population. They contain certain metropolitan areas in which many major crimes are committed. Those metropolitan areas are believed to contain centers that breed, foster, and harbor many of the professional criminals who range the entire country, living exclusively on the returns from their lawless activities. Written requests for statistical data were sent to State and city departments of

public welfare or correction in each of these eight States, to certain of their penal institutions, and to State bureaus of identification believed to have pertinent material available in usable form. Only two sets of records were used for the country at large. These were supplied by the United States Census Bureau in "Prisoners, 1926" and by the United States attorneys throughout the United States in special reports.

For population figures the sole source of information used was the United States census. All population estimates are based on census data.

Of secondary importance, but none the less necessary and valuable, are those sources that contribute information essential to an interpretation of the statistical material. Mere figures are without significance. The primary purpose of the study is to state clearly, for the benefit of its readers, the full significance or lack of significance of the figures presented. In order to avoid the innumerable errors that entrap the incautious user of statistics, a large number of other sources were consulted. From them was obtained a variety of viewpoints, both objective and subjective, based upon a wide range of observation and experience. This type of information was gathered, for the most part, by personal interview. Field visits were made in Chicago, Detroit, Cleveland, Buffalo, Pittsburgh, and St. Louis. Persons interviewed included police chiefs, other police executives and officers, judges, probation officers, psychiatrists and social workers in clinics attached to courts, prosecutors, attorneys engaged in legal-aid work, immigration officials, directors of crime and criminal justice commissions, educators and men and women in the social science research field, consuls for foreign countries. Also executives of organizations devoted to service to the immigrant, both in relation to legal matters concerned with his entry, his naturalization papers, and the problems attendant upon bringing in other members of his family, and also in the field of the manifold social and economic adjustments which the immigrant must make in this new and strange environment, and social workers of experience in group or case work among the foreign born, many of these workers being themselves of foreign birth.

and keenly aware of the problems confronting the members of specific nationality groups and of their attitudes toward the customs, laws, institutions, and actual practices in the United States.

In addition, a special project was carried out, having as its objective the discovery of the point of view of a considerable number of foreign-born men accused, convicted, and sentenced for felonies. Four hundred and ninety-eight male prisoners of foreign birth were interviewed. By far the greater number of these men were inmates of the old Illinois State Penitentiary, at Joliet, and the new prison at Stateville, a few miles distant and under the same administration. A few were inmates of the Southern Illinois Penitentiary, at Menard, and a few were in the State Reformatory at Pontiac, Ill. These prisoners were interviewed by men who spoke their own languages and who could thus elicit a discussion of their situations without the obstacles imposed by a very limited vocabulary. The workers who did this interviewing also secured some items of case information from the prison records and from consultations with officials and employees of the institutions, with members of the parole board, and with immigration officials visiting the prison for deportation investigations and hearings.¹

AMOUNT AND CHARACTER OF STATISTICAL INFORMATION SECURED

Some definition of terms became desirable before material received could be evaluated as usable or not suitable. "Crime" is an all-inclusive name for behavior that is in violation of law. Popularly, however, its application is restricted to the more serious offenses, those that aim at or result in injury to the person or destruction or theft of property. In this study some material has been included which embraces all violations of law, but the greater portion of the report is concerned with and the heaviest emphasis has

¹ The penitentiary study was conducted by Jacob Horak, Ph. D., professor in Heidelberg College, Tiffin, Ohio. Professor Horak was assisted by James Ford, J. D., University of Chicago Law School, and by Mrs. A. M. Rich, director Immigrant's Protective League, Chicago. Professor Horak is the son of Bohemian immigrants and has made return journeys to Bohemia in connection with his work. He is a person of experience, well trained for foreign interviews.

been placed on the more serious offenses. The designation "foreign born" has been used to mean exactly that, in so far as possible. A very limited amount of material has been introduced dealing with native-born offenders of foreign parentage. That type of data is difficult to obtain.

Information from police records.—The best possible index of crime occurrence in any given city is the number of crimes reported to the police department. It is obvious that the number of arrests is more of an index of police activity than of actual crime occurrence. To learn whether more or less crimes are committed in areas containing high percentages of foreign-born inhabitants than in those with low percentages it becomes necessary to know something about how many crimes are known to the police in the regions under consideration.

Prior to 1927 very few police departments were keeping accurate records of all offenses reported to them. The few that were doing so found themselves unable to secure any comparative figures from other cities to aid them in sizing up their own crime situations. The various crimes were defined in such different terms by the criminal codes of the several States that comparison was impossible. But in 1927 the International Association of Chiefs of Police set up an active committee on uniform crime records. Its work, financed by the Laura Spellman Rockefeller Memorial, went forward rapidly. The year 1929 saw the publication of this committee's volume on Uniform Crime Reporting. January, 1930, saw the committee receiving, tabulating, and publishing monthly reports on "Number of offenses known to the police," for the more serious offenses, classified uniformly by a growing number of police departments. In the summer of 1930 the work of receiving and tabulating the data, and of publishing the monthly bulletin was taken over by the United States Department of Justice.

Those bulletins, for the six months ending November 30, 1930, supplied the figures for computation of crime indices for cities with high and with low percentages of foreign-born population, discussed in Section I of this report.

The accomplishments of this committee on uniform crime records can not be too enthusiastically commended by those

who appreciate the need for, and the value of, criminal statistics in the United States. The task is merely started. But there is much evidence that the work is continuing to move forward at a good pace. The returns that poured in, in response to the requests for data for this study, indicated a wide-awake interest in records and statistics in police departments scattered throughout the country.

Usable material was received from the police of 34 cities of 100,000 inhabitants or more. Some of them were unable to supply any data beyond the mere number of arrests, total for all offenses, by country of birth. Some were able to give more detail. Some departments made special detailed tabulations in order to meet the requirements of this study—showing the number of persons charged, and number convicted, by offense, by sex, by nativity and color, and by country of birth. From this wealth of material were drawn the tables presented and discussed in Sections II, III, VII, and VIII.

Only two cities of more than 500,000 inhabitants were unable to supply any police statistics on the nativity of offenders. These two were New York and Pittsburgh. The New York City deficiency was covered in two ways. The New York City magistrates' courts supplied their annual reports, which gave the total number of persons arraigned, by country of birth. The New York State Commissioner of Correction supplied a detailed tabulation of all felony and certain important misdemeanor arrests for the State of New York for the year 1929, by offense, and by country of birth.

It proved possible to procure Chicago police records on persons arraigned, and persons convicted, by felonies and misdemeanors, by sex, and by country of birth, for the years 1915-29.

Two cities were able to furnish information relative to arrests of offenders native born but of foreign or mixed parentage.

Information from United States attorneys.—The United States attorneys throughout the country kept a special record, during the four months ending June 30, 1930, of all informations and indictments filed and all cases terminated

in the United States district courts, in which the charge was violation of the national prohibition act. Their reports show the number of cases filed, and cases terminated by acquittal, conviction, or some other disposition, by country of birth of the accused. This material is presented in Section IV.

Information from correctional institutions for petty offenders.—Annual reports, which showed the country of birth of all persons admitted during the past five years, were secured from the following institutions: New York City institutions, Chicago House of Correction, Detroit House of Correction, Erie County (N. Y.) Penitentiary, Allegheny County (Pa.) Workhouse, and Cleveland Correction Farm. These figures are presented in Section V.

Information from Federal and State prisons and reformatories.—The State prisons of the eight States listed above furnished figures on their total admissions by country of birth. The United States census publication on "Prisoners: 1926" supplied data for that year on admissions by country of birth and by offense. These data are set forth and discussed in Section VI.

Such court statistics as are compiled rarely include information on the nativity of persons arraigned or convicted. As noted above, the New York City magistrates' courts proved a fortunate exception. Occasionally probation officers' reports contain information of this character. The probationers, however, comprise such a small proportion of the total number of offenders and the factors entering into their selection are so numerous and varied that no attempt was made to use probation material in the strictly statistical portion of the report. It was felt that the probation officers' contribution lay rather in rendering counsel in the matter of interpretation and evaluation.

Methods of presentation.—Two methods have been employed in the presentation of this statistical material. Where it seemed at all practicable the number arrested, convicted, or committed per ten or per hundred thousand of population of the same sex, age, and nativity class, was computed. All population estimates used in these computations were based on United States census data. Some difficulties were encoun-

tered in making certain needed age adjustments for groups by country of birth. For the benefit of readers who wish to know exactly the methods used a full description and detailed tables showing the figures on which the rates were based are included as an appendix.

In some cases the method employed was to show the per cent distribution of offenders as compared with the per cent distribution of the population of the same sex and age for the same nativity classes.

In those tables where the analysis went into detail as to offense and country of birth many of the arrest, conviction, and commitment figures were quite small. Therefore it is exceedingly important that these so-called rates shall be properly weighted. They are based on too limited experience, both in time and in number of cases, to have positive conclusive value. They do have some use, however, as revealing the situation existing at a given time and place, and indicating the desirability of building up a mass of such material covering the experience of many communities over a considerable period of time.²

² Acknowledgment is hereby made of the excellent service rendered, in connection with the preparation of the statistical tables, by Miss Mary V. Brent, B. S., Knox College, and by Miss Helen C. Talbot, A. B., Mount Holyoke College, student assistants at the University of Chicago.

CONTINUED

1 OF 5

SECTION I

CRIME INDICES FOR CITIES HAVING HIGH AND LOW PERCENTAGES OF FOREIGN-BORN POPULATION

Although the experience of law-enforcement officials leads them to believe that the United States does have a fairly distinct group of roving criminals, there are strong indications that the great bulk of crime in the larger cities is committed by individuals resident in those cities and well-intrenched therein. Moreover, even the nomadic offenders probably have associates of similar characteristics with whom they have "business" or "social" relationships while "working" a city. Therefore, if some particular class of the population commits a greater or less number of crimes than other classes, it would be logical to expect the crime rates in cities having a high or low percentage of that class in their population to vary accordingly.

In Tables I, I-A, and I-B are presented crime indices for 52 cities of varying size, the proportions of whose foreign-born population range from 1 to 43 per cent. The material used as crime indices is of two types: The number of offenses known to the police and certain typical basic insurance rates against loss by burglary and theft. The police departments of more than 900 cities are now sending in to the Department of Justice a record of the offenses known to them, classified in accordance with the instructions in the manual on uniform crime records. This work is still in its infancy. The records are far from infallible. The figures sent in by some cities immediately arouse doubts as to their accuracy in the minds of those familiar with the volume and character of crime in cities fairly well regulated whose records have been carefully inspected and are known to be accurate.

Much remains to be done in the line of field work of an instructional and supervisory nature. But even at the present time these figures do provide an indication as to the number of crimes being committed in the different areas, crude though the index may be.

As something of a check on the crime rates reported by the police, certain crime insurance rates were computed for these cities. It will be noted that for the most part cities whose police report few crimes enjoy a low insurance rate. There are some notable exceptions. But it is wise not to form hasty conclusions from such discrepancies. Several possible explanations occur. The police figures represent the actual number of crimes reported to them. The crime insurance rates represent a premium set at a figure designed to permit the companies to operate with a reasonable profit in view of the ratio between premiums collected and losses incurred and losses paid in the different regions. It might be possible for a city to suffer from a very large number of petty thefts which would not affect the insurance rate as distinctly as would a single successful robbery in which the loss mounted into thousands of dollars. Moreover, it should be borne in mind that revision of these insurance rates usually lags about two years behind the current conditions in a city. That is necessarily true, since the national rate-fixing body requires about that much time in which to assemble, tabulate, and analyze the reports on the loss experience of its various member companies in the different parts of the country. Therefore, a city whose crime rate is changing distinctly, either for better or for worse, does not receive its insurance rate revision immediately.

The type of insurance rate to be used in these tables was selected, from among a myriad of possible classes, in consultation with a representative of one of the large insurance companies selling crime insurance in all parts of the United States. These particular rates were chosen because business along that particular line is quite active at all times in almost all cities. The exceedingly high rates in branches which are listed as very bad risks were purposely avoided. The intent was to use a figure that would represent the actual insurance

cost to the same typical shopowner were he to do business on the same basis in any one of these cities.

Unfortunately the 1930 census figures on percentages of native white, Negro, and foreign-born white were not available. The cities had, therefore, to be listed on the basis of the 1920 percentages for these classes. There may have been some shifting in the intervening decade. But the 1930 figures will probably change the percentages themselves, while not materially altering the relative positions of the cities in these tables. It is recognized, however, that the number of Negroes in several of the northern manufacturing centers has increased decidedly in the past 10 years. The Negro percentage, while not particularly pertinent to this study, is included. This is done for the benefit of the reader in whose mind a question may arise as to the relative importance of the Negro in any particular city. Moreover, social workers feel that the Negro who has recently come from the old South to a great industrial community presents a problem very similar to that of the European peasant. He has much the same difficulty in making a satisfactory adjustment to new conditions and customs.

Examination of Table I reveals that of those cities reporting the crimes known to their police the cities having the highest, approximately the median, and the lowest percentages of foreign born have relatively low crime and crime insurance rates. On the other hand cities having high crime and crime insurance rates are to be found at both ends of the scale as to the percentage of foreign born in their populations.

TABLE I.—Percentage foreign-born white, native-born white, and Negro, in populations of the 13 cities having more than 500,000 inhabitants in 1930; crime rates of these cities for the 6 months' period ending November 30, 1930; and crime-insurance rates prevailing in those areas December 1, 1930

City	Percentage of total population, United States census, 1920			Number of offenses known to the police, per 100,000 of population, 6 months ending Nov. 30, 1930—Part I, offenses, uniform classification ¹			Rates, certain classes of insurance, Dec. 1, 1930 ²
	Foreign-born white	Native-born white	Negro	Total	Robbery only	Murder and non-negligent manslaughter	
New York.....	35.4	61.7	2.7	(3)	(3)	(4)	\$106.00
Boston.....	31.9	65.7	2.2	761.8	16.3	1.41	83.63
Cleveland.....	30.1	65.6	4.3	1,108.9	83.8	6.55	125.11
Chicago.....	29.8	66.0	4.1	(5)	92.6	5.33	139.38
Detroit.....	29.1	66.7	4.1	893.0	54.1	3.63	146.25
San Francisco.....	27.7	69.0	.5	1,402.0	79.9	2.36	103.69
Millwaukee.....	24.1	75.4	.5	739.0	18.3	.86	73.63
Buffalo.....	24.0	75.1	.9	405.5	19.2	1.40	83.69
Philadelphia.....	21.8	70.7	7.4	403.1	21.7	3.90	96.19
Pittsburgh.....	20.4	73.1	6.4	(5)	(5)	(5)	91.19
Los Angeles.....	19.4	75.4	2.7	1,065.5	77.4	1.94	122.75
St. Louis.....	13.4	77.5	9.0	1,008.7	92.6	5.84	124.50
Baltimore.....	11.4	73.8	14.8	613.0	22.6	4.22	81.91

¹ Figures compiled from the monthly bulletins issued by the Department of Justice, which contain the reports, by police departments, of offenses known to the police, as included in Part I offenses, uniform classification, defined by the committee on uniform crime records of the International Association of Chiefs of Police. Part I offenses include murder, non-negligent manslaughter, negligent manslaughter, rape, aggravated assault, robbery, burglary, larceny over \$50, larceny under \$50, and auto theft. Number per 100,000 figured on basis of city's population as shown in 1930 census releases.

² These rates represent the total premium that the owner of a "Ladies, ready-to-wear" shop would have to pay if he carried residence burglary insurance on his home, mercantile open-stock burglary insurance on his shop, insurance against loss by safe-blowing in the shop, and insurance against loss by the hold-up of the shop, or of a messenger carrying receipts from shop to bank. This total represents basic rates only on \$1,000, except in mercantile stock, which is on the first \$5,000. Compiled from the manual issued by the National Bureau of Casualty and Surety Underwriters for its member companies, corrected to Dec. 1, 1930.

³ No data available.

⁴ Incomplete.

TABLE I-A.—Percentage foreign-born white, native-born white, and Negro, in populations of 19 cities having 200,000 to 500,000 inhabitants in 1930¹; and crime rates of these cities for the six months' period ending November 30, 1930; and crime-insurance rates prevailing in those areas December 1, 1930

City	Percentage of total population, United States census, 1920			Number of offenses known to the police, per 100,000 of population, 6 months ending Nov. 30, 1930—Part I, offenses, uniform classification ¹			Rates, certain classes of insurance, Dec. 1, 1930 ²
	Foreign-born white	Native-born white	Negro	Total	Robbery only	Murder and non-negligent manslaughter	
Providence.....	20.0	68.5	2.4	715.1	5.9	1.19	\$83.63
Newark.....	28.2	67.6	4.1	1,393.1	68.9	4.74	101.00
Jersey City.....	25.5	71.8	2.7	186.9	13.6	.95	101.00
Rochester.....	24.1	75.3	.5	448.3	10.1	.61	76.13
Seattle.....	23.4	72.5	.9	1,513.5	110.3	.55	97.75
Minneapolis.....	23.1	75.8	1.0	551.3	41.1	2.15	104.75
San Antonio.....	22.7	68.3	8.0	1,588.9	92.0	14.14	106.50
St. Paul.....	22.0	76.5	1.4	269.5	4.4	.37	104.75
Oakland.....	20.9	73.4	2.5	901.9	44.3	2.46	97.44
Omaha.....	18.5	76.0	5.4	1,174.3	51.8	5.27	119.63
Akron.....	18.2	79.1	2.7	841.0	51.0	2.74	107.00
Portland (Oreg.).....	18.2	79.7	.6	1,388.9	96.7	2.32	91.00
Toledo.....	15.7	81.9	2.3	1,694.8	168.8	3.09	101.69
Denver.....	14.8	82.7	2.4	1,244.9	66.7	4.52	98.50
Cincinnati.....	10.7	81.8	7.8	1,072.8	85.1	7.34	97.19
Dayton.....	8.0	85.5	6.9	1,064.3	49.9	3.00	97.19
Kansas City (Mo.).....	8.4	82.1	9.5	1,084.2	145.1	9.26	152.00
Columbus.....	6.8	83.8	9.4	1,394.5	66.8	3.79	97.19
Indianapolis.....	5.4	83.5	11.0	1,542.4	123.9	3.02	91.00

Cities whose police departments are not reporting to the Department of Justice, and cities having more than 15 per cent Negro population omitted.

¹ See note 1, Table I.

² See note 2, Table I.

TABLE I-B.—Percentage foreign-born white, native-born white, and Negro, in populations of 20 cities having 100,000 to 200,000 inhabitants in 1930;¹ crime rates of these cities for the 6 months' period ending November 30, 1930; and crime insurance rates prevailing in those areas December 1, 1930

City	Percentage of total population, United States census, 1920			Number of offenses known to the police, per 100,000 of population, 6 months ending Nov. 30, 1930—Part I, offenses, uniform classification ²			Rates, certain classes of insurance, Dec. 1, 1930 ³
	Foreign-born white	Native-born white	Negro	Total	Robbery only	Murder and non-negligent manslaughter	
El Paso.....	43.0	54.7	1.7	1,347.4	43.0	3.01	\$108.50
Fall River.....	35.1	64.6	.3	204.1	1.7	-----	73.63
Lowell.....	33.7	66.0	.2	256.4	2.0	-----	83.63
Paterson.....	33.2	65.6	1.1	335.4	16.6	2.80	92.25
Waterbury.....	32.6	66.3	1.0	773.1	22.8	1.08	73.63
Bridgeport.....	32.3	66.0	1.6	676.1	8.2	-----	73.63
Worcester.....	29.7	69.5	.7	1,135.1	7.7	.51	73.63
Gary (Ind.).....	29.7	69.6	0.6	1,330.3	207.4	6.95	112.00
Hartford.....	29.5	67.4	3.0	972.1	21.9	2.44	73.63
Elizabeth (N. J.).....	29.5	68.4	2.1	822.3	22.7	5.24	77.25
Spokane.....	16.1	82.9	.7	1,037.0	66.3	-----	86.69
Albany.....	15.6	83.3	1.1	614.8	14.0	1.57	88.50
Wilmington (Del.).....	14.8	75.4	0.8	678.0	16.9	4.60	73.63
Long Beach.....	12.2	86.8	.3	1,125.1	61.3	-----	122.75
Peoria.....	10.2	86.9	2.8	830.2	78.3	3.82	94.63
Des Moines.....	8.9	86.7	4.4	1,298.5	66.2	4.21	108.44
Fort Worth.....	6.9	78.0	14.9	1,149.6	60.8	4.28	106.50
Wichita.....	4.2	90.8	4.9	1,263.6	54.0	2.70	81.13
Oklahoma City.....	3.8	87.0	9.0	1,146.3	80.4	4.32	107.19
Knoxville.....	1.0	84.4	14.5	805.1	35.0	12.20	96.69

¹ From the total list of cities having 100,000 to 200,000 inhabitants, by the 1930 census, the 10 cities having the highest, and the 10 having the lowest percentage of foreign born, exclusive of cities having more than 15 per cent Negro, and of those cities that do not report to the Department of Justice, were selected for this tabulation.

² See note 1, Table I.

³ See note 2, Table I.

Tables I-A and I-B disclose a similar situation. In the smaller cities, however, it would seem that those having the higher percentages of foreign born have somewhat the advantage of those with the lower percentages. Such communities as Kansas City (Mo.), Indianapolis, Wichita, and Des Moines, with relatively high percentages of native white population, report distinctly high crime rates. A natural conclusion to be drawn from these figures, all factors being carefully considered, is that a high proportion of foreign born in the population does not necessarily affect the crime rate in an adverse direction, and that other factors are far more potent in the determination as to how many crimes will occur in a given city than is the national origin of its inhabitants.

SECTION II

POLICE ARRESTS AND COURT ARRAIGNMENTS

There is, obviously, no way of knowing the country of birth of each one of the individuals who commit the offenses that roll up the annual record of crime in the United States. A comparatively large percentage of those crimes are never solved by the apprehension, prosecution, and conviction of the perpetrators. This "unsolved crime" category must be at once set aside as unexplorable. How extensive it is can not be determined. Nor will it ever be known. For when the police arrest a burglar or a "stick-up" man against whom they are able to prove two or three offenses, it is highly probable that that man is equally guilty of several other criminal acts of which he is not even suspected or of which the police have no evidence. The man or boy caught on his first "job" is exceptionally unfortunate and a very rare person. The term "first offender" as customarily used means not the individual who has just committed his first offense but the one who has just been apprehended for the first time. It is certain that the accused man is not going to cooperate with his captors to the extent of admitting all the offenses of which he is guilty so that they may write "solved" across those cases in their crime-complaint file or make a national-origin-of-the-offender note in each instance.

It is clearly understood, therefore, that the statistics on persons arrested by the police and arraigned in court on police information and charge represent merely an indeterminate percentage of the total number of guilty persons, and that of two persons convicted, be they native or foreign born, one may be actually responsible for a very great many more crimes than the other, with no way of discovering the relative weight of each in destructive activity.

Even so, the figures on police arrests and court arraignments constitute unquestionably the most complete enumeration in existence of persons who commit acts contrary to law.

Nor are these figures in all likelihood as generally inclusive of wrongly accused innocently noncriminal persons as is popularly supposed; that is, with the exception of those who are arrested "on suspicion" or "for investigation," and who are released without the placing of a specific charge against them. Even these probably consist in large part of individuals who, if they were systematically examined and analyzed, would be found to belong in any general list of delinquents, coming under police suspicion because of their known criminal past or because of habits and associates that are indicative of unwholesome interests and potentialities for delinquency. This custom of arresting "on suspicion" is fairly frequent in many municipalities. When the Uniform Crime Records Manual comes into universal use none of these will be included statistically as arrests but will be shown as detentions "on suspicion."¹

To one closely and intimately acquainted with the functioning of the police it is perplexing to find the belief that officers habitually accuse men without good reason strangely prevalent among persons who are presumed to make judgments only after an impartial weighing of all evidence. Careful questioning of such persons will often reveal deep emotional reactions but little or no first-hand knowledge. Usually they have gathered impressions from repeated newspaper recitals or from contact with accused men and women who shrewdly seek sympathy and aid to escape the consequences of delinquent behavior, or they are making the error, scientifically inexcusable, of reaching general conclusions from acquaintance with a limited number of actual cases in which men have been wrongly accused. Inevitably even the most conscientious and intelligent of police officers

¹ In 1 of the cities visited, out of 957 consecutive bookings for all offenses, 686 were booked on "suspicion" of some offense, or for "investigation." Of those 686, releases, without the placing of any specific charge, followed in 540 cases. In an additional 78 of these suspicion cases the book did not show whether released or held; 5 were delivered to other authorities; and only 63 of the 686 were held on some specific charge.

will make errors. And it is not for a moment contended that all officers are both conscientious and intelligent. The point to be remembered is that the proportion of arrested men charged with specific crimes who are completely innocent and who do not belong in a catalogue of offenders is in all likelihood relatively small.

Tables II, II-A, and II-B supply the arrest rate per 10,000 in each population class, total for all offenses, by country of birth or "nationality," as reported for a 1-year period by the police departments of 31 cities, ranging upward in size from 100,000 inhabitants.

At once acknowledgment must be made that these rates furnish but a very crude index of the offense rate among the various nativity and nationality groups. They are presented because, despite their admitted defects, they do supply a bulk of material that is not available in the detailed shape that lends itself to a more scientific analysis. They afford a bird's-eye view of the situation in a large number of cities geographically scattered and possessing widely different social and economic characteristics.

TABLE II.—Number of persons arrested by police, or arraigned in city magistrates' courts, per 10,000 of same population class, by nativity and color, and by country of birth, for 10 cities having more than 500,000 inhabitants in 1930¹

Nativity and country of birth	Number of persons per 10,000 of same population class									
	Arrested by police									
	Arraigned magistrates' courts New York (1929)	Chicago (1929)	Philadelphia (1930)	Detroit (1930)	Los Angeles (1929-30)	St. Louis (1930)	Baltimore (1930)	Boston (1930)	San Francisco (1929-30)	Milwaukee (1930)
Total	559	642	826	130	410	1,315	687	1,198	992	725
Native white	616	555	952	96	388	973	734	1,322	945	776
Negro	454	3,975	377	923	488	5,259	631	937	1,088	565
Foreign born	474	166	280	129	674	1,045	324	847	737	899
Austria	195	42	108	64	216	805	137	778	755	630
Canada	N. D.	141	N. D.	9	N. D.	114	108	N. D.	N. D.	114
Czechoslovakia	188	67	158	81	210	359	204	503	616	410
England, Scotland, and Wales	185	232	106	98	210	205	241	768	498	183
France	203	152	212	41	198	253	101	447	380	327
Germany	3,152	1,532	1,512	358	664	1,235	1,359	1,650	1,239	1,456
Greece	N. D.	129	(²)	66	N. D.	282	20	N. D.	N. D.	(³)
Hungary	194	200	360	196	626	722	259	1,129	848	1,382
Ireland	542	801	425	93	338	1,452	626	893	728	704
Italy	N. D.	467	102	55	N. D.	792	148	N. D.	N. D.	544
Yugoslavia	N. D.	1,157	842	115	N. D.	N. D.	248	1,164	N. D.	1,225
Lithuania	309	513	961	112	237	1,172	512	1,247	226	431
Poland	590	174	309	72	368	678	216	775	953	992
Russia	307	305	678	131	431	739	1,517	1,170	1,280	1,170
Scandinavian countries	2,036	983	1,143	* 29	555	* 1,101	* 2,618	5,013	6,306	* 625
China	552	N. D.	* 584	* 191	210	* 612	* 1,250	* 769	191	(³)
Japan										
Mexico ⁴										
All other	464	940	402	154	635	683	1,346	1,233	1,113	1,247

¹ Rates computed from figures appearing in annual reports or special tabulations for year designated, and population estimates based on 1930 census, or on 1920-1930 increase for interim years, applying 1920 percentages to total to estimate nativity and nationality groups. N. D. is used to indicate that no data were available.

² Included with Austria in police reports.

³ Estimated number in population so small as to make rate calculation of doubtful value.

⁴ All estimates of Mexican population, based on 1920 census percentages are open to such serious question, that Mexican rates were not inserted, although the figures are included in total foreign-born rate.

TABLE II-A.—Number of persons arrested by police, per 10,000 of same population class, by nativity and color, and by country of birth, for 10 cities having 200,000 to 500,000 inhabitants in 1930¹

Nativity and country of birth	Number of persons per 10,000 of same population class arrested by police									
	Cincinnati, Ohio (1930)	Newark, N. J. (1930)	Kansas City, Mo. (1930)	Seattle, Wash. (1929)	Rochester, N. Y. (1929)	Jersey City, N. J. (1930)	Denver, Colo. (1929)	St. Paul, Minn. (1929)	Akron, Ohio (1930)	Providence, R. I. (1930)
Total	580	429	480	502	* 324	439	720	479	602	610
Native white	637	335	451	548	295	483	636	590	631	753
Negro	110	2,877	911	1,465	342	237	2,305	462	96	982
Foreign born	99	294	288	342	237	313	567	96	468	244
Austria	11	174	N. D.	310	287	287	1,218	108	32	39
Canada	N. D.	223	N. D.	69	123	118	38	56	29	78
Czechoslovakia		61	N. D.	520	71	210	15	3,057		
England, Scotland, and Wales	4	117	N. D.	64	143	102	30	43	49	48
France	29	146	N. D.	354	144	156	240	188	1,542	
Germany	1,278	667	N. D.	129	135	126	58	305	94	
Greece	74	149	N. D.	618	199	1,579	198	974	674	
Hungary	53	322	N. D.	184	187	187	49	343		
Ireland	334	303	702	215	403	345	109	166	218	43
Italy	N. D.	117	N. D.	308	363	489	925	166	1,366	272
Yugoslavia	N. D.	208	N. D.	134	137	173	491	988	N. D.	
Lithuania	N. D.	200	N. D.	N. D.	202	173	N. D.	1,210	342	
Poland	189	387	N. D.	159	315	388	332	812	899	
Russia	174	222	181	196	151	488	95	104	127	
Scandinavian countries	N. D.	318	N. D.	608	354	190	141	117	214	332
China	N. D.	(²)	N. D.	486	(²)	(²)	1,695	(²)	(²)	(²)
Japan	N. D.	(²)	N. D.	183	(²)	(²)	311	(²)	(²)	(²)
Mexico ⁴										
All others	268	765	156	1,079	248	551	1,394	140	766	831

¹ See note 1, Table II.

² A large number of "nativity-unknown" cases included in this figure.

³ See note 3, Table II.

⁴ See note 4, Table II.

CRIME AND THE FOREIGN BORN

TABLE II-B.—Number of persons arrested by police, per 10,000 of same population class, by nativity and color, and by country of birth, for 11 cities having 100,000 to 200,000 inhabitants in 1930¹

Nativity and country of birth	Number of persons per 10,000 of same population class arrested by police										
	Younes-town, Ohio (1930)	New Haven, Conn. (1928)	Bridgeport, Conn. (1930)	Scranton, Pa. (1930)	Salt Lake City, Utah (1929)	Faterson, N. J. (1930)	Trenton, N. J. (1930)	Elizabeth, N. J. (1929)	New Bedford, Mass. (1930)	Wilmington, Del. (1929-30)	Lowell, Mass. (1929)
Total.....	595	860	293	454	931	(1)	1,064	1,473	248	1,497	437
Native white.....	639	819	306	445	1,094	N. D.	643	476	229	1,124	424
Negro.....	469	2,443	1,228	1,871	4,871	2,773	432	474	276	5,507	483
Foreign born.....	49	49	94	495	447	400	861	984	1,047	764	N. D.
Austria.....	89	913	194	396	847	559	333	418	263		N. D.
Canada.....	N. D.	543	255	181	34	422					N. D.
Czechoslovakia.....	899	198	9	733	N. D.						N. D.
England, Scotland, and Wales.....	5	468	87	140	59	161	192	335	151	8	N. D.
France.....	119	619	87	239	641	285	389	359	172	74	N. D.
Germany.....	175	361	79	158	223	291	223	176	54	54	N. D.
Hungary.....	492	1,592	244	1,726	3,089	1,250	2,214	1,053	183	814	N. D.
Ireland.....	171	499	168	238	N. D.	303	428	344	244	102	N. D.
Italy.....	25	889	268	680	760	358	284	608	238	1,300	N. D.
Yugoslavia.....	765	772	3,807	680	1,923	213	232	567			N. D.
Lithuania.....	811	N. D.	3,807	1,376	989	989	523	297	408	1,477	1,015
Poland.....	560	1,620	419	1,961	194	451	523	297	348	1,735	1,825
Russia.....	327	1,471	185	239	1,491	430	624	895	111	730	N. D.
Scandinavian countries.....	854	785	257	N. D.	97	913	491	620	(1)	(1)	N. D.
China.....	162	854	(1)	(1)	1,509	(1)	(1)	(1)	(1)	(1)	N. D.
Japan.....	N. D.	N. D.	(1)	(1)	1,507	(1)	(1)	(1)	(1)	(1)	N. D.
Mexico.....	781	1,770	547	1,494	358	532	604	319	222	529	N. D.
All others.....											

¹ See note 1, Table II.
² See note 3, Table II.
³ See note 4, Table II.
⁴ Faterson sent list for known foreign born and "colored" only.
⁵ Group of "unknown nativity" included in total.

Certain points should be borne in mind in extracting any meaning from the figures in these tables. In the first place, and this is true of all data presented, whatever the source, the classification as to nativity or country of birth is almost invariably made on the basis of the individual offender's own statement of fact at the time he is "booked." At this point many inaccuracies undoubtedly occur. But it is impossible to eliminate them or to estimate their probable frequency. If the man is asked, and clearly understands, the simple question, "Where were you born?" the chances are that he may routinely give the correct information, except in the few cases where he fears deportation. On the other hand, if he is asked, "What nationality are you?" he may, although born in this country, reply "German" or "Italian," or any other nationality that represents his descent, and that may mean the first, second, or even third generation in this country. Sometimes, too, the booking officer may make a guess at the nationality of the bookee, based on his name or appearance. As the interest in accurate crime statistics grows the method of recording data of this description will undoubtedly become standardized. For the present there is nothing to be done but to accept such figures as are recorded, recognizing that they include some inaccuracies, but that probably these do not bulk large in the grand totals.

Still another probable error becomes almost immediately apparent to anyone examining police reports with a critical eye. Many of them betray complete indifference to the realignment of boundaries following the World War. For purposes of tabulation it has been necessary to combine listings in so far as possible to picture present facts. But that means that the distribution between Austria, Czechoslovakia, Hungary, and Yugoslavia may be somewhat unreliable and that the group taken as a whole is the more important unit. Similar difficulties arise in connection with present-day Poland, whose component parts were formerly under different national governments. Again it has seemed that the best course is simply to warn the reader not to regard these figures as exact indices, but merely as indicative of the general direction or tendency.

Consideration was given to the suggestion that because of these difficulties in classification the attempt to estimate rates for the various groups by country of birth should be abandoned and nothing included but the total foreign-born figure. But it seemed certain that some readers would wish to have the detail, even though it had to be accepted with reservations. For many people will believe that the total foreign-born rate does not, after all, give much information of practical value. They will reason that this group is made up of units possessing divergent behavior characteristics, and that some groups may have surprisingly low arrest rates, others very high, the one balancing the other to produce a rather neutral total. The variations may be significant. Certainly no study is complete without some attempt to determine them.

In the second place, about 90 per cent, or even more, of all arrests are for misdemeanors or violations of city ordinances, not in any real sense "crimes." Of course, among that 90 or more per cent are always a certain number of actual criminals. This is particularly true among those arrested as drug addicts, as habitual "vags," as petty thieves, and as liquor law violators. Cities that fingerprint "vags" frequently pick up by that process fugitives wanted for major crimes or prison escapes in other States. In a batch of six arrests in one Federal raid on a distilling plant in a Western State, in which for the first time in that region the prisoners were fingerprinted and their prints promptly searched in police files, one was discovered to be a safe blower from a far Eastern State and one was wanted for murder in a city 400 miles distant. Among the petty thieves are many who may be said to be in the primary grades in crime's educational world. Nevertheless, on the whole these rates invariably include a large number of noncriminal arrests in the strictest sense. They are heavily weighted in almost every city except Detroit with arrests for intoxication and disorderly conduct, usually attendant upon drinking. (Detroit, with its "golden rule" system, makes very few arrests for drunkenness.)

In the third place these total arrests include both sexes and for many of the cities a number of juveniles. Although

the juveniles are probably always referred to juvenile authorities for action, they are booked first, frequently, merely as "delinquent" or "incorrigible." However, from 14 years up they are to be found booked for specific offenses. No inconsiderable number of minors are apprehended for burglary, robbery, petty and grand larceny, or theft, and especially for auto theft and auto "stripping." Therefore in computing these crude rates the total census group estimate, both sexes and all ages, was used. But admittedly the great volume of crime is attributable to men and boys at least 15 years of age and over, while the percentage of that sex and age group is much higher in the foreign-born than in the native population. Obviously, in figuring the arrest rates, this gave an unfair advantage to the native born, whose total is "diluted" by larger numbers of noncrime-committing women and children. It is highly important that this should not be forgotten in looking for significant comparisons in these tables.

An inspection of Table II reveals that, despite their statistical disadvantages, the foreign born have a lower arrest rate per 10,000 of population in 7 of the 10 cities with more than 500,000 inhabitants than do the native white. The two rates are practically identical in Detroit. In San Francisco the native born seem to have the advantage largely because of the lively rate at which the San Francisco police arrest the Chinese. The variation in Los Angeles is undoubtedly due to the Mexican factor. Some 40 per cent of the foreign-born arrests in that city are Mexican. It is greatly to be regretted that the 1930 nativity and country of birth counts are not yet available. The changes in number of Mexicans in the United States and of the location of those resident in this country are believed to have been so marked during the past decade that estimates based on 1920 percentages are almost valueless.

In Table II-A, which contains the arrest rates for cities of 200,000 to 500,000 inhabitants, it will be noted that in each city the foreign born had fewer arrests per 10,000 of population than did the native white.

Table II-B carries the rates for cities of 100,000 to 200,000. In these smaller cities the foreign born make a relatively

poorer showing. Even so, their rate of arrests climbs above that of the native white in only four cities, and then by so small a margin that the excess would no doubt be eliminated were it possible to make fairly accurate adjustments for the differences in sex and age factors.

On the basis of these figures it seems possible to draw the tentative conclusion that foreign-born residents of the United States are accused of violations of the law less frequently than the native born, in proportion to their respective numbers in the population. It is highly improbable that the police in so many cities would thus give the foreign born a uniformly good rating in the law-abiding scale without good reason. It is therefore possible to take one further step, reaching a tentative conclusion that on the whole the foreign born violate the laws of the United States less frequently than do the native born.

Objection may be made on the ground that many of these cities failed to separate their Negroes from their native white and that the Negro arrest rate might be so high as to be entirely responsible for the lead of the combined rate over that of the foreign born. Further inspection will then reveal that 13 of the 31 cities gave Negroes and native white separately. In 11 of those 13 cities the foreign born registered a lower rate than the native white. In Detroit the rates were practically identical, while the New Haven rates were 819, native white, and 830, foreign born. Apparently the consistently lower foreign-born rate persists after the Negro arrests are subtracted.

Within the foreign-born group the arrest rates of the various national units vary considerably. In order to determine the estimated population in each group by means of which the arrest rate per 10,000 could be computed, it was necessary to assume that the percentage distribution within the total population would be the same in 1930 as in 1920. This may result in errors of some magnitude in particular cities and groups, but on the whole it seems likely that the comparative size of the various national units will not have changed very materially in the past decade, even if the total foreign-born figure shows a shrinkage. In any case no other method of giving meaning to the arrest figures in relation

to the country of birth of offenders is possible until the publication of the 1930 census, detailed tables, for these cities.

It is of interest to note the extent to which the arrest rate for particular national units is in excess of the native white rate. In 20 out of 30 cities Greece has a rate in excess of the native white. The same is true of Italy and Poland in 13 of the cities; of Austria in 10; of Lithuania and the Scandinavian countries in 9; of Ireland and Russia in 7; of Czechoslovakia in 3; of France in 2; and of Yugoslavia in 1. In no one of the cities did the rate of Canada, England, Scotland, and Wales, Germany, or Hungary surpass that of the native white. It is quite possible that the confusion in police figures for Austria, Hungary, Czechoslovakia, and Yugoslavia has resulted in the raising of the rate for Austria and a disproportionate favoring of the rates for the other three.

For some cities the detail as to the offenses charged was supplied. Examination of this detailed information shows some interesting points. In San Francisco, for example, the Scandinavian countries hold highest place as to rate per 10,000 of the foreign-born white. Their arrests totaled 2,080. Of that number only 37 were for felonies, 1,333 were for intoxication, and 357 for vagrancy. Second place was held by Greece, with a total of 497 arrests. Of that number 29 were for felonies, 39 were for intoxication, 47 for vagrancy, and 172 for gambling offenses. Russia's rate came third, with arrests totaling 686. Of these, 46 were for felonies, 189 for intoxication. The Chinese arrest total for San Francisco ran to 6,113. But only 38 were for felonies other than narcotic law violation, 146 were on narcotic charges, and 5,357 were for gambling, principally in connection with the operation or patronage of a lottery.

Except in a few cities the number of Chinese and Japanese was so small as to seem to render the calculation of an arrest rate per 10,000 of doubtful value.

Mention has been made of the fact that total arrest figures include a heavy percentage of arrests for law violations not in any sense crimes. An effort was made to procure data which would contain figures for specific offenses. Detailed data of that description were provided by the New York

State commissioner of correction and by the police departments of Chicago, Detroit, Los Angeles, Cleveland, Buffalo, Cincinnati, Kansas City, Mo., and Cambridge, Mass. For the territory covered by this material a more scientific analysis can therefore be presented.

The data were not all uniformly prepared. Some gave the number of persons charged by offense and nativity only. Some supplied this detail for felonies but for no misdemeanors. Some gave the sexes separately. A very few gave the full detail—that is, the number of persons charged by offense, by sex, by nativity and color, and by country of birth. From this mass of material such figures were selected for the final tabulations as seemed most nearly comparable and most significant.

To compute arrests per 10,000 or per 100,000 of population for the various classes, with adjustments for sex and age, required adaptation to the groupings available in the census publications. This meant that to estimate, for example, the number of males of Austrian birth, 18 years of age and over, for some particular city for a certain year became a somewhat complicated process. The method followed is described in detail in the appendix. It is perhaps sufficient to say here that it consisted simply of applying percentages of the total population for the various groups, found in Volume II of the Fourteenth Census, on sex, age, nativity and color, and country of birth distribution, to the total population for the particular city for the year desired. The latter figure was determined by assuming that the 1920 to 1930 increase in each area progressed at a uniform annual rate. Total 1930 population figures were taken from published bulletins of the United States Census.

TABLE III.—Number of persons, per 100,000 of same population class 18 years of age and over, arrested in the State of New York during the year 1929, charged with a felony, or with one of the offenses described in section 552 of the Code of Criminal Procedure, by nativity and country of birth, and by offense¹

Offense	Number charged, per 100,000 of same population class 18 years and over																	
	Native born ²	Foreign born, white ³	Austria	Canada	Czechoslovakia	England, Scot., and Wales	France	Germany	Greece	Hungary	Ireland	Italy	Lithuania	Poland	Russia	Scandinavian countries	Mexico	All others (white)
Total, all offenses.....	346.7	207.8	196.0	160.8	38.1	125.1	141.1	86.9	779.5	120.7	91.7	344.0	135.5	173.3	189.0	121.1	1,886.0	572.5
Homicide.....	7.0	5.0	9.1	2.4	2.2	2.5	2.8	1.4	116.4	3.7	1.4	0.7	14.3	5.4	3.4	5.2	.....	9.5
Homeide, auto.....	10.4	7.2	3.2	4.6	.....	2.0	2.8	1.6	11.1	6.4	6.4	1.1	.....	2.9	8.7	.....	.....	18.3
Rape.....	18.5	17.4	2.0	12.0	.....	6.1	5.9	3.8	38.5	8.0	15.1	23.2	.....	6.3	7.1	9.0	.....	24.3
Robbery.....	35.8	12.1	7.9	14.4	2.2	9.1	11.7	3.1	28.2	8.0	16.4	23.7	.....	13.1	8.1	3.6	.....	30.8
Assault (felonious).....	54.7	54.0	52.9	44.4	20.3	21.7	19.3	23.7	232.7	28.5	23.1	65.5	35.7	13.1	14.8	10.0	.....	500.6
Burglary.....	55.0	16.5	12.3	20.8	4.5	8.6	13.8	7.8	24.7	9.4	9.4	22.0	35.7	62.0	44.8	17.2	.....	321.6
Larceny.....	52.1	35.9	50.3	30.4	4.7	28.3	38.7	17.3	102.3	34.1	11.3	35.9	7.1	24.0	17.2	22.6	.....	361.2
Forgery.....	38.2	6.7	1.0	6.4	2.2	6.6	3.7	5.3	7.1	5.7	3.5	10.4	.....	4.0	3.0	.....	.....	160.5
Counterfeiting.....	7.3	3.3	5.9	3.2	.....	3.5	2.8	2.8	7.1	2.3	.....	3.6	.....	1.9	5.0	.....	.....	80.3
Weapons, carrying, possessing, etc.....	20.9	22.2	9.4	5.6	.....	7.6	16.6	7.5	28.2	4.6	6.9	63.3	21.4	10.1	8.5	10.9	.....	240.8
Sex offenses (except rape).....	7.5	6.4	6.5	5.6	.....	4.5	8.3	3.6	7.1	8.0	2.3	11.1	7.1	3.6	5.1	.....	.....	80.3
Offenses against family and children.....	5.1	2.9	1.2	.....	.....	2.5	5.5	1.7	.....	4.6	.....	4.8	.....	5.7	2.5	.....	.....	200.6
Drug laws.....	5.8	1.8	.....	1.6	.....	1.5	.....	1.3	14.1	.....	.....	1.7	.....	.....	1.9	.....	.....	.....
Driving while intoxicated.....	5.5	1.1	.....	.....	.....	14.1	5.5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
All other offenses.....	24.9	21.4	28.2	44.8	.....	.....	.....	8.1	162.3	6.8	6.5	30.0	7.1	15.2	24.0	8.1	.....	40.1

¹ Rates computed from figures supplied by the New York State Commission of Correction, and estimated population on basis of 1920-1930 increase, and application of 1920 class and age percentages to 1929 total. Offenses named in section 552, New York Code of Criminal Procedure are "illegally using, carrying or possessing a pistol or other dangerous weapon; making or possessing burglar's instruments; buying or receiving stolen property; unlawful entry of a building; aiding escape from prison; that kind of disorderly conduct defined in subdivision 6 of section 722 of the penal law; and unlawfully possessing or distributing habit-forming narcotic drugs."

² White and negro were not separately listed.

³ From the detailed list of countries of birth the figures for Africa, Asia, China, and Japan were omitted. It seems probable that there are still a few foreign-born Negroes in these figures, but probably so small in number as to be negligible.

⁴ This includes offenses defined both as felonies and misdemeanors under the New York Code.

In Table III are presented the number of persons, per 100,000 of population 18 years of age and over, arrested by peace officers in the State of New York for felonies and certain specific misdemeanors, as they were reported, as required by statute, to the State commissioner of correction. These figures are for the year 1929.

Here the strictly noncriminal law violations have been eliminated. Minors have been excluded. But the native-born group undoubtedly contains a considerably heavier proportion of women than the foreign born, whereas, as was stated earlier, women commit a relatively small percentage of all felonies.

The peace officers of New York State apparently find it necessary to accuse the native born of felonies and important misdemeanors about one and a half times as frequently as the foreign born. Careful review of the arrest rates for each offense listed discloses that in only one item is the foreign born charged more frequently, namely, for violations of the laws governing the sale, possession, and carrying of weapons.

A number of possible explanations of this deviation occur. The foreign born may be continuing personal habits which were acquired in other countries and which were quite lawful and possibly desirable there. The police, being aware of such habits, may be more vigilant in searching for dangerous weapons persons conspicuously foreign in appearance. Examination of the rates for this particular offense in the different national units discloses the principal offenders to be Greece, Italy, Lithuania, Mexico, and the "All others" group. Mexico, in particular, has an exceptionally high rate. Immediately there arises the question as to the trustworthiness of the estimate of the number of Mexicans in the State of New York in 1930. If New York proves to be one of the areas into which the north and eastward migrating Mexicans have drifted in considerable numbers in the decade just past, the estimated number is too small. These rates, in that case, will prove excessive. There is no way of determining the extent of this error until the 1930 distribution by country of birth is released by the Census Bureau. The excessive rates all through the Mexican column would indicate that the estimate probably deviates from reality considerably.

In the two crimes against property about which much popular concern is expressed, the native born outrank the foreign born 3 to 1. Reference is to robbery and burglary.

It is interesting to check through the separate columns to see which, if any, national units have higher arrest rates for particular crimes than the native born. There are 15 crime categories here listed; Mexico and the "All other" group have higher rates than the native born in 9 of these offense classes. Greece exceeds the native-born rate in 7; Italy in 6; Austria in 3; France, Lithuania, and Poland in 2; Canada and Hungary in 1. The countries whose rates through each of the 15 categories remain below that of the native born are Czechoslovakia, England, Scotland and Wales, Germany, Ireland, Russia, and the Scandinavian countries.

In general, then, it may be said that the New York State records not only offer nothing to contradict but, on the contrary, offer evidence in support of the tentative conclusion based on the crude arrest rates for 31 cities, previously set forth. This was to the effect that the total foreign-born group is less frequently charged with violation of the law than the native born. The New York experience indicates that this continues to be true after the less important offenses are ruled out.

A legitimate question may be raised as to whether it is proper to rely upon one year's figures to give a true picture of conditions that prevail over long periods of time. It is conceivable that some circumstances might arise that would give a specific national unit in one year, a very bad rate that would in no way reflect a true picture of their normal behavior. This is conspicuously true of the Chinese during tong war flare-ups. Therefore, whenever possible it is highly desirable to procure statistics covering a considerable period of time. This was not feasible in most cities included in this study.

But the Chicago police department has for many years published figures from their records of the numbers of persons charged by sex, by offense, and by country of birth. Compilations were made for three 5-year periods, from 1915

through 1929. The average annual rate of arrests per 10,000 of population was computed for each 5-year period separately for felonies and misdemeanors, by nativity and color, and by country of birth, for males only.²

TABLE IV.—Number of men and boys per 10,000 of male population, of same class, 17 years and over, charged with felonies by the Chicago police, by nativity and color, for three 5-year periods¹

Nativity and color	Average number per year per 10,000 of same population class, 17 and over		
	1915-1919	1920-1924	1925-1929
Total.....	137.8	144.6	169.0
Native white.....	159.9	175.0	212.6
Negro.....	313.9	467.1	695.4
Foreign born.....	62.4	72.3	62.3

¹ Rates computed from figures contained in the annual reports of the Chicago police department, 1915-1929, and population estimates based on United States Census figures.

TABLE IV-A.—Number of men and boys per 10,000 of male population 17 years and over, charged with misdemeanors by the Chicago police by nativity and color, for three 5-year periods¹

Nativity and color	Average number per year per 10,000 of same population class, 17 and over		
	1915-1919	1920-1924	1925-1929
Total.....	1,013.6	1,363.5	1,609.9
Native white.....	1,223.4	1,737.9	2,079.9
Negro.....	1,492.8	2,988.3	4,888.2
Foreign born.....	708.8	748.5	697.7

¹ See footnote 1, Table IV.

² The Chicago statistical tables were prepared under the direction of Miss Elizabeth A. Hughes, instructor in social economy, by Miss Emma L. Hodgkin, Lella Houghteling scholarship student, University of Chicago.

TABLE IV-B.—Number of men and boys per 10,000 of male population of same class, 21 years and over, charged with felonies, by nativity and color and by country of birth, as reported by the Chicago police department, for three 5-year periods¹

Nativity and color	Charged with felonies		
	Average number per year per 10,000 of male population of same class, 21 years and over		
	1915-1919	1920-1924	1925-1929
Total.....	140.3	157.0	184.5
Native white.....	182.3	201.0	242.9
Negro.....	333.9	493.0	741.2
Foreign born.....	64.8	74.3	64.4
Austria.....	140.1	61.6	36.2
England, Scotland, and Wales.....	41.4	23.8	15.6
Canada.....	42.1	22.0	23.3
Czechoslovakia.....	45.9	44.8	28.9
Germany.....	64.0	31.2	28.6
Greece.....	191.3	204.7	184.9
Hungary.....	63.9	46.2	25.1
Ireland.....	41.2	19.8	18.0
Italy.....	159.5	146.7	169.1
Lithuania.....	191.4	184.9	111.4
Poland.....	111.6	68.1	76.3
Russia.....	142.4	82.5	42.5
Scandinavian countries.....	34.9	16.9	22.0
All others.....	112.4	147.9	174.9

¹ See footnote 1, Table IV.

TABLE IV-C.—Number of men and boys per 10,000 of male population of same class, 21 years and over, charged with misdemeanors, by nativity and color, and by country of birth, as reported by the Chicago police department, for three 5-year periods¹

Nativity and color	Charged with misdemeanors		
	Average number per year per 10,000 of male population of same class, 21 years and over		
	1915-1919	1920-1924	1925-1929
Total.....	1,098.0	1,480.9	1,747.8
Native white.....	1,400.5	1,986.6	2,376.6
Negro.....	1,537.7	3,186.4	5,210.9
Foreign born.....	726.7	766.4	717.0
Austria.....	1,069.4	601.7	467.4
Canada.....	230.9	141.0	107.8
Czechoslovakia.....	438.3	414.4	343.2
England, Scotland, and Wales.....	358.9	221.8	163.6
Germany.....	504.4	350.8	316.1
Greece.....	2,235.2	2,274.3	1,772.9
Hungary.....	471.9	486.0	299.3
Ireland.....	608.6	538.1	408.0
Italy.....	582.1	1,174.4	1,269.4
Lithuania.....	1,237.3	2,012.8	1,628.8
Poland.....	818.8	950.5	881.9
Russia.....	803.3	688.6	394.0
Scandinavian countries.....	522.5	619.0	791.3
All others.....	936.5	1,292.2	1,440.1

¹ See footnote 1, Table IV.

Since these arrest figures were known to include boys as young as 17, that age was adopted for Tables IV and IV-A. But the age distribution under 21 is not shown in the United States census by country of birth for the principal cities. It is shown for 21 and over. Therefore the age group 21 and over was used for the purpose of breaking up the foreign born into national units as shown in Tables IV-B and IV-C.

Tables IV and IV-A show striking evidence of the fact that in Chicago the foreign born have been accused of law-breaking much less frequently than the native white in proportion to their numbers in groups of similar constitution as to age and sex. The average felony rate for the native white has been during the five years just past about three and one-half times that of the foreign born, while the Negro rate has been more than ten times as great. (Allowance should be made for the possibility that the Negro population of Chicago may have increased more rapidly than was provided for in the estimate. But the error would certainly not be sufficient to cut their rate down to anywhere near that of the native white or the foreign born.)

In misdemeanors the foreign born show an arrest rate only about one-third that of the native white and about one-seventh that of the Negro.

Moreover, it is to be noted that although the rate for felony charges has been steadily mounting during these 15 years for the native white, it has been consistently decreasing for the foreign born. This decrease is so pronounced that it is obviously distinctly real. It can not be accounted for on the basis of erroneous population estimates through the application of the 1910 and 1920 percentages to the later population total. Some other probable explanation must be sought.

In the field of misdemeanors the arrest rate for the native white has shown a decided increase. That of the foreign born went up in the 1920-1924 period, but in the next five years dropped slightly below the average for 1915-1919. It would seem that in the field of minor offenses the foreign born have remained at somewhat the same level, while making decided improvement in the felony or distinctly criminal field.

Examination of Tables IV-B and IV-C reveals that during the five years 1925-1929 not one of the foreign-born national units had an average arrest rate exceeding that of the native white. With the exception of the "all other" group Italy holds the highest felony rate among the foreign born for this 5-year period. But Italy's rate represents approximately only two-thirds that of the native white. In the 1920-1924 period Greece, and in the 1915-1919 period Greece and Lithuania, had had arrest rates slightly higher than the native white. Similar situations may be noted in the misdemeanor field in Table IV-C.

Apparently, therefore, the city of Chicago's records present considerable evidence to the effect that peace officers bring charges against the foreign born less often than against either the native white or the Negro. As in New York State this is distinctly true when the more serious offenses are treated separately. The Chicago analysis provides a slightly more reasonable comparison in that it was possible to make an adjustment for sex as well as age.

The cities of Detroit, Los Angeles, Cleveland, Buffalo, and Cincinnati supplied information in sufficient detail to permit the preparation of a table showing the number of men and boys per 10,000 of male population of the same class, 15 years of age and over, charged with certain specific offenses, by nativity and color, and by offense. The 15-year level was used for two reasons. By reason of the census classification it is a convenient point at which to break the age group. The next convenient point is at 21 years. But a very considerable number of these police bookings are under 21. Therefore the 15-year level was selected as preferable.

All cities except Los Angeles used the Uniform Classification of Offenses, as defined by the committee on uniform crime records of the International Association of Chiefs of Police, in the preparation of their data. The annual report of the Los Angeles police department contained a wealth of statistical detail which made it possible to assemble comparable figures for inclusion in this tabulation.

By this classification those offenses ordinarily thought of as the more serious crimes are segregated in Part I. All other offenses come under the 15 headings of Part II.³

These tables enable the reader to see what kind of showing the native white, the foreign born, and the Negro make in the more serious crime classes and in specific offenses, after certain rough adjustments have been made for differences in sex and age factors.

In the columns which show the totals for the five cities it is at once apparent that native white males were arrested for Part I offenses slightly more than three times as often as the foreign born, in proportion to their numbers. The Negroes were arrested 18 times as often as the foreign born.

The foreign-born rate approaches that of the native white in just two of the offenses listed in Part I, namely, murder and aggravated assault. They are charged with rape about one-half as often. They are accused of robbery less than one-fourth, and of burglary about one-fifth as frequently. Some possible reasons why the foreign born seem to commit crimes involving physical violence more frequently than crimes for material gain will be discussed in a later section of this report. The principal point of interest at this juncture is that even in these offenses they do not surpass the native white. In order to draw any reasonably valid conclusions as to causation in crimes of violence it is essential to make a quite intensive study, in the course of which the circumstances surrounding each instance are fully discovered and analyzed.

Examination of the rates for the individual cities reveals no very decided differences from the 5-city total. In Detroit alone the foreign-born rates for murder and for aggravated-assault arrests are slightly higher than those of the native white. In crimes for profit the foreign-born arrest rates are very much lower than those of the native white in each city. The Negro rate is exceedingly high throughout. The same caution should be used here as was suggested in connection

³ Uniform Crime Reporting, published by the committee on uniform crime records of the International Association of Chiefs of Police (p. 24).

TABLE V.—Number of males per 10,000 of male population of same class, 15 years of age and over, charged with certain offenses, by nativity and color as reported by the police departments of 5 cities, for a 1-year period¹

Charge: Uniform classification of offenses ²	Total for 5 cities			Detroit (1930)			Los Angeles (1929-30)			Cleveland (1930)			Buffalo (1930)			Cincinnati (1930)		
	Native white	Foreign-born white	Negro	Native white	Foreign-born white	Negro	Native white	Foreign-born white ³	Negro	Native white	Foreign-born white	Negro	Native white	Foreign-born white	Negro	Native white	Foreign-born white	Negro
Total, Part I classes.....	83.9	26.5	490.7	48.2	21.9	398.3	97.4	40.9	331.0	68.5	13.2	362.2	166.3	55.3	1,433.3	81.0	8.7	864.4
1. (a) Murder and nonnegligent manslaughter.....	1.4	1.1	14.8	.8	.9	16.5	2.3	2.2	8.5	1.3	1.2	18.2	.4	.3	12.5	1.5	.4	15.4
(b) Negligent manslaughter.....	(⁴)	(⁴)	(⁴)	1.0	.5	1.5	(⁴)	(⁴)	(⁴)	.3	.6	3.0	1.0	1.0	12.5	3.3	.4	5.8
2. Rape.....	3.3	1.1	9.8	2.2	1.5	8.1	5.0	1.1	20.0	1.6	.3	1.7	4.5	1.1	45.7	2.0	.4	8.0
3. Robbery.....	18.5	2.8	58.4	6.2	2.0	45.2	24.7	7.4	51.5	13.0	1.4	64.0	7.5	3.0	91.4	9.6	.4	74.6
4. Aggravated assault.....	4.3	3.0	55.7	1.6	1.8	30.2	4.1	3.0	54.6	1.1	.9	19.4	15.2	11.7	490.2	5.2	1.7	87.0
5. Burglary—breaking or entering.....	17.1	3.5	85.6	8.0	2.0	73.4	23.1	10.2	80.8	14.2	1.4	76.0	32.1	4.4	220.2	14.5	.4	111.9
6. Larceny— theft.....	31.2	12.6	226.0	24.6	12.1	202.7	21.3	11.7	72.1	23.7	7.2	154.0	81.5	29.6	473.6	32.9	3.7	470.4
7. Auto theft.....	11.0	2.1	37.2	8.8	1.1	17.7	16.7	5.3	45.0	12.1	.5	25.0	21.2	4.2	87.2	11.4	1.2	81.2
Total, Part II classes.....	637.7	326.9	2,679.8	201.6	158.4	927.6	735.7	525.3	2,202.5	942.8	447.3	2,253.1	1,000.0	510.4	13,361.0	782.8	176.5	5,820.0
8. Other assaults.....	23.5	10.1	191.4	14.5	18.5	90.5	7.9	7.7	65.7	39.2	23.3	175.4	46.0	33.1	432.1	48.8	9.6	523.0
9. Forgery and counterfeiting.....	7.0	2.0	6.4	3.9	1.3	6.5	15.6	6.2	8.7	1.9	.5	5.1	6.0	2.0	24.0	7.7	1.2	2.2
10. Embezzlement and fraud.....	18.0	6.5	41.3	13.9	7.8	24.6	16.6	5.7	44.3	23.2	5.8	43.3	9.4	4.7	29.1	34.7	5.4	77.5
11. Weapons, carrying, possessing, etc.....	4.4	2.8	47.3	2.8	2.7	38.6	3.0	2.6	19.0	3.6	1.7	34.2	6.1	5.5	228.5	8.3	2.0	79.0
12. Sex offenses (except rape).....	8.0	3.6	54.0	4.0	2.8	45.4	6.4	6.3	28.5	11.8	4.0	23.9	6.3	3.1	160.2	11.4	.8	120.0
13. Offenses against family and children.....	24.4	11.6	67.3	8.6	6.8	23.9	14.4	9.4	42.8	23.2	7.5	37.0	66.5	40.8	357.3	51.7	10.4	180.0
14. Drug laws.....	(⁵)	(⁵)	(⁵)	.1	.2	2.2	4.5	1.2	13.5	1.7	.2	24.5	.9	1	24.0	N. D.	N. D.	N. D.
15. Driving while intoxicated.....	(⁵)	(⁵)	(⁵)	N. D.	N. D.	N. D.	23.8	8.0	20.6	7.2	2.3	4.6	N. D.	N. D.	N. D.	N. D.	N. D.	N. D.
16. Liquor laws ⁶	46.3	35.8	271.6	6.8	5.7	20.5	90.1	68.4	482.3	60.3	85.0	187.0	.6	1	4.1	55.6	20.4	822.2
17. Drunkenness.....	266.0	135.1	470.0	60.0	32.4	67.8	307.5	226.0	628.0	470.5	105.0	641.3	530.8	284.5	4,324.0	157.2	25.0	376.7
18. Disorderly conduct and vagrancy.....	137.1	56.0	825.8	56.0	33.5	212.4	141.6	71.8	392.0	86.8	48.0	260.3	280.2	123.5	5,675.1	265.4	54.1	2,642.1
19. Gambling.....	30.1	21.5	494.3	21.9	26.8	305.2	34.5	30.0	390.9	25.5	10.1	407.2	53.0	17.0	2,093.0	23.2	7.1	644.5
20. Traffic and motor vehicle laws ⁷	(⁵)	(⁵)	(⁵)	N. D.	N. D.	N. D.	65.2	78.8	143.3	69.9	32.3	187.4	N. D.	N. D.	N. D.	125.3	30.5	450.4
21. All other offenses.....	(⁵)	(⁵)	(⁵)	N. D.	N. D.	N. D.	N. D.	N. D.	N. D.	N. D.	N. D.	N. D.	N. D.	N. D.	N. D.	N. D.	N. D.	N. D.
22. Suspicion ⁸	(⁵)	(⁵)	(⁵)	N. D.	N. D.	N. D.	N. D.	N. D.	N. D.	N. D.	N. D.	N. D.	N. D.	N. D.	N. D.	N. D.	N. D.	N. D.

¹ Rates computed from figures appearing in printed annual reports or special tabulations submitted by the police departments, and population estimates based on United States census figures. N. D. is used to indicate that no data were available.

² Uniform Crime Reporting, published by the committee on uniform crime records of the International Association of Chiefs of Police (p. 24). Form used by all of these cities except Los Angeles. Los Angeles gives detailed figures from which these were compiled.

³ Incomplete.

⁴ Liquor laws and local attitudes toward enforcement vary so widely that it is doubtful whether these figures have any value. New York has no State liquor law.

⁵ Returns in these offense classes were incomplete; they were omitted for that reason and because there is some reason to believe they are not yet uniformly interpreted.

⁶ Exclusive of Mexicans.

⁷ Los Angeles does not separate homicides in this manner.

with Chicago, namely, the possibility of a greater increase of Negro population than was included in the estimates.

Of Part II offenses, in these five cities, the foreign born are accused about one-half as often as the native white and about one-eighth as often as the Negro. In no crime class in this category do they show a greater arrest rate than the native white. It will be recalled that in New York State the foreign born were arrested a little more frequently than the native white for violations of the laws regulating the sale, possession, and carrying of dangerous weapons. That seems not to have been the case in these five cities, although the rate of the foreign born in that crime class does tend to rise. The foreign born run up their highest rate in drunkenness. But even so, it is but slightly more than half that of the native born. Examination of the detail for the individual cities discloses no striking deviations from the 5-city total. The widest variations occur in the Negro columns.

Nine cities supplied data in such shape that it was possible to compile a table showing their combined experience as to nativity and country of birth of the persons accused by their police of certain of the most serious offenses. These cities were: Chicago; Detroit; Los Angeles; Cleveland; Cincinnati; Kansas City, Mo.; Rochester, N. Y.; San Francisco; and Cambridge, Mass. The crimes for which there seemed to be fairly comparable data in the material sent were homicide, rape, robbery, aggravated assault, burglary, and selling, carrying, or possessing dangerous weapons contrary to law. Perhaps attention should be called to certain doubts as to the strict comparability of any figures on arrests on rape charges. The law itself varies in different States. The strictness with which the letter of the law is enforced also varies in the diverse cities. That would mean that there might be a very much higher rate of arrest in some cities than in others. However, it would probably not greatly alter the comparative rates as between the different population classes for any one city or for the group as a whole.

The figures are for both sexes, because several of the cities did not show the sexes separately. The 15-year age level was used for reasons described previously. For the benefit of

those desiring to know the actual numbers for the nine cities and for each specific crime the full detail is presented in the appendix. The numbers in some cities were so small that it was felt that computation of rates was undesirable save for the 9-city total, representing their combined experience.

Table VI narrows the field of crimes under consideration to those that most frequently and seriously menace person or property. Here, as in the previous tabulations, the foreign born have a distinctly lower rate of arrest in proportion to numbers than the native white, and, except in rape, only a tenth, or smaller fraction, that of the Negro. The foreign-born rate approaches that of the native white most closely in arrests for aggravated assault. In the vast majority of instances, of course, these represent so-called "crimes of passion." That is, they arise out of personal quarrels or family "feuds," and are not the premeditated, planned type of crime. Nor are they usually aimed at material gain. In crimes for personal gain the native white rate rises conspicuously higher than that of the foreign born. Apparently in so far as police investigation has warranted a conclusion as to who bears the responsibility for robberies in these nine cities, the evidence has pointed to the native white almost four times as often as to the foreign born. Responsibility for burglaries has been laid at the door of the native white about two and seven-tenths times as frequently as at that of the foreign born.

TABLE VI.—Number of persons, per 100,000 of population of same class 15 years and over, charged with certain important offenses by the police departments of nine cities during a 1-year period, by offense, by nativity and color, and by country of birth

Nativity and country of birth	Total number charged, per 100,000 of same population class, 9 cities ¹					
	Homicide	Rape	Robbery	Aggravated assault	Burglary	Weapons
Native white.....	19.4	17.8	108.1	47.5	92.2	28.7
Negro ²	120.5	64.0	481.2	543.5	421.0	222.0
Foreign-born white.....	12.3	11.2	38.1	44.5	34.2	19.1
Austria.....	16.0	4.9	19.7	31.9	9.8	18.4
Canada.....	4.4	3.3	14.8	4.9	38.4	2.7
Czechoslovakia.....	2.1	2.1	6.4	18.0	8.5	2.1
England, Scotland, and Wales.....	5.6	8.1	11.8	4.3	22.9	1.2
France.....	7.5	7.5	18.8	18.8	11.3	7.5
Germany.....	3.6	2.6	2.6	14.0	10.1	4.2
Greece.....	9.7	29.0	22.6	164.6	32.3	58.1
Hungary.....	2.2	2.2	24.7	15.7	4.5	3.4
Ireland.....	6.0	1.3	7.3	11.3	16.0	2.0
Italy.....	53.6	34.8	67.0	102.3	38.7	64.7
Yugoslavia.....	0.0	4.9	9.9	22.3	2.5	4.9
Lithuania.....	21.3	18.3	36.5	161.4	39.0	24.4
Poland.....	8.9	12.1	37.4	52.5	25.6	9.5
Russia.....	7.9	3.2	13.4	29.6	14.8	5.8
Scandinavian countries.....	4.2	1.2	4.8	17.5	22.9	3.0
Mexico ³	77.2	132.7	267.8	417.4	579.1	349.9
All other (white).....	22.5	23.3	85.1	105.1	77.0	36.1

¹ Rates computed from figures taken from annual reports, or from special tabulations provided by the police departments, and population estimates based on census data. Cities supplying these figures were: Chicago; Detroit; Los Angeles; Cleveland; Cincinnati; Kansas City, Mo.; Rochester, N. Y.; San Francisco; and Cambridge, Mass.

² Separate figures for native white and negro were not supplied by San Francisco, but inasmuch as San Francisco's percentage of negro population is only 0.5 of 1 per cent it was considered safe to disregard the deficiency.

³ All Mexican rates are of very doubtful value because of the question as to validity of population estimates.

Review of the comparative rates for the various national units discloses certain interesting points. But allowance should be made throughout for the fact that it is highly probable that the Mexican rates owe part of their excess to underestimation of their numbers in the northern and eastern cities, where the migrating Mexican may have settled down during the past few years. Bearing that in mind there may still be some food for thought in the indications offered by this tabulation. The arrest rate of the native white is exceeded by national groups as follows:

In homicide, by Mexico, Italy, Lithuania, and the "All other group."

In rape, by Mexico, Italy, Greece, Lithuania, and the "All other group."

In carrying weapons, by Mexico, Italy, Greece, and the "All other group."

In assault, by Mexico, Greece, Lithuania, Italy, and the "All other group."

In robbery, by Mexico alone.

In burglary, by Mexico alone.

As they stand, these figures seem to disagree radically with the popular belief that a high percentage of present-day banditry may be ascribed to the "alien." Certain groups do run comparatively high rates for offenses involving personal violence. How many of those offenses were committed in connection with crimes for gain is not shown. In certain cities some would undoubtedly be connected with gang wars or with intimidation measures in extortion or racketeering activities. But only a bit of careful research would reveal how many crimes of that particular sort are perpetrated by foreign born as compared with native born. Time and funds did not permit the making of intensive studies of problems of that kind.

A great many police officials with years of experience in investigating crimes of violence express the opinion that in the majority of such crimes by foreign-born persons the victim is a member of the same national group, frequently a friend or associate. The immediate causative factor has often been something of a personal nature, an argument over a gambling game, quarrelsomeness resulting from too heavy drinking, jealousy in connection with attentions to a member of the opposite sex, some reflection on personal or family honor. Such cases form a type of offense distinctly different from those associated with organized professional crime. These points will be discussed again in Section VIII in the light of observations made by persons familiar with the characteristics and behavior of diverse national groups.

Summarizing briefly the statistical evidence offered in this section leads to these conclusions:

1. In cities of diverse characteristics and varying size, scattered throughout the country, the police find good reason to accuse the native-born white and the Negro of crime very much more frequently than the foreign born.

2. The foreign-born arrest rate, in proportion to their numbers of the same population class and of similar sex and age characteristics, approaches that of the native white most nearly in crimes involving personal violence and drops below it most decisively in crimes committed for gain.

SECTION III

CONVICTIONS OBTAINED

Interesting and valuable information could no doubt be secured were it possible to follow each of the cases listed in the foregoing section as an arrest through to its final disposition and to tabulate those dispositions by nativity and country of birth. Unfortunately such detailed tabulations are not routinely prepared by any of the agencies engaged in administering criminal justice.

However, material of that description is partially available from four of the principal cities. The annual reports of the Chicago police department have for many years carried tables showing convictions obtained, on charges preferred by the police, by country of birth of the offender. Dispositions other than convictions are not shown. The Cleveland police department prepared a special table showing felony convictions, on charges preferred by the police, for the years 1922 to 1926, inclusive, by country of birth of the accused. The police departments of Detroit and Los Angeles made special tabulations of convictions, by country of birth of the accused, for the year just past. This material has been utilized in the preparation of Tables VII to IX, inclusive.

Before examining these tables it would be well for the reader to give some thought to just what is meant by convictions in relation to arrests as criminal justice is actually administered in the United States to-day.

The list of persons convicted does not by any means contain the names of all the arrested persons who are, in fact, guilty. In the first place, the police are not always able to produce the evidence necessary to convince a judge or jury of the guilt of the man they have accused. This may be the result of inefficiency on the part of the officers. Or it may be due to circumstances quite beyond their control. Every

wide-awake observer of criminal trials knows that not infrequently prosecution witnesses are intimidated, or are persuaded in some other manner to alter their original stories, and that long delays in bringing criminals to trial often means that important witnesses are no longer at hand.

In the second place, police inefficiency is not the only factor at work to hamper successful prosecution of guilty persons. In his volume on *Politics and Criminal Prosecution*, Raymond Moley has given an accurate and graphic picture of the American prosecution system, and the influence it inevitably delivers into the hands of the professional politician. The attorney for the State wins and retains his position by virtue of votes. He holds almost complete power to determine whether or not a criminal case shall be vigorously prosecuted. He may let it be dismissed for lack of prosecution. Or he may let it be lost through failure to produce important witnesses, or failure to so question those produced as to bring out all the incriminating facts. Or he may compromise a case; that is, he may permit a man against whom the police have brought several charges amply substantiated to plead guilty to one count, all other charges being then dropped.

It is easy to see how this last practice, unhappily common, affects the conviction list. For police charges usually represent not individuals but charges for specific offenses. If a man conceded to be guilty of 10 burglaries pleads guilty to 1, and the 9 are then "dismissed," the bare figures might lead the uninformed individual to conclude that in 9 out of the 10 cases the accused individual was innocent.

This system, that tends to place the prosecutor at the mercy of the politician, opens wide the door for the entry of a certain type of attorney for the defense. Every city produces its crop of successful criminal lawyers. Some of these men make little or no pretense of fighting the great bulk of the cases they try on the merits inherent in those cases. They are clever, shrewd men, with a thorough acquaintance with all the methods of winning those delays in trial that are so helpful to the guilty, and with the innumerable technicalities that may be invoked to balk justice. In

addition, many of them are adepts at the game of bargaining. They take care to maintain powerful political connections. Campaign contributions flow into this or that coffer at their suggestion. They may not be crossed with impunity by the politically ambitious. They are usually reasonable men. They recognize that a prosecutor must roll up a record for a certain number of convictions to impress the voting public. But sadly enough, from the point of view of justice, it is the most important clients of just such attorneys who are the most guilty. The innocent man or the petty criminal without gang connections usually finds the fees of such lawyers prohibitive.

Conviction tabulations can be intelligently evaluated only if full recognition is given to the fact that a considerable percentage of guilty persons has been eliminated through the operation of selective factors, and that among those escaping tabulation are many of the individuals who belong in the category of the professional criminal rather than in that of the occasional offender.

There are some notable features about Chicago's experience during the past 15 years in the matter of convictions. Table VII reveals a steady decline in the felony conviction rate since 1915. The average rate for the years 1925-1929 is 35 per cent less than it was during the period 1915-1919. It will be remembered that Table IV disclosed the felony arrest rate in Chicago to have been steadily mounting during the same period. The felony conviction rate for the foreign born seems to have been decreasing at a more rapid rate than that of the native white. In the misdemeanor field, Table VII-A, the general conviction rate has risen slightly. But, curiously enough, while the native white and the Negro were maintaining an increased rate, the foreign born were achieving approximately a 25 per cent decrease in this direction also.

TABLE VII.—Number of men and boys, per 10,000 of male population of the same class, 17 years and over, convicted of felonies, by nativity and color, for three 5-year periods, as reported by the Chicago police department¹

Nativity and color	Average number per year per 10,000 of male population of same class, 17 years and over, convicted of felonies		
	1915-1919	1920-1924	1925-1929
Total.....	43.2	36.7	28.0
Native white.....	47.5	42.5	32.4
Negro.....	116.0	103.5	144.2
Foreign born.....	30.1	16.1	10.1

¹ See footnote 1, Table IV.

TABLE VII-A.—Number of men and boys, per 10,000 of male population of the same class, 17 years and over, convicted of misdemeanors, by nativity and color, for three 5-year periods, as reported by the Chicago police department¹

Nativity and color	Average number per year per 10,000 of male population of same class, 17 years and over, convicted of misdemeanors		
	1915-1919	1920-1924	1925-1929
Total.....	364.7	438.9	422.9
Native white.....	426.5	540.0	539.9
Negro.....	555.0	942.7	1,201.0
Foreign born.....	271.3	264.9	200.0

¹ See footnote 1, Table IV.

TABLE VII-B.—Number of men and boys, per 10,000 male population of same class, 21 years and over, convicted of felonies, by nativity and color, and by country of birth, as reported by the Chicago police department for three 5-year periods¹

Nativity and color	Average number per year, per 10,000 of male population of same class, 21 years and over, convicted of felonies		
	1915-1919	1920-1924	1925-1929
Total.....	46.8	30.9	30.4
Native white.....	54.2	48.5	37.0
Negro.....	124.3	174.1	155.7
Foreign born.....	30.8	16.0	10.5
Austria.....	55.7	17.6	4.3
England, Scotland, and Wales.....	14.7	6.0	3.0
Canada.....	13.0	5.0	4.4
Czechoslovakia.....	10.1	8.8	6.4
Germany.....	24.8	7.3	5.5
Greece.....	29.5	32.8	13.8
Hungary.....	17.4	10.1	3.6
Ireland.....	20.4	4.9	5.1
Italy.....	38.0	27.4	20.0
Lithuania.....	66.3	30.1	22.1
Poland.....	48.1	26.5	14.0
Russia.....	32.3	12.2	4.3
Scandinavian countries.....	12.2	4.7	3.8
All others.....	34.4	37.6	30.8

¹ See footnote 1, Table IV.

TABLE VII-A.—Number of men and boys, per 10,000 of male population of same class, 21 years and over, convicted of misdemeanors, by nativity and color, and by country of birth, as reported by the Chicago police department for three 5-year periods¹

Nativity and color	Average number per year, per 10,000 of male population of same class, 21 years and over, convicted of misdemeanors		
	1915-1919	1920-1924	1925-1929
Total.....	305.1	470.7	460.1
Native white.....	480.2	617.2	616.9
Negro.....	500.2	1,005.2	1,280.1
Foreign born.....	278.2	272.3	205.5
Austria.....	436.1	229.7	124.0
Canada.....	100.8	54.2	31.6
Czechoslovakia.....	147.7	161.1	94.6
England, Scotland, and Wales.....	140.3	86.5	62.3
Germany.....	212.0	126.9	92.3
Greece.....	885.2	734.5	422.5
Hungary.....	192.3	180.0	86.0
Ireland.....	274.8	185.6	145.2
Italy.....	268.0	363.2	265.4
Lithuania.....	440.0	727.4	468.6
Poland.....	320.2	300.2	281.2
Russia.....	270.0	217.2	91.8
Scandinavian countries.....	219.7	273.8	264.3
All others.....	350.0	444.3	428.4

¹ See footnote 1, Table IV.

Of primary concern in this connection is the fact that during the recent years, 1925-1929, the foreign born in Chicago were convicted of felonies only about one-third as often as the native white and but slightly more than one-third as often were convictions against them registered in the misdemeanor field.

Examination of Table VII-B, where felony conviction rates for the various national units are shown, reveals that the decrease has been fairly consistent throughout. In no instance does this period show an increase over the 1915-1919 average. Greece had registered a slight increase in the 1920-1924 average, but this was more than wiped out during the next five years. Greece, Italy, Lithuania, Poland, and the "All other group" show rates above that for the total foreign born. None show a rate as high as that of the native white.

In Table VII-C, for misdemeanor convictions, the national units show a little more variation but nothing especially worthy of note. In the 1920-1924 period Czechoslovakia, Lithuania, Poland, the Scandinavian countries, and the "All other group" registered higher rates than in 1915-1919. All showed distinct decreases in 1925-1929, Czechoslovakia and Poland dropping below their 1915-1919 rates, Lithuania, the Scandinavian countries, and "All others" continuing to maintain rates slightly higher than in 1915-1919. In no case did the rate of a foreign-born unit rise as high as that of the native white. The countries whose misdemeanor conviction rate was higher than the general foreign-born rate were Greece, Italy, Lithuania, Poland, the Scandinavian countries, and the "All other group."

Table VIII presents the figures for convictions on felony charges brought by the Cleveland police during 1922 to 1926, inclusive. In that city during those years, as in Chicago during the years 1925 to 1929, the foreign-born white ran an average annual conviction rate, per 10,000 foreign-born male population 21 years and over, considerably less than half as high as the corresponding rate for the native white and less than one-tenth as high as that of the Negro.

TABLE VIII.—Average number of persons, per year, per 10,000 of male population, 21 and over, of same population class, convicted of felonies on charges brought by the Cleveland police department during the years 1922-1926, inclusive, by nativity and color, and by country of birth.¹

Nativity and country of birth	Average number of felony convictions per year, per 10,000 of male population, 21 and over, of same population class, Cleveland, 1922-1926	Nativity and country of birth	Average number of felony convictions per year, per 10,000 of male population, 21 and over, of same population class, Cleveland, 1922-1926
Total.....	27.0	Germany.....	8.3
Native white.....	27.1	Greece.....	39.3
Negro.....	152.3	Hungary ²	2.4
Foreign-born white.....	12.0	Ireland.....	25.0
Chinese.....	(?)	Italy.....	24.8
Austria ³	51.0	Poland.....	5.2
Canada.....	18.4	Russia.....	21.2
England, Scotland, and Wales.....	7.3	All other.....	2.0

Rates computed from special tabulation provided by Cleveland police department, and population estimates based on census data.

¹ Average convictions per year only 1.4.

² High rate for Austria and relatively low rate for Hungary may be due to errors in registering birthplace where these two countries are concerned.

Two of the national units show a higher rate than the native white, namely Austria and Greece. As indicated in footnote 3 of Table VIII, the relatively high Austrian and low Hungarian rates might be due to confusion on the part of the police in registering the place of birth where these two countries are concerned.

In Tables IX and IX-A is presented the experience of the Detroit police for the year 1930, in the matter of securing convictions. These data are in slightly different form from Chicago's and Cleveland's, but all are roughly comparable. Detroit follows the new uniform crime classification, while Chicago and Cleveland figures are for all felonies. And a slightly different age adjustment has been made for the two cities. But Part I offenses in the uniform classification include the important crimes most frequently committed. To compare Detroit's conviction rates for Part I offenses with the felony conviction rates in Chicago and Cleveland is therefore of considerable interest. Their close

resemblance is noteworthy. Chicago's average conviction rate for felonies, during the period 1925-1929, was 32.4 for native white and 10.1 for foreign born. Cleveland's average felony conviction rate during 1922-1926 was 27.1 for native white and 12.6 for foreign born. Detroit's conviction rate for Part I offenses, during 1930, was 35.4 for native white and 14.1 for foreign born. Part II offenses include too many felonies to be properly compared with any misdemeanor rates. The native white in Detroit were convicted of Part II offenses about 1.5 times as often as the foreign born.

TABLE IX.—Number of males, per 10,000 of male population of the same class, 15 years and over, convicted of certain offenses, on charges preferred by the police in Detroit, during the year 1930, by nativity and color, and by offense

Uniform classification of offenses	Number of males convicted per 10,000 of male population of same class 15 years and over ¹				
	Total	Native white	Foreign-born white	Negro	Other races
Total.....	200.50	192.64	113.71	976.74	85.01
Total, Part I.....	40.66	35.45	14.10	308.79	10.63
1. Felonious homicide:					
(a) Murder and nonnegligent manslaughter.....	.92	.31	.27	12.75	-----
(b) Manslaughter by negligence.....	.16	.17	.08	.62	-----
2. Rape.....	.61	.71	.16	3.11	-----
3. Robbery.....	4.49	4.41	1.41	29.85	-----
4. Aggravated assault.....	.89	.23	.43	11.82	-----
5. Burglary.....	5.85	5.21	1.53	47.27	-----
6. Larceny.....	25.31	21.53	9.63	191.24	10.63
7. Auto theft.....	2.43	2.88	.59	12.13	-----
Total, Part II.....	159.84	157.19	99.61	667.95	74.38
8. Other assaults.....	12.13	8.11	11.00	65.30	-----
9. Forgery.....	2.19	2.85	1.06	4.04	-----
10. Embezzlement.....	5.42	6.78	2.47	13.99	-----
11. Weapons.....	2.90	1.88	1.41	25.81	-----
12. Sex (except rape).....	3.65	2.62	2.00	27.99	-----
13. Family, offenses against.....	6.18	6.35	4.56	17.10	10.63
14. Drug laws.....	.14	.09	.04	1.55	-----
15. Liquor laws.....	2.16	1.45	2.00	11.19	-----
16. Drunkenness.....	51.73	65.61	31.00	66.24	21.25
17. Disorderly conduct and vagrancy.....	44.09	45.75	26.24	167.92	21.25
18. Gambling.....	29.25	15.80	17.83	266.82	21.25

¹ Rates computed from figures supplied by Detroit police department, and population estimates based on United States census data.

TABLE IX-A.—Number of foreign-born white males, per 10,000 of male population of same class, 15 years and over, convicted of charges preferred by the police in Detroit, during the year 1930, by country of birth and by Part I and Part II offenses, uniform crime classification

Country of birth	Number of males convicted per 10,000 of male population of same class 15 years and over ¹	
	Part I, total ²	Part II, total ²
Total.....	14.10	99.61
Austria.....	18.94	130.60
Canada.....	13.83	78.56
Czechoslovakia.....	3.19	3.19
England, Scotland, and Wales.....	10.73	100.51
France.....	14.55	101.82
Germany.....	8.70	47.55
Greece.....	3.07	328.60
Hungary.....	13.46	57.19
Ireland.....	4.87	279.18
Italy.....	17.80	63.56
Yugoslavia.....	2.45	49.09
Lithuania.....	13.90	114.70
Poland.....	17.32	109.99
Russia.....	8.45	64.39
Scandinavian countries.....	5.72	137.27
Mexico.....	640.47	1,572.05
All others.....	9.25	120.29

¹ Rates computed from conviction figures supplied by the Detroit police department and population estimates based on U. S. census data.

² For offenses included in Part I and Part II see Table VIII.

Review of the conviction rates for particular offenses discloses that in convictions as in arrests the foreign-born rates approached the native white most nearly in crimes of personal violence. They very nearly equaled the native white in homicide and exceeded it almost 2 to 1 in aggravated assault. But in robbery and burglary the native white was convicted almost three times as frequently as the foreign born. In larceny of all kinds the native white was found guilty more than twice as often. For Part II offenses, assaults, liquor laws, and gambling, found the foreign born running a higher rate than the native white. But they were convicted of drunkenness less than half as often.

In Table VIII-A the foreign-born white total is broken up into national units. Mexico's showing is amazingly high; but, as noted previously, this rate is probably excessive.

There has been a very considerable influx of Mexicans in this area. However, even if it were to develop that there were ten times as many Mexicans in Detroit as was estimated, so that the rate should be but one-tenth of this figure, it would still be more than three times that of any other national unit in the foreign-born group and almost twice that of the native white. Except for this Mexican rate no other national unit's rate exceeded that of the native white. The two highest, Italy and Poland, ran just about half the native-white rate. In lesser offenses (Part II) Greece, Ireland, and Mexico exceeded the native-white rate. All other national units fell below it in varying degrees.

Table X makes it possible to compare the experience of Los Angeles with that of Chicago, Cleveland, and Detroit in the field of felony convictions. Los Angeles did not give the sexes separately. Therefore the rates were computed on the basis of total population 15 years and over. Obviously the inclusion of women gives a decided advantage in the matter of rates to the native white over the foreign born. On the other hand, the Negroes were not segregated from the native white. Therefore the native-born rate is for the combined native white and Negro sections of the population. If the same tendency on the part of the Negro to maintain a comparatively high crime rate that has been noted in other cities prevails in Los Angeles that would influence the combined rate in an upward direction. How far these two factors actually affected the rate can not be determined.

TABLE X.—Number of persons per 10,000 of population of same class, 15 years and over, convicted of felonies, upon charges brought by the Los Angeles police, during the year ending June 30, 1930, by country of birth.¹

Nativity and country of birth	Number per 10,000 of same population class, 15 years and over, convicted of felonies	Nativity and country of birth	Number per 10,000 of same population class, 15 years and over, convicted of felonies
Native born ²	12.71	Greece.....	8.76
Foreign-born white.....	15.07	Hungary.....	8.46
Indians, Chinese, Japanese, and other Asiatic races.....	9.07	Ireland.....	10.81
Austria.....	10.04	Italy.....	7.30
Canada.....	19.82	Poland.....	8.35
England, Scotland, and Wales.....	10.84	Russia.....	10.24
France.....	6.90	Scandinavian countries.....	5.67
Germany.....	6.86	Mexico.....	54.85
	5.87	All others.....	10.19

¹Computed from figures contained in the annual report of the Los Angeles police department and a special tabulation prepared by them, and population estimates based on census figures.

²Not separately given for whites and negroes.

³Including Mexicans.

⁴Excluding Mexicans.

In any case, in Los Angeles the native born showed a decidedly lower felony conviction rate than in Chicago, Cleveland, or Detroit. If the Mexican population is included with the foreign born, the rate for that group exceeds the native-born group very considerably. The Mexican population in Los Angeles is large. They are arrested many times more frequently than any other group in the population. From the figures shown here it would seem that they are likewise convicted about five times as often as any other national unit except the Austrian. The Austrian figure may be entirely wrong. The complete absence of convictions for Czechoslovakia and Yugoslavia arouses a suspicion that some of those appearing in the Austrian total actually belong in the ranks of these two new countries.

If the foreign-born white rate for Los Angeles is computed without the Mexicans it drops to 9.07. It will be recalled that Chicago's felony conviction rate for the foreign-born white was 10.1, Cleveland's was 12.6, and Detroit's 14.1 for Part I offenses. When the Detroit rate is computed without the Mexicans it becomes 12.4. The uniformity of the foreign-born felony conviction rate in these

four cities so differently constituted economically, socially, politically, and climatically was a surprising discovery. Another interesting point was the similarity of the felony-conviction rate for the Indian, Chinese, Japanese, and All Other Races group in Detroit (10.63) and Los Angeles (10.04).

In Los Angeles, as in Cleveland, Chicago, and Detroit, no one of the national units had a felony conviction rate exceeding that of the native white, with the exception of the highly suspected Austrian figure, and that of the Mexican.

The effect of a study of the figures on convictions presented in this section, for the four cities from which such figures were procured, is to greatly strengthen the conclusion reached in Section II. That was that the foreign born in general are found to commit less crime, in proportion to their numbers, of like age and sex, than the native born, and that the foreign born approach the crime standard set by the native born most nearly in crimes of personal violence and drop farthest below it in crimes for gain.

SECTION IV

CASES CHARGING CRIMINAL VIOLATION OF THE FEDERAL PROHIBITION LAWS FILED AND TERMINATED IN UNITED STATES DISTRICT COURTS

Through the cooperation of the United States attorneys in all districts, figures were secured for the four months ending June 30, 1930, on the number of cases filed in the United States district courts in which the charges were criminal violations of the Federal prohibition laws, and on cases of that character terminated during that same period by conviction, by acquittal, or by some other disposition. These figures, for the districts in the United States proper, exclusive of Territories and possessions, were used for Table XI.

For the analysis of these data a different method was adopted. The population figures were so large as compared with those in some of the units to be studied that computation of rates per 10,000 or per 100,000 seemed undesirable. Therefore there is here shown the per cent distribution of the male population 21 years and over (1920), by nativity and country of birth, and in adjacent columns, in the same manner, is run the same per cent distribution for the Federal prohibition cases initiated and terminated in the United States district courts during the four months ending June 30, 1930. The reports received did not show the sexes separately. But persons familiar with this field have observed that the number of women, and of boys under 21, prosecuted in the United States district courts are relatively few. Therefore the comparison was made on the basis of the male population 21 years and over.

In view of the great popular interest in prohibition at the present time, and of the many currently expressed opinions as to the importance and frequency of the foreign born in violations of this character the figures in Table XI seem

especially significant. The almost exact conformity of the native-white percentage of prohibition charges filed to their percentage of the male population 21 years and over in 1920 is striking. The Negro percentage is slightly higher, the foreign born slightly lower than their respective population percentages.

TABLE XI.—Per cent distribution of male population 21 years and over, 1920, and of cases of criminal violation of the Federal prohibition laws filed, and terminated, in United States district courts, during 4 months ending June 30, 1930, by nativity and color and by country of birth¹

Nativity and country of birth	Per cent distribution				
	Male population 21 years and over, 1920 census	Federal prohibition cases, United States district courts, 4-month period			
		Indictments or informations filed	Cases terminated by—		
			Conviction	Acquittal	Other disposition
Total.....	100.00	100.00	100.00	100.00	100.00
Native white.....	68.61	68.57	68.79	64.82	64.28
Negro.....	3.77	10.35	12.30	10.95	8.85
Foreign born.....	22.40	20.40	18.13	22.96	19.84
Austria.....	.06	.09	.72	.00	.55
Canada.....	1.53	.43	.54	.26	.70
Czechoslovakia.....	.53	.30	.30	.21	.23
England, Scotland, and Wales.....	1.75	.31	.30	.11	.23
France.....	.24	.12	.12	.11	.09
Germany.....	2.73	1.70	1.44	1.84	1.80
Greece.....	.43	.52	.58	.42	.89
Hungary.....	.62	.36	.35	.32	.30
Ireland.....	1.43	2.06	1.17	2.04	1.25
Italy.....	2.73	6.37	5.02	5.80	7.03
Yugoslavia.....	.34	.23	.38	.11	.19
Lithuania.....	.25	.43	.47	.74	.28
Poland.....	1.02	1.77	1.81	2.03	1.70
Russia.....	2.17	1.37	1.00	3.00	.93
Scandinavian countries.....	2.04	.56	.33	1.32	.60
Mexico.....	.60	1.44	1.63	.53	1.10
All others.....	1.63	1.38	1.19	1.58	1.64

¹ Percentages computed from figures supplied by United States attorneys, and from 1920 census data. Courts outside continental United States were omitted.

Objections to this comparison may be raised on the ground that the percentage distribution for these classes of population has probably changed in the past decade. That will no doubt prove true. When the 1930 percentages become available it will be most interesting to substitute them for the 1920 figures now appearing in the first column of this table.

For the present it is possible to make just one observation on this point. From the census bulletins released up to the time of this writing it has been noted that the foreign-born percentage in various regions is dropping at a variable rate, the average running somewhere around 3 per cent. If the total for the United States should prove to have decreased 3 or 4 per cent that will mean that the foreign born were being prosecuted and convicted for Federal prohibition violations in proportion almost identical with their share of the male population 21 years and over. That decrease will be shared as an increase by the native white and Negro groups. In any case it does not seem unreasonable to predict that the change will not very materially alter the present picture. The various population classes seem to be accused of violations of the Federal prohibition laws in surprisingly close conformity to their respective shares of the male population 21 years and over. Closer inspection shows certain national units registering percentages of Federal prohibition cases considerably out of proportion to their percentages of the population. Most conspicuous of these are Italy and Mexico, with 2.3 and 2.4 times as high a percentage as would be normally expected. Other units running higher percentages than their proportion of the population would warrant are Lithuania, 1.7 times the expected per cent, Ireland 1.4, Greece 1.2, and Austria only 1.03 times their respective percentages of population. All other units run Federal prohibition case percentages lower than their population percentages, in varying degrees.

A study of the cases terminated during this same period is of some interest. It must be remembered that the chances are that few of these cases are identical with any of those in the previous column. The crowded calendars of the Federal courts usually mean that not many cases, except those that plead guilty without delay, are brought to a conclusion within four months. Therefore the figures on cases terminated are not strictly comparable to those for cases initiated during the same period. But perhaps a rough comparison of the relative percentages is permissible.

In the conviction column the native-white percentage may be observed to run slightly higher, the Negro noticeably

higher, and the foreign born lower than their respective percentages of the population. Of the national groups Austria and Ireland are found to drop out of the higher percentage lists, while Yugoslavia enters it by a very narrow margin.

In the acquittal column the native white seem to fare relatively poorly, the foreign born comparatively well. That is, the native white acquittal percentage is somewhat lower than their percentage of cases filed, the reverse being true of the foreign born.

The most noticeable figure in the fifth column is Italy's relatively high percentage of cases terminated by some other disposition than acquittal or conviction.

These figures represent too limited an experience in time and in number of cases to serve as a basis for definite conclusions. They may, however, be accepted as indication that further study would probably find the native-white and the foreign-born groups accused and convicted of violations of the Federal prohibition laws in proportions very closely approximating their relative shares of the male population 21 years and over.

SECTION V

COMMITMENTS TO INSTITUTIONS FOR PETTY OFFENDERS

Five correctional institutions for petty offenders supplied tabulations showing their annual admissions for five years by country of birth. This permitted the computation of 5-year averages for annual commitments to these institutions. Some did not separate the sexes. Therefore the total figure had to be used.

Several problems arose in connection with the analysis of this material. Most of these institutions maintain a policy of boarding prisoners for municipalities and counties other than those in which they are situated. Some care for Federal prisoners. The area served becomes more or less indeterminate. Rates per ten or per hundred thousand become impracticable. It is true, however, that the great majority of persons admitted are sentenced by city or county courts within the same county as the institution. Therefore, for these data the following method of presentation was adopted:

The percentage distribution of the average annual admissions, by nativity and country of birth was computed. The same percentage distribution of the total population for the county in which the institution is located was then determined and set up in an adjacent column. The census does not give, by counties, the figures necessary to make age adjustments for the different classes by country of birth. Therefore these comparisons have been prepared on the basis of total population, all ages, and both sexes. They provide but a crude measuring rod, useful only within certain recognized limits. The native born have a distinct advantage through their large proportion of women and children. It is quite possible that this will more than offset the probable

slight decreases in foreign-born percentages during the past decade.

Before attempting to read any kind of meaning into these data it is necessary to understand exactly what place is occupied in the delinquency field by the persons admitted to institutions of this character, and to know something about the selective factors at work in the determination as to which convicted persons shall actually serve time.

In these five institutions men are confined whose sentences vary from two days to life. But the long-term man who is there instead of in State prison is comparatively rare. Somewhere around an average of 65 per cent are serving for 30 days or less. About 95 per cent are in for one year or less. Among these short-term men are a great many who are serving time because of their inability to pay a fine. None of the regularly issued reports show just how many are in that class. A short study made of one month's consecutive admissions to the Chicago House of Correction showed that during January, 1929, 46.1 per cent of all incoming prisoners were committed for nonpayment of fines. An additional 24.1 per cent made partial payment but were committed for nonpayment of the balance. Another 7.5 per cent who received sentences combining a workhouse term and a fine, served the straight term imposed, and, over and above that, part or full time for nonpayment of fine. Thus more than 75 per cent served time when they might have been at liberty had they had the means to meet the fines. Unless this practice has been changed radically in other parts of the country in very recent years the jails and workhouses from coast to coast and border to border detain at least half their prisoners for this inability to pay fines. In 1923 the Bureau of the Census in its special report on commitments to reformatory and penal institutions reported that 52.9-per cent of jail and workhouse inmates were imprisoned for nonpayment of fines.¹ Obviously one of the biggest factors at work determining which convicted men shall be committed to jails or workhouses is the ability, or

¹ Prisoners: 1923, U. S. Bureau of the Census, Table 71, p. 112.

inability, to pay for the privilege of committing certain types of offenses.

The number sentenced on conviction of being drunk or disorderly varies somewhat, ranging from 23 to 63 per cent. Those charged with vagrancy or kindred offenses range from 12 to 36 per cent of the total. The experience of all of the institutions seems to be somewhat similar in the matter of repeaters, running somewhere around 40 or 45 per cent of the total admissions. Comparatively speaking, the number of men committed to this class of institutions for serious offenses against person or property are few. Nevertheless, those who know human behavior intimately will recognize that these petty offenders constitute a group with infinitely higher potentialities for crimes against person and property than will be found among the same number of citizens at large.

In Section III certain factors were pointed out as operative in determining what men shall stand convicted. These factors continue to operate here in an attempt to save the convicted man from a term in jail. The suspended sentence and probation offer hope. Two things in particular determine whether or not there shall be fairness in the selection of those who are to be confined. First, the quantity and quality of probation service which the community provides is of the utmost importance. If it is of high standards, the sentencing judge will have at his disposal all the facts concerning the convicted man's previous history that an energetic and intelligent investigator can provide. He will also have, in cases where its desirability is indicated, an unbiased report by properly qualified examiners on the man's mental condition. Secondly, the best investigation that can be made becomes useless unless the judge is one who, without exception, bases his decision solely on the facts in the case, and who can never be influenced by emotional appeals or by persuasion that has nothing to do with the probability of the prisoner's repeating his offense if released. If these things are borne in mind, these data may be scanned without danger of misjudging their importance in relation to the total crime field.

In the column showing the total, which represents the combined experience of these five counties, it will be noted that the native born contribute a slightly higher and the foreign born a slightly lower percentage of the admissions to institutions than would be expected if they were committed in exact proportion to their respective shares of the population. Of the national groups Austria, Ireland, Lithuania, and the all others group contribute considerably more than their share. All other units show less percentages of commitments than of population.

If objection to this method should be raised on the ground that the 1930 percentages may be greatly changed, the objections may be answered as in the discussion of Table XI. Census releases to date do foreshadow changed percentages, but not of so radical a character as to very materially alter the present picture for comparative purposes.

TABLE XII.—Per cent distribution of admissions to 5 correctional institutions for petty offenders (average per year for 5-year period); and of population in areas served by these institutions, 1920 census, by nativity and country of birth¹

Nativity and country of birth	Per cent distribution											
	Of total population (1920)	Of total admissions	Allegheny County (Pa.) Workhouse		Chicago House of Correction		Cleveland Correction Farm		Detroit House of Correction		Erie County (N. Y.) Penitentiary	
			Of population Allegheny County (1920)	Of average annual admissions (1925-1929)	Of population, Cook County (1920)	Of average annual admissions (1925-1930) ⁴	Of population, Cuyahoga County (1920)	Of average annual admissions (1926-1930)	Of population Wayne County (1920)	Of average annual admissions (1925-1929)	Of population Erie County (1920)	Of average annual admissions (1924-1929) ⁵
Total.....	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Native born ²	72.81	75.89	79.00	80.24	70.77	73.85	71.77	73.80	70.65	83.52	76.57	68.43
Foreign-born white.....	27.10	23.91	20.96	19.50	29.13	25.88	28.19	26.09	29.27	16.33	23.21	31.41
Other races ³.....	.09	.20	.04	.26	.10	.27	.04	.11	.08	.15	.22	.16
Austria.....	1.32	2.51	2.04	4.80	1.11	1.61	1.75	4.63	1.15	.91	.62	3.02
Canada.....	1.83	1.37	.22	.19	.96	.81	1.14	.98	5.70	2.40	2.82	2.62
Czechoslovakia.....	1.57	.55	1.55	.60	1.95	.62	2.87	1.16	.35	.16	.10	N. D.
England, Scotland, and Wales.....	1.84	1.35	2.21	.74	1.42	1.03	2.09	1.93	2.46	1.01	1.65	2.39
France.....	.20	.09	.28	.06	.17	.09	.15	.06	.17	.04	.38	.23
Germany.....	3.57	1.19	2.44	.54	4.23	1.57	3.24	1.25	2.95	.33	4.15	1.98
Greece.....	.33	.27	.29	.36	.41	.35	.38	.20	.43	.29	.12	.09
Hungary.....	1.34	.69	1.19	.57	.91	.35	3.35	1.63	1.33	.53	.77	.58
Ireland.....	1.52	3.18	1.69	1.79	1.96	3.70	1.14	4.15	.68	.55	1.27	5.90
Italy.....	2.17	1.21	2.46	2.48	2.17	.98	2.06	1.12	1.51	.77	2.98	1.89
Yugoslavia.....	.63	.22	.94	.45	.35	.09	1.56	.38	.36	.28	.11	.99
Lithuania.....	.44	.70	.30	.41	.70	1.23	.30	.66	.27	.29	.01	N. D.
Poland.....	4.72	4.62	2.52	2.45	4.85	4.88	3.95	3.61	6.48	4.87	6.09	6.64
Russia.....	2.71	1.66	1.72	1.47	3.51	1.87	2.55	1.38	2.74	1.02	1.13	2.78
Scandinavian countries.....	1.62	1.56	.29	.27	3.24	2.90	.29	.06	.48	1.32	.35	1.68
All others (white).....	1.29	2.74	.82	2.29	1.19	3.75	1.47	1.99	2.26	1.56	.66	1.54

¹ Percentages computed from annual reports of the 5 institutions, for most recent 5-year period, for which such reports were available, and from U. S. Census, 1920.

² Negroes included with native-born white in reports received.

³ Consisting primarily of Chinese and Japanese in the institution figures, the population percentages being that of the census group, "Ind. Chin. Jap. and all others."

⁴ Exclusive of 1926, the annual report for that year not being available.

⁵ Exclusive of 1925, the annual report for that year not being available.

A review of the detail for the different institutions shows distinct variation at two points. In the columns for Detroit the foreign born contribute a very much smaller proportion of commitments than is the case for Pittsburgh (Allegheny County), Chicago, and Cleveland. In Buffalo (Erie County) the situation is reversed. In this area alone were the foreign-born commitments found to exceed by a considerable margin the percentage expected on the basis of their proportion of population. This excess seems to be carried by Austria, England, Scotland and Wales, Ireland, Poland, Russia, the Scandinavian countries, and the all others group. The figures for Ireland in particular rise far above the population percentage. It may perhaps be noted in this connection that the Erie County Penitentiary is one of the institutions in which a high percentage (63.8) were sentenced for drunkenness or disorderly conduct. In Detroit only 38 per cent were sent up on those charges.

The commissioner of correction of New York City, in his annual reports for the years 1925-1929, inclusive, supplied information on the nativity and country of birth of all persons committed to New York City institutions. These data were not included in Table XII because they are not strictly comparable to the figures shown there. The New York data include persons committed to institutions for detention pending trial. The exact proportion in this group as compared with the sentenced prisoners is not shown. But the commissioner estimates that approximately 40 per cent were sentenced men.

The per cent distribution method was followed in presenting the material. An age adjustment to 15 years and over was made. Approximately one-fourth of the total were men charged with disorderly conduct or intoxication. But the inclusion of persons detained pending trial brought in a very much larger proportion of individuals charged with serious offenses than was to be found in the five institutions that provided the data for Table XII.

TABLE XIII.—Per cent distribution of admissions to New York City correctional institutions, 5-year average 1925-1929, and of the population of New York City, 15 years and over, 1920 census, by nativity and country of birth¹

Nativity and country of birth	Per cent distribution	
	Of population 15 years and over, 1920	Of total admissions
Total.....	100.00	100.00
Native born ²	52.12	60.88
Foreign-born white.....	47.70	34.32
Other races.....	.18	4.80
Austria.....	3.07	2.19
Canada.....	.03	.02
Czechoslovakia.....	.07	.07
England, Scotland, and Wales.....	2.18	1.15
France.....	.65	.37
Germany.....	5.00	1.20
Greece.....	.60	.80
Hungary.....	1.56	.59
Ireland.....	5.31	5.05
Italy.....	9.04	7.31
Yugoslavia.....	.13	.01
Poland.....	3.47	1.78
Russia.....	10.99	8.83
Scandinavian countries.....	1.69	1.24
China.....	(³)	.50
Japan.....	(³)	.03
Mexico.....	.05	.15
All others (white).....	2.80	2.81

¹ Percentages computed from figures appearing in the annual reports of the New York City commissioner of correction, and United States Census 1920. See Appendix.

² Native white and negro not separately given.

³ New York City figures include an average of 2,350 "West Indies," color not shown, believed to be largely Negro, included in this group for lack of separate classification for foreign-born Negroes. Exclusive of the West Indies, the Chinese and Japanese percentage is 0.50.

⁴ This age grouping not shown for China and Japan for principal cities.

In New York, which in 1920 had a higher percentage of foreign-born inhabitants than any of the five cities contributing to the Table XII institutions, the foreign born show a percentage of commitments decidedly lower than their percentage of the population. The native born contributed a distinctly larger percentage than would be their proper proportion. Footnote 3 to Table XIII states the probable reason for the very high showing in the other races group. The West Indies group was quite large. It seemed likely that many of them were Negro. But since the Negroes were shown with the native white, it was decided to show these West Indians in the other races group. It is probably best to omit that item from any thinking directed toward the

formation of conclusions. The percentage of foreign born in New York City's population will have to show a very sharp drop since 1920 if this excellent showing on the part of the foreign born is not to stand.

Among the national units it will be noted that Greece stood alone in excess of commitment over population percentage among the foreign-born white. The age adjustment made it impracticable to include the percentages of population for China and Japan.

The combined experience of these institutions brings added support to the conclusion previously advanced. Their commitments for the 5-year period studied would total several hundred thousand, a fairly formidable array of evidence. It indicates that the foreign born 15 years and over are committed to institutions for the care and treatment of delinquents somewhat less frequently in proportion to their numbers than are the native born.

SECTION VI

COMMITMENTS TO FEDERAL AND STATE PRISONS AND REFORMATORIES

In the State prisons are confined individuals who have been found guilty of the most serious offenses as defined by law. For the most part the law is in accord with popular belief as to what constitutes a major offense. In the commitments to State prisons, therefore, will be listed persons who have been found guilty of committing crimes in the ordinarily accepted meaning of that term. But the number is, after all, exceedingly small as compared with the total number of men who actually commit offenses punishable by imprisonment of this character. It includes only those who have been apprehended, prosecuted, and convicted, and who have failed to win on appeal or to secure release on probation. When all efforts to avoid conviction have failed, the convicted man and his attorney still fight to avoid a prison term. This is particularly true in States where the habitual criminal statute exists. In one of the States here included many convicted criminals are serving time in the county jails, having evaded a prison term by securing probation, one of the conditions being that a portion of the probationary period be spent in the county jail. The habitual criminal act in that State seems to have been interpreted in such a way that prior prison terms must be proven, not merely prior convictions of offenses for which the individual could have been sent to State prison. It will readily be seen what an incentive this is to avoid actual State prison records.

From eight States information was sought and secured relative to State prison commitments. Data on recent reformatory commitments were not complete and are not included. Some of the material was already available in

published annual reports. In some institutions special tabulations were made for use in this study. The data are not all for the same year, but a 1-year period is covered in each case, the particular year being indicated in the table. Some included both men and women prisoners. Therefore, the population estimate used in computing the number of commitments per 100,000 of population also includes both sexes, an age adjustment to 18 years and over having been made.

The combined figure for these eight States shows the foreign-born commitment rate per 100,000 of the same population class, 18 years and over, to be less than one-half that of the native born. In no one of the eight States did the foreign-born rate exceed that of the native born. It approached the native-born rate most nearly in Massachusetts, and dropped away most decidedly in Illinois, where the native-born rate is about 3.5 times that of the foreign born.

Six of the eight States presented their material in sufficient detail to permit comparison of their total admissions by country of birth. This is presented in Table XIV-A. Once more the warning relative to the Mexican rate must be sounded. These excessively high Mexican rates will probably be cut very materially when the 1930 census material becomes available. Meanwhile the only feasible method of computation was used, but judgment should be reserved as to whether the resultant rate is anywhere near the truth or not. For that reason the Mexican rate will be disregarded in this discussion. In the 1920 census the Mexican was included in the foreign-born white population class. Therefore, he is so included in the total here. That means, no doubt, a slightly excessive rate for the total foreign-born white group. But even with the possible increase of the past decade the number of Mexicans in the Eastern and Middle Western States is so small in comparison to the other foreign groups that their effect on the total is probably relatively slight.

TABLE XIV.—Number of persons, per 100,000 of same population class 18 years and over, admitted to the State prisons in eight States, during a 1-year period, by nativity

States	Number of admissions, per 100,000 of same population class 18 years and over ¹		
	Total	Native born ²	Foreign born ³
Total.....	38.9	46.3	10.2
Massachusetts (1920).....	6.0	7.4	6.0
New York (1928).....	21.2	25.8	12.7
Pennsylvania (1927-28).....	10.9	22.7	10.9
Ohio (1930).....	54.5	60.8	22.8
Michigan (1930).....	95.4	112.7	52.2
Illinois (1920).....	32.1	30.4	11.2
Missouri (1927-28).....	77.0	81.2	20.5
California (1930).....	50.2	54.0	41.0

¹ Rates computed from figures appearing in annual reports, or special reports prepared by the prisons; and population estimates based on census data.

² From the figures received it was not possible to show the native-born whites and negroes separately.

³ Chinese, Japanese, and all other races excluded from foreign born because of lack of census data for age adjustment.

TABLE XIV-A.—Number of foreign-born white persons, per 100,000 of same population class 18 years and over, admitted to the State prisons in six States, during a 1-year period, by country of birth¹

Nativity and country of birth	Number of admissions, per 100,000 of same population class 18 years and over ¹						
	Total	New York (1928)	Ohio (1930)	Michigan (1930)	Illinois (1920)	Missouri (1927-28)	California (1930)
Total foreign-born white.....	22.8	12.7	22.8	52.2	11.2	20.5	41.0
Austria.....	20.2	13.7	33.0	136.3	22.1	50.1	13.0
Canada.....	32.8	20.4	50.6	42.5	18.7	75.2	26.7
Czechoslovakia.....	5.4	2.3	8.8	.....	6.9	.....	.....
England, Scotland, and Wales.....	13.0	0.2	5.8	33.3	3.0	27.7	15.1
France.....	10.1	14.1	.....	58.6	39.3	50.8	12.1
Germany.....	9.3	7.4	6.2	29.9	3.1	11.8	8.0
Greece.....	48.8	32.3	52.8	165.3	35.5	32.6	23.8
Hungary.....	13.3	7.0	9.2	38.4	2.8	40.0	60.5
Ireland.....	7.0	2.7	20.2	41.1	3.5	6.2	10.5
Italy.....	27.7	20.5	49.6	118.1	20.5	65.4	25.6
Yugoslavia.....	20.6	.....	21.1	43.2	N. D.	.....	16.0
Lithuania.....	26.9	14.5	.....	57.8	N. D.	.....	230.2
Poland.....	25.5	13.0	24.6	65.3	12.9	26.5	61.4
Russia.....	12.9	7.9	31.3	41.9	10.8	23.7	25.0
Scandinavian countries.....	9.2	10.1	39.8	13.8	5.2	13.5	8.7
Mexico.....	220.7	163.4	790.1	4,024.0	301.7	170.0	182.5
All others and unknown.....	38.9	32.2	29.3	34.0	19.1	59.3	66.5

¹ Massachusetts was omitted here because of the fact that so many countries here listed were not separately shown in the Massachusetts report. Pennsylvania was omitted because one of her prisons showed unusual country of birth combined groupings rather than separate countries. N. D. is used to indicate that no data were available.

² See note 1, Table XIII.

In the column showing the combined commitment rate for these six States it will be observed that, if Mexico is disregarded, Greece alone exceeded the native-born rate for the eight States shown in Table XIII. Except for the all-others group Canada stood next to Greece, though with a rate considerably below that of the native born. These, together with Austria, Italy, Lithuania, and Poland, had rates higher than the total for the foreign-born group.

Inspection of the figures for the individual States reveals some minor variations of some small interest. In Ohio, Illinois, and Missouri no national unit's commitment rate exceeds that of the native born if Mexico and the all others group be disregarded. In New York, Greece alone exceeded the native-born rate; in Michigan, Greece, and Italy; and in California, Hungary, Lithuania, and Poland showed higher rates. The countries registering a rate higher than that for the foreign-born group as a whole are:

In five States, Austria, Greece, Italy, and Poland.

In four States, Canada and France.

In three States, Lithuania.

In two States, Hungary.

In one State, Ireland and the Scandinavian countries. (Ohio in both instances.)

In none, Czechoslovakia, England, Scotland, Wales, Germany, and Yugoslavia.

The data from Federal prisons are shown separately. The character of the charges on which men are sent to Federal prisons differs considerably from those for which they are committed to State penal institutions. A very high percentage of the present inmates of Federal prisons are serving terms for violation of the Federal prohibition or anti-narcotics laws. Commitments during the year ending June 30, 1930, for violation of the Federal prohibition laws constituted 49 per cent of the total. An additional 16.7 per cent were committed for violation of the drug laws.¹

¹ Annual Report, Federal Penal and Correctional Institutions, fiscal year ending June 30, 1930, p. 60.

TABLE XV.—Average number of prisoners received annually, per 100,000 of the same population class 21 and over, in five Federal penal correctional institutions, during the three years 1928-1930, inclusive, by nativity and country of birth.¹

Nativity and country of birth	Average admissions per year, 1928-1930	
	Number	Number per 100,000 21 years and over of same population class
Total.....	8,040.0	11.6
Native born ²	7,023.7	12.7
Foreign-born white.....	933.3	6.9
Chinese and Japanese.....	41.3	(³)
Unknown.....	5.7	
Canada.....	87.8	7.6
Czechoslovakia, Austria, Hungary, Yugoslavia.....	64.0	4.1
England, Scotland, and Wales.....	26.3	2.2
Netherlands, Belgium, Switzerland, France.....	13.3	2.0
Germany.....	30.3	1.6
Greece.....	30.7	16.6
Lithuania, Latvia, Finland, and Rumania.....	25.0	6.1
Ireland.....	8.0	0.7
Italy.....	207.0	12.8
Poland.....	41.3	3.4
Russia.....	74.3	5.4
Scandinavian countries.....	22.0	1.7
Mexico.....	244.7	66.8
All others (white).....	103.6	30.6
China.....	30.0	49.6
Japan.....	11.3	13.8

¹ Computations made from figures contained in the annual reports of the Federal penal and correctional institutions, omitting figures for National Training School for Boys, and population estimates based on census data.

² Native white and negro not separately given.

³ Combined rate not computed.

Table XV gives the average figures for the 3-year period, 1928 to 1930, inclusive, for Federal prisons and reformatories, exclusive of the institutions for minors. Approximately 87 per cent of the average admissions per year were native born, 12 per cent foreign-born white. In all likelihood the percentage of foreign-born population for the United States as a whole was somewhat less in 1930 than in 1920. A reasonable prediction is that when the 1930 figure is completed it will be found that the percentage of foreign born in Federal prisons will closely approximate their percentage of the total population.

But that would make no allowance for the dilution of the native born by a disproportionate number of minors. In the second column of Table XV are run the estimated rates

per 100,000 of the same population class 21 years and over. With this adjustment made, the foreign born showed a rate but little more than half that of the native born. Even after allowance is made for the fact that it was not possible to show the native white and Negro rates separately the conclusion seems to follow that the native-born white rate would distinctly exceed that of the foreign-born white of the same age group.

Among the national units those showing high commitment rates are Mexico, China, Greece, Japan, Italy, and the all others group.

In the volume on prisoners, 1926, the Bureau of the Census supplies a vast amount of information relative to persons committed to State and Federal prisons and reformatories during the year 1926. From the data therein provided two tables have been made up for use here.

Table XVI shows for the principal offenses for which male commitments were recorded, the percentage of each that was committed by men and boys of four nativity classes, together with the percentage contributed by each of these classes to the total male population 15 years and over in 1920.

TABLE XVI.—Per cent distribution of male prisoners received in Federal and State prisons and reformatories during 1926, by race and nativity, and by offense, and per cent distribution of male population 15 years and over in the United States in 1920 by nativity and race¹

Offense	Per cent distribution of male prisoners received				
	Total	White		Negro	Indian, Mexican, Chinese, Japanese, and all other races
		Native born	Foreign born ²		
Total.....	100.0	68.1	8.0	20.9	3.0
Homicide.....	100.0	44.3	9.3	43.0	3.4
Rape.....	100.0	71.5	11.3	14.0	3.2
Robbery.....	100.0	69.6	7.6	21.7	1.1
Assault.....	100.0	39.9	11.9	45.3	2.9
Burglary.....	100.0	67.9	5.9	23.2	3.0
Forgery.....	100.0	80.7	5.2	11.0	2.5
Larceny, etc.....	100.0	74.2	6.0	18.0	1.8
Sex (except rape).....	100.0	75.1	11.9	10.8	2.2
Liquor.....	100.0	68.0	11.9	14.3	5.8
Drug.....	100.0	62.0	9.5	18.0	10.5
Weapons.....	100.0	40.5	11.4	45.7	2.4
Nonsupport.....	100.0	81.1	8.2	9.2	1.5
Other.....	100.0	72.4	10.7	14.3	2.0
Per cent distribution of male population 15 and over, 1920.....	100.0	70.7	19.1	9.2	1.0

¹ Percentages for population quoted from census of 1920; for commitments, percentages computed from figures published by U. S. Census report: Prisoners, 1926, Table 27, p. 32.

² Mexicans are not included with the foreign-born white in Prisoners, 1926. This change has therefore been made in the census percentage also.

TABLE XVI-A.—Per cent distribution of foreign-born male prisoners received in Federal and State prisons and reformatories during 1926, and per cent distribution of foreign-born male population, 21 years and over, in the United States in 1920, by country of birth and by offense¹

Country of birth	Per cent distribution										
	Of foreign-born male prisoners received during 1926, by offense										
	Total	Homicide	Rape	Robbery	Assault	Burglary	Forgery	Larceny, etc.	Liquor	Drug	Other
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Austria	4.3	6.4	8.0	4.2	8.7	3.1	3.2	5.5	5.7	1.3	7.2
Canada	7.1	5.4	6.0	11.8	3.1	15.7	17.3	13.3	5.5	6.5	10.3
Czechoslovakia	2.6	1.8	1.5					3.6	2.2		4.7
England, Scotland, and Wales	7.8	4.4	5.0	8.1	2.1	5.6	8.9	5.9	2.5	1.6	1.0
France	12.3	4.6	7.0		3.3	1.7	3.2	6.9	5.3	1.0	5.1
Germany	2.8	3.9	2.5	2.6	3.1	3.9	10.8	2.3	2.5	4.2	3.7
Greece	0.8	2.1	1.9	3.6	2.8	1.2	1.3	2.0	3.9		2.0
Hungary	6.4	7.1	1.9	7.6	2.7	1.4	1.8	7.9	1.7	1.0	2.4
Ireland	19.2	38.3	24.8	29.0	33.7	10.1	10.6	11.2	16.7	24.2	19.4
Italy	1.5	2.2	2.5	3.2	3.2			8.6			7.3
Yugoslavia	1.3	4.2	10.8	6.5	6.6	7.0	3.8	8.6	7.6	3	7.9
Poland	8.6	3.6	5.5	9.4	4.5	7.0	8.9	12.7	8.0	3.5	4.7
Russia	9.7	7.7	5.0	2.3	3.5	3.0	5.1	5.4	3.5	1.6	4.7
Russian countries	9.1	1.4									
Scandinavian countries	7.7	2.1									
China	1.8	2.7	5.5		1.0	5.5	1.0	4		15.8	1.7
Japan	8				1.0						8
Mexico	2.7	15.0	8.5	6.8	11.2	24.4	7.0	11.3	25.1	27.1	9.9
All others	8.4	5.0	9.9	10.7	15.1	10.9	12.2	9.4	8.6	9.7	13.1

¹ Percentages for population quoted from census of 1920; percentages for commitments computed from figures published by U. S. Census report: Prisoners, 1926, Table 62, pp. 30-31.

The total for all offenses shows the native white committed in numbers very close to their proportion of the population 15 years and over. The foreign-born white contributed less than half their expected share; the Negro more than twice his proportion; and the group comprising the Indians, Chinese, Japanese, and all other races about six times as great a percentage as they contribute to the total male population 15 and over.

The showing made by these nativity groups in certain specific offenses is interesting at a number of points. The native-born white dropped below their expected percentage in homicide, assault, and carrying weapons; came close to it in rape, robbery, and burglary; and exceeded it most decisively in forgery and nonsupport. The foreign-born white dropped farthest below their expected percentage in robbery, burglary, forgery, and larceny; and made their worst showing in rape, assault, sex (except rape), and carrying weapons. The Negro made a bad record throughout, but worst of all in homicide, assault, and carrying weapons. The Indian, Chinese, Japanese, and other-races group exceeded its expected per cent in all offenses. With a population per cent, male, 15 and over, of only 0.5 per cent, this group contributed 10.5 per cent of all commitments for violation of the drug laws, and 5.8 per cent of those for liquor-law infractions.

Table XVI-A affords a comparison of the percentages of the total foreign-born male population 21 and over and of the total foreign-born male commitments to Federal and State prisons and reformatories during 1926 for the individual countries. The countries that have a higher percentage of commitments than of population are as follows:

For all charges: Austria, Canada, Greece, Italy, China, and Mexico.

For homicide: Austria, Greece, Italy, Yugoslavia, China, and Mexico.

For rape: Austria, France, Greece, Italy, Poland, and Mexico.

For robbery: Canada, England, Scotland and Wales, Greece, Italy, and Mexico.

For assault: Austria, Greece, Italy, Yugoslavia, China, Japan, and Mexico.

For burglary: Canada, France, and Mexico.

For forgery: Canada, England, Scotland and Wales, France, Greece, China, and Mexico.

For larceny: Austria, Canada, Greece, Russia, and Mexico.

For liquor violations: Austria, Greece, Hungary, Italy, Yugoslavia, and Mexico.

For drug violations: Greece, Italy, China, Japan, and Mexico.

Those countries whose commitment percentage in no instance exceeded their proportion of the foreign-born male population 21 and over were Czechoslovakia, Germany, Ireland, and the Scandinavian countries. Mexico is the only country whose commitment percentage exceeded its population percentage in each type of crime. Moreover, Mexico's excess was so great that there is practically no possibility that the 1930 census figure will bring the population percentage above the commitment percentage. Another country whose commitment percentages ran very high is Italy. Italy's showing was particularly bad in homicide, rape, robbery, assault, and drug law violations. The record for Greece was quite similar to that of Italy. Canada likewise registered considerably more than a proper share of commitments, the excess coming in robbery, burglary, forgery, and larceny.

These data on commitments to Federal and State prisons offer strong support to the conclusion tentatively advanced in previous sections. They leave little room for doubt of the fact that foreign-born persons commit fewer major offenses, in proportion to their numbers, of the same sex and age, than do the native born. They indicate that the offenses committed by the foreign born are frequently crimes of violence, of the type ordinarily arising from personal grievance, rather than those committed in cold blood by men desiring to gain more money in shorter time than can be achieved through honest effort. They contain further evidence to the effect that of the foreign-born group those coming from certain countries commit crimes with greater frequency, in proportion to their numbers, than do those from other places.

SECTION VII

AMERICAN-BORN SONS OF IMMIGRANTS IN RELATION TO CRIME

Practically every law-enforcement officer who was interviewed in the course of this study, whether he were a police officer, a prosecutor, a probation officer, or a judge, expressed the opinion that it was not the immigrants themselves but their sons that constituted the big crime problem at the present time. All were emphatic in that belief. Many of them analyzed the situation, quite sympathetically and with keen insight, as they saw it, after years of experience in dealing with particular cases. Generally they did not have statistics at hand in support of their belief.

Figures which show the nativity of the parents of adults charged or convicted have rarely been kept. Figures of this description have sometimes been shown in reports on juvenile delinquency. The committee on uniform crime records contemplates for the ideal annual police report a table which will show the native white group broken up into the three groups—of native, foreign, or mixed parentage. For the year 1930 the police departments of Buffalo and Detroit furnished such data for this study. In addition Detroit supplied this information on persons convicted on charges brought by the police. These data were utilized in the preparation of Tables XVII and XVIII.

The figures in Table XVII reveal a distinct difference between the cities of Buffalo and Detroit in the matter of arrest rates for the nativity classes there shown. In Buffalo, for Part I offenses, the native white of foreign parentage were arrested more frequently, in proportion to their num-

TABLE XVII.—Number of white males per 10,000 of white male population 15 years and over of same population class, charged with certain offenses, by the Buffalo and Detroit police departments, during the year 1930, by offense, by nativity, and by nativity of parents¹

Uniform classification of offenses	Native white			Buffalo			Detroit					
	Of native parentage	Of foreign parentage	Of mixed parentage	Foreign-born white	Native white		Foreign-born white	Native white		Foreign-born white		
					Of native parentage	Of foreign parentage		Of native parentage	Of foreign parentage			
Total, Part I.....	79.62	100.80	35.44	29.18	163.81	207.24	66.73	55.34	53.06	51.00	22.42	21.91
1. Felonious homicide:			.44	.80	.53	.38	.49	.28	0.84	0.80	0.41	0.94
(a) Murder and nonnegligent manslaughter.....	2.28	1.29	.87	.58	4.84	3.60	1.98	.99	1.48	.35	.41	.47
(b) Manslaughter by negligence.....	2.38	3.44	1.74	1.49	3.01	6.62	3.06	1.13	2.58	1.95	1.03	1.33
2. Rape.....	4.33	8.63	2.01	2.49	3.31	11.54	5.07	2.75	0.59	1.26	2.47	1.36
3. Robbery.....	4.83	7.84	1.80	3.57	13.08	21.58	7.67	11.75	7.42	7.42	1.09	1.81
4. Aggravated assault.....	12.88	24.45	6.97	30.06	41.58	12.85	12.85	11.39	7.43	10.71	4.17	5.04
5. Burglary—breaking or entering.....	41.83	47.63	16.27	13.25	80.00	93.23	32.12	29.58	28.24	27.88	9.57	12.10
6. Larceny— theft.....	8.13	10.74	3.23	1.75	20.87	25.93	9.89	4.23	4.11	3.63	3.29	1.06
Total, Part II.....	512.35	421.34	104.27	221.15	1,264.74	1,016.31	232.82	519.38	274.96	142.99	50.79	138.38
8. Other assaults.....	22.35	31.19	6.68	21.64	43.08	63.02	10.38	33.12	15.81	16.29	5.14	18.46
9. Forgery and counterfeiting.....	5.97	3.38	1.24	7.45	7.68	5.68	1.98	4.05	5.43	3.20	1.65	1.30
10. Embezzlement and fraud.....	16.90	9.17	5.52	7.13	12.86	7.98	2.97	4.67	18.18	9.74	0.88	7.82
11. Weapons, carrying, possessing, etc.....	4.93	5.13	1.89	3.29	10.02	10.03	3.95	5.52	3.32	2.83	1.03	2.67
12. Sex offenses (except rape).....	6.21	3.44	1.74	2.86	8.35	5.30	2.97	3.11	5.53	2.57	1.23	2.79
13. Offenses against family and children.....	24.91	30.10	9.68	14.17	75.81	73.62	20.27	40.76	8.85	9.74	5.14	6.80
14. Drug laws.....	6.29	4.89	1.16	1.17	1.50	.95	.....	14	26	.....	.....	16
15. Liquor laws.....	6.29	4.89	1.16	4.49	1.50	.95	.....	14	26	.....	.....	16
16. Drunkenness.....	280.70	180.65	33.12	87.17	713.03	493.77	88.48	284.46	104.84	34.18	10.08	32.39
17. Disorderly conduct and vagrancy.....	134.48	128.55	34.42	54.11	335.30	294.67	79.58	128.50	71.12	47.90	15.62	33.46
18. Gambling.....	30.13	26.54	8.42	24.69	56.94	60.37	22.24	16.98	33.51	10.71	2.97	26.83

¹ Figures compiled from data appearing in annual reports of the Buffalo and Detroit police departments for 1930; and population estimates based on census material.

TABLE XVIII.—Number of white males per 10,000 of white male population 15 years and over of same population class convicted of certain offenses by the Detroit police department during the year 1930, by offense, by nativity, and by nativity of parents¹

Uniform classification of offense	Number of white males convicted per 10,000 of white male population 15 years and over of same population class			
	Native white			Foreign-born white
	Of native parentage	Of foreign parentage	Of mixed parentage	
Total, Part I.....	38.78	36.66	15.63	14.10
1. Felonious homicide:				
(a) Murder and nonnegligent manslaughter.....	.26	.44	.21	.27
(b) Manslaughter by negligence.....	.26	.09	.....	.08
2. Rape.....	.95	.....	.....	.16
3. Robbery.....	4.90	4.69	1.65	1.41
4. Aggravated assault.....	.37	.09	.....	.43
5. Burglary—breaking or entering.....	4.69	6.73	2.88	1.53
6. Larceny— theft.....	24.45	21.43	8.42	9.63
7. Auto theft.....	2.90	2.57	2.47	.59
Total, Part II.....	219.80	103.59	32.49	90.61
8. Other assaults.....	9.38	8.15	2.67	11.00
9. Forgery and counterfeiting.....	4.00	1.68	.41	1.06
10. Embezzlement and fraud.....	9.06	4.25	2.88	2.47
11. Weapons, carrying, possessing, etc.....	2.27	1.77	.62	1.41
12. Sex offenses (except rape).....	3.55	1.68	.....	2.00
13. Offenses against family and children.....	6.27	7.35	3.70	4.56
14. Drug laws.....	.16	.....	.....	.04
15. Liquor laws.....	1.84	1.42	.....	2.00
16. Drunkenness.....	99.52	32.58	8.84	31.00
17. Disorderly conduct and vagrancy.....	58.69	38.16	11.72	26.24
18. Gambling.....	25.03	6.55	1.03	17.83

¹ Figures compiled from special tabulation supplied by the Detroit police department for the year 1930; and population estimates based on census material.

bers, of the same age and class, than the native white of native parentage. Their rate exceeded that of the native white parentage in each type of offense in this category except homicide. But in Detroit, for Part I offenses, the native white of foreign parentage were arrested slightly less frequently, in proportion to their numbers, of the same age and class, than those of native parentage, and exceeded the latter's rate in robbery and burglary only.

When the figures for the two cities were combined the tendency of the Buffalo figures prevailed; that is, the native white of foreign parentage ran a higher arrest rate for Part I offenses than those of native parentage, exceeding the latter's record in all offenses except homicide.

In an adjacent column the arrest rate for the foreign-born white has been run for convenience in comparing the three classes. Points of considerable interest will be noted. The sons of the immigrants show a tendency to take on American ways in crime. In these two cities the sons of the foreign born were arrested, charged with serious crimes against person and property, very much more frequently than their foreign-born parents in proportion to their numbers. Moreover, the types of offenses of which the sons of the foreign born stood accused with great frequency did not, as might have been expected, take on their parents' pattern. The foreign born showed an arrest rate, in proportion to their numbers, only about one-third that of the native white of native parentage in robbery, whereas the native born of foreign parentage exceeded the foreign-born rate in robbery 4 to 1 and surpassed even that of the native born of native parentage. The same held true in but slightly less striking fashion in burglary and larceny.

In both cities, in Part II, which is made up for the most part of the lesser offenses, the native born of foreign parentage had, in general, lower arrest records in proportion to their share of the population than those of native parentage. The latter were arrested very much more frequently for drunkenness than were the children of immigrants.

Table XVIII, which contains the figures on convictions for Detroit for 1930, arranged by the same nativity classes, tends in large measure to offer evidence of a character similar to that displayed in Table XVII. Exceptions to be noted are the homicide and robbery conviction rates for the native born of foreign parentage. Persons in this class were arrested for homicide less frequently in proportion to their numbers than those of native parentage, but they were convicted more frequently. On the other hand, they were arrested more frequently on robbery charges than those of native parentage but were less often convicted. In convictions, as in arrests, the sons of the foreign born ran considerably higher rates than the immigrants themselves in proportion to their numbers, and the more serious the offenses the better was the immigrants' relative standing.

These figures are too few in number and cover too small a field to have conclusive value. But they do indicate, clearly and emphatically, the need for additional statistics and for intensive study in this direction.

Even these limited figures will prove disconcerting to the intellectually honest thinker. He will find himself speculating as to what it is in American attitudes, institutions, conditions, and practices that seems to take stock that has demonstrated its relative respect for laws for the protection of property and to mold it into new patterns of predatory lawlessness. As a matter of fact, much the same influences are at work among all young people in this country to-day, no matter where their parents happen to have been born. Among them will not be found, to any considerable degree, resignation to a life of hard labor with meager returns. They demand large returns with little or no labor. In proportion to their numbers, the opportunities to get out of that class of hard-working earners of small wages through legitimate channels are probably fewer for the children of immigrants than for the children of the native born.

Many reasons were advanced by police officers, prosecutors, judges, probation officers, and social workers as to how the sons of the foreign born drift into lawless habits. Perhaps it is not out of place at this point to summarize their ideas. The new-coming immigrant family is usually on the border of or well below the poverty line. In large industrial and commercial centers these families are obliged to dwell in the ugliest, dirtiest, least sanitary, and most congested districts, the areas of cheapest rents. Adults and children live crowded together in wretchedly inadequate quarters, where there is literally no room for normal family life. Often the mother, as well as the father, joins the wage-earning group, and is gone from the home for long hours. Both parents work hard to get ahead, to achieve those better standards of living they believed awaited the honest worker in this country. They are too busy and too tired even to learn the new language.

Meanwhile they are happy in knowing that their children are going to school, being educated to something better than

they themselves have had. Very soon the children speak English. When occasion arises they become the family interpreters and general go-betweens in business discussions. They begin to feel superior to their parents and to be ashamed of old country ways. The parental control, exerted firmly in the old country environment, breaks down. After school hours the children continue their education in the city streets. The boys pick up odd jobs. They frequently become newsboys.

The wide-eyed, keen-eared paper boy on a city street corner has vast opportunities to learn what is going on in the world around him. He sees plenty of young loafers who never seem to do a day's work, yet who always have money, flashy clothes, cars, girls, good times, all the things his own normal youth looks upon as desirable. He learns who they are and how they do it, how many times they have gotten into trouble with "the law," how many times they have "beaten the rap," and through whose influence that was managed. Far from seeming a career of shame, to belong to some "gang" of criminals lures by reason of its promise of adventure, of material reward, even of fame, if newspaper publicity can be said to build fame. If a man should get a tough break, he will at least have a fine funeral. He will not, after a long life of spirit and body-breaking labor, be borne to rest in a pine box in an obscure corner. If he should prove smart enough and strong enough, he can make a reputation such that his funeral can crowd the death of an ex-President out of the best space in a big daily in one of the largest cities in the United States. He sees such things happen.

The story of two particular boys, told by a social worker in one of the cities visited in connection with this study, is probably fairly typical. The immigrant father and mother were hard working, industrious, thrifty. They were bending every effort toward the purchase of a home of their own. Then when one son was 13, the other 15, the father suffered a terrible injury at the plant where he was employed. Surgery saved his life, but physical and mental health were wrecked. A long battle ensued over proper compensation. Meanwhile the mother's entire time was occupied with trying

to save what she could. The children ran the streets, more uncontrolled than before. They were easy recruits for a criminal gang. One was recently killed in a gun battle. The other, at 21, is doing a life term in prison as an habitual criminal.

It is worthy of note that in all these interviews with officers and workers who have handled hundreds of cases of these young offenders of the so-called second generation, not one blamed the foreign stock from which they sprang for their criminal tendencies. With few, if any, exceptions, in the minds of these keen and experienced observers, the waywardness of the immigrant's son is traceable to the effect of the conditions under which he and his parents must live, and the influences to which he is subjected in the neighborhood where he spends his most impressionable days.

SECTION VIII

FACTORS OPERATING TO BRING INDIVIDUALS INTO CONFLICT WITH THE LAW, PECULIAR TO THE FOREIGN BORN AS DISTINCT FROM THE NATIVE

This study does not call for an extended discussion of the factors that operate to bring the immigrant into conflict with the law but which are not at work in the case of persons born and reared in the United States. However, it would seem incomplete without a brief enumeration of the factors of this character that are rated as of primary importance by those working on delinquency problems among the foreign born.

In the first place, the immigrant's ignorance of the language is a tremendous handicap. In the second place, he has little or no knowledge of the laws that he is expected to obey in this new country. Because of his language deficiency he can not always ask questions about the things he needs to know, nor can he understand or reply to questions asked of him or comprehend explanations offered to him. Except among friendly people who speak his own tongue, he is helpless in the matter of securing needed information. He thus becomes an easy victim for those who wish to exploit him for their own profit in numerous ways. These may or may not be members of his own national group. Everywhere complaints are registered against men who deliberately and continually exploit the ignorant immigrant. They may be agents of many kinds, but the ones most frequently mentioned were the labor agent, the doctor, and the lawyer—more particularly in the field of criminal justice, the latter, with his ally, the bail-bond broker. Most new-coming immigrants pick up from such sources a great deal of misinformation relative to laws, customs, and practices in the United States. Conditions are much better, it is said, than they were some years ago. The national groups in large cities

are frequently well organized. They have many fraternal and social organizations. Often a national group has its own publication, which is very useful in giving them authentic information relative to new laws and ordinances and interpreting old ones. In some cities the police cooperate with these foreign-language papers quite closely in a program of information and education so that their readers may learn about new regulations, enforcement policies, and the reasons for certain police action that might be misunderstood. This is especially effective in saving the immigrant from arrest for unknowingly violating ordinances regulating licenses, providing for sanitary and fire prevention inspections, and in similar matters.

Although the situation has been gradually improving, many officials and social workers are impressed with the need for continued development of this educational service for the foreign born. The various cities, counties, and States have a vast system of complicated regulatory statutes and ordinances that need to be interpreted to the bewildered immigrant, to whom the State's interest in his strictly personal habits is something new and strange. Nowhere did there seem to be any well-developed systematic program for the purpose of telling the newcomer just what these laws are and of explaining to him the reasoning that lay back of their passage.

The immigrant brings with him a well-defined set of habits of thought and behavior, built up from earliest infancy in an environment many of whose characteristics are entirely at variance with law and custom in the United States. Two directions in which this divergence was particularly great were repeatedly discussed by those interviewed. The laws of this country relative to gambling, prostitution, and the manufacture, sale, and consumption of beer, wines, and liquors are entirely different from those effective in the nations from which immigrants come. Whatever laws they have known in these fields provided for regulation, not for prohibition. To most of the foreign born it would be quite as logical to forbid the use of tobacco, tea, coffee, candy, or any of the foods and drinks whose intemperate consumption may be injurious as to prohibit beer and

wine. These beverages have been, and are, for them and their forebears a normal accompaniment of food from childhood to the grave. They find the attitude of the American prohibitionist incomprehensible. The habits of a lifetime do not readily yield to the "Thou shalt not" for which their experience has given them no rational preparation.

The other point of variance frequently mentioned referred especially to immigrants coming from certain specific areas rather than to the foreign-born group as a whole. This was in connection with the custom of carrying weapons. Many immigrants come from districts where a weapon of some sort is almost as indispensable as any other part of a man's attire—where a man expects, and is prepared, to defend himself, literally and physically, whenever occasion arises—and where only the weakling appeals to "the law" for redress of personal wrongs. Among some groups many centuries of custom have made it binding upon the men of a family to wipe out in blood any stain brought upon the honor of its women. This is, of course, analogous to the so-called "unwritten law" of the United States, but is said to be still almost universally operative among the members of certain nationality units, notably the South Italian. This habit of carrying weapons inevitably leads to a fatal ending in many cases where flaring anger might have resulted otherwise in nothing more serious than a fistic encounter. Officials reckon it as one of the primary reasons for the high percentage of crimes of violence among the foreign born as compared with the native.

An interesting observation may be made by the reader of the preceding paragraphs. Apparently two underlying characteristics tend to bring the immigrant into conflict with the law in these fields. One is a belief in the doctrine of temperance for the strong in preference to one of prohibition for the protection and perpetuation of the weak. The other is a deep personal and family pride. It hardly seems that these are characteristics for the possession of which any foreign stock should be condemned as "undesirable." They are rather acquired characteristics to be welcomed and conserved, while suitable means are employed to bring

them into harmony with legal theory and practice in their adopted country.

Another impression mentioned by two or three social workers was in regard to the attitude of the members of some particular national units toward law in general. The nationalities named were those who, for long periods, have been subject peoples. The laws under which they and their ancestors have lived have frequently been oppressive laws, imposed by a ruling nation for its own benefit. Natural indignation against such oppressive legislation unconsciously grew into an attitude of active resentment of all law, and it became almost a patriotic duty to hold law in contempt and to circumvent it whenever possible.

If there is anything in that theory, then it would be equally likely to be found true among all peasants coming from countries where they have had no voice whatever in the legislative bodies and where law has been consistently built up by and for the benefit of the ruling classes. It would take some time and a considerable amount of educational effort to bring these peasants to an appreciation of the different character of law in the United States, where every citizen may vote, and thus, through his elective power, has a voice in the making of law, and where, presumably, statutes are passed for the benefit of society as a whole rather than for the profit of any particular class. The comparatively low crime rate among the foreign born which the statistics reveal would, however, seem to indicate that, whatever its cause, disrespect for law is less common among the immigrants of peasant extraction than among persons born and reared within this country.

TABLE XIX.—Average number of foreign-born persons (males only) arrested per year during 5 years ending June 30, 1930, by the Los Angeles police department; by type of offense and by length of time in the United States

Length of time in United States	Number					Per cent				
	Total	Felons	Misdemeanors	City ordinance	Federal and miscellaneous	Total	Felons	Misdemeanors	City ordinance	Federal and miscellaneous
Total.....	13,697.7	1,681.0	10,727.3	1,027.7	261.7	100.0	100.0	100.0	100.0	100.0
Less than 6 months.....	177.7	20.3	140.0	0.7	7.7	1.3	1.2	1.3	.9	2.0
6 months to 1 year.....	97.3	14.7	75.0	4.0	3.7	.7	.9	.7	.4	1.4
1 to 1½ years.....	168.7	17.7	141.3	8.3	1.3	1.2	1.1	1.3	.8	.6
1½ to 2 years.....	40.7	5.7	38.0	5.0	1.0	.4	.3	.4	.5	.4
2 to 3 years.....	314.0	30.0	254.7	17.4	3.0	2.3	2.3	2.4	1.7	1.2
3 to 6 years.....	1,357.7	213.3	1,045.0	84.3	15.0	9.9	12.7	9.7	8.2	5.7
6 to 7 years.....	503.3	79.7	387.3	38.0	4.3	3.7	4.7	3.6	3.7	1.6
7 to 8 years.....	503.0	76.3	392.0	28.0	6.7	3.7	4.5	3.7	2.7	2.6
8 years and over.....	9,032.7	1,170.7	8,036.3	644.0	75.7	72.5	70.1	74.0	62.7	28.0
Not stated.....	687.6	37.0	217.7	180.0	143.3	4.5	2.2	2.0	18.4	54.8

In an effort to determine to what extent ignorance of language, laws, and customs was a causative or contributory factor in crime among the foreign born, data were sought which would show the length of time persons accused of offenses had been in the United States. Few such figures are available. But for some years past the annual reports of the Los Angeles police department have carried tables showing how long persons arrested by them have been in this country. These figures were used in the preparation of Table XIX. They represent merely the statements of the prisoners themselves to the booking officer at the time of arrest, and are presented for whatever worth they may be considered to have. It is regrettable that similar data were not procurable from cities having larger percentages of the newly arrived European immigrant.

In the experience of Los Angeles, apparently, a comparatively small percentage of the foreign-born persons arrested were recent arrivals in the United States. In this connection it should be remembered that about 40 per cent of the foreign-born arrests in Los Angeles were of Mexicans. Unfortunately the full significance of these figures can not be determined because it is not known what percentages of the foreign-born population of Los Angeles have been in the United States for these same time periods.

SECTION IX

STATISTICAL EVIDENCE RELATIVE TO POSSIBLE DISCRIMINATION IN FAVOR OF, OR AGAINST, THE FOREIGN BORN

If the material presented in Sections II to VI is carefully reviewed it will be found that there is practically no statistical evidence indicative of discrimination either for or against the foreign born. Their ratios of convictions and commitments to arrests, in the different areas, resemble those of the native white. For example, in Tables IV and VII it will be noted that the native born showed an average number of arrests per year in Chicago during 1925-1929, per 10,000 of native-born population, 17 and over, of 212.6, and of convictions 32.4. For the same period and the same city the foreign-born rates were 62.3 for arrests and 10.1 for convictions. In other words about 1 out of every 6.6 native white persons arrested were convicted, and about 1 out of each 6.2 foreign-born persons. In the case of the Mexican there is some genuine question as to whether prejudice may enter into the administration of justice at some point. Other reports deal with this phase of the Mexican problem in detail. It is also possible that in connection with some particular race or nationality at certain places and times prejudices may arise that result in grave injustice in individual cases. But this would not seem to be indicated as general in the light of the figures here assembled.

Moreover, the statistical evidence is in no wise disputed by the observations of officials and social workers who are in closest touch with the actual working of the machinery for the administration of criminal justice at the present time. It is the practically unanimous opinion of such persons that whatever justice is rendered, and whatever in-

justices are suffered, the distribution between the native and the foreign born is quite even and that if there is discrimination its basis lies in something other than national prejudices. This opinion is likewise shared to a large extent by the foreign born themselves, whose attitude will be discussed in Section XI.

Sometimes what seems on the surface to be a feeling on the part of members of some nationality group that they are being discriminated against because of their foreign birth turns out on closer inquiry to be something quite different. In an Ohio city at the time of the Ohio Penitentiary fire a social worker listened to the conversation of a group of Polish women. Among them were the wives of two prison inmates, one of whom had been injured the other killed in the holocaust. The gist of the remarks was this:

Look who's in prison. Just read the names of those who got hurt. Plenty of Poles. More Poles than anything. Poles go to prison fast enough when they get in trouble. Why is that? I'll tell you why that is. Poles don't know enough to stick together. They never stand by each other on anything. If one Polish man runs for office, two or three other Poles come out and run too. And an Irishman gets elected. Then when a Polish man gets in trouble he's got nobody to go to for help. Nobody's afraid of Polish votes. They know the Poles pull every which way at election time.

Thus what appeared at first to be a feeling that Poles were being unjustly treated because they were Poles proved to be a conviction that they were dealt with more harshly than other groups because of their weakness in political organization and solidarity in that particular community. At no time, reported the worker who heard these women talking, was there the slightest claim that the imprisoned men had been innocent of the crimes for which they had been sentenced.

SECTION X

SPECIAL DIFFICULTIES ENCOUNTERED IN THE ADMINISTRATION OF CRIMINAL JUSTICE WHEN THE FOREIGN BORN STANDS ACCUSED.

If these statistics are to be used in arriving at conclusions, they must not be assumed to have absolute values. A certain degree of fallibility must be recognized in the light of conditions that may be responsible for forcing into the figures some cases that do not properly belong there and for eliminating others that should be there. The language handicap under which many of the foreign-born labor has already been mentioned. But there is another side to the picture—namely, from the point of view of the men who are trying to administer justice fairly and honestly.

With the best intentions in the world, an investigating officer, a prosecutor, or a court will have the greatest difficulty in getting at the exact truth and all of the facts in the case when the accused is a non-English-speaking immigrant. An interpreter is required. On the ability and integrity of that interpreter the outcome of the case may almost wholly depend. Anyone familiar with the trial of criminal cases knows how important shades of meaning may become in hearing evidence. It is easy to see how a halting, inadequate, or mistaken translation of question and answer can incriminate the innocent or exonerate the guilty. The power of the interpreter is enormous. If he is not scrupulously honest, he can easily become one of the cogs in what is known as the machinery for "fixing" cases, selling out the interests of the accused or of justice itself. Claims to a familiarity with languages in which he has but the sketchiest of vocabularies will be manifestly unfair to those prisoners speaking only those languages. Yet such claims have

been made by men regularly engaged in court interpreting on a fee basis.

In some of the cities visited in the course of this study it was found that the police departments had among their personnel men and women who were either foreign born or the sons and daughters of foreign born and who made very adequate interpreters. In one city police officers not only interpreted for their own department but were regularly called upon to interpret for the court. They were reported to be doing it quite satisfactorily to all concerned. It is not unusual now to find "second-generation" men, familiar with their parents' mother tongue, serving also as deputies in the offices of prosecuting attorneys and on the bench.

Where the police were not called upon to interpret for the court two other systems for providing this service were observed. Under one system the court appointed and paid interpreters for those languages most commonly needed. Under the other system the court still depended on men who made a practice of hanging around the court rooms in the hope of earning a few of the fees they received for such service. The latter is a particularly questionable method to be depended upon for adequate and accurate service.

For unusual tongues, where the need is infrequent, the court usually is able to secure help from social agencies that employ workers of linguistic ability for group or case work among people of diverse nationalities. Sometimes a consular representative lends his aid.

As in other problems in this field, the general consensus of opinion among those interested in the immigrant seemed to be that court interpreting is probably more adequately done than it was some years ago, but that there is still a great deal of room for improvement. Any community desirous of doing full justice to its non-English-speaking residents who are accused of crime would probably do well to examine its system of court interpreting. It should not be difficult for an interested organization to secure the cooperation of enough persons of linguistic ability and absolute integrity to make sure that the language field is entirely covered. Such persons can be listed to serve, on call by the court, for a reasonable fee. Almost any court will welcome that defi-

nite piece of cooperative service. The politically minded judge, with his interpreter hangers-on, would find it difficult to refuse, or to neglect to use, such a list.

The other major difficulty encountered in the administration of criminal justice where the foreign born are concerned is their frequent ignorance of their rights under the law, and their inability to employ adequate legal counsel. It has already been pointed out that a heavy percentage of the immigrants exist at a very low economic level. They have no money with which to meet attorneys' fees, to put up bail, or to pay fines. They become easy prey for bail-bond brokers, loan sharks, and shyster lawyers. The latter frequently do their cause more harm than good and charge them heavily for it. Abuses in this field are frequently asserted to exist, but facts about them are difficult to obtain. It was not possible to do the intensive field work necessary to unearth, follow up, and verify specific cases. In none of the cities visited did the field worker learn of any definite committees or agencies at work at this time investigating these evils.

When a man is entirely unable to retain legal counsel various methods were found in operation to provide him with the services of an attorney. In California for some years past the public defender system has been working and is reported to be rendering excellent service. Expressions of appreciation of the work of the public defenders in California cities are readily forthcoming from police executives, prosecutors, judges, probation officers, and social workers. The latter, in close touch with foreign families, report receipt of remarkably few complaints on the part of the clients served. Information as to the nativity of their clients was sought from the municipal and county public defenders in Los Angeles, but they were unable to supply statistical data on that point. Observers, however, report that they very frequently appear on behalf of the foreign born, especially the penniless Mexican.

Legal aid societies ordinarily do not handle criminal cases. In Pittsburgh it was found that the legal aid society has inaugurated a policy of handling some criminal work. It is filling a genuine need in that city. It is not known in just

how many cities these privately financed societies are handling criminal cases.

A number of instances were cited in which certain national groups have societies or associations of their own that employ attorneys and extend help of this kind to members of their own national units.

In cities where there is no public defender and where no private agencies handle criminal cases without charge the court appoints and pays counsel for the defense. Naturally, these cases are usually assigned to young and inexperienced attorneys. Whether or not this system works out satisfactorily for the foreign born depends largely upon the character and the interest of the judge. Again it was not possible to study the subject intensively. It would probably bear studying in any city. There are too many possibilities of its being used to reward political hangers-on without regard for the needs of the prisoners. It should never be complacently presumed to be adequate. It should be frequently subjected to inspection and appraisal by properly qualified citizens who are not afraid to discover and to disclose truths.

SECTION XI

THE ADMINISTRATION OF CRIMINAL JUSTICE IN THE UNITED STATES, FROM THE POINT OF VIEW OF THE FOREIGN-BORN INDIVIDUAL HIMSELF

"In the United States, if you get into trouble with the law money will get you out." Thus tersely did a young Italian voice the belief that is held by him and his associates about the administration of justice in this country. A keenly intelligent young Italian social worker, who is intimately acquainted with the attitudes and feelings of her people, stated, regretfully, that that is one of the first things a newly arrived Italian is likely to learn in her city. If he is doubtful, he is soon given a liberal education, the instruction being done by the case method, with names, dates, and places.

The same idea, variously phrased, was encountered on every hand in every city visited. Not because a man is Italian, or Polish, or Russian, or some other particular nationality, as the case may be, but because he is poor he can not expect to get justice. Or, as is frequently his desire, he can not evade justice as he sees other more affluent men do. A tragic instance of the fostering of this belief was seen in the case of an immigrant mother whose eldest son is serving a term of life imprisonment in a State penitentiary. Widowed by an industrial accident, this woman continued the ambitious program begun by her husband and herself upon their arrival in this country. Her work was scrubbing floors most of the night in down-town office buildings. Her children during her night absence found freedom in the streets. She somehow managed, by the time the oldest son was 20, to own not only her own humble cottage but another small house whose rental brought in a welcome addition to the family income. But her oldest son had "gone wrong." In

one of the holdups staged by his gang he shot a man and was caught. In his defense in attorney's fees this mother sacrificed her life's earnings. Her son was saved from the electric chair. Whether or not it was the lawyer in the case who gave her that impression, she bitterly believes that her son's execution was prevented by payments to "certain parties," and that had she had another house or two to pour into the breach she could have bought a much lighter sentence for him. There may be no foundation at all for her belief. But the fact remains that such beliefs are common and that they definitely influence the behavior of those holding them.

These beliefs drive immigrants, in large numbers, into associations and organizations, possibly into gang relationships, that they would not otherwise seek. They join in order that they may, in case they "get into trouble," enjoy that certainty of protection which reason tells them they can not possibly provide for themselves in a country where so much depends on how much money a man has. Such associations are frequently dominated by utterly unscrupulous men who use the power thus placed in their hands for all sorts of purposes. The impression often popularly conveyed is that these destructive groups are built up because of some inherent national characteristic of the people of whom they are composed. The simple truth is that the leaders' power would crumble and the organizations would cease to exist if their ability to provide immunity from the law's penalties were to be suddenly destroyed. And that ability to provide immunity is not based on any inherent character defect of any foreign stock.

It is said that something of this kind did happen in Milwaukee some years ago. The city had its powerful political gangs, many of them composed exclusively of credulous members of particular nationality groups, and headed by unscrupulous leaders. An aroused public put in a mayor with intelligence plus moral and physical courage. He proceeded without delay to shear those leaders of all power and to establish direct informal contact with large masses of the city's foreign-born residents. Justice was meted out with a stern hand, but it was true justice. Now Milwaukee enjoys

a very low crime rate and boasts of one of the lowest crime-insurance premiums in the country at a time when other cities of Milwaukee's class, with very much less percentages of foreign born in their populations, are suffering tremendous crime losses and paying very high rates for insurance against loss by robbery or theft.

Foreign-born groups are found to be frankly conscious of the power over elected officials that may be acquired by political organization and voting solidarity. Often the massed vote of one or two of these foreign-language groups, voting as their leaders direct, will elect or defeat a candidate. Anyone who has had an opportunity to watch the day-by-day calendar of the man running for the office of prosecuting attorney or of judge knows what care is taken to keep these foreign elements friendly by unflinching attendance at their many social gatherings. No elaborate "crime survey" is required to convince the immigrant that this propitiation of himself and his associates need not and does not end there. So he learns another lesson in the functioning of the criminal justice machinery. The American system being what it is, even if a man has no money, prison doors may not long shut him in if he takes care to stand in with the right political gang.

A study was undertaken for the purpose of securing a first-hand account of the attitude toward American justice of a considerable number of men charged with and convicted of major offenses.¹ In this study 498 foreign-born prisoners were interviewed. Three hundred and ninety-two were inmates of the old Illinois State Penitentiary at Joliet or the new prison at Stateville, a few miles distant, under the same warden; 38 were serving time in the Southern Illinois Penitentiary at Menard; 15 were at Chester; 5 in the State Reformatory at Pontiac; 3 at the State farm at Vandalia; and 45 were in the Chicago House of Correction. Thirty-eight different nationalities were represented in the group.

The interviewing was done by men who spoke the prisoner's mother tongue or some other language in which he could speak easily. Some of the prisoners, of course, had been in

¹ See footnote 1, p. 86.

this country for years and could converse fluently in English. In addition to the interview with the prisoner in each case his prison record was scanned, and in some cases additional facts were ascertained from prison officials, representatives of the parole board, and immigration officers. The individual records in these cases contain a considerable amount of interesting and valuable data. But only a very brief summary of the principal impressions gained from a survey of the combined records can be given here.

In 343 of the cases information was recorded relative to the need of an interpreter and the prisoner's estimate as to the adequacy of the one who served when needed. In 207 cases the men stated that no interpreter was needed. In 88 cases they claimed a need for an interpreter but that none was provided. In 48 cases an interpreter was present and his services were satisfactory. Naturally the 88 who felt the need of an interpreter but had none believed that they might have fared differently had they been able to have a fuller hearing.

These same cases registered opinions as to the competency of their legal counsel. Many, because of their inability to pay a fee, had attorneys appointed by the court. The legal service was considered competent in only 89 cases. It was considered very poor in 254 instances. Many complaints of neglect of their interests were registered by these men, the reason assigned by them being that they had no money with which to attract the interest of the lawyer. Frequently they complained that the appointed attorney did nothing but try to persuade them to plead guilty as soon as he found out by shrewd questioning that they really had no resources and no friends who would put up a fee for them. They expressed bitter feeling over the fact that men with more friends than they had who committed worse crimes were able to hire "smart" attorneys and escape conviction. Many complaints were made of deliberate deceit and misrepresentation on the part of attorneys. Unfortunately it was not possible to take any of these cases up individually in order to seek evidence in verification of the prisoner's story. This study had to be confined merely to ascertaining the

attitude of the prisoner himself. Unquestionably theirs is a badly biased point of view. But on the other hand it is quite probable that there is truth in some of their stories.

These prisoners betray the same feeling of injustice in their attitude toward the court itself. They were asked to say whether they felt that their trial had been fair or whether they felt that the court was prejudiced for some reason or other. They felt that the trial was quite fair in 165 instances, and that the court was prejudiced in 178 cases. In this connection it is interesting to note that 64 Italians considered their trials fair, as against 38 who thought the court prejudiced; that 26 Mexicans felt they were fairly treated as against 28 who thought there was prejudice displayed; that 16 Poles considered that they got a square deal while 32 believed they did not; that of 11 Germans 9 thought the court was prejudiced; of 4 Scotchmen only 1 believed that he received fair treatment at the court's hands; and so on through the list.

Most bitter of all are the complaints of police brutality. Through an amazing number of these 498 case stories run accusations against the police, charging the use of physical violence in an attempt to force a confession. This is a complaint frequently employed by guilty men to win interest and sympathy. How many of the charges made have any foundation in fact can not be estimated. Nothing but the most scrupulously fair investigation can bring out the truth in matters of this description. Such an inquiry lay entirely outside the scope of this study. But mention of the overwhelming amount of testimony from these convicted men can not justly be omitted from a statement that purports to review, even superficially, the attitudes of the foreign born toward the administration of justice, as disclosed in these interviews. If even a small fraction of the charges made were actually true they would still constitute a grave indictment of certain public officials responsible for the administration of justice. Justice is certainly in serious straits in a city where the intelligence of its detectives does not rise superior to the use of a rubber hose as a favorite means of solving crime.

None of the individual case stories are here included, because it would be manifestly unfair to repeat any history containing specific charges without securing and telling the other side of the story. The extensive field work that would have been necessary and that, though extremely difficult, might have been productive of interesting results could not be undertaken. The outstanding characteristic of these interviews with foreign-born convicts is their common feeling of resentment at what they conceive to have been unfair treatment at some point in their progress from apprehension to conviction and commitment. Probably this would have been an equally common feeling in interviews with a like number of native-born prisoners. These men felt that injustice had been done them, but that this injustice grew out of something other than national prejudices. There may be exceptions to this, particularly in the case of the Mexicans, or the members of some special racial group. But the strongest feeling, commonly expressed, was that, regardless of whether a man was native or foreign born, he had small chance of receiving justice in the usual American court unless he had money or politically influential friends. The thoughtful reader may be inclined to suspect, with some reason, that what many of these men really desired was not justice, but as fair a chance to evade justice as obtained in the case of men with money and influential associates.

CONTINUED

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SECTION XII

IMMIGRANTS AND THEIR SONS IN THE LAW ENFORCEMENT AGENCIES

As the work went forward several points of peculiar interest were noted. Although, as indicated above, conditions were still obviously far from ideal, workers whose experience covered many years repeatedly made statements to the effect that in the criminal courts of to-day there is much less discrimination against the immigrant than there was in the courts of some years ago, and that the interests of the foreign born are safeguarded much more carefully, now than formerly. Persons of diverse experience and interests advanced many reasons for this improvement.

Two such reasons emerged with great frequency and were apparently given most weight. One was the growth of the national societies of immigrant membership, that have come to exert a very real, and sometimes decisive, influence in political campaigns in municipalities. In all of the field work there was encountered evidence of the keen awareness of the foreign-language groups of the importance of organization for participation in political action and of their belief in the close connection between "political influence" and the administration of criminal justice. The other reason assigned was the increasing number of foreign-born persons, or persons of foreign parentage, to be found filling positions in the law enforcement agencies. In several of the cities visited it was asserted that men of foreign birth or of foreign parentage were filling many places in both appointive and elective offices. It was contended that these men, functioning as police officers, as prosecutors and as judges, brought into the machinery for the administration of criminal justice an element of sympathetic understanding of the immigrant's problem that it had been almost impos-

sible for even the most well-intentioned officer to attain without first-hand acquaintance with a foreign background. Other elements no doubt entered into this leavening process, which seemed to be taking place.

It was felt that there would be some value in discovering to what extent men of immigrant stock, of the first and second generations, were actually filling positions in the agencies for the administration of criminal justice. Therefore an attempt was made to secure exact data on that subject. Five cities were visited and such material as could be obtained in the brief time allotted was assembled.¹

Usable data were secured for the organizations listed below:

New York:

Court of special sessions.
City magistrates' courts.
Children's court.
District attorney's office, New York County.
District attorney's office, Kings County.
District attorney's office, Bronx County.
District attorney's office, Richmond County.

Buffalo:

City court.
Erie County court.
Supreme court.
District attorney's office, Erie County.
Police department.

Cleveland:

Court of common pleas.
Juvenile court.
Municipal court.
Prosecuting attorney's office, Cuyahoga County.
City police prosecutor's office.
Police department.

Detroit:

Common pleas court.
Circuit court, Wayne County.
Prosecuting attorney's office, Wayne County.
Police department.

¹This field work was done by Malcolm S. Langford, research assistant on the staff of the commission, who collected the data here presented.

Chicago:

Municipal court.
Circuit court, Cook County.
Superior court, Cook County.
State's attorney's office, Cook County.
Police department.

Unfortunately, the material supplied by the New York police department was sent in a form which rendered it impossible to compare it with that secured from other cities. The recorder's court in Detroit, which is a very important link in the criminal justice machinery in that city, declined to cooperate in the study. The New York Court of General Sessions and the city prosecutor's office in Chicago did not forward their promised material in time for inclusion.

For presentation here these data have been consolidated for the five cities. In Table I is shown the nativity of police officers, members of the prosecutor's staff, and judges of the criminal courts, for these particular cities, with the exceptions already noted.

TABLE I.—Number and per cent distribution of police, prosecutors, and judges in certain principal cities by nativity

Nativity	Number			Per cent of distribution		
	Police ¹	Prosecutors ²	Judges ²	Police	Prosecutors	Judges
Total.....	12,775	244	231	100.0	100.0	100.0
Native born, native parentage.....	4,674	105	113	36.3	43.0	48.9
Native born, foreign or mixed parentage..	6,303	118	96	49.7	48.4	41.5
Foreign born.....	1,798	21	22	14.0	8.6	9.5

¹ Police figures in this table are consolidated from the reports received from the police departments of Buffalo, Chicago, Cleveland, and Detroit.

² Prosecutors' and judges' figures in this table are compiled from reports secured by personal interview or by written reports from prosecutors' offices and courts in Buffalo, Chicago, Cleveland, Detroit, and New York. See text for complete list.

From the figures which are contained in this table it would seem that the second generation of immigrant stock has taken its full quota in the law enforcement agency staffs. The consolidated population figures for these five cities, from the 1920 census, give the following percentages, by nativity:

	Percentage of total population
Native white:	
Native born, native parentage.....	23.53:
Native born, foreign or mixed parentage.....	40.07
Foreign-born white.....	32.46:

Adjustments for age and sex would alter this ratio to some extent. It is difficult to predict just what shifts will come in these three classes when the 1930 census data are released. It seems likely that the foreign-born percentage will show a decrease that may, or may not, be fairly evenly spread between these two native-born groups.

Whether or not those who contend that this participation in the administration of criminal justice by men but one generation removed from the foreign cultural background¹ has brought about a better balance of the scales are right it is not within the province of this study to reveal. Too many factors are at work in this field to permit assignment of any one factor as preeminent in bringing about certain results. However, it is apparently not unreasonable to presume that this has been one of the factors steadily at work in bringing about such improvement in conditions as has been noted.

Some especially interesting features will be noted in the material presented in Table II. Here the combined figures for persons of foreign birth, or of native birth but foreign or mixed parentage, are shown, broken up into national units.

TABLE II.—Number and per cent distribution of police, prosecutors, and judges of foreign stock (first and second generation), by country of birth of the individual, or of the individual's parents, for certain principal cities¹

Country of birth	Number			Per cent of distribution		
	Police ²	Prosecutors ²	Judges ²	Police	Prosecutors	Judges
Total.....	8,101	139	118	63.7	57.0	51.0
Ireland.....	3,544	22	38	27.6	9.0	16.4
Germany.....	1,014	25	21	14.9	10.2	9.0
Canada.....	501	6	5	4.4	2.5	2.2
England, Scotland, and Wales.....	405	5	11	3.1	2.0	4.7
Poland.....	343	12	8	2.7	4.9	3.4
Scandinavian countries.....	344	8	4	2.7	3.3	1.7
Czechoslovakia.....	338	3	3	2.6	1.2	1.3
Austria.....	112	8	1	.9	3.3	.4
Italy.....	115	17	11	.9	7.0	4.7
France.....	62	1	3	.5	.4	1.3
Lithuania.....	59	3	0	.5	1.2	.0
Russia.....	58	19	5	.4	7.8	2.2
Hungary.....	23	4	4	.2	1.6	1.7
Greece.....	6	3	0	.07	1.2	.0
All other countries.....	217	3	4	1.6	1.2	1.7

¹ In the case of persons both of whose parents were foreign-born, the individual is listed by country of birth of father. In the vast majority of cases, the person's mother was of the same nationality.

² See footnote 1, Table I.

³ See footnote 2, Table I.

The tendency of the Irish to seek service in the ranks of the police is here shown unmistakably. That they are not inept in political action is also indicated by their comparatively high percentages among the judges and in the prosecutors' offices. Germany apparently supplies a liberal quota in all of these offices. Italian and Russian stock (the latter probably almost exclusively Hebrew) seem to shun police service, but to run heavily to service in the prosecuting section of the machinery, with a liberal share also in the honors of the bench.

This evidence as to the distribution by nationality may make the thoughtful reader doubtful as to whether it is possible to read any meaning into these data without a great deal more information, or, if so, just what meaning it would have to be. About all that can be safely concluded from these figures is that there is here assembled indisputable evidence that the immigrant and his sons have found for themselves a place in the public services concerned with the administration of justice and are now there to share whatever of credit or discredit those services may merit.

SECTION XIII

ORGANIZED CRIME AND THE FOREIGN BORN

In Section I attention was called to the fact that a city suffering from a large number of petty thefts might gain a reputation for having a very bad crime situation, if judgment were based solely on the number of crimes committed without due consideration being given to the aggregate losses sustained by the community, both in personal injuries or fatalities and in dollars and cents. A similar situation exists with regard to forming a judgment relative to the types of persons who commit crimes.

The available statistics on the nativity of offenders, as here discussed, have been based on the numbers of persons arrested, convicted, or sent to prison. A holdup man was a holdup man, a burglar was a burglar, and a thief a thief. But the study would be far more informative and valuable if time and funds permitted further research in these same cities with a view to determining which of the robberies, burglaries, larcenies, shootings, and killings bore the trademark of the professional criminal and which were apparently the sporadic forays of the occasional lone offender or of members of a loosely knit "gang" of amateurs at the game.

Organized crime, with its intricate and apparently effectively functioning machinery for disposing of its loot and for protecting its followers, is the most pressing crime problem of the United States. Moreover, as was also pointed out in previous paragraphs, it is the leaders in organized crime and their henchmen that are least frequently found among those convicted and sentenced under the law. Observation, even by the layman, of daily occurrences is such as to make it impossible to dismiss as idle fancy or as a guilty man's alibi the belief that money and influence can often save a man from paying the prescribed penalty if he should get caught.

Those who have read the previous sections of this study may very logically be saying to themselves something like this: All this may be very true. Perhaps the native white do commit a larger number of crimes than the foreign born. Perhaps the Negroes are guilty of several times as many burglaries and larcenies as the foreign born. Perhaps the Mexicans do pile up a bad record in shootings, stabbings, and petty thefts. But an important question remains unanswered. What of organized crime, what of the gunmen, the gangsters, the racketeers? Are they native, Negro, or foreign born? Are they the sons of native or foreign-born parents?

The volume of writing on this subject during the past five years has been astounding. Throughout the popular literature on this topic there has run a tendency to blame certain foreign stock for the growth and power of gangdom. Some extensive studies have been made and published. In the volume on the Illinois Crime Survey many pages were devoted to the Chicago beer wars and the origin and personnel of Chicago gangs. In general that report indicates that comparatively few of the gangsters are foreign born, but that a high proportion of them are the sons of foreign-born parents, reared in the slums of American cities.

Very little time could be spent on inquiries in that field in connection with this statistical study. However, a number of persons were questioned, and some records were consulted in an attempt to determine the actual nativity of the well-publicized 28 "public enemies" of the city of Chicago. The net result of these inquiries was to establish a conviction that positive and authentic information on this subject is nowhere available. The inquirer was advised to scrutinize the names by which the men are known as a basis for forming conclusions. But one of Chicago's best-known gangsters years ago adopted a name that no one could mistake for anything but one of Irish origin. The man who bears it is officially reported to have been born in Minnesota of French-Canadian parents. In a New York prison is a notorious gunman serving a life term, the death sentence he received having been commuted. His name, on the prison records and in the columns of the daily papers, has an English ring. His

real name, probably discarded for practical reasons, is said to be a long one, Polish, and difficult of spelling and pronunciation. Such examples could be duplicated many times. Names are sometimes misleading.

Neither were the police arrest records found to disclose much. One of Chicago's well-known public enemies had been arrested 11 times by the police. On five of those occasions he appeared on the police blotter as "American," four times as "Bohemian," once as "Austrian," and once merely as "Slav." Another gangster, with 36 Chicago police arrests to his credit, appeared on their records 27 times as "American" and 9 times as "Italian."

The Chicago Crime Commission, whose officers originally named these 28 men, has probably as complete histories of them as have been anywhere assembled. But even their records are incomplete as to the question of birthplace. Nor can they be completed by consultation with the immigration authorities. Verification of place of birth requires long and patient effort in cases of men of this character. They do not come to the official notice of the immigration authorities until they have been unfortunate enough to have been convicted of certain grave offenses. These particular men, with few exceptions, have successfully avoided such convictions.

So far as could be determined from the various sources, from all of whom the most cordial cooperation was forthcoming, the following information on the nativity of the 28 is fairly authentic:

Born in Italy.....	5
Born in Argentina (of Italian parentage).....	1
Born in Russia (of Hebrew parentage).....	1
Born in Poland (of Hebrew parentage).....	1
Born in the United States, other than in Chicago, of Italian parentage.....	3
Born in the United States, other than in Chicago, of French-Canadian parentage.....	1
Born in Chicago, Italian parentage.....	1
Born in Chicago, of Irish "descent".....	9
Born in Chicago, of parentage unknown.....	2
Birthplace uncertain, probably of Italian parentage.....	2
Birthplace uncertain, probably of Austrian or Czechoslovakian parentage.....	1
Birthplace and parentage unknown.....	2

A supplementary list of more than 300 men known to have been associated with various Chicago gangs during the past 10 years does show a preponderance of names that indicate the possibility of Italian, Irish, or Hebrew origin. This is not grist for the scientific mill, but it is the sort of material that arouses the interest of the scientifically minded to the point of wishing to see a thorough, unbiased inquiry into the subject, not only in Chicago but in several of the other principal cities.

In Cleveland it was found that the police have a "black list." Theirs is not exactly similar to the Chicago catalogue of public enemies. Names on the Cleveland list are those of persons whom the most experienced officers believe to be criminals of a dangerous character who make no effort to earn an honest living. They may or may not have definite gang connections. But in the judgment of those who are in a position to form reliable opinions they are a constant menace to the lives and property of the city's law-abiding inhabitants. The chief of police explained that this list is constantly changing. The men whose names are placed on it are told that if they will demonstrate their desire to live honestly, by getting legitimate work and sticking to it, they may earn removal from the list. Some men have responded and their names have been eliminated.

The Cleveland police department supplied a special tabulation of their black-list men as of March, 1931. This tabulation was made from the records of the identification bureau, which represent information more painstakingly acquired than that taken routinely and hastily at the time of arrest. There were 121 men on the list, distributed by nativity as follows:

Native white of native parentage.....	4
Native white of foreign parentage:	
Hebrew (country not specified).....	21
German.....	15
Italian.....	13
Irish.....	9
French.....	4
Polish.....	4
Slav (country not specified).....	3
Czechoslovakian.....	2
English.....	2
Hungarian.....	1
	74
Foreign-born white:	
Italy.....	13
Hebrew (country not specified).....	12
Mexico.....	2
Germany.....	1
Greece.....	1
Hungary.....	1
	30
Negro.....	13

Such data as these are fragmentary and insufficient for the formation of any conclusions. They strongly indicate the possible value of an unprejudiced scientific inquiry in this special field in all of the principal cities.

SECTION XIV

RECAPITULATION OF CONCLUSIONS

Such specific conclusions as were reached as a result of assembling and tabulating these data are here restated. The data utilized in the tabulations included general or detailed information relative to the nativity of the individual offenders in 4,846,707 cases,⁶ distributed as follows:

Police arrests, from 34 cities.....	3, 548, 876
Felony arrests, State of New York.....	24, 807
United States prohibition indictments and informations....	26, 685
Convictions.....	643, 442
Commitments to institutions for petty offenders.....	524, 149
Commitments to Federal and State prisons and reformatories.....	78, 688
Total.....	4, 846, 707

The following conclusions were believed to be warranted:

1. That in proportion to their respective numbers the foreign born commit considerably fewer crimes than the native born.

2. That the foreign born approach the record of the native white most closely in the commission of crimes involving personal violence.

3. That in crimes for gain (including robbery, in which there is also personal violence or the threat of violence) the native white greatly exceed the foreign born.

4. That in the commission of certain types of offenses there is considerable variation among the different nationalities within the foreign-born group, but that the detailed data as yet available are insufficient, both as to quantity and accu-

⁶ This figure contains some duplications, in that many of the conviction and some of the commitment cases have also appeared as police arrests. But each represents a somewhat different phase of the case, and thus becomes a distinct statistical entity.

racy, to warrant the formation of any final conclusion as to the comparative criminality of any particular groups.

5. That there is insufficient information available to warrant any deductions as to criminal activity among the native born of foreign parentage as compared with those of native parentage.

6. That the limited data assembled indicate strongly the valuable contribution that could be made to the analysis of the crime problem in the United States by a continuing study of a scientific character over a period of at least five years and on a national scale of the subjects approached in this brief report.

PART III

THE MEXICAN IMMIGRANT AND THE PROBLEM OF CRIME AND CRIMINAL JUSTICE

SECTION I

CRIME AND THE FOREIGN BORN: THE PROBLEM OF THE MEXICAN

By PAUL S. TAYLOR

INTRODUCTION

This study of law observance and enforcement among Mexicans in the United States is based principally upon field researches carried on as a project initiated by the Committee on Scientific Aspects of Human Migration and continued by the Committee on Population, both of which were advisory committees of the Social Science Research Council. The main study, part of which is already published,¹ is concerned with socio-economic aspects of Mexican labor in the United States. Portions of the material collected for that study have been found pertinent to the present report. These data, whether already published or in preparation for publication, together with some supplementary data, are the basis for this report.

In the effort to compare Mexicans and other nationalities in respect to law observance the present unavailability of 1930 census data is a severe weakness. Because of this fact, the most accurate measure of the proportion of Mexicans (or any other nationality group, native or foreign born) in the general population is lacking.

In order to provide the best available substitute, data on Mexicans recorded in the various school censuses have been used; one of these, a special census of public and Catholic elementary schools in California as of February 1, 1927, was taken for the main studies of the present writer and has been

¹ Paul S. Taylor, *Mexican Labor in the United States, I* (University of California Publications in Economics, VI, 1928-1930.)

published. The use of the proportion of Mexican children in a school census as the measure of the proportion of Mexicans in the total population involves certain assumptions. These were stated elsewhere as follows:

It assumes (1) that the size of the family among Mexicans and among the general population is the same; (2) that Mexican children are enrolled in school in the same proportion as children generally; (3) that the proportion of single Mexicans is the same as among the general population. These assumptions are probably not fully realized. Mexican families are probably larger than others, but Mexican children are probably enrolled in school in somewhat lower proportion than others, despite the best efforts of school authorities [in California]. The errors involved in these assumptions are compensating rather than cumulative, and probably introduce no great margin of error. It is undoubtedly true, however, that the proportion of single Mexicans is larger than for the general population.

In some localities such as Imperial Valley, therefore, the school index is probably conservative. In others, such as the Valley of the South Platte, Colo., where large families are selected for work in the beet fields, and single men are adversely selected, this index may not be conservative. In Colorado and Texas, where school censuses are not based on enrollment, the assumption mentioned above of enrollment in schools in equal proportions is, of course, not involved.

The use of school-census data gives results in terms of Mexicans "by race," irrespective of whether native of Mexico or the United States. Such a grouping conforms largely to generally current racial and social distinctions, and is in many respects justified, but it does not afford an accurate standard of comparison with, say, arrests of Mexicans by nativity, although in varying degrees the great majority of Mexicans in the areas studied were natives of Mexico. The fact that most Americans regard Mexicans as Mexicans, irrespective of nativity, casts some doubt upon the distinction made in any public record, unless one knows that the officer who kept the record was careful in practice to separate Mexicans according to their nativity. On the other hand, in some cases, such as penitentiaries, the tendency of officials to class all persons of Mexican ancestry as Mexicans may be more than offset by the incentive of foreign-born Mexicans

to claim nativity in the United States in order to avoid deportation at the expiration of their prison term.

The migratory character of the Mexican population is a further complication which limits the usefulness of any census data, whether Federal or school census. Of necessity these refer to a definite calendar date, and large seasonal fluctuations in Mexican population are characteristic of most areas in which they are present. In some localities, such as Stockton, Calif., this is of very much greater importance than in others.

With these considerations in mind, we may proceed to an examination of specific situations. The judgments presented are based upon the best data available under the circumstances and are reviewed in the light of personal familiarity with the Mexican populations in each area.

TABLE I.—Arrests in California of Indians and Mexicans, by "race," 1918-1928¹

Year	Total arrests	Indian and Mexican arrests ²	Per cent Mexican and Indian	Year	Total arrests	Indian and Mexican arrests ²	Per cent Mexican and Indian
1918-19	8,285	1,082	13.1	1924-25	25,061	3,015	12.0
1919-20	9,161	1,016	11.1	1925-26	27,201	3,581	13.1
1920-21	12,899	1,201	9.3	1926-27	31,874	4,627	14.5
1921-22	16,012	1,475	11.4	1927-28	40,938	4,451	10.9
1922-23	16,171	1,647	10.2	1928-29	47,340	6,060	12.8
1923-24	21,722	2,424	11.2	1929-30	48,240	5,546	11.5

¹ Figures from reports of the California State Bureau of Criminal Identification and Investigation.

² In 1920 there were only 17,360 Indians in California, and 126,086 persons whose country of origin was Mexico, i. e., first and second generation "Mexicans." Probably not all of the latter would be recorded as of Mexican race if arrested, but, on the other hand, the classification "persons whose country of origin is Mexico" omits some third-generation Mexicans who doubtless would be so classified.

THE STATE OF CALIFORNIA

In Table 1 are given the number and percentage of Mexicans (and Indians) by "race," arrested in California during the years 1918-1930, as reported by the State bureau of criminal identification and investigation. These reports do not separate Mexicans from Indians. However, as the number of Indians in the State was but 17,360 in 1920 and the persons whose country of origin was Mexico (and therefore usually at least part Indian) numbered 126,086, the pro-

portion of Indians in the general population was small; furthermore, it has greatly decreased since 1920 because of subsequent heavy Mexican immigration. The average percentage of Mexicans (and Indians) arrested during the last five years shown in the report was 12.4; the percentage in 1926-27 reached a peak of 14.5 per cent.²

TABLE II.—*Mexican (native) prisoners in San Quentin and Folsom prisons, 1929*¹

	San Quentin	Folsom	Both
Total prisoners.....	4,887	2,083	6,970
Mexican prisoners.....	620	138	758
Per cent Mexicans.....	12.7	6.6	10.9

¹ Data from "Mexicans in California," report of Gov. C. C. Young's fact-finding committee (San Francisco, 1930), pp. 197-198. First offenders are usually sent to San Quentin, recidivists to Folsom. Figures for San Quentin are as of June 30 and for Folsom as of Sept. 30.

In the absence of 1930 census figures, accurate knowledge of the proportion of Mexicans in the total population is not available. The best data obtainable on Mexicans by "race" are those derived from a special school census of children enrolled in public and Catholic elementary schools of the State on February 1, 1927.³ According to this special census, Mexican children comprised 9.4 per cent of the total; this figure is probably reasonably close to the proportion of Mexicans in the total population of the State on the same date. Both the percentage of Mexicans arrested during 1926-27 and the average of the 5-year period 1925-1930 were well above the indicated proportion of Mexicans.

The numbers and proportions of native Mexican prisoners in the two State prisons in 1929 are shown in Table II. If nativity is correctly reported, the proportion of Mexicans in

² C. S. Morrill, chief, division of criminal identification and investigation, Sacramento, writes in reply to inquiries: "We have no explanation for the drop in percentage of Mexican and Indian arrests [in 1927-28]. The rapid increase in total number of persons arrested is due both to increasing arrests and to an increasing completeness of reporting; to just what degree each is responsible I regret that we are unable to determine. Both Los Angeles city and county [reports from which are particularly important as they are a center of Mexican population] were among the earliest and most conscientious contributors to the files of this division."

³ Paul S. Taylor, *Mexican labor in the United States*, I (University of California Publications in Economics, VI, Berkeley, 1928-1930), 258 ff.

both prisons appears to be very greatly higher than the proportion of Mexicans in the general population. Comparing the estimated number (262,801) of white persons born in Mexico who were living in California in 1930, with the census total population of the State (5,677,251), the estimated proportion of Mexicans by nativity was only 4.6 per cent in 1930.⁴ The governor's committee, from whose report the data for this table were drawn, comments as follows:

A comparison of the figures concerning the prisoners at Folsom indicates a much smaller percentage of Mexicans at that prison than among the first offenders at San Quentin, 6.6 per cent at Folsom, September 30, 1929, as against 12.7 per cent at San Quentin, June 30, 1929. The fact that a large part of the Mexicans in California have been in the State only a few years probably explains at least in part the smaller percentage of recidivists.

A comparison of the Mexicans with the total as to the nature of their crimes indicates that the offenses which proportionately they are most inclined to commit are violations of the State poison act, which relates to narcotics, and the carrying and assault with deadly weapons. The crimes which they rarely commit are forgery, which is to be expected among a people having a high rate of illiteracy and little familiarity with banking, and violations of the motor vehicle act. The crime for which the largest number of Mexicans are sent to Folsom is burglary, which is true of the total prison population also, but the Mexicans represent more than their proportion of persons committed for burglary; and at the same time they have a comparatively low rate of commitment for robbery. In other figures relating to crime among the Mexicans this tendency toward a higher incidence of burglary as against a lower incidence of robbery, which crime includes personal encounter, is interesting to note.

On the point of infraction of rules, a comparison of Mexicans with the general prisoners shows him to be a far more frequent violator. In 30 months ending September 30, 1929, Mexicans committed 212 infractions of rules out of a total of 946; that is, one-sixteenth of the prisoners committed over one-fifth of the infractions. This is explained in part as due to a more imperfect knowledge of English rather than to any general tendency to insubordination. * * * In the absence of a recent census, it is not possible to draw any close comparison of the incidence of crime among the Mexican population as compared with the general population. It would appear to be very high, but the comparison is affected by the fact that more men than women have entered the country, and the age distribution gives a

⁴ "Mexicans in California," report of Gov. C. C. Young's fact-finding committee (San Francisco, 1930), 46.

larger proportion of Mexicans in the age groups most commonly found in prison. Police officials generally state a greater tendency among arrested Mexicans to plead guilty to charges and the common financial inability to extended defense and appeal of cases, both of which causes undoubtedly increase the apparent crime among the Mexicans.⁵

TABLE III.—*Drugs involved in arrests (California narcotic division)*

A. SAN FRANCISCO

	36 weeks to Apr. 1, 1926	July 1 to Sept. 1, 1928	July 1 to Sept. 1, 1929	Jan. 1 to May 31, 1930	July 1 to Sept. 30, 1930
Morphine.....per cent.	85.90	41.03	54.71	32.93	64.29
Marihuana.....do.	4.00	3.23	11.33	15.85	12.50
Opium.....do.	4.50	51.61	32.08	139.02	21.43
Heroin.....do.					
Cocaine.....do.	5.60	3.23	1.88	12.20	1.78
Number of cases involved.....	100.00	100.00	100.00	100.00	100.00
		31	53	82	56

¹ Due to intensive drive against opium smokers.

B. LOS ANGELES

	26 weeks to Jan. 24, 1926	July 1 to Sept. 1, 1928	July 1 to Sept. 1, 1929	Jan. 1 to May 31, 1930	July 1 to Sept. 30, 1930
Morphine.....per cent.	50.00	28.57	40.82	26.32	27.58
Marihuana.....do.	25.50	47.02	30.01	50.58	62.07
Opium.....do.	12.00	19.05	24.49	14.47	6.90
Heroin.....do.	7.10	4.76	4.08	2.63	
Cocaine.....do.	4.50				3.45
Number of cases involved.....	100.00	100.00	100.00	100.00	100.00
		21	40	76	29

C. STATE-WIDE¹

Morphine.....per cent.				42.81	41.34
Marihuana.....do.				33.73	25.70
Opium.....do.				18.77	26.26
Heroin.....do.				.59	1.67
Cocaine.....do.				4.10	5.03
Number of cases involved.....				100.00	100.00
				341	331

¹ The number of cases involved during identical periods in different tables do not conform because vag addicts arrested have no drugs in possession and therefore do not appear in the above table.

The publication by the State division of narcotic enforcement of statistics of arrests by nationalities makes possible

¹ Ibid., 198-9.

separate examination of Mexican offenders against the narcotic laws, principally peddlers and addicts of drugs.

Marihuana is a drug the use of which has spread with the dispersion of Mexican immigrants. It has not been proscribed by the Federal narcotic act but is covered by State law in California. In 1928 Illinois authorities were experiencing the invasion of this unaccustomed drug against which they had no legal prohibitions in centers where Mexicans were colonizing. The drug itself is described as follows:

California is vitally interested in the traffic in marihuana or Indian hemp. Table [III] indicates that its use is widespread throughout southern California among the Mexican population there. The flowering tops and leaves are dried and usually smoked as a cigarette, causing exaltation and a feeling of physical power; but if continued, the drug develops a delirious rage, causing the smoker to commit atrocious crimes. The Arabic name for it is hashish, from which our word "assassin" was derived.

Indian hemp has little value as a medicine because of its variability in effect; its commercial value is at present doubtful, but with improved machinery for making linen fiber it may have a commercial value in the future.

Recently seizures of marihuana at the seaboard indicate that it is being smuggled into California on fruit boats from South America. It is also grown to some extent here. A favorite method is to plant it between rows of corn so it is concealed from view. It is now selling at approximately \$1.50 per can in wholesale lots. These cans contain enough marihuana to make about 41 cigarettes, which retail at 25 cents each, showing there is a large profit in the business.

Fortunately it will never be as serious a problem as the narcotic drugs, because it is not cumulative in its effect and the sudden discontinuance of its use produces no withdrawal symptoms.⁶

⁶ "The trend of drug addiction," by the California State narcotic committee (Sacramento, 1931), p. 17.

TABLE IV.—Nationality of persons arrested (California narcotics division)

A. SAN FRANCISCO					
	6 months to Jan. 24, 1925	6 months to Jan. 24, 1926	July 1 to Sept. 30, 1928	Jan. 1 to May 31, 1930	July 1 to Sept. 30, 1930
Anglo-Saxons and Latins.....per cent.....			41.03	53.59	70.24
Negroes.....do.....			5.13	0.22	5.79
Chinese.....do.....			48.71	37.50	17.36
Mexicans.....do.....			5.13	2.69	0.01
Number of cases involved.....			100.00	100.00	100.00
			39	112	121
B. LOS ANGELES					
Anglo-Saxons and Latins.....per cent.....	33.40	30.50	51.35	40.14	49.33
Negroes.....do.....	13.00	18.00	2.70	2.63	14.00
Chinese.....do.....	9.80	13.00	2.70	8.55	8.00
Mexicans.....do.....	43.80	38.50	43.25	48.68	38.07
Number of cases involved.....	100.00	100.00	100.00	100.00	100.00
	315	219	37	162	76
C. STATE-WIDE					
Anglo-Saxons, Latins, and Negroes.....per cent.....			47.11		
Chinese.....do.....			27.73		
Mexicans.....do.....			25.16		
Number of cases involved.....			100.00		
			624		

¹ Increase due to release of George Smith, notorious negro drug peddler, from Leavenworth Penitentiary.

² Increase due to intensive drive against opium smokers.

Tables III and IV are reproduced from the recent report of the California State narcotic committee because they show two alien groups, Mexicans and Chinese, carrying the use of accustomed drugs with them as they migrate. From Table III appears the comparatively high proportion of arrests in San Francisco involving opium and in Los Angeles involving marihuana. This may be compared with Table IV, which shows a higher proportion of Chinese by "race" arrested in San Francisco and of Mexicans by "race" arrested in Los Angeles. The State narcotics committee comments as follows:

It is interesting to note in the [preceding] tables the very large percentage of Chinese violations of law in San Francisco. This checks with the large percentage of opium used there, while in Los Angeles the large percentage of Mexicans involved checks with the increased use of marihuana shown in Table [III]. These records indicate that our narcotic problem in California is intensified by the

Mexicans in southern California and the Chinese in northern California.⁷

From these tables it is clear that Mexicans by "race" and Chinese by "race" are arrested out of all proportion to their numbers in the population. At the same time, their habituation to the use of marihuana and opium, respectively, before coming to the United States must be taken into consideration before passing judgment upon the inherent criminality of these peoples in this respect. Furthermore, it is pertinent to observe that the high percentage of Mexicans shown in these tables would be lessened if it was possible to combine the arrests by Federal officers with those by State officers in the same areas, since marihuana is not proscribed by Federal narcotic statutes, and since Federal officers concentrate their efforts more largely than do State officers upon smugglers and large dealers who seldom are Mexicans.

TABLE V.—Offenses, by number and percentages, for which Mexicans were arrested by the Stockton police, 1928

	Number	Per cent
Crimes against:		
The person—		
Battery.....	11	1.7
Robbery.....	4	.6
Total.....	15	2.3
Chastity and family—		
Rape.....	3	.5
Failure to provide.....	1	.1
Total.....	4	.6
Public decency and morals—		
Vagrancy.....	207	32.2
Disturbing the peace.....	21	3.3
Total.....	228	35.5
Public Health—		
Drunk.....	179	27.9
Liquor laws.....	21	3.3
State narcotic act.....	21	3.3
Quarantine.....	9	1.4
Total.....	230	35.9
Property—		
Petty theft.....	24	3.7
Burglary.....	8	1.2
Evasion of railroad fare.....	5	.8
Malicious mischief.....	3	.5
Total.....	40	6.2

⁷ P. 13.

TABLE V.—Offenses, by number and percentages, for which Mexicans were arrested by the Stockton police, 1928—Continued

	Number	Per cent
Crimes against—Continued.		
Miscellaneous—		
Investigation.....	98	15.3
Traffic laws.....	19	3.0
Concealed weapons.....	5	.8
Reckless driving.....	2	.3
Throwing glass in street.....	1	.1
Total.....	125	10.5
Grand total.....	642	100.0

STOCKTON, CALIF.

In considering the Mexicans in California, the portion of the report on "Crime and the Foreign Born, Stockton, Calif.," dealing with Mexicans may be included here by reference. The following excerpts from that report are particularly significant in the present connection:

Mexicans (by "race") accounted for 7.8 per cent of all arrests for the year (1928). The special census referred to above reported that Mexican children comprised 6.1 per cent of the total for Stockton. It is probable, therefore, that this group is responsible for its full proportion of arrests, or perhaps a little more, although several factors not fully known cast doubt upon the certainty of the conclusion. It is not certain, for example, that the proportion of Mexican school children is an exact index of the proportion of Mexicans to total population; furthermore, seasonal fluctuations increase the numbers of Mexicans in the city at some times, but by how much, it is impossible to say. It is clear, however, that compared with the other alien groups, the proportion of Mexicans arrested is decidedly high, amounting to 60 per cent of the arrests of persons of the six alien groups * * *. Practically one-third of the arrests were for vagrancy, and almost another one-third for drunkenness or violation of liquor laws. Of the remainder, almost half were held for "investigation" and the rest for a variety of offenses, among which may be noted petty theft, burglary, and robbery.⁵

⁵ *Infra*, Pt. IV, sec. 3.

TABLE VI.—Natives of Mexico arrested by police department, city and county of San Francisco, during the year ending June 31, 1929, classified by charges¹

	Number	Per cent
CRIMES AGAINST THE PERSON		
Battery.....	28	1.7
Robbery.....	10	.6
Assault with deadly weapon.....	7	.4
Threats to kill.....	0	.4
Assault to murder.....	5	.3
Failure to render aid.....	4	.2
Murder.....	2	.1
Assault.....	1	.1
Assault to rape.....	1	.1
Manlaughter.....	1	.1
Total.....	66	4.0
CRIMES AGAINST CHASTITY AND FAMILY		
Failure to provide for minor child.....	13	.8
Crimes against children.....	0	.3
Contributing to delinquency of minor.....	4	.2
Rape.....	4	.2
Inmate house of ill fame.....	3	.2
Abandonment of wife.....	1	.1
Adultery.....	1	.1
Soliciting for prostitution.....	1	.1
Total.....	33	2.0
CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS		
Drunk in public place.....	403	25.0
Vagrancy.....	308	19.0
Visiting gambling and disorderly houses.....	164	10.2
Disturbing the peace.....	54	3.3
Keeping gambling and disorderly houses.....	23	1.4
Total.....	952	59.9
CRIMES AGAINST PUBLIC HEALTH		
State and national prohibition laws.....	20	1.7
State and Federal narcotic laws.....	27	1.7
Total.....	50	3.4
CRIMES AGAINST ADMINISTRATION OF GOVERNMENT		
Resisting an officer.....	2	.1
CRIMES AGAINST PROPERTY		
Petit theft.....	50	3.5
Burglary.....	45	2.8
Malevolent mischief.....	20	1.3
Grand theft.....	0	.4
Attempted burglary.....	3	.2
Fictitious checks.....	3	.2
Receiving stolen goods.....	3	.2
Forgery.....	2	.1
Driving vehicle without owner's consent.....	1	.1
Tampering with vehicle.....	1	.1
Arson.....	1	.1
Total.....	150	9.5

¹ Figures furnished by police department of San Francisco city and county. Classification of charges used by Los Angeles police department was followed as closely as possible in making this table.

TABLE VI.—*Natives of Mexico arrested by police department, city and county of San Francisco, etc.*—Continued

	Number	Per cent
MISCELLANEOUS		
En route ¹	136	8.4
Motor-vehicle and traffic violations.....	92	5.7
State revolver law.....	13	.8
Driving under influence.....	4	.2
Conspiracy.....	3	.2
Alleged wards of the juvenile court.....	2	.1
Miscellaneous minor violations.....	100	6.6
Total.....	360	22.0
NONCRIMINAL DETENTION		
Insanity.....	1	.1
Grand total.....	1,615	100.0

¹ Charge unspecified.

SAN FRANCISCO, CALIF.

The Mexican population of San Francisco is small. According to the registration of minors taken for the schools in 1927 only 1.3 per cent of the children ages 5 to 15, inclusive, were Mexicans by race. One and four-tenths per cent of the persons arrested by the police department during the year ending June 30, 1929, were reported as natives of Mexico. These figures are not directly comparable, but they suggest that Mexicans were arrested somewhat out of proportion to their numbers, unless there was a marked increase in Mexican population in San Francisco between the registration of minors of 1927 and the fiscal year 1928-29; probably there was some increase.

The distribution of offenses was somewhat different than in Tables VII and VIII giving figures from Los Angeles, but this may be largely the result of different practices in recording and classifying arrests. For example, "en route" is listed as an important item in San Francisco, referring to prisoners passed on to other jurisdictions; evidently these have been recorded in some other way in Los Angeles. Refined comparisons are, therefore, difficult to make.

The Bureau of Investigation, Department of Justice, reported but 2 Mexican aliens, or 0.5 per cent of a total of 377

cases originating in San Francisco which were investigated during the fiscal year ended June 30, 1930. One of these involved the white slave traffic act, the other, the national motor vehicle theft act. The San Francisco office, United States Prohibition Office, of the Department of Justice, reported on September 3, 1930, arrest of but 11 Mexican aliens, or 0.6 per cent of their total arrests of 1,769 during nine months preceding. Mexican cases were not disproportionately large among the activities of these divisions of the Department of Justice; indeed they may have been disproportionately small.

LOS ANGELES CITY, CALIF.

Los Angeles is the largest center of Mexican population in the United States. The number of Mexicans present in the city fluctuates a good deal, since many leave for agricultural and railroad employment from spring to fall and return to the city for the winter. According to the special census of February 1, 1927, in the elementary schools of Los Angeles City, 17.1 per cent of the children were Mexicans by "race."

In Table VII are presented the arrests of adult prisoners by the police department of Los Angeles, classified by nativity and charge. In Table VIII a similar comparison is made between persons of the "red race" and of all races. In neither table does the distribution among major groups of offenses charged against Mexicans or the red race vary greatly from the distribution of offenses charged against all offenders, or in Table VII, against natives of the United States. The deviation from average, of native Mexicans and persons of the red race, is not always the same nor in the same direction. Thus the percentage of persons of the red race arrested for offenses against the person was slightly higher than average, but the similar percentage of native Mexicans was slightly lower. But such minor deviations and differences need not be stressed.

In the absence of 1930 census figures, no comparison is possible between the percentage of natives of Mexico arrested, which was 11.8 in 1926-27 and 11.5 in 1928-29, and the proportion of native Mexicans in the total population.

TABLE VIII.—Arrests of adult prisoners, Los Angeles, 1926-27, by race and charge¹

	Arrests charging offenses against—														
	The person			Chastity and family			Public decency and good morals			Public health			Administration of government		
	Number	Per cent of all arrests of race specified	Per cent of all arrests on charge specified	Number	Per cent of all arrests of race specified	Per cent of all arrests on charge specified	Number	Per cent of all arrests of race specified	Per cent of all arrests on charge specified	Number	Per cent of all arrests of race specified	Per cent of all arrests on charge specified	Number	Per cent of all arrests of race specified	Per cent of all arrests on charge specified
Red race.....	303	4.0	16.8	308	4.1	14.2	4,971	65.5	17.3	977	12.9	14.3	49	0.6	25.8
All races.....	1,806	3.9	100.0	2,165	4.6	100.0	28,697	61.3	100.0	6,798	14.5	100.0	190	.4	100.0

	Arrests charging offenses against—Continued			Miscellaneous			Noncriminal detention			Grand total		
	Property			Number	Per cent of all arrests of race specified	Per cent of all arrests on charge specified	Number	Per cent of all arrests of race specified	Per cent of all arrests on charge specified	Number	Per cent of all arrests of race specified	Per cent of all arrests on charge specified
	Number	Per cent of all arrests of race specified	Per cent of all arrests on charge specified									
Red race.....	792	10.4	15.8	154	2.0	8.6	34	0.5	9.7	7,583	100.0	16.2
All races.....	5,015	10.7	100.0	1,787	3.8	100.0	350	.8	100.0	46,808	100.0	100.0

¹ Crimes against the person include assault, assault to murder, assault to rape, assault with deadly weapon, battery, blackmail, failure to render aid, kidnaping, manslaughter, murder (first degree), robbery. Crimes against chastity and family include abandonment, procuring abortion, adultery, bigamy, child labor, contributing to delinquency of a minor, dependent person, failure to provide, incorrigible, lascivious conduct in the presence of children, Mann Act, offering (prostitute), prostitution (placing wife in house), rooming house (resorting to for immoral purposes), rape, register (failure to keep proper), sex perversion, sodomy, using public vehicle for immoral purposes. Crimes against public decency and good morals include begging, bathing suit insufficient, cruelty to animals, conducting disorderly house, destroying evidence, disturbing the peace, disturbing religious meeting, drunk, false advertising, form chart, fortune telling, gambling, conducting gambling, gambling device in possession, habitual drunk, indecent exposure, lewd and dissolute, loitering, lottery possession, lottery visiting, admitting minor to pool room, admitting minor to public dance, obscene pictures or literature, pandering, punch board in possession, vagrant addict, dissolute vagrant, idle vagrant, vagrant, late hours, lewd vagrant, vagrant lookout, vagrant sleeper. Crimes against public health include garbage ordinance, Harrison Act (Federal narcotic), health ordinance, medical law (State), park ordinance, pharmacy act, public nuisance maintained, pure food act, quarantine violation, sale of tobacco to minors, State narcotic act (felony), State narcotic act (misdemeanor), Volstead Act, liquor act. Crimes against the administration of government include aiding prisoner to escape (felony), bribery, criminal contempt, criminal syndicalism, defrauding the Government, escape (felony), escape (misdemeanor), immigra-

tion law, impersonating an officer, interfering with an officer, perjury, picketing, resisting an officer, violation of election law. Crimes against property include arson, burglary, corporation laws, counterfeiting, defrauding innkeeper, Dyer Act (Federal auto theft), embezzlement, evading railroad fare, evading taxi fare, extortion (misdemeanor), issuing fictitious checks, forgery, fraud, grand larceny, grand larceny of auto, injury to person or property, labor law, use of mails to defraud, malicious mischief, obtaining money or goods by false pretense (felony), obtaining money or goods by false pretense (misdemeanor), operating vehicle without owner's consent, petit embezzlement, petit larceny, larceny from the person, receiving stolen property, removing property subject to lien, tampering with mail, tampering with a vehicle, trespassing, trespassing on railroad locomotive, usury, extortion (felony). Miscellaneous crimes include advertising in street, fraudulent auction, blasting ordinance, blocking sidewalk, breaking glass in street, California vehicle act (misdemeanor), carrying concealed weapon (felony), carrying concealed weapon (misdemeanor), carrying passengers without permit, charging additional fee in amusement, concealing criminal, conspiracy, deserter, displaying deadly weapons, distributing handbills, drunk driving, en route, fireworks ordinance, fish and game laws, fugitive, illegal use of United States uniform, license ordinance, absence from National Guard drill, parading without permit, parole violation, peddling ordinance, plumbing ordinance, probation violation, reckless driving, returned to serve time, soliciting ordinance (busses), splicing ordinance, straggler, permitting stock to run at large, taxi ordinance, traffic ordinance, warrant, weights and measures, miscellaneous ordinances. Noncriminal detentions include delinquent child, insane, material witness, runaway.

VALLEY OF THE SOUTH PLATTE, COLO.

The territory lying north and northeast of Denver is the leading sugar-beet producing area in the United States. The Mexican population is much larger from May to November than from December to April, but the school census, offering the best available basis for estimating the proportion of Mexicans in the total population, was taken on February 10, 1927, at the low point. "Mexicans" includes here the "Spanish Americans," or native-born persons of Indo-Spanish ancestry from southern Colorado and New Mexico. The following report by the present writer has appeared elsewhere:¹⁰

A check was made of the county-jail register in three counties in northeastern Colorado to determine the extent of Mexican arrests. In Adams County during a 10-month period from January 11 to November 13, 1927, of 498 persons arrested, 40, or 8 per cent, were Mexicans. In the same year Mexicans were only 4.9 per cent of the school census population of the county. In Larimer County during the period studied, from January 15, 1925, to November, 1927, of 754 entries, 199, or 26.4 per cent, were Mexican names. Mexicans composed only 4.9 per cent of the school population of Larimer County in 1927. In Weld County in 1925, of 835 criminal cases in the courts, 140, or 16.8 per cent, involved Mexicans.¹¹ A study of 3,178 entries in the register of the county jail of Weld County covering a period of nearly three years ending November 8, 1927, showed 576, or 18.1 per cent, Mexican names. In 1927 only 8.8 per cent of the school census population was Mexican.

It is clear that the percentage of arrests of Mexicans is disproportionately high, although the fact that the school census is taken in February and therefore omits the Mexicans only temporarily in the area during beet-growing season, modifies somewhat the force of this statement. The offenses most frequently charged to Mexicans are violation of liquor laws, petty larceny, and breaches of the peace during quarrels with fellow Mexicans.

* * * * *

The extent to which Mexicans violate our laws appears to be magnified unduly not only by the northeastern Colorado community but even by the officers who handle the Mexican offenders. Examination of the books of one officer who vigorously denounced the criminal

¹⁰ Op. cit., I, 173-175.

¹¹ According to a study of names of defendants in the court records by representatives of the Great Western Sugar Co.

quality of Mexicans showed only 40 per cent of the proportion of Mexican arrests which he said emphatically his records would show. In another county the percentage shown by the records was only 16 per cent of the a priori asserted proportion of cases. When this was ascertained the officer insisted that many non-Mexican entries should be deducted before arriving at the true proportion of Mexican cases. Even when this was done and all arrests of traffic law violators, insane persons, runaways, persons held for investigation or arrested for other than county officers were deducted, the proportion of Mexican cases proved to be only 34 per cent of the number originally stated by the officer to be Mexicans.

Both the sugar company and the more stable elements in the Mexican population are sensitive to criticisms of disorderly conduct by the Mexicans. In its labor booklet the company devotes more than a page to a statement of the laws with which Mexicans are most likely to get into difficulty in order that they may be fully informed concerning them. The company advises the laborers to observe these laws not only that they may avoid punishment but also that they may establish for themselves a good reputation in the community.

The Mexicans themselves exhibit concern over the attacks upon them as law violators. Spanish Americans attribute the social pressure of the American community against them to the disorderly conduct of the Mexicans from old Mexico. The more settled old Mexico Mexicans lay the blame for the disturbances which bring them, together with the Spanish Americans, into disrepute on the migratories who come in for the season only. Members of the company colonies pride themselves on their preservation of order and on the fact that it has been very rarely necessary to call the police or sheriff to preserve order among them. In order to overcome the criticism and discrimination based in part upon their reputation for lawlessness, the Mexicans in Longmont staged in 1927 a particularly elaborate celebration of their national holiday, the 16th of September. At the foot of the handbill advertising the program a conspicuous note was appended which, translated, reads as follows:

"NOTE.—Our compatriots are earnestly requested to preserve the best possible order, for they well know that the object of this celebration in Longmont is to alter the opinion which is held of the Mexicans, and for that reason we hope that they will conduct themselves in the best manner possible."

Celebrations of this kind, efforts of resident Mexicans to preserve order among their own people, and increased contact between Americans and Mexicans appear to have diminished the attacks on Mexicans based upon their lawlessness. But the belief that they are lawless, more so than the facts appear to warrant, is still [1928] fairly general.

DIMMIT COUNTY, TEX.

Dimmit County lies in the Winter Garden district about 100 miles southwest of San Antonio. It is a leading producer of Bermuda onions and spinach, which require much hand labor between November and May but very little from June to October, when a large part of the resident Mexicans leave to pick cotton in other parts of Texas. The school census, which furnishes a basis for estimating the proportion of Mexicans in the general population, was taken as of April 1, 1929, during the height of the onion harvest. According to this census, Mexican children (native and foreign born), ages 7 to 17, constituted 73 per cent of all children. The following is a previously published report by the present writer on law observance of Mexicans (native and foreign born):

The extent of law violations by Mexicans in Dimmit County is inconsequential. Table 9 shows that during a 6 months' period Mexicans were only 50 per cent of all defendants in the Carrizo Springs justice court, much less than their numbers and class would lead one to expect. Furthermore, 29, or two-thirds, of these were arrested for the pacific offense of gambling. All defendants were convicted. The justice estimated that Mexicans were involved in not over 10 per cent of the civil suits, usually as defendants in actions to collect debts. Crimes by either Americans or Mexicans are rare. Dimmit County is still in that fortunate state in which the inhabitants need not lock their houses, even when they go away on vacations. Local Americans usually attribute the good record of the Mexicans in this respect to their fear of consequences. An official stated, "The Mexicans are afraid to violate the law." And another resident linked their fear to a proud Texan tradition: "The Mexicans are peaceful. The Mexicans dread the Texas people, dating from the time of Texas independence. They say, 'We could whip the United States except for the Texans.'"

* * * * *

TABLE IX.—Charges against Mexican defendants in the justice of peace court, Carrizo Springs, Tex., from December 3, 1928, to June 11, 1929

Offense	Number of Mexican defendants	Offense	Number of Mexican defendants
Disturbing the peace.....	2	Driving with improper lights.....	1
Affray.....	3	Rudely displaying weapons.....	2
Drunk.....	1		
Card playing.....	20	Total Mexican defendants.....	44
Using vile language.....	1	Defendants, all classes.....	88
Sale or transportation of liquor.....	5	Percentage of Mexican defendants..	50

Belief that the Mexicans are not on an equality with Americans before the law is general among the Mexicans of south Texas, including those of Dimmit County, and frequently is admitted by Americans:

If we go to court, it is no use. If there is a dispute between two Mexicans, the courts are all right, but if it is between a Mexican and an American, it is different; the American gets the best of it some way. You never see them sending an American to the penitentiary for killing a Mexican.

The previous statement was from a Texas Mexican; the following by a Mexican from Mexico is characteristic in attitude. The incidents mentioned did not take place in Dimmit County, though the interview did.

It is "muy duro" in this country. There is a law for the Americans [i. e., to protect them], but none for the Mexicans. Three Americans beat on the head the brother of some little Mexicans who had been fighting some little Americans. The judge told the Mexican if he did not like the United States to go back to Mexico. If I were mistreated, I would not say anything—it is their country—or else I would go back to Mexico.

The comment of an American peace officer of the county is suggestive:

The Mexican here has pretty nearly the same chance as a white man. In his place he has the same chance. The saying is that over there [in Mexico] it is "senor"; here it is "hombre."

I try to treat a Mexican prisoner the same as a white man as long as he will let me, but if he gets smart, I will probably hit him quicker than I would a white man.

The statement is more significant as an expression of attitude than as a description of what happens in Dimmit

County. The Mexicans of that county spoke well of the sheriff, despite some claim of inattention to their appeals.

The Americans come over to our town and curse in front of my wife, and the sheriff won't do anything about it. He says he will take it up, but he does not do anything. * * * But our present sheriff is a good man. He has no friends; he treats all alike. The poorer the Mexican the better the sheriff is to him. He tells a drunk Mexican to go home, but he does not kick him and beat him. The Mexicans in some counties say they get whipped.

CHICAGO-GARY REGION

Mexican laborers have penetrated the industrial region on the southern shore of Lake Michigan, and in 1928 were employed in large numbers on railroads and in steel plants and meat-packing houses of the area. In that year approximately 4,000 Mexicans, or 43 per cent of all maintenance-of-way employees on 16 railroads, were employed in Chicago and the immediate vicinity. Seven thousand Mexicans, or 10.7 per cent of all employees, were employed in 15 large industrial plants of the region. It is believed that these figures include all but two plants and railroads employing down to 100 Mexicans in this area. The percentage of Mexican employees on individual railroads ranged from 4 to 80 per cent, and in individual industrial plants to form 3.7 per cent to 30 per cent.¹²

An advance estimate of 30,000 persons of Mexican origin in Chicago, or approximately 1 per cent of the total population, has been made by Joseph Veseley, chairman of the Chicago census advisory committee. The great majority of these are natives of Mexico. The estimate may be somewhat high, however.

Opinions concerning the proneness of Mexicans to violate law have an intrinsic importance irrespective of their foundation, or lack of foundation, in objective fact. In this report both opinion and fact are examined, so far as possible.

Some persons thought the Mexicans dangerous:

The Mexicans kill one another about once a week.

The Mexicans carry guns and have a bad part of town. I would not go down in their part of town after dark for anything.

¹² See Paul S. Taylor, Employment of Mexicans in Chicago and the Calumet Region, in Journal of the American Statistical Association, June, 1930, p. 206.

About a week ago they rounded up about 13 and took them to jail. They were upstairs in that building and were doing something, what I do not know, but you could hear them. Every once in a while they would throw an empty bottle at some one passing in the street below. About two months ago they had a riot down Eighty-seventh Street and it took three Cadillacs of police and a couple of motor cycles to stop them. They are always shooting or stabbing each other. It's fierce.

Others were more temperate. It was a policeman who said:

They are not criminals at heart, and we have less trouble with them than with other nationalities. They are not robbers and thieves. Carrying a weapon is the greatest [not most numerous] offense, and getting drunk is the second. The other people peddle out the poison [i. e., liquor] and the poor devils drink it.

But even he was apprehensive of danger from Mexicans being placed under arrest. The more friendly accounts stressed a belief, not held by all, that the Mexicans kept their disturbances to themselves.

Mexicans were generally ready to admit the charges against their own countrymen, but usually not without observing that other nationalities, too, had similar transgressors:

I think South Chicago has a very bad name as a Mexican colony among the Mexicans themselves. At night sometimes it is like a revolution here.

The Mexicans have earned their reputation. When the Irish or Poles drink they do it at home and stay home; they bother no one. But the Mexicans drink and then go out; they go on the street and holler and yell "Qué escándalo!" And then they fight with other Mexicans in their houses and on the street. The police come and take them in and put them in jail; but what [else] can they do? Es triste! The worst of all are those malos hombres that carry a knife or gun around. Some of them are Mexicans. They make trouble all the time. It is very bad for all of us who are quiet and want to live well with their neighbors. They think all the Mexicans are like that. They always tell us that. But I laugh and keep still when I see some of those cabezas de nieve [white heads] going to jail; they have some bad ones themselves. But we Mexicans are bad and have a bad reputation.

They [the Poles] say we are drunk and low. They are not better than we, but they are worse. They say we are not fit to associate with. We do not want to associate with them, with people who allow

their women to appear drunk in public and act like wild women. They raise hell in this town. The Mexicans do their drinking inside; the Poles go out into the street hollering and cursing. In the house where I live there are some Poles who live on the first flat. There are five women and seven men, none of them married. They get drunk three times a week and raise Cain till 3 or 4 in the morning. They bang the chairs on the wall and break the dishes. In the winter if I chop some wood upstairs for kindling the women come upstairs cursing and yelling at me. You never hear of our Mexican women acting that way or swearing. The Poles are a disgrace.

TABLE X.—Arrests and charges and convictions in the municipal court of Mexicans and American whites in Chicago in 1928 and 1929¹

	1928	1929	1928-29
ARRESTS			
Total.....	150,885	104,009	345,894
American white.....	92,802	111,081	203,883
Per cent American white.....	61.5	57.0	58.9
Mexicans.....	2,147	2,690	4,846
Per cent Mexicans.....	1.4	1.4	1.4
CHARGES			
Felonies:			
Total.....	21,270	20,215	41,494
American white.....	12,437	12,206	24,643
Per cent American white.....	58.4	60.4	59.4
Mexican.....	176	202	377
Per cent Mexican.....	.8	1.0	.9
Misdemeanors:			
Total.....	147,503	192,211	339,714
American white.....	90,951	108,900	199,911
Per cent American white.....	61.7	56.7	58.8
Mexican.....	2,103	2,025	4,728
Per cent Mexican.....	1.4	1.4	1.4
Both:			
Total.....	168,782	212,426	381,208
American white.....	103,388	121,106	224,554
Per cent American white.....	61.3	57.0	58.9
Mexican.....	2,278	2,827	5,105
Per cent Mexican.....	1.3	1.3	1.3
CONVICTIONS, MISDEMEANORS			
Total.....	34,012	45,004	80,006
American white.....	21,272	25,838	47,110
Per cent American white.....	60.0	57.3	58.9
Mexican.....	820	1,000	1,820
Per cent Mexican.....	2.4	2.2	2.3
PER CENT CONVICTIONS, MISDEMEANORS²			
Total.....	23.7	23.5	23.4
American white.....	23.4	23.7	23.6
Mexican.....	39.3	38.1	38.7

¹ Data from annual reports of the police department. "American colored" are separated from "American"; therefore "American" in the report is given as "American white" in this table. The same individual may have been charged and convicted of more than one offense, and therefore counted more than once in these items. All data are based upon arrests made in 1928 and 1929.

² The percentage of Mexican arrests rose to 1.87 in 1930; in that year, of 183,434 arrests, 3,433 were arrests of Mexicans.

³ Data on charges and convictions for felonies did not permit comparison.

The keen observation that the effects of quarrelsomeness depend not so much upon any inherent national predisposition to quarrel as upon the weapons used under the accepted code was made by an Irish woman:

The Mexicans, you know, don't bother other people, but they raise hell amongst their own. That's too bad. One month ago there was one fellow shot at 8925 Green Bay. Only two weeks ago one fellow carried a knife and tried to stab another fellow on this corner. They keep the police busy watching them and seeing that they keep order. You know the Irish get rowdy or mad and give each other a black eye, but they wouldn't kill each other. That's too much.

An American pointed out the additional effect in accentuating the bad reputation of Mexicans of selected and perhaps accented news of their misdeeds which appear in the papers:

The Mexicans get a bad reputation through their drunkenness and court cases, which are played up by the papers and are the only things we hear about the Mexicans. Of course, the whites get drunk too.

The available statistics on offenses by Mexicans in Chicago are presented in Tables X to XII. From Table X it appears that 1.4 per cent of the persons arrested during the 2-year period 1928-29 were Mexicans by nativity. In the absence of accurate population statistics it is impossible to make exact comparison between the proportion of Mexicans arrested and the proportion of Mexicans in the total population. It is probable, however, that Mexicans have been arrested in numbers somewhat beyond that to which their proportion of the total population would entitle them. This was probably true of 1930 also, when the percentage of Mexican arrests rose to 1.85; when the 1930 census becomes available fairly accurate comparison can be made. It will be observed from the table that the proportion of charges against Mexicans for felonies is much less than that against them for misdemeanors, viz, 0.9 per cent, a record which is distinctly favorable to them.

TABLE XI.—Charges upon which Mexicans arrested during the 2-year period 1928-29 were convicted in the Chicago municipal court¹

Charges	Number	Per cent
Felonies:		
Larceny and larceny by bail.....	124	87.9
Malevolent mischief.....	6	4.3
Larceny, attempted.....	4	2.9
Larceny of automobile.....	3	1.4
Receiving stolen property.....	2	1.4
Larceny by pickpocket.....	1	.7
Larceny, accessory to.....	1	.7
Other felonies.....	1	.7
Total.....	141	100.0
Misdemeanors:		
Disorderly conduct.....	1,231	87.3
Disorderly house, inmates of.....	201	11.0
Carrying concealed firearm.....	65	3.5
Assault with deadly weapon.....	63	3.4
Motor vehicle and traffic violations.....	45	2.5
Other concealed weapons.....	41	2.2
Gaming house, inmates of.....	30	2.0
House of ill fame, inmates of.....	24	1.9
Search and seizure act.....	14	.8
Contributing to delinquency of child.....	14	.8
License renewal.....	10	.5
Refusal to pay taxi fare.....	8	.4
Sundry licenses.....	6	.3
Gaming house, keepers of.....	6	.3
Houses of ill fame, keepers of.....	5	.3
Assault and battery.....	5	.3
Assault.....	5	.3
Abandonment or nonsupport of wife or children.....	5	.3
Auto operator intoxicated.....	4	.2
Vagrancy.....	3	.1
Obtaining money or goods by false pretense.....	2	.1
Loitering.....	2	.1
Adultery and fornication.....	1	.1
Bastardy.....	1	.1
Disposing of mortgaged property.....	1	.1
Soliciting for prostitution.....	1	.1
Compulsory education.....	1	.1
Other misdemeanors.....	16	.9
Total.....	1,826	100.0

¹ Data from annual reports of the police department of Chicago. The same individual may have been convicted upon more than one charge, and therefore counted more than once.

In Table XI are shown in detail the charges upon which Mexicans who were arrested were convicted in the municipal court of Chicago during the two years 1928-29. Among felonies, the heavy preponderance of larceny in one form or another will be observed at once. The range of charges would have been considerably wider had the table not been limited to the charges upon which convictions were obtained in the municipal court, but convictions seemed preferable to simply charges as a basis. Among misdemeanors, "disorderly conduct" and "inmates of disorderly house" comprise

78.3 per cent of the convictions. This proportion is much higher than the proportion of the same offenses among either American whites or all nationalities, the figures of which are 57.3 and 58.9 per cent, respectively. Assault of various kinds and carrying weapons of various kinds comprise another 9.7 per cent of the charges on which convictions were obtained against Mexicans. This percentage also is higher than similar percentages for American whites and all nationalities, which are 3.3 and 4.7, respectively. The offenses of Mexicans are concentrated much more than average in these two groups of charges. The very abnormal age and sex composition of the Mexican population is probably chiefly responsible for the excess of these types of offenses by Mexicans. The charge of vagrancy was very little used against Mexicans, which contrasts with the extensive use of this charge in many other localities—for example, in Stockton, Calif., frequented by Mexican agricultural laborers, where 32 per cent of the Mexicans arrested by the police in 1928 were charged with vagrancy, or in San Francisco, where 19 per cent of the Mexicans arrested during the fiscal year 1929 faced this charge.

TABLE XII.—Comparison of sex and marital status of Mexicans with persons of all nationalities, based upon charges upon which Mexicans arrested during the 2-year period 1928-29 were convicted in the Chicago municipal court¹

	Married				Single				Total ¹			
	Male		Female		Male		Female		Married, both sexes		Single, both sexes	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
Felonies:												
Mexicans.....	42	72.4	16	27.6	82	98.8	1	1.2	58	41.1	83	58.9
All nationalities.....	1,650	60.4	1,083	39.6	3,647	83.1	740	16.9	2,733	38.4	4,387	61.6
Misdemeanors:												
Mexicans.....	479	94.5	28	5.5	1,292	97.9	27	2.1	507	27.8	1,319	72.2
All nationalities.....	30,513	85.3	5,244	14.7	40,105	90.6	4,144	9.4	35,757	44.7	44,249	55.3
Total:												
Mexicans.....	521	92.2	44	7.8	1,374	98.0	28	2.0	565	28.7	1,402	71.3
All nationalities.....	32,163	83.6	6,327	16.4	43,752	90.0	4,884	10.0	38,490	44.2	48,636	55.8

¹ Data from annual reports of the police department.

	Male				Female				Total, married and single				Total	
	Married		Single		Married		Single		Male		Female			
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
Felonies:														
Mexican.....	42	33.8	82	66.2	16	94.1	1	5.9	124	87.9	17	12.1	141	2.0
All nationalities.....	1,650	31.1	3,647	68.9	1,633	59.4	740	40.6	5,297	74.4	1,823	25.6	7,120	100.0
Misdemeanors:														
Mexicans.....	479	27.0	1,292	73.0	28	50.9	27	49.1	1,771	97.6	55	3.0	1,826	2.3
All nationalities.....	30,513	43.2	40,105	56.8	5,244	55.9	4,144	44.1	70,618	88.3	9,388	11.7	80,006	100.0
Total:														
Mexicans.....	521	27.5	1,374	72.5	44	61.1	28	38.9	1,895	96.3	72	3.7	1,967	2.3
All nationalities.....	32,163	42.4	43,752	57.6	6,327	56.4	4,884	43.6	75,915	87.1	11,211	12.9	87,126	100.0

Table XII permits comparison between Mexican offenders and offenders¹⁸ of all nationalities of sex composition and marital status. The effect of the abnormal sex distribution of the Mexican population of Chicago is at once apparent. The offenders of all nationalities were 87.1 per cent males, but the percentage among Mexicans was even higher, viz, 96.3. Only 2 per cent of the Mexican offenders who were single were women, but these few constituted 39 per cent of all Mexican women offenders. The proportion of Mexican offenders who were married was only 28.7 per cent as compared with 44.2 per cent of all nationalities; but the proportion of Mexican women who were married was 61.1 per cent, which was greater than the proportion of married women among offenders of all nationalities. Attention may be drawn also to the fact that the proportion of convictions which were against Mexicans (2.3 per cent) was higher than their proportion of arrests (1.4 per cent), a fact upon which further comment will be made below. The percentage of charges upon which convictions for felonies were obtained, which were against Mexicans, was 2 per cent; as in a similar comparison between arrests and convictions, this was less than the percentage of convictions for misdemeanors (2.3 per cent) which were against Mexicans. In other words, Mexican offenders were a smaller proportion of all persons guilty of felonies than of misdemeanors.

From such data as are available, then, the record of Mexicans as observers of the law seems to be only moderately unfavorable to them; certainly much more favorable than the opinions of their neighbors would suggest. These unfavorable opinions are probably accounted for largely by the unusually high proportion among Mexicans of such offenses as disorderly conduct, assault, etc., most of which are rather conspicuous to the neighbors. The unfavorable portion of the Mexicans' record for law observance thus looms unduly large in their eyes.

¹⁸ Strictly, the number of charges upon which convictions were obtained, which may not be quite identical with the number of individual offenders, but which is as close as the available data permits.

Protests by Mexicans against the administration of justice by police and courts were more specific and frequent than in some other areas studied. Whether there was less even-handed justice than in some rural areas is difficult to say; probably the fact that in the Chicago-Gary region the Mexicans were a group predominantly of males, in an urban environment, far from home, and with local Mexican newspapers, brought individual cases of abuse more generally and vividly to the attention of the colonists and made them more vocal in protest. On the other hand, there is the fact that the police in the districts inhabited by Mexicans are often first or second generation of the very nationalities which feel themselves in competition with the Mexicans and frequently have clashed with them physically; furthermore, the police are less accustomed to the presence of Mexicans in the community and are less familiar with their language and behavior than in the Southwest, where they have been longer. These facts naturally do not result in more gentle treatment of Mexicans. At the same time the line of social and economic cleavage between Mexicans and the rest of the community, inevitably affecting adversely their standing before the law, is not so clear and sharp as in the rural Southwest.

The Mexicans in Indiana Harbor (East Chicago) claimed that discriminatory treatment by policemen, usually Polish, was common. Four statements may be quoted as representative:

The policemen here are hard on the Mexicans. If they see a Mexican drunk, they run him in, even if he has [only] a breath. If it's a Polillo, they pat him on the back, take him by the hand, and say, "Go home and sleep it off," even if they are acting like mad. It costs a Mexican \$18 and \$20 to drink; not a Pole.

The Mexicans take a lot of abuse here in this town. The authorities are always after us. If the Mexican drinks a glass of something and a policeman knows it, into the calaboose for him. If they commit a nuisance, the same. A Pole gets drunk and the policeman takes him home. If the other commits a crime, he has a chance to get away with it; not a Mexican. The others get drunk by the families, carry on brothels, and are never disturbed. If the Mexicans have a party and somebody laughs too loud, they raid the place and call it disorderly conduct.

The police are bad to the Mexicans. They do not wait for an explanation, but catch every Mexican they suspect and hit them over the head.

A policeman killed a Mexican recently. Just because a Mexican is drunk they hit him or do anything to him.

When I inquired of a Mexican in Gary why the Mexicans frequently carry guns, he referred to the incident just mentioned by way of reply:

One reason the Mexicans carry guns is because of their relations with the police. The latter, especially in Indiana Harbor, shoot the Mexicans with small provocation. One shot a Mexican who was walking away from him, and laughed as the body was thrown into the patrol wagon. They are not bad as that in Gary.

It should be added by way of moderation of the preceding that a Mexican said in 1929 that "since last year the police treat the Mexicans better."

In South Chicago I encountered on the streets a young Mexican of almost diminutive stature with a surgical dressing on his scalp covering a wound which he said had just been inflicted by the police. His statement, although, of course, ex parte, is nevertheless very illuminating:

My friends made me get drunk with moonshine; when I saw the police coming I threw the empty bottle on the floor. The policeman hit me on the head with his gun. I didn't say nothing to him; I didn't fight. I didn't say nothing in court. My friends asked the judge how much the fine was; he said \$14. My friend paid it and I gave him my \$65 watch until I can pay him back. In my country the police wouldn't do that. They would just take a drunk man by the arm and take him to jail, and let him out the next day. Or if he was fighting, he would have to work a week in the flower beds; nice work, not hard.

In the vicinity of the stockyards a Mexican leader explained:

The average policeman's attitude is still against the Mexicans; the police are largely Irish and Polish.

In the same area an American with reason to be well informed included the courts with the police in his charges of maladministration of justice:

The Mexicans get little protection in the courts. The Mexicans are now learning that you must buy justice. The police searched the Mexican houses without warrants [during the Mexican-Polish

troubles] and let the crowd hit their Mexican prisoners while they were in custody. The Mexican is in the same position as the Negro in the South. He is always wrong unless there is a white man to speak for him.

A Mexican living near by independently reported "buying justice" in a very literal sense:

Sometimes the police are all right to the Mexicans and sometimes they take money from them instead of arresting them. The police hold out their hands, spreading five fingers and say, "Sabe?" The Mexicans prefer paying \$5 to being arrested, and therefore pay.

Redfield¹⁴ reports the description by an American neighbor of a police raid in Brighton Park in 1924 on a Mexican dance where a shooting occurred; the raid was conducted with such seemingly needless and indiscriminate vigor that the neighbor's "feelings were outraged by the brutality of the police."

The wholesale arrest of Mexicans caused much protest. For example, the arrest of 37 Mexicans at the Proviso railroad camp in 1926, during which, it was asserted, the police beat Mexicans, aroused much indignation and even brought newspaper censure on the consul, claiming that he displayed insufficient activity in behalf of his countrymen.¹⁵ Upon the occasion of the arrest, a few months earlier, of a number of Mexicans at the door of the dance hall at Hull House, the grievance was aired at considerable length and with thrusts at the concern of Americans over treatment of their nationals in Mexico:

NORTH AMERICANS IN MEXICO—MEXICANS IN THE UNITED STATES

In Chicago the Mexicans have been the victims more than two dozen times at the hands of the police—those abusive half-breeds who take advantage of uniforms and shining badges to perpetrate attacks on our people.

Everyone knows perfectly that the majority, 98 per cent, of the Mexicans living in this country are legitimate laborers.

Last Saturday the police, showing off great powers as detectives, caught twenty-odd Mexicans at the door of the dance hall at Hull House simply because it suited their fancy. There was no crime for which to prosecute; the police had not the semblance of a cause

¹⁴ Dr. Robert Redfield, who made field investigations in 1924-25.

¹⁵ Chicago, Mexico, Dec. 11, 1926; also Nov. 27, 1926.

for acting as they did. They were imprisoned at the police station until last Monday, and beset by rascals, petty lawyers, and petty-foggers of the district who wanted to "fix up everything."

With such actions on the part of the police the hard feelings and misunderstandings between Mexicans and North Americans are only aroused more.

There are Mexicans who bring much discredit to our nationality. They live in billiard halls and centers of vice, exploiting others. But these are not the majority. These deserve to be punished, but when honorable and decent Mexicans are jailed merely at the whim of the police we protest violently. We will not permit such attacks; we will continue to protest, let it cost us what it may.

The Chicago Tribune and other North American papers, like the Boston Transcript, should not be scandalized when an American citizen in Mexico is attacked, not by the authorities, as here, but by bandits and highwaymen.

Not three weeks ago there was a North American killed by bandits in Mexico City, and, as was natural, the State Department at Washington made the investigations and claims necessary for immediate justice just as though our country were a possession of the United States.

The newspapers went on to say that the Mexican Government should be more careful and give more security to North American citizens, as though it was its duty to detail a gendarme and five soldiers to each American to take care of him.

While the Department of State at Washington is demanding guaranties for its citizens in Mexico we are being made the victims of the police of Chicago and other cities. Only we are not going to ask for a policeman to protect us, because it is those very policemen who abuse the good nature of our patient and honorable workers.¹⁶

The judges, too, were attacked for what was said to be unequal severity in sentencing Mexicans convicted of crime:

PARTIALITY IN JUDGMENTS AGAINST MEXICANS IN THE UNITED STATES

The mutualistic societies established in Chicago have turned to the Mexican consul of the city, informing him that more than seven Mexicans are being tried for murder in the first degree in various cities, including Chicago, and probably they will be given the death sentence.

The said societies brought out that in almost all the cases involving Mexicans accused of homicide, the judges give the death sentence, and it is applied with all severity, and they use great partiality against the Mexicans during all stages of the trial. Therefore they [the clubs] ask that the Mexican Government take preventive steps

¹⁶ Chicago, Correo Mexicano, Sept. 30, 1926.

to avoid these procedures, which are not only unjust but set up a differential treatment between the two countries to the detriment of the Mexicans, violating the treaties made between the two countries and which are in full force."

Another complaint was made by one Mexican leader of high ethical standards of a situation from which a lawyer and the police of a city appeared to profit and the Mexicans to benefit or not to benefit, irrespective of their guilt.

Attorney X takes the Mexicans out of jail. He says, "How much have you?" Then the Mexicans pay \$5, \$40, or \$100 and get out of jail right away. That is not right.

One instance of abuse of position by a court interpreter was reported to Redfield in 1925:

When an old viaduct over the railway was being torn down recently the people of the neighborhood began taking away the old lumber for firewood. A railroad detective arrested two Mexicans for larceny. They spoke no English. An Italian runner for an Irish lawyer speaking Spanish went to the Mexicans and persuaded them to take the lawyer; he would get them off for \$50. [The two missionaries, one of whom recited the case] investigated, attended the trial, proved that the runner—who was acting as court interpreter—was mistranslating, and that the Mexicans had not wanted this lawyer, and secured their discharge.

The statements presented constitute a serious charge of unequal and unjust treatment by the officials charged with administration of justice. Protests were widespread in origin, some coming from almost every important Mexican colony in the region, and were on record from the time Mexican newspapers appeared to print them. Officially the police naturally deny any discriminatory treatment of Mexicans. It is, of course, extremely difficult to adduce legally acceptable proof of the charges. Furthermore, it is not easy to show that treatment which is unjust is also discriminatory against Mexicans. For example, it is characteristic of Mexicans, and probably with a large element of truth, that a Mexican could "defend" the American officials in one of the very acts which raised a storm of protest from other Mexicans:

He said there had been criticism of the consul for allowing the police to lock up 50 Mexicans after the Halstead Street shooting last

¹⁷ Mexico, Apr. 11, 1925.

November [1924], but that the police always did that, Mexicans or not, and he could see nothing to criticize.

However, some additional evidence does lend support to the charge that Mexicans have been dealt with more severely than is customary with most accused persons.

In Table 10 it appears that the percentage of charges of misdemeanors by Mexicans upon which convictions were obtained in the Chicago municipal court during 1928 and 1929 was very much above average. For the 2-year period the proportion of convictions was only 23.6 per cent of the charges brought against American whites and against all nationalities, as compared with 38.7 per cent of the charges brought against Mexicans. This represents a probability of conviction of practically 74 per cent greater than average. That the charges against Mexicans were so much better founded in fact than those against others seems highly improbable. If the police sifted out guiltless Mexicans more thoroughly than the guiltless of all nationalities before placing charges against them, which might be offered as an alternative explanation, they did it before making arrests, for the proportion of Mexican arrests to all arrests was identical with the proportion of misdemeanor charges against Mexicans to all misdemeanor charges, namely, 1.4 per cent. But that the guilty and guiltless Mexicans were distinguished with any greater discrimination than average when making arrests seems very unlikely. More probable is the explanation, suggested similarly in the report of the California fact-finding committee, that conviction of Mexicans charged with misdemeanors was obtained more readily than average.

The belief of Mexicans and others that police were prejudiced against them found some—unintended—support in the statements of policemen. A desk sergeant of police told Redfield in 1925 that he "hated 'em." An officer near the stockyards voiced the current antipathies to the Mexicans as competitors with European immigrants:

They are taking the places of these respectable, law-abiding, large-familied Lithuanians and Poles. They work for \$2 or \$3 a day.

The point of view of officers engaged in the sometimes hazardous business of arresting Mexicans also appears:

The men downstairs—policemen—have orders to take no chances whatsoever with a Mexican. They are quick on the knife and are hot tempered, and do the damage before you know it.

The Mexicans are not any worse than the others, but they will kill quicker.

Knives are usually carried * * * and when drunk these instruments come into use. They are sly, treacherous, and wily, and are not dependable. Two policemen were nearly killed dealing with some Mexicans some time ago.¹⁸

Naturally and justifiably the police seek to minimize danger to themselves when making arrests. Whether they have been unnecessarily severe and indiscriminate in doing this is, of course, very difficult to prove, but that this was done seems highly probable.

CONCLUSION

The evidence of comparative law observance by Mexicans varies from locality to locality; indeed, it sometimes shows an interesting diversity within the same locality, depending on the type of offense under consideration, or whether the Mexican group taken as the basis for comparison was Mexican by "race" or by nativity.

Using the figures of arrests or convictions available in comparison with their numbers in the general population, the record of law observance of Mexicans has appeared to be more or less unfavorable to them in the following instances:

1. Mexicans (and Indians) by "race," on the basis of arrests reported by various jurisdictions to the California Division of Criminal Identification and Investigation. Over the last five years ending June 30, 1930, arrests of Mexicans (and Indians) have averaged 12.4 per cent; the proportion of Mexican children enrolled in public and Catholic elementary schools on February 1, 1927, was 9.4 per cent.

2. Natives of Mexico constituted 10.9 per cent of the prison population of the two State prisons of California in 1920. This may be compared with the estimate by the governor's fact-finding committee of the number of native Mexicans in California in 1930, from which a ratio of 4.6 per cent of this group in the total population is arrived at.

3. Mexicans by "race" have been arrested by the California State division of narcotic enforcement in numbers far in excess of their proportion of the general population. Of 624 arrests during the period July 1 to September 30, 1928, 25 per cent were Mexicans. This high

¹⁸ Nelson, *The Mexicans in South Chicago* [1928], unpublished, 13, 14.

proportion of Mexicans is due principally to their use of marihuana, which is proscribed by State (but not by Federal) law.

4. In Stockton, Calif., Mexicans by "race" comprised 7.8 per cent of all persons arrested. According to the special school census of February 1, 1927, Mexican children by "race" constituted 6.1 per cent of all elementary school children. At some times during the year the number of Mexicans in Stockton is greater than in February.

5. In San Francisco 1.4 per cent of the persons arrested during the year ending June 30, 1929, were natives of Mexico. The registration of minors in 1927 reported 1.3 per cent of the children, ages 5-15, to be Mexicans by "race."

6. In Los Angeles 11 per cent of the persons arrested during the fiscal year 1930 were natives of Mexico. This proportion appears to be high.

7. In three counties of northeastern Colorado the proportion of sheriffs' arrests of persons of Mexican "race" appears to be high. In Adams, Larimer, and Weld Counties the percentages of such persons arrested during various periods studied were 8, 26.4, and 18.1 per cent, respectively. The proportions of Mexicans by "race" shown by the school census of April 1, 1927, in the same counties were 4.9, 4.9, and 8.3 per cent, respectively. In Weld County, in 1925, 16.8 per cent of the criminal cases involved Mexicans by "race." The school census was taken, however, at the time of the year when the Mexican population was lowest, which diminishes considerably the strength of the apparent very unfavorable comparison.

8. In Chicago during the years 1928-29, 1.4 per cent of the persons arrested were Mexicans by nativity, and in 1930, 1.85 per cent of the persons arrested were Mexicans. These figures represent a proportion which is probably somewhat higher than the proportion of native Mexicans in the total population. Of the charges upon which convictions for misdemeanors were obtained, 2.3 per cent were against Mexicans, which was undoubtedly high. The percentage of conviction of native Mexicans on charges of felony in the municipal court, although high, was more favorable to the Mexicans.

The statistical record appears to be favorable to the Mexicans in the following instances:

1. In San Francisco the investigations by the local office of the Bureau of Investigations of the Department of Justice of cases originating in San Francisco, and the arrests by the San Francisco office, United States prohibition office, Department of Justice, were each 0.6 per cent of their respective investigations and arrests. This appears to be favorable to Mexican "aliens" and "natives," which were the classifications used by the respective agencies.

2. In Los Angeles during the four fiscal years ending June 30, 1930, the percentages of persons arrested who were of the "red race"—which corresponds reasonably closely with the arrests of Mexicans "by race"—were 16.2, 16.6, 16.2, and 16, respectively. This is favor-

able to Mexicans by "race," since, according to the special census of February 1, 1927, the percentage of elementary school children who were Mexicans by "race" was 17.1. The force of this conclusion is moderated somewhat by the fact that the Mexican population of Los Angeles is less in summer than in winter; on the other hand, it is slightly strengthened by the inclusion of American Indians in the arrests of persons of "red race." It is interesting and perhaps significant to observe that while the arrests of native Mexicans in Los Angeles seems high, the arrests of persons of the "red race" seem to be reasonably favorable to persons of Mexican "race."

3. In Imperial County, Calif., Mexicans by "race" constituted only 34.4 per cent of the sheriff's arrests during a 7-month period in 1927, while Mexican children constituted 36.8 per cent of the elementary school population in February of the same year.

4. In Dimmit County, Tex., in 1929, examination of the records of a justice of peace court showed 50 per cent of convicted defendants to be Mexicans by "race," most of them charged with very minor offenses. The school census of the same year, taken at the peak of Mexican population in the county—but at least supposedly limited to residents of the county—showed 73 per cent of the children registered to be Mexicans.

One hesitates to draw generalized conclusions or to make refined distinctions from such various data. In some places the record of Mexicans as measured by arrests or convictions is undoubtedly unfavorable to them. In some places the similar record is favorable. If more rural counties in south Texas, where the Mexican population is heavy, had been included in this study, the criminality of Mexicans shown in the statistical portion of this report would have appeared more favorable. On the other hand, if more urban communities, particularly those farther from the border to which, or to the vicinity of which, Mexicans migrate for seasonal agricultural or other employment, had been included, the statistical record might have appeared even more unfavorable than it does.

An examination of the criterion of statistical comparison of arrests or convictions of Mexicans with the proportion of Mexicans in the total population is very pertinent to the subject of this report. The remarks which follow concern the adequacy of the criterion itself, as distinguished from the technical difficulties of obtaining thoroughly satisfactory statistics which were set forth in the introduction.

The use of arrests, or even convictions, to gauge the criminality of Mexicans is open to important objections. It was frequently observed that peace officers shared the prejudices toward Mexicans of other members of the community in which they live. This has already been pointed out above in the section of the report on the Chicago-Gary region, and evidence of the existence of similar prejudices have been observed in other localities. The effect of this is doubtless to increase arrests of Mexicans relative to arrests of native-born Americans, quite independently of criminality.

Furthermore, Mexicans are politically helpless. To what extent this fact makes them particularly liable to arrest is of course not readily determinable. Hypothetically, however, it is easy to see that a politically dry official could satisfy the dries with a large number of arrests and at the same time avoid offending his wet constituents by arresting Mexicans. In fact, Mexicans, both Mexican and American-born, are generally conscious of an inferior standing in the eyes of the officers of the law. And paradoxically, so sharp is the social isolation of Mexicans from the American community in which they live that the alien Mexican may be even better protected than the United States citizen of Mexican extraction. In the fields of both social and legal relationships Mexicans have emphasized this. Illustrative of the former is an editorial in Mexico, of Chicago, entitled "Prejudice Against Mexicans and Those Who Are Not Mexicans." The occasion was the denial to Mexicans in Dallas, Tex., of permission to use one of the main parks of that city.

But there is one other fact which must be brought out: The drastic order not only concerns our nationals but also those American citizens who are descended from Mexico. Hence it is that the protest raised by our consul contained the signatures of many Mexican-Americans, who were also affected by the unjust measure.

This attitude suggests many reflections, but the most interesting of them is surely that which concerns the futility of our citizens taking out American citizenship papers, or if they were born here, of being entitled to this citizenship.¹⁹

¹⁹ Mexico, June 16, 1928; reprinted from *El Heraldo de Mexico*, Los Angeles.

Illustrative of the latter was the pathetic incident related by a member of the staff of a Mexican consulate in Texas. When visiting some of his nationals in jail, some Texas-Mexicans, disappointed that he could not assist them because they were not Mexican citizens, asked, "Why doesn't our consul come to see us?"

The same fact of social prejudice against Mexicans undoubtedly tends to increase the proportion of convictions against Mexicans as compared with native Americans. Poverty of the Mexicans operates in the same way. It was these facts to which police officials in California cited earlier referred when they spoke of "a greater tendency among arrested Mexicans to plead guilty to charges and the common financial inability to extended defense and appeal of cases. * * *" This is not to say that there is uniformly exerted pressure resulting always in disadvantage to the individual Mexican. A reliable official in the Southwest pointed out that sometimes the very feeling that a Mexican is less important than a "white man"²⁰ allows him to escape; for example, peace officers sometimes will not trouble to go and bring back an accused Mexican arrested in another county when they would go after a "white man" accused of the same offense, because the offender is "only a Mexican." But as an index of the status of Mexicans before the law this represents the exception rather than the rule.

Violation of our legal codes may and often does involve practices which are less serious violations or even no violations at all of the customs and codes prevailing among this class of Mexicans in Mexico. The reverse of this may be illustrated by the story of the arrest in Mexico City of some American students who for convenience donned their bathing suits in their rooms and walked a short distance through the streets to the place where they were to swim; according to Mexican codes of law and propriety they should not have donned swimming attire until they reached the bath houses at the water's edge. In the same way, to select a practice

²⁰ The term "white" as distinguished from Mexican is generally used by both Mexicans and Americans in the Southwest and to some extent also in other portions of the United States where there is a Mexican labor population composed of persons with more or less Indian blood.

of Mexicans which is unquestionably dangerous, but which is no violation of their code, we may refer to the practice of carrying knives. We regard them as concealed weapons. In Mexico the common folk wear knives so habitually as to regard them practically a part of the dress. In a fight, knives are more deadly than fists, but the issue is not so much inherent personal criminality as it is impersonal conflict of codes. It does not follow because Mexicans resort to knives when others would resort to fists that Mexicans are inherently more bloodthirsty than these other nationalities. It follows rather that a less dangerous custom than carrying knives may well be encouraged.

Comparison of Mexican population with total population frequently has been made in this report as a test of proneness to violate law. Yet this comparison is itself deceptive, even if both elements in the comparison are accurately measured. The Mexican population usually varies greatly from the general population in age and sex composition, poverty, and occupation. These facts are not disclosed by the total number of Mexicans. More largely composed of young males, and poorer and more migratory than the average of the general population, they are for these reasons, entirely independently of nationality, expected to contribute a larger proportion of law violators than their numbers alone would suggest.

Some evidence of severe and unequal treatment of Mexicans by authorities has already been presented. A well-informed and reliable American official in the Southwest corroborated the existence of such conditions in that section.

The Mexican gets no real justice. When they are down on him they handle him as they see fit. However, if he is one of their gang [referring to persons of Mexican race who are American citizens] he can do as he pleases.

The manner in which the officers handle the Mexicans is not quite so bad as the way they handle Negroes, but the attitude is about 50 per cent like the attitude toward the Negro. If a Mexican driving an auto runs into a white person he is to blame, especially if he is of the *pelado*²¹ class his word is not accepted. There isn't any trouble with interpreters as in south Texas. Too many people understand Spanish.

²¹ Literally "plucked"; an Indian laborer.

Corroboration also of the force of the Mexican complaint quoted earlier that white men can kill Mexicans with relative impunity came from a young American ranch manager in the Southwest:

My brother killed a Mexican and wounded another. They got into a fight over hunting dogs fighting. The Mexican gang chased him home. The next day he got a gun. The Mexicans came out and taunted him, so he warned them and then fired when the Mexicans didn't pay attention. The Mexican was found with a half-open long knife covered with sand and blood. My brother was acquitted when the jury was shown the knife. He insisted on a trial.

Near here a man recently shot two Mexicans. One was smart—he bargained for melons.²² He was told not to return. He did return with another Mexican. They had an altercation. The American said the Mexican drew a pistol, so he killed both of them. There were no witnesses, but the Mexican had a pistol in his hand. The American might have put it there, but no one knows. There was no trial. It would have been just a waste of money.²³

It is significant that complaints similar to these were made by oriental groups in California.

The belief that Mexicans understand only force is frequently expressed in the Southwest. It is even said frequently that they rather like our Federal penitentiary, although not some of our county jails. The story is passed around of a Mexican confined in Leavenworth prison who wrote his relatives of the good conditions there, regular meals, a band, English classes, etc., and described the offense for which he was convicted, implying that his relatives would do well to commit the same offense in order to obtain similar benefits! The story is probably not true, but whether true or not, it is indicative of the attitude of many officials toward Mexicans. An officer's point of view was well expressed by the official quoted earlier:

A Mexican doesn't respect anything except force. That's true of all low-class tropical people. Our trouble is with the coyotes, the marihuana, and dope fiends, etc., who know their legal protection against officers. We never have trouble with peons coming out of Mexico. It's these fellows who are wise and think they know the law, and have got a new pair of shoes, etc.

²² Another account states that the Mexican had given a bad check.

²³ Paul S. Taylor, *op. cit.*, I, 446.

The same official protested vehemently against what he regarded as a tendency of courts and juries to provide excessive protection against officers to violators of the law. Prohibition, it is charged, has been to a considerable extent responsible for this excessive protection to the law violator.

This is not to say that force is generally used indiscriminately by officers against Mexicans, although undoubtedly there are many instances of it, particularly by city and county peace officers. The "third degree" is sometimes resorted to. Complaints of it by all nationalities, native and foreign-born, are notorious. No special study of it was made during this investigation. One direct instance of it did come to my attention, however. An American policeman in Texas who from experience discounted the efficacy of force to secure a confession, said:

It's no use to beat a Mexican to make him confess. I took one down by the river and beat him so much I felt sorry for him, but he wouldn't tell anything. They are like the Indians.

To summarize: The statistical record of law violations presented is on the whole, and in varying degrees, somewhat unfavorable to Mexicans. This seems true, although in places their record is distinctly favorable. But the use of statistics of arrests or convictions is open to serious criticism because racial antipathies and political and economic helplessness of Mexicans swell the figures of their apparent criminality. Mere conflict of codes, too, has the same effect. While the United States sustains some shock from this conflict with the code brought with him by the immigrant, it is not to be concluded therefrom that the immigrant is of an inherently criminal breed. Statistical comparison of arrests or convictions of Mexicans with their proportion in the total population, even if technically well-executed, is also subject to criticism. The age and sex composition, and poverty and occupational migration of Mexicans in the United States affect the validity of a simple numerical comparison. The effect of these criticisms is to diminish in unmeasured ways the force of the unfavorable judgment set forth above upon the basis of statistics.

It is clear that Mexicans in the United States, both aliens and citizens, are frequently subjected to severe and unequal treatment by those who administer the laws. But severe treatment is not the lot of Mexicans alone; nor is their treatment always unfair, by any means. However, without stressing the analogy unduly, it is yet pertinent to suggest comparison with the standing before the law of the American Negro as well as with the immigrant from Europe.

SECTION II

PRELIMINARY REPORT ON NATIONALITY AND DELINQUENCY: THE MEXICAN IN TEXAS¹

By MAX SYLVIVS HANDMAN

When one attempts to establish any relation between national traits and delinquent behavior, it is incumbent upon him, as a matter of scientific integrity, to state with precision what is meant by both of these expressions; national traits and delinquent behavior. Unfortunately both of them are surrounded by a vagueness akin to chaos and one is almost compelled to construct his concepts as he goes along. Often national traits and racial traits are confused in the minds of those who use them and one struggles in vain to get some reasonableness out of such notions as a Latin race, an Anglo-Saxon race, or similar blanket terms. As used here the concept nationality will denote a group of persons who are living under certain cultural patterns and with certain definite attitudes. A person is said to belong to a nation when with regard to forms of behavior such as the making of a living, or the bearing and rearing of children, or the willingness to put forth effort to stay with his own kind, or the willingness to submit to the authority of elders or of others who for one reason or another speak with authority, or with regard to the utilization of leisure time, or with regard to the aged, women and children, his relationships to other people are different in kind from the similar relationships of another person, placed in the same circumstances.

¹[Professor Handman delayed completing his report in the hope that the 1930 census data regarding country of birth would be available. When it was clear that this was impossible, he was fortunately able to submit the following notes as a preliminary report. The first of these deals with the general problem of nationality and delinquency among the Mexicans in Texas; and the second note deals with some special data from the Texas State Penitentiary. E. Abbott, consultant.]

The attitude of a Frenchman toward woman is different from that of an American, that of a Chinese toward the aged is different from that of an Englishman, that of a German toward authority is different from that of an Italian—or was so before the war—the attitude of a Spaniard or Mexican toward work and leisure is supposed to be radically different from that of an American or German, and so on. These reactions may be different because the community has certain different social institutions requiring conformance and hence in the different nations the action of conforming will be different. Or the reactions may be different because persons of different nationality have different ways of looking at the same thing, or, as we would say to-day, different attitudes.

Every person who has reached a certain degree of civilization is interested in having money, but an American and a Mexican are interested in it in different ways and to different degrees. It is human to want to have children but a Chinese and a Frenchman look upon that in two entirely different ways or they want to have children with different degrees of intensity. The list of examples could be lengthened to include all forms of human behavior. Looked at in this way, the notion of national traits seems to me to assume a certain degree of concreteness and intelligibility. The moment we throw the notion of national traits into the realm of biological determination we are confronted with the statement that a Frenchman does not wish to have children because his parental instinct is not as strong as the parental instinct of a Chinese and that in turn this difference in the intensity of the instinct is due to the fact that the Frenchman has certain chromosomes which differ in size or mobility from the chromosomes of the Chinese, all of which if it were true would amount to the tautological statement that the Frenchman does not have as many children as the Chinese because he does not want to have them and the reason why he does not want to have them is because he is a Frenchman and not a Chinese! A national trait then in so far as it has any meaning is simply the manner in which a certain person looks at certain things when he meets them and the way he

behaves when he is confronted with the necessity of doing something in a given situation, this manner of seeing and acting being shared by him with a large number of other people who see and act more or less alike under the same circumstances. These people are called a nation and their ways of acting are called national traits.

And now as to delinquent tendencies. It is plain enough that, in the main, delinquency is a function of time, place, and personality. Is it also a function of the national group? A delinquent tendency would therefore be a tendency which makes it difficult or impossible for a person to react or refrain from reacting in ways which the group among whom he lives approves or disapproves. But delinquency being also a time-place phenomenon, the reactions approved or disapproved in one place may be reversed in another. All this is very elementary and familiar to anyone who has had to deal with or think about delinquents, but unfortunately it is the simple and elementary truths which are forgotten when it comes to dealing with the problem of nationality and delinquency. If any connection is to be established between the two the connections must run in terms of the culture patterns and attitudes discussed above. When we say that a certain nationality has a delinquent tendency we mean a number of things. We may mean that the members of that nationality find it impossible to do certain things and abstain from doing certain other things no matter in what time-place situation they happen to be. This is absurd because there is a situation, namely, their own, in which they do certain things and abstain from doing certain other things, and in the main they do and abstain from doing the things which are conducive to the life process, otherwise the nation would destroy itself and there would be an end to the nation and to sociologizing about it. The decline of certain civilizations is said to be due to such an inability to distinguish good from bad. It is obvious that we can not discuss this notion at this place. Or we may mean that in a certain time-place situation a nation engages more in doing things destructive to the life process than another nation in its own time and place. Homicide, for example, is said to be more

common among Americans than any other nation living more or less under the same time-place situation. Or we may mean that accepting certain standards current in modern civilization, and the sort of things which modern civilization demands shall be done or shall be left undone, a certain nation finds it more difficult to do them or to leave them undone. In that case we may be confronted with the fact that an effort is being made to impose upon that nation a standard of civilization which is not related to the other attitudes and culture patterns in that nation. An effort, for example, to make gambling a crime in Mexico or Sunday closing in Turkey will result in piling up huge statistics of crime in these places so that one can very easily point to the fact that statistically more people are brought before court in Mexico and in Turkey than in England and in America. And finally we may mean that the members of a certain nation, when they are transplanted permanently or temporarily among the members of another nation, find it difficult to do or to refrain from doing what that other nation approves or disapproves. It is this latter which primarily interests us in a discussion of nationality and delinquency in the United States.

Here there are two aspects of the problem. Taking two nations, and if we exchange a similar number of persons from one to the other, would each group transported show the same inability to conform to the standards of the nation into the midst of which they have been transported? Transporting 100,000 Americans to Mexico and 100,000 Mexicans to America, will we find that the Americans in Mexico commit an equal number of similar crimes as the Mexicans in America? The experiment has not been tried, but the answer will at once run in these terms: What kind of Americans are you transporting, and where are you putting them after you transport them? It is not enough to say that they are Americans, we want to know what social, economic, and educational group they come from, what occupations they are engaged in, are they from the metropolitan area or from the rural districts, from what region in the United States do they come, what age distribution do they show,

are they single or married, are they literate or illiterate, and finally what are the proportions among the sexes and what is their economic status.

Bearing these facts in mind let us now look at the case of Mexican delinquency. This is not the time nor the place to present long statistical tables. The information upon which I base the statements which I am about to make was gathered from the records of justices of the peace, county, municipal, and district courts, as well as from the records and reports of the Texas penitentiary system. The area which was covered includes the largest Mexican center in Texas, San Antonio; two middle-size border towns with a Mexican population of between 60 and 75 per cent, regions of an old and settled Mexican population and regions where the Mexican is a newcomer. The period covered is in the main from December, 1929, to April or May, 1930, according to the month in which the record was copied. I am confident that it gives a fair view of Mexican delinquency because it includes the months of December, January, and February when the nomadic Mexican is usually less nomadic than at any other time. In some instances the records extend over a period of from five to seven years. It covers petty offenses of the police court as well as felonies of the district court. My statements are based in addition upon conversation with police magistrates, judges, and county and district attorneys recorded half an hour after the conversation. Owing to the shortness of time between the collection of these figures and the presentation of them, I have decided not to include all the information—undigested as yet—in my possession, but to select what I think will prove to be samples of sufficient accuracy to indicate what is taking place. For that purpose I have selected San Antonio, the largest Mexican center in Texas; Eagle Pass, a border town, with a population of between 60 and 75 per cent Mexican, and MacLennan County with its capital; and Waco, a middle-sized city in central Texas with an overwhelming American population, the Mexican population forming only about 3 per cent of the total. The total number of Mexicans in these three centers is around 110,000; the total population of

the three counties, according to the last census, is almost 400,000 people. The Mexicans, therefore, represent a fourth of the population in these three centers. Counting the total number of charges we find that the charges against the Mexicans represent a little more than a fifth of the total, while in population they represent something between a fourth and a fifth, indicating that the Mexicans show delinquent tendencies less than their proportion of the population would entitle them to show.

A slightly different result is achieved when we take each county separately. Let us begin with Eagle Pass and Maverick County, on the border, across the river from Piedras Negras in Mexico. I happen to have collected information on charges brought before the county court for the last seven years and according to that record, Mexican delinquency forms 71 per cent of the total county delinquency, the Mexican population is estimated at 75 per cent of the total. The records of the two justices of the peace, however, gives us different results. One justice whose records I examined over a period of two years yields a Mexican percentage of 84, while another whose records I examined extend over a period of six months, yielding a percentage of 56. The same justice informed me that most of the cases tried before his court were not Texas Mexicans but transients from across the border. In the main then the experience of this border county is to the effect that the Mexican shows no greater delinquent tendencies as judged by the number of charges brought against him in comparison with the number of charges brought against the non-Mexicans, than the general population in the midst of whom he lives.

Turning now to Waco and MacLennan County, whose Mexican population is around 3 per cent of the total, we find this to be the case. In the corporation court from January to April there were 2,485 cases and only 4 of these were Mexicans. One justice of the peace shows a percentage of 4 for misdemeanors and 5 for felonies, while another shows 8 per cent of total charges. Finally the county court shows only 2 per cent of the charges as being brought against the Mexicans. In addition, during the month of September of

1929, which the justice told me was an exceptional month, but which is included here for the sake of completeness, the Mexican charges amounted to 38 per cent. It is of interest to observe the offenses which were responsible for this sudden outburst of delinquency and to notice that out of a total of 19 cases which make up this 38 per cent, 15 were for drunkenness, 3 for vagrancy, and 1 for gaming. It is more than likely that during the month of September, which is a cotton-picking month, there was an unusually large number of Mexican nomads in the community, which would account both for the type of and the number of offenses. On the records of the justice court which showed a percentage of delinquency of 8, which is nearly 200 per cent larger than the legitimate percentage of delinquencies, the charges were as follows: Train riding, 5 per cent; cutting telephone wires, 3 per cent; and vagrancy, 1 per cent.

Turning now to San Antonio and Bexar County, the largest and most significant Mexican center in Texas, and after Los Angeles, the largest in the United States, the total population of Bexar County is about 295,000; that of San Antonio is around 265,000. The Mexican population has not yet been announced, but I estimate it on the basis of the scholastic census as around 90,000. This would mean that a third of the population is Mexican. Looking at the cases which came before the justices of the peace of San Antonio from December, 1929, to the end of May, 1930, we find a total of 2,914 cases, of which 955 were Mexicans; that means 32 per cent. In the county courts we find a total of 889 cases, of which 276 were Mexican; that is, 31 per cent of the total; and in the district court of Bexar County there was a total of 1,493 cases, out of which 479, or 31 per cent, were Mexicans. I have not as yet examined the records of the municipal court, because they are, of course, very voluminous, but I have sampled the month of January from the 1st to the 20th, and I found that out of a total of 540 cases 103 were Mexicans, making a little over 18 per cent, which, however, I do not consider as conclusive in view of the smallness of the sample. In no case, apparently, in all the other courts does the Mexican exceed his share of delinquency on the

basis of his share of the population. A further sidelight on the same proposition is obtained by looking at the records of the juvenile court, where the percentage of Mexican juvenile delinquency among boys is 45 per cent and among girls 35 per cent, while the total enrollment in the schools of San Antonio shows 56 per cent to be Mexican. This seems to indicate that Mexican children are either better behaved than non-Mexican children or that their mischievousness is carried on under such conditions as not to bring them to the attention of the law. Yet in view of the fact that a large part of the Mexican population in San Antonio lives in a neighborhood very close to the business district, where mischief can be more easily detected, because the business district usually has better police protection, and that the provocations to mischief are greater in the business district than in the residential district, the statistics seem to point to the conclusion that Mexican children are less delinquent than non-Mexican children.

To this evidence as to the quantitative tendency to delinquency among the Mexicans I will add the information obtained from the records of the Texas State penitentiary system. On December 21, 1929, the total number of inmates in the system was 5,055, the number of Mexicans being 429. The per cent of Mexicans to all the rest is 8. During 1929 there were admitted into the penitentiary 2,593 prisoners, of whom 293 were Mexicans, giving a Mexican proportion of less than 12 per cent. Now, the total population of the Mexicans in Texas is very difficult to estimate, and the returns of the latest census on that score have not yet been announced. Fortunately, however, we have one source of information which helps to throw considerable light on the problem, and that is the census of the scholastics. In the State of Texas such a census is taken every year in April in order to ascertain the amount of State aid to the public schools which should go to the various school units, which State aid is based on the number of scholastics between the ages of 7 and 17 in the school district. According to this scholastic census, there were in Texas in 1929 170,770 Mexican scholastics, which represented nearly 13

per cent of the total scholastic population of the State of Texas. Estimating the Mexican population of Texas on the basis of the scholastic population, my colleague, Professor Manuel, comes to the conclusion that the Mexican population of Texas amounts to 800,000. The total population of Texas is not yet definitely known, but it will probably exceed 5,500,000, so that the Mexican population represents 15 per cent of the total. It will be seen, therefore, that in the case of the most serious offenses, those which send the offenders to the State penitentiary, the Mexican does not go beyond his share, if indeed he reaches it at all. A further side light on the same situation is furnished by the condition as it existed in 1924 when the Mexicans formed about 10 per cent of the total prison population which again was probably under their share of the total population of the State. In 1928 the Mexicans formed nearly 13 per cent of the prison population, again not exceeding their "quota" of delinquency. In this connection I wish to call attention to the fact that in 1924, the Mexican delinquents in the State penitentiary showed 50 per cent single men, while the Negroes showed 33 per cent and the other white 40 per cent. This indicates that the Mexican population of Texas is made up of a larger proportion of single and presumably younger men. In view of the tendency of delinquency to center around the young and middle-age groups, it seems that even though young Mexicans form a large proportion of the Mexican population, the group as a whole does not yield a larger proportion of delinquency. As to recidivism, the Mexicans showed 60 per cent of first offenders, and 40 per cent repeaters, the Negroes and the other whites showed 60 per cent of repeaters and 40 per cent of first offenders.

We are now in a position to answer partially the question as to whether the nationality of the Mexican makes for delinquent behavior in so far as the mere amount of delinquency is an indication of such behavior. There is no evidence to show that the Mexicans run afoul of the law any more than anyone else and if the complete facts were known they would most likely show that he is far less delinquent in Texas than the non-Mexican population of the same com-

munity. It is of interest in this connection to record the fact that in very many instances on inquiry I was told by magistrates that their dockets were groaning under Mexican cases and that Mexicans form the overwhelming number of their charges, but in no instance have I found this impression borne out by a study of the facts. This does not mean that the magistrates were willingly perverting the facts in order to make out a case against the Mexicans or that they were even prejudiced against the Mexicans. The explanation is very much simpler, it lies in the domain of that psychological fact that the stranger is conspicuous and the conspicuous is remembered. The Mexican is a stranger and even when he forms a third of the population he is still a stranger and when a string of Goncias, Sanchez, Ramirez, Benavides parade before you day in and day out the Jones and the Blacks and the Smiths and the Johnsons are apt to fade from your memory and the brown-skinned Mexican with his dumb and speechless stolidity is apt to linger for a long time and give you a conviction that you have been doing nothing but trying Mexican cases.

Now, if in terms of numbers the Mexican is not a delinquent because he is a Mexican, will the nature of the offences which he commits disclose anything in the nature of natural traits? Is the Mexican guilty of certain crimes which are not found among the other members of the community or is he guilty in larger numbers of crimes which are found only in small numbers among the others?

What strikes one at first sight when looking at the record of charges against the Mexicans is the small number of delinquencies involving deceit—swindling, fraud, and embezzlement—and the comparatively large number of delinquencies against the person such as aggravated assault. It is equally noticeable that the records of San Antonio, for example, present 7 per cent of the total delinquencies among Mexicans in the district court under seduction, with a practically negligible number of the same offense against non-Mexicans. The various courts present different quantities for the same offense. The district court has a slightly higher percentage for murder than the state penitentiary, aggravated assaults are higher for the Mexican in the county courts than assaults

to murder in the district court. Burglary is higher in the district court, while theft is higher in both courts. In the state penitentiary murder among Mexicans was in 1924 less than among other whites, while robbery and theft is higher. Sex crimes among Mexicans occupy 10 per cent of the total, while among other whites they occupy 8 per cent. In the nature of the offenses committed there seems, therefore, to be a real difference in the way in which a Mexican misbehaves from the way in which a non-Mexican misbehaves. But before we accept this statement we might look at the criminal record of a purely Mexican community, such as Mexico City, and see what it can tell us about the tendencies of the Mexican at home to commit certain offenses. During the month of June of 1929 there were recorded in Mexico City 1,659 offenses. Of these, 721 or more than half were in the nature of various forms of assault, about 20 per cent were burglary and theft, about 16 per cent were crimes of deception and fraud. Only 20 per cent were sex crimes and only 1.7 per cent were murders. According to this evidence it would seem that at home the Mexican is not addicted to murder, nor burglary and theft, nor sex crimes, but he is apt to engage in all sort of assault and battery, aggravated and otherwise. I have no way of knowing how accurate these figures are, but my general impression is that they in the main represent the state of the case. Murders, sex crimes, and the higher percentage of burglary and theft seem to be associated not with the Mexican as Mexican but with the Mexican immigrant in certain American environments, and that needs an explanation.

Speaking now of the Mexicans in Mexico, anyone familiar with Mexico City will realize at once that the large mass of its 600,000 inhabitants is made up of poor people. Poor people generally in any country are more apt to engage in quarrels leading to various forms of assault and battery. If in addition to being poor they also are addicted to the consumption of certain forms of alcoholic beverages, such as pulque, the chances for senseless quarrels and consequent brawls leading to damage to the contestants are greatly multiplied. To the extent, then, that the population group is

made up of poor people the percentage of assaults will be great, and that is what we find in Mexico City, and that is also what we find in San Antonio and other places. The Mexican in Texas is made up of a far larger percentage of poor people than the other whites and probably also larger than the Negroes, hence prevalence of assault and battery is a socio-economic trait and not a natural trait. But the Mexican also fights with a knife, which the other whites do not, and I have heard statements to the effect that the difference between the use of a knife and a gun marks the difference between the Latin and the Anglo-Saxon. It is difficult to take that sort of talk seriously, but one must discuss it in this connection. The use of the pistol as a weapon of attack or defense is of course of very recent origin. The six-shooter is only about 75 years old, and so it is plain enough that when the very immediate ancestors of the present gun-toting Anglo-Saxons fought they fought with a knife, and the Bowie knife is still remembered in certain parts of America as a great instrument of civilization. The same thing can be said of dueling which was carried on by Anglo-Saxon cavaliers with the aid of a knife even though technically called a sword or a rapier. There is, then, nothing inherent in Anglo-Saxondom which would make it averse to the use of a knife. But the Anglo-Saxon has outgrown it while apparently the Latin has not. That, however, is not a correct way of stating the problem. The Anglo-Saxon has not outgrown the knife; he has outgrown fighting, and when he is angry he fights with his fists, not because he does not want to fight with a knife but because he has been betrayed into fighting by a momentary fit of anger. But among the Mexicans fighting is still a socially approved form of gaining superiority, because they are not in an industrial but an agricultural stage of civilization, and an agricultural stage without much admixture of machine and urban standard after the fashion of our own agricultural population. The result is that aggravated assault is common among Mexicans, not because they are Mexicans but because they live in a certain cultural stage, where fighting is approved and where the community has not evolved out of the stage of fighting

with a knife to fighting with a gun. The younger generation of Mexicans learn quickly enough to discard the knife for the gun.

Now, as to sex crimes. The largest number of these on the docket is seduction. According to the statements made to me by a district attorney, the justice of the peace, the foreman of the grand jury, and according to the notation on the docket sheet, the charge was brought by the girl or her parents to compel the young man to marry the girl, and the docket in many instances states that the case was dismissed after the parties were married in court. In reality these seduction cases usually amount to common-law marriage where the wife is under age and the husband deserts her a shorter or a longer time after they began living together. Now it is notorious that common-law marriages are very common among Mexicans, and it is equally notorious that the Mexican girl commonly marries before she becomes of legal age. To bring a charge of seduction against the man is only a way of compelling him to stay married or to compel him to be married legally. It is not a "sex crime" in the sense in which it is generally understood unless common-law marriage is a sex crime. Nor is the greater tendency to common-law marriages an indication of delinquent behavior among the Mexicans, in view of the fact that in Mexico church marriages are considered too costly for poor people and civil marriages among a people living under patriarchal conditions are not considered as very significant or essential any more than they were a short while back among the Scottish Highlanders.

One word more about robbery and theft. It is again a common experience that these two crimes are definitely connected with the economic status of the group which commits them. Rich men don't rob and well-to-do people don't steal, at least not in the common acceptance of these terms. If these delinquencies are again socio-economic, it is obvious that the Mexican, in so far as he belongs in large numbers to the group of the economically inferior, to that extent will he show a larger percentage of such delinquencies. Furthermore, to the extent that coming to America places him in

such a position with regard to the rest of the American community we must expect an increase of burglary and theft among them above the percentages of such delinquencies committed in Mexico.

It should be plain by now, in conclusion, that the delinquencies of the Mexican are tied up largely with the nomadic life which he is leading and with the dislocation and disorganization which takes place within a person who is torn from his village community with its system of control and plunged into a new and strange and, in the main, disorganized environment. It is because of the dislocation and disorganization that he commits crimes here which he does not commit at home and more of them than at home. The remarkable thing is that he is as well behaved as the community in the midst of which he lives, in spite of this provocation. As far as I have been able to ascertain, the Mexican's nationality is no cause of delinquent behavior, and whatever variation this behavior shows is a variation due to the efforts of a human being with a different culture pattern to adjust the best he can to what seems to him the curious and capricious American system of justice.

NOTE ON NATIVITY AND DELINQUENCY AMONG THE MEXICANS IN TEXAS

In an effort to estimate the influence of the factor of American birth and presumably the influence of the American environment, I made a study of the records of the Texas State penitentiary by dividing the Mexican delinquents of whom records were available on December 31, 1930, into two groups according to whether they were born in Mexico or in Texas. The penitentiary authorities record as Mexicans those either born in Mexico or in the United States of Mexican parents or parentage, no matter how long their ancestors have been in Texas. This information as to nativity is obtained by a simple question to the delinquent.

TABLE I.—Age distribution of the Mexican inmates of the Texas State Penitentiary, December 31, 1930

Age groups	Inmates born in Mexico		Inmates born in Texas	
	Number	Per cent distribution	Number	Per cent distribution
16 years and under 18.....			5	2.0
18 to 25 years.....	114	42.4	122	48.2
26 to 35 years.....	96	35.7	84	33.2
36 to 45 years.....	33	12.3	29	11.5
Over 45 years.....	26	9.6	13	5.1
Total.....	269	100.0	253	100.0

In Table I there are given the age and spread of the two groups. It will be seen that the delinquents born in Mexico show a smaller percentage in the age group 18-25, 42.4 per cent, as over against those born in Texas, which is 48.2 per cent. It will also be noticed that the group born in Texas show 2 per cent of delinquents between the ages 16 and 18, while the Mexican-born group shows no delinquents who are that young. This may be due to the fact that among the immigrants from Mexico there is a very much smaller number of persons younger than 18. It will further be noticed that of the age group 26-35, the foreign-born Mexicans show a larger percentage (35.7) than the native born (33.2). The foreign born also show a higher percentage in the age group over 35 years as against the native born.

TABLE II.—Occupations of the Mexican inmates of the Texas State Penitentiary, December 31, 1930

Occupations	Inmates born in Mexico		Inmates born in Texas	
	Number	Per cent distribution	Number	Per cent distribution
Laborer.....	130	51.5	99	30.0
Farmer.....	40	14.8	45	17.7
Barber.....	9	3.3	12	4.7
Chauffeur.....	7	2.6	2	0.8
Cook.....	7	2.6	2	0.8
Painter.....	5	1.8	0	0
Truck driver.....	5	1.8	7	2.8
Printer.....	4	1.5	5	2.0
Walter.....	4	1.5	2	0.8
Baker.....	4	1.5	2	0.8
Carpenter.....	4	1.5	8	3.2
Tailor.....	3	1.1	2	0.8
Shoemaker.....	3	1.1	3	1.2
Blacksmith.....	3	1.1	0	0
Mason.....	3	1.1	0	0
Plumber.....	2	0.7	0	0
Plasterer.....	2	0.7	0	0
Merchant.....	3	1.1	2	0.8
Electrician.....	1	0.4	3	1.2
Sheep herder.....	1	0.4	1	0.4
Cowboy.....	1	0.4	1	0.4
Messenger boy.....	1	0.4	1	0.4
Bookkeeper.....	1	0.4	1	0.4
Clerk.....	1	0.4	1	0.4
Laundryman.....	1	0.4	2	0.8
Musician.....	1	0.4	1	0.4
Miner.....	1	0.4	2	0.8
Domestic.....	1	0.4	1	0.4
Mechanic.....	0	0	8	3.1
Janitor.....	0	0	2	0.8
Machinist.....	0	0	2	0.8
Fisherman.....	0	0	2	0.8
Contractor.....	0	0	2	0.8
Miscellaneous.....	13	4.8	13	5.1
	270	100.1	254	100.2

¹This includes 1 person from each of the following occupations: Boller-maker, bus boy, peace officer, butcher, student, surgeon, rancher, cleaner, brakeman, oil worker, mine driller; and 2 who have no occupation.

²This includes 1 person from each of the following occupations: Fireman, drug clerk, drug-gist, auto mechanic, clay worker, porter, dairyman, nickel plater, photographer, salesman, engineer, café owner, woodman.

Table II shows the occupation of the two groups of delinquents of different nativity. It is apparent at once that the immigrant group is made up of a much larger number of unskilled workers than the native group, laborer and farmer meaning common unskilled labor both in the city and on the farm. The foreign group contains 66.3 per cent of unskilled, while the native group contains 56.3 per cent of unskilled. This occupational trait taken in conjunction with their higher age limit would indicate that the foreign

born is a more unstable, drifting type of a person than the native born. This may have some bearing on the nature of their delinquency. Unfortunately we have not as yet any information as to the percentage of the foreign-born Mexican in the total Mexican population of Texas, and hence we can not ascertain to what extent, if any, they are more apt to that type of personality disorganization leading to the commission of crimes. It seems, however, that on the score of some of the symptoms of disorganization, the foreign-born Mexican is at a disadvantage as compared with the native born.

TABLE III.—Marital conditions of the Mexican inmates of the Texas State Penitentiary, December 31, 1930

	Inmates born in Mexico		Inmates born in Texas	
	Number	Per cent distribution	Number	Per cent distribution
Total.....	270	100.0	253	100.0
Married.....	104	38.5	113	44.6
Unmarried.....	157	58.1	134	53.0
Widowed.....	8	3.0	4	1.6
Divorced.....	1	0.4	2	0.8

Table III showing marital conditions seems to point in the same direction, the foreign born shows only 38.5 per cent married as over against 44.6 per cent married of the native born. It also shows a higher percentage of widowers, but a smaller percentage of divorces, which in both cases, however, is a negligible quantity. Taking the three factors, that the foreign-born Mexican is older, that in a community like that of Mexico where marriage and early marriage is common, he shows a larger percentage of single men and that he shows a larger percentage of unskilled workers; all this would lead one to expect a larger percentage of delinquency among them.

TABLE IV.—Offenses of the Mexican inmates of the Texas State Penitentiary, December 31, 1930

	Inmates born in Mexico		Inmates born in Texas	
	Number	Per cent distribution	Number	Per cent distribution
Total.....	200	100.08	254	100.3
Burglary.....	86	31.0	73	28.8
Murder.....	68	25.2	45	17.8
Theft.....	35	13.0	20	11.4
V. D. L.	20	7.4	32	12.6
Robbery.....	19	7.0	23	9.1
Rape.....	16	5.0	13	5.1
Forgery.....	6	2.2	8	3.2
Assault to murder.....	6	2.2	13	5.1
Cattle, horse, and hog theft.....	2	.74	7	2.8
Assault to rape.....	2	.74	2	.8
Bigamy.....	1	.37	1	.4
Perjury.....	1	.37	1	.4
Obstructing railroad property.....	1	.37	1	.4
Assault to robbery.....	1	.37	2	.8
Sodomy.....	1	.37		
Arson.....	1	.37	1	.4
Incest.....	1	.37	1	.4
Manslaughter.....	1	.37	1	.4
Receiving stolen property.....	1	.37		
Abduction.....			2	.8

1 Violation of Dean law—State prohibition law.

The nature of the offenses committed throws some light on the same problem. Burglary and theft play a larger rôle among the foreign born than among the native born (44.9 as against 40.2), while in the case of robbery the rôles are reversed (7 as against 9.1). In the most serious offense, murder, the foreign born again have a more violent record (25.2) than the native born (17.8). In the violation of the State prohibition law (Dean law) the native born outrank the foreign born (12.6 to 7.4), and the same thing is true with regard to forgery (3.2 to 2.2); assault to murder (5.1 to 2.2); and cattle stealing (2.8 to 0.74). In all the other offenses there seems to be no difference between them.

TABLE V.—Terms of imprisonment of the Mexican inmates of the Texas State penitentiary December 31, 1930

Years	Inmates born in Mexico		Inmates born in Texas	
	Number	Per cent distribution	Number	Per cent distribution
Total.....	270	100.0	253	100.0
1.....	14	5.2	21	8.3
2.....	50	18.6	70	27.6
3.....	16	5.9	10	7.5
3½.....	4	1.5		
4.....	18	6.6	16	6.3
5.....	60	25.0	40	15.2
6.....	3	1.1	4	1.6
7.....	8	2.9	6	2.4
8.....	8	2.9	7	2.8
9.....	3	1.1	2	.8
10.....	10	5.0	17	6.7
12.....	1	.4	3	1.2
14.....	1	.4		
15.....	0	2.2	4	1.6
16.....			1	.4
20.....	4	1.5	5	2.0
25.....	11	4.1	4	1.6
28.....			2	.8
30 to 39.....	0	2.2	3	1.2
40 to 49.....	2	.7	1	.4
50 and over.....	15	5.6	0	3.5
Life.....	16	5.6	13	5.1

The sentences passed upon them may throw a further light upon the differences in the qualitative nature of the offenses. It is assumed that a longer prison term for the same offense indicates that the offense was considered as of a graver character. Here also the foreign born show that they furnish a smaller percentage of terms of imprisonment under 10 years (77.3 as against 82.2 for the native born), a smaller percentage also in terms of imprisonment between 10–20 years (4.3 as against 5.2), but a larger percentage (17.8 as against 12.7) of terms of imprisonment over 20 years, including life sentences, where, however, the foreign born show only a slight increase over the native born (5.6 as against 5.1). Some of these differences may be due to the fact that the native born could obtain better legal service or other factors of an accidental character, but I have no evidence on that score.

TABLE VI.—*Education of the Mexican inmates of the Texas State penitentiary December 31, 1930*

	Inmates born in Mexico		Inmates born in Texas	
	Number of cases	Per cent distribution	Number of cases	Per cent distribution
Total.....	270	100.0	263	100.0
Illiterate.....	8	3.0	1	0.4
None.....	142	52.0	87	34.4
Poor.....	70	20.2	116	45.8
Medium (fair).....	17	0.3	9	3.6
Common (good).....	24	8.9	40	15.8

Table VI finally points in the same direction of less ability to adjust on the part of the foreign born and hence greater danger of disorganization. The foreign born shows 55.6 per cent of illiteracy while the native born shows 34.8 per cent. The foreign born shows 29.2 per cent of poor schooling, the native born shows 45.8 per cent; while in schooling termed good—a common school education—the native-born percentage is nearly twice as large as that of the foreign born (15.8 as against 8.9).

The evidence presented here should be supplemented by an intensive study of the developmental aspect of some adequate sample of these two types of delinquents. As it stands it seems to indicate that the factor influencing delinquency is either the disorganization of personality incident to a nomadic shift of environment or possibly a selection of those elements in the Mexican population more unstable to begin with than the native-born Mexican.

SECTION III

CRIME AND CRIMINAL JUSTICE AMONG THE MEXICANS OF ILLINOIS

By PAUL LIVINGSTONE WARNSHUIS

In undertaking this study, the difficulty of the project was realized from the very outset. Not only is the field a large one but it is a new one, if the paucity of material is an index. Moreover, there is always the problem of personal bias and other subjective factors that tend to discount the data.

In treating the subject, every effort has been made to be as concrete as possible. No assertions are made, no conclusions are arrived at without being substantiated either by a case story, or by opinions of those who know the Mexicans and have been in touch with the actual situation, or by statistics.

In view of the scarcity of statistical material a great deal of survey work has been found necessary. To carry this on, three main lines were pursued: Personal interviews with Mexicans and Americans, both policemen and civilians; observation of court procedure; and a survey of the following penal and correctional institutions of Illinois: The State Penitentiary at Joliet; the Southern State Penitentiary at Menard; the State Hospital for the Criminally Insane at Chester; the State Reformatory at Pontiac; the State Farm at Vandalia; the Chicago bridewell. A total of 98 Mexicans were interviewed, and schedules were filled out for every Mexican in each one of the institutions at the time of the survey with the exception of the Chicago bridewell. Only 49 Mexicans were interviewed in the bridewell because the number in the institution changes almost day by day. In all these institutions, aside from the bridewell and the State Farm, valuable information was found in the "jackets" in which the records of each man are kept separate. This

proved to be excellent supplementary material and a distinct asset in arriving at an interpretation of certain problems in the individual case.¹ All interviews with the inmates were carried on in private, and the interviewer used Spanish exclusively.

The following will furnish an idea of the material that was found available and valuable for the study:

The Annual Report of the Chicago Police Department for the years 1928 and 1929. Reports earlier than this year were not serviceable because up to that time no special notice of Mexicans had been taken. They had been classified with "All others." These reports give charges preferred in the municipal courts of Chicago by nationality, sex, marital status, and offense, and, aside from the more serious felony cases, there is a record of the disposition of cases by nationality, sex, marital status, and offense.

The only statistical information available at the Cook County Jail consisted of a summary of the yearly population by nationality. This information made it possible to compare Mexicans with all other nationalities for the last 10 years.

At the Chicago bridewell there are on file annual reports for office use containing a great deal of information on prisoners admitted, classifying them by length of sentence, by amount of fines, and by a combination of both, but there is no correlation with race or nationality. However, there is a list of total numbers received yearly by nationality, as well as a classification by "native born" and "foreign born."

At the Cook County Criminal Court no statistical information could be located. Further, the indictments do not indicate race or nationality; hence any attempt to secure information from that source seemed hopeless.

In treating this subject, such matters as the following are in mind: (1) Is the Mexican really criminally inclined? (2)

¹ These records generally consisted of the mittimus, a picture of the inmate, a short statement from the State's attorney relative to the case and his personal opinions, and official correspondence concerning the inmate. On the "jacket" itself was found a record of the inmate's conduct record in the institution, a short personal-history schedule, and notations relative to the inmate's parole.

What proportion of all crimes is committed by Mexicans? (3) What are the causes leading to their arrest? (4) What treatment are they receiving at the hands of the law? (5) What are the crimes that they most often commit? (6) Wherein lies the way to improvement?²

The writer is indebted for much assistance, particularly to Mrs. Adena Miller Rich, of the Immigrants' Protective League, and to others too numerous to mention employed in courts, police stations, and penal and correctional institutions, whose courtesy and patience have made the work a real pleasure, and whose assistance and cooperation have done much to make this study possible. And, finally, a word of appreciation and credit is due that group of prisoners. It was found to be a real joy to interview those men because of their friendly attitude toward the interviewer and their frankness and willingness in answering questions. Never for a moment was there the feeling that one was dealing with a "criminal" class.

"Every one of these Mexicans carries a knife," asserted the sergeant of X Police Station. "Why, they can throw a knife 50 feet, and they'll cut you every time," he continued. After further statements which tended to picture the Mexican as a born criminal, the following commentary was volunteered: "You know, Indian and Negro blood does not mix very well. That is the trouble with the Mexican; he has too much Negro blood."

When Judge B, who sits on the bench of a branch of the Chicago municipal court, was asked if the Mexicans cause any trouble, he immediately responded with much vehemence: "Cause any trouble? Why, look at this!" he exclaimed, as he pulled from one of his desk drawers an ugly looking weapon with a blade some 6 inches long. "A Mexican almost cut the heart out of a man with this the other night!"

At another police station the impression was conveyed that most of the crime in that district was committed by

² The subject matter is not treated under these headings, nor in the order given.

Mexicans. An examination of the arrest book, however, showed that only 4 Mexicans out of a total of 252 persons had been booked that month, 3 of them for "disorderly conduct." None of them had been convicted.

There seems to be abroad the impression that the Mexican is a 'born bandit and not to be trusted. He is a new and "uncertain" quantity with the officers of the law this far from the border, and the worst is likely to be imputed to him. Policemen assigned to districts where large numbers of Mexicans live are quite likely to get the impression that Mexicans commit more than their share of the crime. But this feeling about the Mexican is not confined alone to the police. It was the wife of a faculty member of a large university who said, "And don't you find that Mexicans are dangerous? They always look so treacherous to me!"

It seems evident, therefore, that this is a matter of special interest to all who are socially minded, and of special concern to all who have at heart the welfare of their community and nation. Only with facts in hand can false impressions be rectified or needed action inspired. But it is not enough to inquire into the Mexican's relation to crime. There is another side to the story. A nation which stands for a "square deal" to every man must know that justice is no respecter of persons; that regardless of a man's innocence or guilt, justice will be his portion.

THE MEXICAN POPULATION IN ILLINOIS

The last census gave the Mexican population of Illinois at 4,032, that of Cook County as 1,428, and that of Chicago 1,224. Since 1920 Mexicans have been coming into this State in an ever-increasing number, according to the statements of police officers, workers in the United Charities of Chicago, and social workers. In 1924 somewhat less than 1 per cent of immigrating Mexicans gave Illinois as their future residence; by June 30, 1929, this had increased to 3.4 per cent. This increase is the more noteworthy in view of the considerable falling off in the total immigration in the last two years. The report of the United States Commissioner General of Immigration shows the following returns of Mexican immigration:

TABLE I.—*Mexican immigration to the United States, 1924-1929, with the number and per cent of total indicating Illinois as the State of intended future permanent residence*

Year	Total, all States	Illinois	
		Number	Per cent of total
Total.....	328, 175	7, 667	2.3
1924.....	87, 048	854	.9
1925.....	32, 378	703	2.1
1926.....	42, 638	1, 056	2.4
1927.....	60, 706	1, 060	2.0
1928.....	57, 705	1, 754	3.0
1929.....	38, 980	1, 340	3.4

The greater number arrived in Illinois, and especially in Chicago, by round-about routes rather than directly from Mexico. The railroads, through their maintenance-of-way departments, have brought in some. The beet fields of neighboring States have drawn them from the Southwest; and, when fall has come, many have gravitated toward Chicago because of hope that in its vast industrial center they would surely find work. Others have more slowly and gradually drifted this way in the constant pursuit of the ever elusive job. If all the 7,667 Mexicans indicated in Table I as headed for Illinois had located in Chicago, together with those who were here in 1920, there would still remain the task of accounting for at least twice that many who are now in Chicago alone.

A recent survey of the principal towns and cities of Illinois outside of Chicago³ reveals that the Mexican population distribution is somewhat as follows: In the region just outside of Chicago, represented in such centers as Argo, Blue Island, and Chicago Heights, there are approximately 3,000 Mexicans. In East St. Louis and its immediate vicinity there are between 1,000 and 2,000. In Joliet there are about 1,000, and perhaps the same number in the district embracing Rock Island, Moline, and East Moline. La Salle and its neighboring valley towns have approximately 300. In Aurora and vicinity there are some 500, and perhaps there are

³ I am indebted to Robert C. Jones for these facts.

as many in Waukegan. The following towns each have between 100 and 300: Rockford, Peoria, Kewanee, Galesburg, Alton, and Granite City. Springfield and Bloomington each have between 75 and 100. In addition, there are numerous railroad sections scattered throughout the State which have from 10 to 20 men each. Further, several railroad companies employ "extra gangs" that are housed in box cars especially built for the purpose, and they are moved from place to place for special track repair. The number of men in these groups varies between 40 and 60. When winter comes these gangs are disbanded. No attempt has been made to estimate the number.

The Mexicans in some districts are for the most part living scattered among other nationalities. The most transient part of the population, the floaters who patronize the cheap hotels and rooming houses are on West Madison Street. In the other districts the Mexican population is relatively concentrated.

The estimated Mexican population of Chicago is approximately 17,000. This is probably conservative inasmuch as a recent count in the South Chicago area yielded numbers considerably in excess of what has been thought true.

A study of Mexican arrests distributed according to police stations shows that the proportion of the Mexican arrests is highest where Mexican population is most concentrated.

Police captains and sergeants and social workers alike agree that there has been no cessation in the migration of Mexicans into this near west side area.

RACIAL CHARACTERISTICS RELATED TO DELINQUENCY

No crime can be understood apart from its perpetrator. Likewise crime among any people must be studied with definite regard for the characteristics of the particular group. It seems, therefore, quite fitting to devote some small space to a consideration of the Mexican alien.

A great many extravagant statements have been made in condemnation of this people which are too commonly known to need repetition. However, in view of the nature of this investigation, it should be noted that banditry and lawlessness have been ascribed to Mexicans. No doubt, frequent

revolutions have given rise to this impression. Other countries also have had their revolutions, but fortunately it did not take all of them so long to secure a lasting peace. Acquaintance with the Mexican, however, either here or in his natural habitat, reveals an ordinary peace-loving individual. Indeed, it is quite common to hear Mexicans say that they emigrated because of revolutions.

When the Mexican comes to the United States, however, he enters a nation and a community life whose standards differ in several respects from those to which he is accustomed, and he finds the odds against him in spite of his earnest desire to keep out of the hands of the law. He comes from a country where petty larceny is extremely common; where everything that is loose and easily portable will disappear if left unguarded for a moment. Further, alcoholic beverages are a part of every Mexican's diet, so neither by principle nor by appetite does he have any sympathy for prohibition. The example which certain classes of citizens in this new country set him in evading the eighteenth amendment meets with a ready response, and he exposes himself to the danger of arrest on this score. Further, in Mexico he can get drunk if he chooses without being arrested so long as he is not obnoxious. Right along this line, there is a noticeable difference in some of the customs between the two countries. In Mexico, for example, the husband rules his own house, and he does not refrain from chastising his wife with a strong hand if he sees fit. In the United States he finds that he can not do this. And, finally, the Mexican's improvidence becomes a real danger in this strange land. In Mexico, when there are no longer beans and tortillas, there still are friends, and friends in Mexico can always be counted upon to share their last meal. The Mexican is improvident, perhaps, because he has never had anything to save, and so he has never learned how. His life has been so barren of the ordinary comforts and trinkets that when he has surplus cash, it is likely to be spent "foolishly."

Ignorance, while legally held to be no excuse for lawlessness, is nevertheless an explanation of many of the Mexican's difficulties with the law in this country.

Among the other things in the Mexican immigrant's background which militate against him as a law-abiding individual is the danger of sudden wealth. The man who never has earned more than 50 cents a day and suddenly receives 5, 8, or 10 times that much enters a new world. Again, for many Mexicans, immigration means a change from a rural to an urban environment. Perhaps no less than 50 per cent of the Mexican immigrants come from the country or village where life was simple and comparatively free from temptations. Even if they come from a large town or city in Mexico, they are not prepared for the whirl and excitement and seeming surge of the human tide of an American city which leaves so many human wrecks stranded "high and dry" morally and physically. Here the Mexican finds himself for the first time in his life free from the restraining influence of friends and acquaintances and the public sentiment of his village or neighborhood. Never in all his life before has he been more than a very few miles from home.

THE MEXICAN IMMIGRANT'S BACKGROUND

Other things in the Mexican immigrant's background tend to increase his difficulties in this country. It has already been noted that probably no less than 50 per cent of these immigrants come from country districts or small villages. This, in part, accounts for the great number who have little or no education. Twenty-nine of the eighty-two Mexicans interviewed in Illinois but who had been reared in Mexico said they had had no schooling, and 12 more that they had had less than three years' instruction. Only 17, a little better than 1 in 5, had as much as five years at school. The country districts, it is true, are only now beginning to have schools, but even in the towns and cities the children of the poor seldom have the advantages of them.

In the present study, of the 30 inmates who had no schooling, 19 could read and write Spanish.

Not only would the lack of school facilities impede education of the poor Mexicans, but poverty often forces the children to work in order to augment the family income.

Repeatedly did Mexican prisoners give this reason unsolicited, when asked about their schooling. Among the 98 surveyed, 6 began to work between the ages of 6 and 10 years, while 42 had their first job at 10 to 15 years of age. The average age for the first job was 13.7 years. The first job of 56 of these was labor, and 44 of these were employed in farm labor. The rest were employed in such jobs as shoemaking, storekeeping, printing, and in restaurants, hotels, meat markets, saloons, mines, blacksmith shops, and as servants to the rich.

CHARACTERISTICS OF THE MEXICAN IMMIGRANT GROUP

The length of time which the Mexican immigrant stays in the United States is at present a matter of much interest and discussion, but data on the subject have not been found which seem to afford conclusive evidence. Some claim that his presence here is only temporary; that great numbers are constantly returning to Mexico. Manuel Gamio, for example, shows that while 376,985 Mexicans entered the United States according to United States immigration data, 489,748 returned to Mexico, according to Mexican Government data, in the years 1920 to 1925, inclusive.⁴ On the other hand, there are those who claim that whereas the Mexican probably intended originally to return when he left Mexico, the facts are that relatively few do return.⁵ A survey⁶ made by social workers in the Southwest showed that, of 1,021 individuals questioned, 833 had been in the United States more than four years. Of the total number, 24 planned to return, 15 were not sure, and 982 were here to stay. Table II indicates that this latter position in the matter is true at least of those who comprise the inmates of the penal institutions of Illinois. Whereas none had been in the United States less than a year, only 22 in the 98 had been here less than five years, and 76 had been in the country more than

⁴ Manuel Gamio, *Mexican Immigration to the United States*, p. 8.

⁵ Robert W. McLean, *Mexican Workers in the United States*, National Conference of Social Work, 1922, p. 535.

⁶ This survey was made by workers in neighborhood houses scattered from San Antonio to Los Angeles by means of questionnaires filled in by workers after interviewing Mexicans.

five years. With reference to their residence in Illinois, it is interesting to note that more than a third had been in the State longer than five years.

The matter of the Mexican's citizenship status deserves more than passing notice. Contrary to prevalent opinion, there are some who have actually become United States citizens. The United States Census of 1920⁷ gave 8,527 Mexican males who had been naturalized and 14,205 females, while there were 2,658 males who had taken out their first papers, and there were 331 females.

TABLE II.—Length of time Mexican prisoners in Illinois institutions had been in the United States and in Illinois prior to their crime

Years in the United States and Illinois	Number	Joliet Monard	Reformatory	Bridewell State Farm
IN UNITED STATES				
Total.....	98	40	6	52
1 year, but less than 5.....	22	13	1	8
5 years, but less than 10.....	25	10	2	13
10 years, but less than 15.....	21	9	2	10
15 years, but less than 20.....	14	5	-----	9
20 years, but less than 25.....	10	3	-----	7
Born in United States.....	6	-----	1	5
IN ILLINOIS				
Total.....	98	40	6	52
Less than 1 year.....	26	12	-----	14
1 year, but less than 5.....	38	18	3	17
5 years, but less than 10.....	22	6	3	13
10 years, but less than 15.....	10	4	-----	6
15 years, but less than 20.....	1	-----	-----	1
20 years, but less than 25.....	1	-----	-----	1

Our survey of the prison population shows six citizens by birth, but none by naturalization. However, there were 10 who stated that it was their intention to take out papers. All of these were confined in the Chicago bridewell. Those who were found to be citizens by birth were also in this institution except one youth confined in the State Reformatory at Pontiac. The most common reason given for not changing their allegiance was that they intended to return to Mexico some day. Some were quite frank in saying that they could not betray their country that way. Probably more would be naturalized if they knew how to do it, but

⁷ See Vol. II, p. 805, of the 1920 United States Census.

when all is said and done, many feel that there is little if any advantage to be had, and that the disadvantages are sufficient to cause them to hesitate. As long as they are Mexican citizens they can claim the assistance of the Mexican consul. If they are naturalized, they are still considered Mexicans by many and treated accordingly, and have no place to turn for help.

The Mexicans who come to the United States are, for the most part, unskilled laborers. According to the report of the United States Commissioner General of Immigration, as high as 60 per cent of the immigrants in 1926 were laborers in Mexico, while 44 per cent of the total in the five years just past are laborers. At the same time, an interesting trend is to be noted. Since the peak in 1926, the proportion of laborers has constantly declined until last year it was only 30 per cent. Among the 98 Mexican prisoners studied in the Illinois institutions, the proportion of laborers (52) is also high. Among the rest, there were 7 mechanics, 5 shoemakers, 5 cooks, 4 barbers, 4 molders, 2 boilermakers, 2 miners, 1 craneman, 1 mason, 1 bookkeeper, a butcher, a baker, and a tanner. A further point of interest was that few of those with a trade were working at it, but had been compelled to accept any sort of job offered them.

TABLE III.—Prisoners of the institutions of Illinois classified by their length of time in the United States and their ability to speak English

Years in United States	Total	Speak English		
		No	Yes	Little
Total.....	98	46	27	25
1 year, but less than 5.....	23	17	2	4
5 years, but less than 10.....	24	13	5	6
10 years, but less than 15.....	19	6	3	10
15 years, but less than 20.....	15	7	5	3
20 years, but less than 25.....	11	2	7	2
Born in the United States.....	6	1	5	-----

Some of the Mexicans rise above the unskilled laborer class, but those who do must be comparatively few, for several reasons. First, there is the language handicap, which does not permit to the Mexican ready intercourse with those

who might dictate his promotion, makes him less efficient in his work, and keeps ever in the foreground the fact that he is a foreigner. The following table shows how few among the Mexican prisoners in the Illinois institutions can speak English even after being here 10 years. Again, as mentioned earlier, the Mexican wage is higher than that to which he has been accustomed and probably tends to make him satisfied with a laborer's job.⁸ Third, there is ever present the force of prejudice which causes the American's peace of mind to be somewhat disturbed if the Mexican seems to be getting into better positions, which creates competition with the native born.

In the survey of the Mexican prisoners in the Illinois institutions, 76 in 98 did not have the money to hire a lawyer to defend them when they found themselves in trouble. As far as could be ascertained, only 22 in 98 were not close to the line of dependency. As a rule, Mexicans receive the lowest wages, and they are the first to suffer a cut in wages or to be laid off when curtailment in industry takes place. The remarkable thing is that public charities are not called upon oftener to help them.

In spite of the marginal financial status of the prisoners, as noted above, there was not one who had ever received any assistance from organized charity except for hospitalization. There were nine cases in which the prisoner had received hospital care at the hands of the county, and one in which the wife of the prisoner had been the recipient of this kind of aid, but all done outside of this State.

Undoubtedly the Mexican immigrants have been coming to the United States when in the prime of life. They are young in years. During 1925 to 1929, inclusive, 57.7 per cent were males between the ages of 16 and 44 years. In none of these years did the proportion of young men of these ages drop below 50.3 per cent. A similar high per cent

⁸ Mr. Gamio, in his book already referred to, points out that the Mexican immigrant is so much better off here than he was in Mexico in spite of his mental tasks, and by this argument American industry justifies the abuse of this cheap labor supply; see p. 49. (Through their brown hands streams of gold flow into our coffers. Only an American minimum can repay them the debt which a large portion of this Nation owes them. Treatment below this minimum can not be considered just.

would hold true, no doubt, for other years. The rest of the immigrating group is largely under 16 years of age. Very few come who are past 44 years.

The same condition holds true for the Mexican inmates of the Illinois penal and correctional institutions. Table IV shows that most of them are young. Only 7 of the 98 are past the age of 39. The great majority of them fall between the ages of 20 and 30 years.

TABLE IV.—Age of Mexican inmates of the Illinois penal and correctional institutions

Age	Total	Penitentiaries	Reformatory	Correctional
Total.....	98	40	6	52
17 to 20 years.....	3		3	
20 to 25 years.....	32	16	3	13
25 to 30 years.....	23	11		17
30 to 35 years.....	15	4		11
35 to 40 years.....	13	6		7
40 to 45 years.....	5	2		3
45 and over.....	2	1		1

The Mexican immigrant who is married and living with his wife is in the minority. Immigration statistics show that the great majority of these immigrants arrive single. This same condition holds true for the inmates of the penal institutions of the State, as the following table indicates, for only 29 were married while 60 were single.

TABLE V.—Marital status of 98 Mexican inmates of the Illinois penal and correctional institutions

Institutions	Total	Married	Widowed	Separated	Single
Total.....	98	29	7	2	60
Joliet-Menard.....	37	13	3	1	21
Chester.....	3	1			2
Pontiac.....	6	2			4
State Farm.....	3	1			2
Bridewell.....	49	13	4	1	31

¹ Two inmates of the penitentiaries and one of the bridewell had a common-law wife.

With the majority of the male immigrants single and with so many married immigrants coming without their wives, the number of "solos" in any community is probably quite

large. The inequality in the numbers of grown men and women creates a social problem. Many of those wishing to marry must either seek their mate from another race or nationality, or remain single. There is the further social danger of loose sex life resulting. And, finally, this, together with being away from parents, makes the boarding house or cheap hotel the only home for the majority. This is clearly shown in the survey of the Mexican inmates of the State penal and correctional institutions, as is brought out in the following table. Only 13 of the men were actually living in their own homes at the time of the crime, while 71 were living in boarding houses. Because of economic stress, these boarding houses are crowded. In one such house in South Chicago a family of five was found living in five rooms, and had 29 roomers and boarders. Another family of three has three rooms and 17 boarders and roomers. It is probably to be expected such living conditions would many times be productive of crime.

TABLE VI.—*Mexican prisoners of the institutions of Illinois by marital status and with whom living at time of the crime*

Institution	Total	Married and living in own home	Single, married, separated, or widowed, and living	
			With relatives	In boarding houses
Total.....	98	13	14	71
Penitentiaries.....	40	5	8	27
Reformatory.....	6	1	3	3
Correctional.....	52	7	4	41

Of the total number of charges in the Chicago municipal courts for 1929, 53 per cent were made against single men and women. It works out this way for the Mexican immigrant group, too. As was noted above, 60 of the 98 prisoners were single men. Of the total number of misdemeanor charges made against Mexicans in 1929 in the Chicago municipal courts, 70.5 per cent were against single persons. This is so much higher than the per cent for all nationalities, as noted above, that it may be accounted for by the preponderance of single Mexicans in this city.

CONTINUED

3 OF 5

In view of this brief survey of some of the general characteristics of the Mexican immigrant in the United States and various aspects of the group as a whole, it is evident that there are a great many conditions which could easily develop to the point where the policeman might be introduced into the picture. In order to be very concrete, the charges that have been made against the Mexicans in the Chicago municipal courts will be considered.

CAUSES FOR ARREST

The causes for which Mexicans were arrested in Chicago in 1928 and 1929 are shown in Table VII, in which all the charges have been classified under six general heads.

TABLE VII.—Charges preferred in the Chicago municipal courts in 1928 and 1929 against all males and against Mexican males

Class of crime	1928		1929	
	Total charges	Mexicans charged	Total charges	Mexicans charged
All crimes.....	148,714	2,192	186,651	2,685
Against persons.....	7,412	91	7,506	118
Against property.....	17,811	130	17,164	164
Against sex morality.....	5,662	62	5,125	122
Against public health and safety.....	22,415	143	33,744	218
Against sobriety, good order, and public policy.....	92,265	1,741	118,818	2,028
Unclassified.....	3,140	16	4,204	35

Examination of this table shows clearly that the greatest number of arrests was for violation of laws relating to "sobriety, good order, and public policy." In this group "disorderly conduct" accounted for more than three-fourths of all the charges. This offense includes such things as drunkenness and brawls, but it also provides the police with what appears to be a convenient, colorless charge to which they can have recourse when the original accusation can not be proved, and they are faced with the possibility of their prisoner being discharged. To illustrate, an example has been found in this survey where Mexicans sitting in a pool-room were arrested and charged with this offense. Again, there is J. L., a Mexican arrested for "larceny of an automobile" who was finally charged with "disorderly conduct."

"Crimes against public health and safety" rank second in point of numbers of Mexicans arrested, as Table VII indicates. The same is true for all nationalities if "traffic violations" are disregarded. "Carrying concealed weapons" is the specific crime for which the largest number of Mexicans were arrested in 1929 in this group of offenses. The opinion of police officers seems to be unanimous that the Mexican's chief offense is "carrying concealed weapons," and especially knives. This view, however, is evidently based chiefly upon impression, just as it used to be said that all Negroes carry a razor. In 1929, for example, only 83 Mexicans were charged with this crime—about 3 per cent of Mexicans arrested for all causes, and in 1928 the percentage was only slightly larger. The decrease can probably be accounted for by the ruthlessness of the police in dealing with the matter. It has come to the attention of the Mexicans quite generally that they can not carry even a large jackknife without being in danger of arrest, hence perhaps fewer to-day are carrying knives of any kind, not to mention other arms, than among any other nationality.

The third group of offenses in point of numbers, for Mexicans as for all nationalities alike, is "crimes against property." In all, 164 Mexican males were arrested for this class of offense in 1929. Larceny is the specific offense for which 93 of the 164 males were arrested. Robbery is second in this group of crimes, but there were only 17 males charged with this offense.

There are two other factors which no doubt play no unimportant rôle in bringing about the arrest of many Mexicans. The first is drunkenness. However, there seemed no way to determine how large a factor it is in the local situation, for police statistics include this, as has been stated, in the general charge of "disorderly conduct." A second factor is marijuana. In the Southwestern States and in Mexico, marijuana is known as "loco" weed—that is, "crazy"—because of the effect it produces. It is used for making cigarettes, and is not only a powerful drug, but to all appearances renders the user either drunk or crazy. The South Chicago police told of one Mexican who needed four officers to sub-

due him. It is especially insidious because it causes the brain and nervous system to deteriorate. To what extent it is being used it is impossible to learn, because those using it, like morphine and cocaine addicts, are secretive. Its use is not confined to Mexicans only, for within the past year four youths of other nationalities charged with a series of robberies admitted that they had to "get loaded" with marijuana before they could stage their nightly forays. Two things make it hard to cope with: The source of the supply very often is somebody's garden or window box, though some seems to be shipped in from Mexico and New Orleans. The other is the lack of proper legislation to assist law-enforcement officers. The users may be charged with "disorderly conduct"; the sellers may be charged with evasion of the Federal tax by selling a substitute for tobacco.⁹

Only in one police station (South Chicago) was there any report obtained on marijuana as a cause for arrests. In the rest of the police stations, the officers questioned knew nothing about the herb or, if they did recognize the name, had no idea regarding its effect upon the body. Those who know the Mexican, however, would be certain to blame marijuana for a portion of the Mexican arrests, but there are no statistics to show whether the proportion is large or small.

POLICE METHODS

The methods of the police in making some of their arrests are of interest. Naturally, there has been no opportunity to observe this personally, but during many of the interviews the prison inmates, when telling the story of their arrest, would indicate what the police had done or said. In each of the following points, more than one case was noted which would seem to show that these are common tactics among the officers of the law and not isolated cases, or stories made out of "whole cloth."

⁹ In one instance, they were prosecuted under the State of Illinois statutes, ch. 38, sec. 122: "Be it enacted * * * that every person who shall manufacture, sell, or give away any cigarette containing any substance deleterious to health, including tobacco, shall be punished by a fine not exceeding \$100 or by imprisonment in the county jail for a period not to exceed 30 days."

One favorite plan is for a group of officers to visit systematically a number of pool rooms. Mexicans found there who look suspicious or who have knives in their pockets, and, of course, those having revolvers are arrested. A police officer states that first one of them walks through to the rear. Then other officers enter, line every one up against the wall, and search them. When asked if they had warrants, the answer was that it was not necessary, since it was a public place. Several Mexican prisoners in the bridewell stated that this was the way in which they had been arrested and charged with "disorderly conduct," although they were not aware of having committed any crime. One stated that he was charged with carrying concealed weapons, whereas one of the policemen knew well enough that the man upon whom he had found a dagger had managed to escape, but that the weapon had to be accounted for in some way, so he was charged with having had it. Another prisoner states that he was standing in a restaurant warming himself by the stove when detectives entered and, without saying anything, began to search everyone. He had come from Gary that evening to collect some money, so he had a gun in his pocket. Of course, he was arrested, charged, and sentenced for "carrying concealed firearms."

Several cases are recorded of policemen taking the liberty of stopping Mexicans on the street and searching them. One such Mexican claims that he was standing on a corner conversing with a friend when a policeman stopped and searched them both. A jackknife was found in his pocket, so he was arrested for carrying concealed weapons. The judge, however, refused to sentence the man saying (according to the Mexican) that he carried a jackknife, too. The charge was changed to "disorderly conduct," and he was fined \$31.50. Another states that he was stopped on the street by an officer who asked him what he had in the package he was carrying. It turned out to be a number of mufflers that he had purchased at a bargain and which he planned to sell to friends in a railroad camp where he lived. He was arrested and charged with having received stolen goods. Undoubtedly, the policemen and detectives employ this method constantly, and quite likely a great many arrests are made which result

in convictions, but the fact remains that, as Judge Heller of the Chicago municipal court explained to the writer, an officer who stops a man who is seemingly minding his own business and searches him is exceeding his authority; that search warrants are for the purpose of making a few things private. Article 2, section 6, of the State constitution provides that—

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrant shall be issued without probable cause, supported by affidavit, particularly describing the place to be searched and the person or things to be seized.

People v. Castree (211 Ill. 392 (1924)) reaffirms this.

There is also what has been called "the drag net" method. Group arrests are many times made by the police upon the slightest pretext. In this manner large numbers of all nationalities are arrested. A respectable United States citizen contributes the following instance: He and a friend had just left a church party and were on the way home, when they ran across a man lying on the street. Thinking the man was only injured, he called the police. Upon arriving, he directed them to the place and it was found that the man had been murdered. In that same block, a group of Mexican young men and women were having a party, and they were just leaving. The officers went over there and arrested all the males of the group. The one who related the instance was of Spanish-speaking parentage, so he was detained with the rest in jail for two days. Through the assistance of social workers, he was able to secure his release, but he had no idea how long the rest were kept in jail.

A gentleman in the bonding business bears witness to similar methods on the part of the police. During February a Mexican killed a policeman. In their effort to find the companion of the one who had committed the deed but who had escaped, it is stated by the bondsman that the police "ran in" all the Mexicans they could find.

THE POLICE AND THE MEXICANS

It is a common saying that a man is considered innocent until proven guilty. It is also considered the duty of officers

of the law to make arrests and that the court or the jury will determine the innocence or guilt of the offender by due process of law. Further, it is supposed to be the prerogative of the court to determine the punishment which will fit the crime and see that it is properly executed. No one can investigate crime without facing the fact that things do not always work out as outlined above; that too many times the one arrested is considered guilty and treated accordingly. Perhaps none suffer more from this assumed authority on the part of police officers than foreigners who are without influence in the community and have no political power.

Unquestionably, the police do have occasion sometimes for using force in making arrests, but it is unjustifiable brutality against which many of the Mexican prisoners interviewed complained.

Because of the prejudice against Mexicans they are probably victims of the "third degree" more frequently than other prisoners. Of the 98 inmates interviewed, 16 from Chicago and 3 from other counties said they had been subjected to jail torture.

J. D.—was subjected to the hunger test for three days. He finally gave in and made a confession.

J. C.—states that the first night he was stood against a wall and that two detectives punched him in the chest and stomach and face for two periods of about half an hour each trying to make him confess to a robbery and to having cut another man. Before he was taken into court the next morning, the police made him wash the blood off his face so the judge would not see it.

R. R.—states that detectives punched him "about a hundred times" in the face. They stuck a revolver in his mouth and threatened to blow off his head. He says, "They were animals to treat me that way." He confessed nothing.

F. P.—claims he was physically mistreated all night for a week, but he confessed nothing.

J. G.—asserts that the first day in the "lockup" he was maltreated by four policemen who punched him for "about three hours." The second day they put him in ice water for half an hour, and then they beat him with a piece of rubber hose for an hour. He confessed nothing.

MEXICANS IN DETENTION

After arrest, prisoners in Chicago are detained in the police station lockup if the crime is only a misdemeanor.

For graver offenses they are placed in the Cook County Jail. In some cases, when the prisoner has been sentenced on one charge, but another is pending, he may be detained in the bridewell. The city police stations, which are commonly known as "lockups," are far from being ideal places of detention. Some of them, such as the Maxwell Street lockup, are in damp, dark, ill-smelling basements. The only justifiable use for the lockup is for the temporary safeguarding of prisoners until they can be removed elsewhere—certainly not longer than over night. Because of the discomfort and lack of sanitation in them, to keep a man two or more days in one of these lockups is real punishment.

In many cases it is advantageous for the prisoner to have time to marshal assistance and prepare his case; especially is it so for prisoners with as little source of help as have the Mexicans. Some Mexicans stated that they plead guilty early when the prospect was held up to them of waiting months for their trial and then perhaps receiving a heavier sentence if convicted. They did this in the belief that part of their sentence would be served by the time their trial came off.

PREPARING FOR TRIAL DURING DETENTION

During detention the prisoner ordinarily employs his time marshaling his forces for defense. His friends must be notified and rallied to his assistance; legal help must be found that is willing and capable of handling his case; witnesses must be secured before it is too late and next to impossible to find them; and finances must be arranged to assure the attorney that he will be paid so his mind may not be distracted by the possibility of no fees. Unquestionably, it is essential that the defendant utilize his time well, for he may rest assured that the city or the State (as the case may be) will build up its case against him.

For this reason a point of considerable interest brought out in the interviews with the 98 Mexican prisoners is that so many of them charged with misdemeanors seem to have made no effort in their own defense. Some very frankly said that they were innocent of any crime, and so, with child-

like faith, they had simply waited in their cells until they were called before the judge. There were others with a similar attitude, who did not know why they had been arrested or with what they had been charged, and had no idea but that they would be released shortly. All this was especially true of those who could speak no English. Otherwise, perhaps, the officer would not have left them in ignorance as to the reason for their being in jail.

A second point of interest is that it is not always a simple matter for the Mexican to get into touch with the outside world. Ordinarily a person can reach his friends by telephone, but the Mexican's friends are unlikely to have a telephone. Sometimes, if the men's stories may be accepted, the efforts which they made were unsuccessful for one reason or another. For example, T. C., on the day after his arrest, asked his jailer for permission to get in touch with a lawyer, but was told to "go to hell." Also, A. B.—now serving a term of 1 to 10 years in the penitentiary for larceny, says he asked permission, while in jail, to write to a friend whom he thought might help him secure legal assistance, but his request was not granted. The last case mentioned is the only one found in this survey where this treatment was accorded a defendant in a felony case. Those in charge of the city lockups were the chief offenders in this respect. The superior courts attempt to make sure that proper steps are taken so that the defendant will not come to trial without some defense having been prepared.

SECURING LEGAL ASSISTANCE

A very important matter in preparing for one's defense is to secure adequate legal assistance. If the Mexican does succeed in getting in touch with the outside world, the type of lawyer whom he secures is in too many cases of an inferior kind, either because of his poor qualifications or because of his indifference.

Whether due to ignorance, inability to communicate with the outside world while in detention, or to lack of funds to pay for the service, only 14 of the 98 Mexicans interviewed claimed that they had a good attorney, and 53 said they had no attorney at all. (See Table VIII.)

TABLE VIII.—*Innocence or guilt, pleas made, and defense opportunity of Mexicans in penal and correctional institutions of Illinois*

Institution	Total	Innocence claimed		Attorney			Plea of guilty		Fair chance for defense	
		No	Yes	None	Good	Poor	No	Yes	No	Yes
Total.....	98	31	67	53	14	31	57	41	24	74
Penitentiaries.....	40	13	27	5	9	26	16	24	1	40
Reformatory.....	6	3	3	2	4	1	5	1	5	5
Correctional.....	52	15	37	48	3	1	40	12	23	29

At the present time (1931) a public defender is finally available, but the men interviewed belonged to the earlier period when in the criminal courts every defendant unable to hire his own attorney was supposed to be provided with one chosen by the court. A maximum of \$250 was allowed the attorney for his work—\$15 per day for time spent in preparing the case and \$25 per day for time spent in court. The Bureau of Legal Aid provided the court with lists of names of attorneys willing to do this work, in which there are three classifications: Those who are among the best of the city to be used on capital cases; those who are very able for use on lesser cases; and the third class, lawyers of little experience to be used on relatively unimportant cases or in association with more experienced attorneys. In addition, it was stated that some judges have their own list of political favorites or others to whom they owe something because of politics.

The regular procedure is to ask the defendant at his preliminary trial whether he has an attorney or is going to be able to hire one. If not, the court appoints one to serve known as the public defender. It could not be ascertained what would happen to the attorney who neglected to act after he had manifested his willingness to do so, but it was stated that "they would be rough with him." However, in the above table, it is indicated that five Mexicans in felony cases were tried without having the services of an attorney. Two of these cases were in Cook County while three were from other counties. If the public defender was appointed in each of these five cases, the only other answer is that they

functioned so poorly that the defendant did not realize that he had been given an attorney. However, there is the following case from a "down State" county where there is every reason to believe that there was no attorney:

V. C.—a young man 26 years old, was in jail on a charge of "assault to murder." He and a friend had been drinking freely in the latter's home. During the evening he accused V. C. of getting too familiar with his wife, because he had put his hand on her shoulder. In the argument that followed, V. C. was hit on the face with a piece of iron which has left a bad scar beside his right eye. In self defense he in turn cut his aggressor with his jackknife. He was arrested on complaint of his friend. During his detention of 52 days in the county jail nothing was done for his defense, so far as the defendant knows. One day he was taken to the judge's "office." He understood nothing of what was said to him there, for he knows practically no English, but he did manage to let them understand that he needed an interpreter and that he wanted a lawyer. The defendant said that the judge seemed to think about it for a few minutes, and then he understood him to say he would write for one. He was then taken into another room where he was given a paper to sign. He could not read it, but it was indicated that he sign it anyway. He was then taken back to his cell, as he thought, to await the coming of a lawyer and his trial. The next thing that happened was his journey to the penitentiary. He was interviewed within a few days after his arrival, and still appeared to be in a dazed condition.

The following case is also interesting and, if a correct statement, shows laxness on the part of the court in making certain that a man charged with a felony not only has legal assistance, but that the case is ready for trial:

J. G.—was awaiting trial on a charge of murder. He claims that the State had not provided him with an attorney. A lawyer, visiting his client in a cell nearby spoke to him one day, and J. G. asked him if he could take his case. When the lawyer found out that the Mexican would not be able to pay him until he succeeded in collecting some money he had loaned to friends, he immediately lost interest, but gave him his card in case he might be able to raise some cash. On the day of the trial the judge asked the defendant if he had an attorney. J. G. knew nothing else to do in his confusion but to hand the judge the lawyer's card. The trial was halted until the lawyer could be sent for. When he arrived in court, he conferred for a few minutes with some one (probably the State's attorney), and then the trial continued.

In passing, it should be noted in Table VIII that in addition to the 5 inmates of the penitentiaries who asserted that they had no attorney to defend them at their trial, 9 declared that their attorney was inefficient according to their opinion in handling the case, while the remaining 26 were satisfied with their legal assistance.

An example of unsatisfactory services rendered by an attorney who had received a good-sized fee follows:

S. O.—was sentenced to from 1 to 14 years for "assault to rape." He paid his lawyer \$700, but claims that all the attorney did was to collect the money. From reading the statement of the State's attorney concerning the case, which was found in the "jacket" containing the inmate's records, it appears that a physical examination revealed that the girl had gonorrhoea, but that the man did not. Further, the defendant claims that the mother of the girl was of ill-fame and that because of personal difficulties with her, she had "put the girl up" to making the accusations. On the surface of the matter, it would appear that the attorney had a good case, had he taken the trouble to work on it.

Several cases of the same nature are available.

And finally, there is one case of a lawyer who seems to have been absolutely dishonest in his treatment of a Mexican client in the municipal court:

L. B.—was in the South Chicago lockup charged with "carrying concealed weapons." He says that through a friend he got in touch with a lawyer whom he engaged, and gave \$5 in cash and his check on pay day for \$53 indorsed over to him. The attorney went away with the money and never returned to help him. On the day of the trial, when the attorney did not appear, the case was continued, but when the case came up the second time, and the lawyer had not appeared, the trial went on without him.

ROUNDING UP WITNESSES

A further essential factor in preparing for one's trial is securing good witnesses. The following table indicates that here is one more explanation of why the Mexican defendant enters his trial with a handicap. Of course, the State always has its witnesses, though it appears in most of the misdemeanor cases that the officer is the only one. That 88 in 98 Mexicans should claim to have no witnesses seems quite unreasonable, especially in view of the fact that in 66 cases the

defendant claimed innocence. It has been found that the following are some of the reasons given for not having witnesses: Some of the men who were interviewed did not realize that there was any way for them to secure witnesses unless they or the attorney went out to get them. They knew nothing about their right to subpoena them. Second, in some of the cases, the lawyers seem to have taken too little interest, for they failed to look into the possibility of there being good witnesses available. Further, the date of a trial is often changed so that friends of the defendant sometimes do not know just when the trial is going to take place. Of course, they could make inquiry if they knew whom to ask. And finally, many possible witnesses are working men who can not afford to consider lightly the loss of a day's work. There is one case in which the inmate suspects that his friends were intimidated and so never came to the trial, for just a few days prior to the trial they had promised him they would be present. This has not been substantiated. In another case, the inmate claims that there were several persons whose testimony would have cleared him, but he had no way to secure their help.

TABLE IX.—*Witnesses for or against Mexicans in felony and misdemeanor cases and claims of innocence or guilt*

Witnesses at trial and claim of innocence	Total	Penitentiary	Reformatory	Correctional
Witness for prosecution.....	98	40	6	52
Police officer.....	35	4	2	29
Civilian.....	63	36	4	23
Witness for defendant.....	10	7		3
Innocence claimed.....	8	6		2
Innocence not claimed.....	2	1		1
No witness for defendant.....	88	33	6	49
Innocence claimed.....	57	22	2	33
Innocence not claimed.....	31	11	4	16

Certainly the Mexicans who were interviewed made very poor use of their time in detention in preparation for their trial. Whether due to their own inactivity, their lack of funds, or lack of cooperation on the part of the city or the

State, many of them were brought before the judge without adequate legal assistance, without witnesses, and without any sort of a case upon which the court might consider their innocence.

THE MEXICAN IN COURT

There are two general classes of charges in the State of Illinois—misdemeanors and felonies. The Criminal Code defines a felony as an offense punishable by death or imprisonment in the penitentiary. All other offenses are termed misdemeanors.¹⁰ It is upon the basis of this classification that the municipal and criminal courts divide their work.

The confusion of the criminal court room in a great city is difficult for an American and is bewildering to a foreigner. The average court session of the municipal courts of Chicago is not easy for a foreigner to follow. When those who take part in the cases are sworn in, occasionally a foreigner can not understand the repeated command to raise his hand, so the bailiff obligingly assists him to raise his hand high above his head.

Some of the cases are given a great deal of time and attention by all concerned—cases in which the defense, as well as the prosecution, seemingly has adequate legal assistance. But, on the other hand, there is the example of a Mexican who has been picked up, perhaps on "suspicion" the night before. The officer saw him do nothing, but he looked "suspicious." He is charged with "disorderly conduct." As the case is called, the arresting officer comes forward, and the Mexican is brought in. The officer makes his statement. The city prosecutor says something. The judge says, "two and three," and the Mexican is taken out. If he has \$5 to pay his fine, well and good. Otherwise, he goes to serve out his fine in the bridewell. In one such case, it was observed that the Mexican had scarcely stopped in front of the judge before he was on his way back to his cell. This could scarcely be dignified by calling it a trial.

F. R.—interviewed at the bridewell, states that he was looking for work when he passed a poolroom and looked in. Inside were a

¹⁰ Illinois Revised Statutes, 1920, p. 1047, sec. 585.

policeman and three detectives. They arrested him on "suspicion." He was detained in the Maxwell police station three days and one night in the Desplains station before trial. At the trial he was convicted on the word of one of the officers who had no proof of any disorderly conduct. He had no opportunity to speak in the court room. He was fined \$5 and \$1.50 costs.

No doubt the judge, in every one of these cases, would have listened to anything the Mexican had to say, but in so many cases the Mexican apparently has never seen the inside of a court room before. The judge and the crowd confuse him, and he does not find it easy to recognize an opportunity to speak when he has it, and, especially, since the whole procedure moves so rapidly. It seems likely that this confusion and haste may account for the fact that 22 of the 49 men tried in the municipal courts of Chicago claimed that they had had no opportunity to speak for themselves. Sometimes fear is given as the explanation for silence. L. O. stated that he said nothing in his own defense because he was afraid to speak. At the time of his arrest, when he protested innocence, the police had "beat him up" in the street, so he was fearful of further mistreatment.

The principal reason that Mexicans do not have the privilege of speaking in court and the chance to put up a defense, however, lies in their inability to speak English. In the following table, of the 98 Mexican prisoners interviewed, only 27 had sufficient command of English to understand what was going on and to speak for themselves at their trial. In 9 of the 20 cases of men who had an interpreter, the service was considered incompetent or unsatisfactory.

TABLE X.—Ability to speak English and interpreter service available at trial of 98 Mexicans in the Illinois penal and correctional institutions

Institution	Number	Speak English			Interpreter provided	
		No	Yes	Little	No	Yes
Total.....	98	46	27	25	78	20
Penitentiaries.....	40	23	4	13	25	15
Reformatory.....	6	3	3	—	6	—
Correctional.....	52	20	20	12	47	5

To be able to speak a language well enough to make a few purchases or to speak a few phrases which are intelligible to the court is one thing; to have a command of the language equal to making a defense when on trial is another. Just such a little thing as the use of "yes" and "no" is quite surprisingly different in Spanish and in English. For example, the Mexican who does not know English very well, when asked, "Then you are not guilty?" is almost certain to answer, "Yes," where the English-speaking person is almost certain to answer, "No." By the same token, the Mexican would say, "Yes; I am not guilty," whereas the American would say, "No; I am not guilty." This difference in usage in the two languages may explain why some of the Mexican prisoners at Joliet had no knowledge of having plead guilty when the mittimus showed pleas of guilty.

It is always a matter of surprise to the public to learn that interpreters if needed are not always provided at a trial. In the municipal courts no pretense of securing them is made. At the present time it so happens that some of the court attachés are of Polish or of Italian parentage, and are used for defendants of these nationalities when needed. Doubtless interpreters would be used for other nationalities if they happened to be available. In only one municipal court branch does it seem to be customary to have an English-speaking Mexican who makes a living partly by doing odd jobs of interpreting, and he is generally to be found not far from the bench when the court is in session. While the writer was observing in one of the branch courts one morning, a Mexican was brought before the bar. At once he asked for an interpreter. The city prosecutor remarked, "They all ask for interpreters." None was provided, however. Evidently, the judge was satisfied of the man's guilt and felt no need of listening to his testimony. The observer volunteered to act as interpreter for two other cases involving Mexicans, and his services were accepted.

The absence of interpreters and the consequent inability of the Mexicans who do not speak English to grasp what is being done doubtless have something to do with the fact that, while

but 10 of the 52 in correctional institutions plead not guilty at the time of trial, 37, when interviewed in prison, claimed innocence of the offense for which they had been sentenced. Nine of the 12 who plead guilty said they did so voluntarily, but 3 claimed the plea of guilty had been induced. One man, for example, says he plead guilty because one does what one is told in court. It is of further interest to note in the same group that no plea was taken in 30 cases, according to the statement of the prisoners. That is, nothing was asked the defendant as to his plea.

TABLE XI.—Pleas of guilty and not guilty reported by 98 inmates of the Illinois penal and correctional institutions

Institution	Number of cases	Pleas			
		Guilty		Not guilty	Not taken
		Voluntary	Induced		
Total.....	98	10	22	27	30
Penitentiaries.....	40	7	17	16	-----
Reformatory.....	6	3	2	1	-----
Correctional.....	52	9	3	10	30

THE SUPERIOR COURTS

Compared to the municipal courts, the procedure in the superior courts where the felony cases are heard, is more dignified, more formal, more in keeping with the popular conception of what a court should be.

In criminal court procedure, the matter of pleas seems to call for some attention. It has been said¹¹ that a plea of guilty has in the background a session of "bargaining" with the State's attorney. If the prisoner charged with murder, for example, does not wish to fight the charge for some reason, he may make overtures to the State's attorney that he is willing to plead guilty to a lesser charge, or; if he can not get that, he may make a plea of guilty to the original charge in the hope of receiving a "flat" sentence. For example,

¹¹ A. J. Harno, History and Development of the Parole System in Illinois, Jour. of Am. Inst. of Crim. Law and Criminology, p. 103.

murder carries a sentence of capital punishment or a "flat" sentence of 14 years or more, as the judge may determine. Manslaughter carries a sentence of 1 to 14 years. If the defendant charged with murder agrees to plead guilty to a lesser charge and it is acceptable to the court, he will be sentenced on a charge of manslaughter to from 1 to 14 years. Such pleas are ordinarily accepted by the judge upon the recommendation of the State's attorney. Such procedure may be highly desirable in the interests of justice. Again in larceny, for example, if money has been stolen to the amount of \$16 the charge must be "grand larceny," but, in case of a first offender, it may seem quite proper to accept a lesser plea which will better serve the ends of justice, and so the charge may be reduced to "petty larceny." The lesser plea becomes a very important procedure in the hands of the State's attorney. If he has a weak case and does not wish to risk it in a jury trial, he can avoid this by accepting a lesser plea, in which case there is no trial but only a formal hearing and acceptance of the pleas of guilty. The State's attorney is a very busy person, and this procedure helps him to economize time by disposing rapidly of cases. He can thus secure convictions on a great number of cases, which makes a good record on paper, a valuable asset in a political campaign. Further, there is here provided an excellent basis for bargaining with politicians who may have interested themselves in a prisoner.

The system, however, has its evil potentialities for the prisoner as well as its advantages. Sometimes definite promises are made to induce the plea of guilty. The prisoner may be innocent, but he sees no hope of escape, since the "cards seem stacked against him." The prospect of a shorter sentence is held out to him, or he is assured of parole within a specified time, so he pleads guilty. But it is the parole board, and not the trial judge or the State's attorney, who determine the length of the indeterminate sentence. Each case in prison is studied by this board. The inmate's conduct in prison, the progress which he has made while in prison indicative of the way in which he will adjust to society when he is freed, and the circumstances of the crime, are some of the matters which the board considers. After

the minimum of his sentence has been served, the prisoner becomes a candidate for parole, but only the board can decide when he will receive his discharge. For anyone to hold out definite promises to a defendant in this matter is to encroach upon the authority of the parole board, to say the least. As a method of inducing a defendant to plead guilty, it is definitely dishonest.

In view of all this, it is of special interest to note how this has worked out in the case of the Mexican inmates in the penitentiaries and the reformatory. In these two classes of institutions, among 46 cases, a total of 29 pleas of guilty were received by the court and only 17 of not guilty. According to the information which the inmates gave when interviewed, no less than 19 of the pleas of guilty were involuntarily given—induced through extraordinary "influence." Thirty-one of these inmates claim they were innocent of the crime with which they were charged.

The following stories are those of defendants who say they were induced to make a plea of guilty:

J. O.—was sentenced to 14 years for a murder committed in self-defense, according to his statement. He says that the State's attorney tried to induce him to plead guilty in order to save himself from the death penalty. It was suggested to him that he was most certainly guilty; that he had had his revenge for which he should be glad to serve only 20 years. When the man protested, saying he had witnesses who would prove his innocence, the State's attorney told him that all his witnesses were against him. One day he was brought before the judge, and the State's attorney and the judge conferred together wondering what they would do with him. They were speaking in low tones but loud enough for the defendant to understand. The judge remarked something about the man being "crazy" and said that probably no one would "cry" for him, as the inmate expressed it in Spanish. Then something was said about saving "Evans" from the "chair." The defendant stated that he was afraid to reveal that he had understood, and that later he told friends that he felt like a chicken in a corner when one is about to be chosen for a dinner. Later on, the State's attorney told him that since he had no money there was no chance to save him. Finally the Mexican agreed to plead guilty provided that his sentence would be 14 years, but that if he got a longer one he would change his mind.

L. R.—charged with manslaughter was sentenced to a term of from 1 to life. He claimed he killed in self-defense. The state's attorney repeatedly insisted that he plead guilty, but he steadily re-

fused. On the day of the trial, while the jury was being selected, the State's attorney again tried to persuade him to change his plea. The man says he was so worn out and disgusted that he finally answered, "All right, it is all the same to me. Do as you like." The trial was called off, and he was sentenced to a term of from 1 to 14 years.

In connection with these pleas of guilty, several cases were found in which the defendant had no recollection of having made any plea. The case story of V. C.—already referred to is an example of this. As was noted in the account, if the man plead guilty, it is possible that it was when he signed the paper without knowing its contents. This seems almost impossible in view of the fact that the Criminal Code requires that the judge warn the defendant of the consequences before he finally accepts the plea of guilty. Under this provision, it has been held several times by the Supreme Court that the record of the court must affirmatively show that the defendant was duly warned and that he persisted in his plea of guilty, and that a failure of the record to show compliance with the statute makes the judgment of conviction erroneous and subject to reversal on a writ of error. Nevertheless cases occur like that of E. C.—who could speak no English and for whom no interpreter was provided, according to the inmate's statement. The judge attempted to question him, but he could not understand any of the questions put to him. No one else questioned him. The mittimus states in the usual formal way that the defendant was warned what this change in pleas would mean, but that he persisted in his plea.

Further, a number of the inmates showed very plainly that they did not understand the meaning of a plea of guilty. For example, one of them who plead guilty to a charge of manslaughter still persists in his assertion that the homicide was accidental, and that he never intended to acknowledge to the judge that he was guilty of a crime, but only that he was responsible for the other person's death.

From the foregoing considerations, it seems fair to say that generally the matter of making a plea of guilty appears to the Mexican the only way out of his dilemma. He finds himself without adequate funds and an able attorney. He sees no way to secure witnesses. The prospect is so dark

that he decides that to plead guilty is the only avenue of escape from a worse fate. Nothing could be determined definitely as to whether or not the court actually takes the trouble to explain clearly to the defendant the full significance of making a plea of guilty, but the testimony of the inmates points very strongly to the contrary.

Before leaving the matter of pleas, it should be made clear that this procedure, though at times so at variance with the Mexican's best interest, may have been taken in an honest attempt to secure for the Mexican a lighter and more just sentence. If all the facts were known it is quite possible that a verdict at the hands of a jury could have been secured and a much heavier penalty have been imposed. Insufficient opportunity to observe superior court procedure in these cases is greatly regretted.

THE JURY IN MEXICAN CASES

Unless the defendant in a felony case pleads guilty, the case is tried before a jury. One violation of this rule is recorded in the interviews. The case, in brief, is as follows:

J. C.—had been arrested on a charge of "carrying concealed weapons" and "assault with a deadly weapon." As to the first charge, he claims that some man had grabbed \$20 out of his hands on a street corner and had run. He chased him, pulling a gun and shooting as he ran, but the fugitive escaped in an alley. Just then an officer appeared and arrested him. That same day some man had been cut and robbed and J. C. was held as having committed the deed. On the first charge he was sentenced to a term of six months in the house of correction and \$300. On the second charge he requested a trial by jury, but this was denied him. The judge is said to have remarked, "I am going to give him another so he will die there and never get out." He was sentenced to another year in the house of correction.

What has been said relative to the importance of the interpreter in the municipal court holds true in the work of the superior courts, but in an even greater degree, because the implications of a felony charge are greater. Undoubtedly this is the reason that an effort is made in these courts to secure interpreters. However, according to the statement of the inmates, failure to provide an interpreter oc-

curred in at least 31 cases out of 39 where the defendant in a felony case spoke either little or no English. Furthermore, in 15 cases where an interpreter was provided, the complaint was registered in 9 cases that the interpreter did unsatisfactory work. It should be borne in mind that a poor interpreter is worse than none, for mistakes made are not detected, but go down in the record as facts either against the defendant or against the State. The following is an example of the need for an interpreter and an illustration of how justice can miscarry for want of one:

A. M.—was sentenced to serve a term of from 1 to 10 years in the Pontiac Reformatory for larceny. Two of his friends got into trouble through stealing articles out of an automobile and selling them, but A. M. had nothing to do with the theft. In the hope of gaining favor with the police and going free, one of the boys confessed, when interviewed at Pontiac, that he had involved A. M. in their crime. Two of the boys could speak English, but A. M. could not, and no interpreter was provided. The judge, attempting to question the boys, asked A. M. something about how long he had known the other two. Thinking that the judge was asking about his period of incarceration, he replied "six days." The State's attorney, knowing that the boys had been friends before the trouble said that he was a liar as well as a thief. The attorneys had instructed the other boys not to talk in court, so they did not come to the rescue of their friend, and permitted him to be sentenced along with them.

A final step in the trial procedure is the delivery and recording of the sentence. Here, again, the interviews with Mexican prisoners afford some indication that, at least so far as the Mexican sentenced is concerned, his understanding of what was said is different from what the record shows. L. R.—for example, understood that he was sentenced for from 1 to 14 years, but after arriving in prison he learned that the records stated "1 to life." Likewise, A. P.—claims that the judge gave him a "flat" sentence of 20 years, and not "life," as the records have it. Of course, it is very possible that the Mexican misunderstood the judge in each of these instances. In a third case, however, there is clearly a mistake on the part of prison records, for the mittimus states, "not less than 1 year and not more than 14 years," but the prison records have "1 to life." These differences in sentences mean a great deal to the prisoners concerned, for

in each case, the minimum sentence is lengthened considerably in number of years.

From the foregoing description of the experiences of the Mexicans in the courts, it is not intended to convey the impression that Mexicans are, as a matter of course, unjustly treated when brought to trial for misdemeanors or felonies. It must be remembered that the discussion is based upon the experiences of 98 Mexican prisoners only and their statements of what happened, supplemented by observation of the work of the courts in session. More opportunity, as has been noted, was provided for observation in the municipal courts. Because of possible error or deliberate misstatement of the inmates, some of the data may not be reliable. However, there are so many cases which are nearly parallel, and so much of the data seem corroborative, as to make the tabulated results reasonably trustworthy. Further, it has been possible to verify many of the statements of the inmates, either through data contained in the prisoner's "jacket" where his records are kept, or through the case records of trials which are available in the office of the Chicago Crime Commission. Very few discrepancies have been found, and these in minor details, except in two cases.

Aside from the details of the work of the courts, it is clearly seen that the Mexican finds himself in a new and strange world of which he understands nothing, and in which he perhaps feels like the principal actor in a game of chance confident to the end that fortune will smile kindly upon him, hopeful that his patron saint will finally deliver him. Whatever else may be said, he is, because of difference of language and custom, peculiarly at the mercy of the hand of justice, which is all the greater reason why he should be dealt with justly.

THE WORK OF THE COURTS

The work of the municipal courts of Chicago can be conveniently studied through statistical information made available by the police department covering convictions obtained on the charges preferred. As noted in another connection,

information on the Mexicans unfortunately was not tabulated separately prior to 1928, hence our study can not cover earlier conditions. Reference has already been made to the charges preferred against Mexicans, but a closer approach to the true story of crime and criminal justice is made by considering the convictions which are obtained. A comprehensive view of the situation as touching offenses for which 1,031 Mexican males were convicted in the municipal courts of Chicago in 1929 is provided by the following table. It is to be noted that the highest number of convictions obtained against Mexicans, as well as against all nationalities, was in the fifth classification—"crimes against sobriety, good order, and public policy." Specifically, "disorderly conduct" and "disorderly house" account for all but a few of these convictions. Next in order in point of numbers convicted is the group of crimes "against public health and safety." "Carrying concealed weapons" is the offense which showed the greatest number of convictions in this classification. The third group of crimes from point of numbers of convictions is "against property." The greatest number of convictions in this classification was obtained in larceny cases. In the municipal courts of Chicago, this crime is classified as a "felony," and accounted for 65 of the 67 convictions against Mexicans in 1929.

TABLE XII.—Convictions for specified types of offenses in the Chicago municipal courts against all nationalities and Mexicans in 1929 (males only)

Type of offense	1929			
	Total		Mexicans	
	Charges	Convictions	Charges	Convictions
Total.....	186,667	42,259	2,679	1,031
Against persons.....	7,113	1,891	100	48
Against property.....	17,368	3,547	164	73
Against sex morality.....	5,608	1,169	135	22
Against public health and safety.....	33,775	10,638	217	111
Against sobriety, good order, and public policy.....	118,500	24,251	2,028	770
Unclassified.....	4,204	763	35	7

There seems to be nothing particular in these convictions to distinguish characteristics of the Mexicans from those of the entire group. In the main, crimes showing largest number of convictions against Mexicans are likewise high in convictions for all nationalities. However, it is worth noting that there were a number of crimes for which no Mexicans were convicted, "cruelty to children," "soliciting for prostitution," "embezzlement," "attempted larceny," "resisting an officer," "storage in public places," "cruelty to animals," "extortion by threat," "gambling devices," "intimidation," "compulsory education," and other minor offenses.

It is most interesting, however, to compare the proportion which the number of convictions bears to number of charges made against all nationalities and against Mexicans. While in the municipal courts of Chicago in 1929 in misdemeanor cases convictions were obtained in 38 per cent of the Mexican cases, the percentage of convictions for all nationalities was only 23 per cent. In felony charges, 40 per cent of the Mexicans were convicted, while convictions were obtained in only 19 per cent of all the cases. By comparing the total charges preferred in 1928 with total convictions, the same disproportion is seen. That is, it seems that, on the whole, the percentage of Mexicans convicted is higher than the percentage for all nationalities. Either the police have a better case against Mexicans, or less attention is given Mexican cases as compared with all others, or the Mexican is less prepared to stand trial.

In view of the prevailing idea that all Mexicans carry some kind of weapons, it might be well to compare the percentage of convictions for Mexicans with that for all nationalities on the charge of "carrying concealed weapons." In 1928, convictions were 58 per cent of the charges, while in 1929, they were 68 per cent. For the same years, for all nationalities, the percentages were 47 and 54, respectively. Larceny is also supposed to be a common offense of Mexicans. Professor Taylor indicates this with reference to Mexicans in Colorado.¹² In 1929, there were 106 Mexicans charged

¹² Paul S. Taylor, Mexican Labor in the United States, Valley of the South Platte, Colo., p. 174.

with this felony, which was 1.3 per cent of the total charged with larceny, while 76 convictions were obtained, which was 2.2 per cent of the total. In single crimes, as in the crimes grouped by type, the proportion of convictions obtained in the Chicago municipal courts on charges preferred against Mexicans is higher than the convictions obtained against all nationalities.

In comparing the number of convictions with the number of charges made, one can not help but be impressed by the great proportion of needless arrests made by the police of Chicago. And this needless arrest, it may be repeated, means that in any year many hundreds spend not less than 24 hours in the city lock-up, and experience the humiliation of arrest and detention, only to be adjudged innocent of any offense. The following is only one of numerous instances of needless arrest of Mexicans:

J. L., a boy of 17 years, was asleep one day in his home when his sister awakened him saying that some boys had just run an old car into their fence. He went out to see if they had damaged the fence, which was already loose. A group of boys had brought an old "stripped" Ford from some place, and said they were going to sell it for junk. Seeing a piece of wire on it which he wanted, he asked to have it. Having received permission, he was about to cut it off when a "squad" car arrived. The detectives accused J. L. of having stolen the car. When he tried to explain, he was told with a threat to "shut up." The boys who had brought the auto were in it, so J. L. went to bring one of them so he could explain the matter to the officers, but they ordered him to go along with them. He was shut up in the Maxwell police station on Tuesday, but not "booked" until Friday. The officers meanwhile were supposedly busy trying to find evidence against him. The boy's mother went twice to the station, but each time was told that he was not there. After hunting "all over the city" for him, she went to the Immigrants' Protective League, and with a worker from this organization returned to the police station and found that the boy was there and charged with "disorderly conduct." Saturday he was taken to the boys' court, but the case was continued until Monday until he could bring some one to identify him. Meanwhile, he was released on his own recognizance. When the case was called Monday, a Boy Scout official vouched for his being "all right," and the case was dismissed. The boy had been in jail illegally from Tuesday until Friday, for he was not "booked." The colorless charge of "disorderly conduct" had been substituted for "larceny." Three persons spent the best part of a morning to clear

up the boy's trouble, to say nothing about the loss to the parents, both of whom are employed. And no one can count the ultimate cost in the effect of such injustice upon the life of a 17-year-old youth.

No statistics are available to show that the situation may be in other municipalities of the State, but the facts remain that at least for Chicago not 25 per cent of all those arrested on misdemeanor charges are convicted. To be exact, in 1929 a total of 192,211 persons was "booked" for misdemeanor charges, but only 45,094 (23 per cent) were convicted. Among these, were 2,625 Mexicans charged with misdemeanors, and 1,000, or 38 per cent, were convicted.

Judge John J. Sullivan of the New York Superior Court, when addressing, June 17, 1922, a group of men newly added to the police force, said:

It is your duty to arrest persons committing crime, but a higher duty than that is to prevent crime. Preventing a man from committing a crime is better than punishing him after he has committed it. And it is a harder job, too. Never make an arrest unless you are sure you have a case.

SENTENCES

As held true for convictions, so here again statistics are not available showing the nature of sentences imposed by the courts for given offenses by nationalities. However, it may be of some interest to note the sentences meted out to the 98 Mexicans with which this study has to do.

The 40 inmates of the penitentiaries were sentenced as follows:

Murder.....	Minimum, 14 years; maximum, life.
Manslaughter.....	Minimum, 1 to 14 years; maximum, 1 to life.
Assault to murder.....	1 to 14 years.
Rape.....	5 years.
Assault to rape.....	1 to 14 years.
Larceny.....	1 to 10 years.
Receiving stolen property.....	Do.
Robbery with gun.....	Minimum, 1 to life; maximum, 3 to 20 years.
Robbery without gun.....	3 to 20 years.
Attempted burglary.....	1 to 5 years.

As for the reformatory, there were just two kinds of crimes for which the six Mexicans had been sentenced—burglary and larceny. The sentence for burglary in each

case was from 1 year to life, and for larceny, from 1 year to 10 years.

The three Mexicans at the State farm were each there for a different crime, namely, "assault," "malicious mischief," and "assault with a deadly weapon." The sentences imposed were: 6 months, 60 days, and 5 months, respectively.

In regard to the prisoners sentenced to the house of correction, the sentences fell into three general classifications: Fines, time, and a combination of the two. For example, there were sentences to pay fines varying in amount from \$5 to \$206; there were sentences to serve time ranging from 30 days to 1 year; but there were numerous combinations of various fines and various lengths of time to serve. In most of these various groups of fines, there was only one Mexican. It should be noted that until the middle of May, prisoners committed on fines were permitted to work out the fine at the rate of 50 cents a day provided they were city prisoners; otherwise, the rate was \$1.50 per day. The city rate has since been raised to \$2.50, but for our reckoning, we should consider the old rate under which the Mexicans surveyed were sentenced. From the following, some idea may be gained as to the nature of sentences which were meted out to Mexicans convicted of certain crimes.

On the charge of "disorderly conduct," the largest sentence and fine given was 1 year and \$106.50. There were six others with a year's sentence, but the fine was \$56.50 and less. One was given nine months and \$106.50; five, 6 months and fines ranging from \$209 to \$6.50. It should be remembered that a fine meant additional days of labor after the prescribed time had been served.

On charges of "assault," there were two convictions, the sentences imposed being one for a year, and a fine for the other of \$56.50.

"Assault with a deadly weapon" shows sentences varying from 1 year and \$1 to 6 months and \$6.50, with one of 9 months and \$106.50.

Larceny drew sentences ranging from 6 months and \$31.50 to 1 month and \$31.50. There was one fine of \$106.50. The most usual sentence and fine given was 3 months and \$6.50, as was the case in six instances.

"Carrying concealed weapons" in one case was sentenced to 6 months and \$31.50, one to 3 months and \$16.50, one to 2 months, another to 1 month, and a fifth fined \$31.50.

There was one case of contributing to delinquency which received six months and \$209.50.

It is quite apparent that there is little if any relation between the type of misdemeanor and the severity of the sentence. Quite likely, each case is considered on its own merits and an attempt is made to make the sentence fit the crime.

All but 3 of the 49 Mexicans surveyed in the bridewell had been committed from the municipal courts. Three were committed from the criminal courts, 1 for "carrying concealed weapons," 1 for "assault with a deadly weapon," and 1 for "contributing to delinquency of a minor." The vast majority of the Mexican prisoners in the bridewell have been committed for the nonpayment of fines. A list was made of all the sentences imposed upon Mexicans admitted to the bridewell during the first quarter of this year, the result of which is given in the following table. It is to be noted that 192 of the 197 were imprisoned for nonpayment of fines. Of this number, according to the books of the clerk, 41 were able to pay a part of their fine, but 142 had to work out the entire amount. It was further noted that these 41 who paid a part of their fine did so within the first two or three days. In other words, it appeared that they had to stay in the bridewell until they could get in touch with some one who would bring them the amount of their fine. This seems very similar to certain pages in English history which tell of men being imprisoned for debt. Further, there is presented the inequality of justice which sees fit to impose the same fine upon two men regardless of their financial status. For example, one may be fined \$10 for some offense, but perhaps he spent on a party the night of his arrest twice that amount. But \$10 for some poor Mexican would be a huge fine, especially if it meant his going to the bridewell for lack of cash to pay it and leaving his wife and children to keep the "wolf from the door" as best they could. Manifestly, there is no justice in any system of fines which is based upon the offense

committed with no regard whatever as to the man's financial ability. Such a procedure is nothing more nor less than "imprisonment for debt."

TABLE XIII.—Sentences imposed upon Mexicans committed to the bridewell January 1 to April 1, 1930, by crime classification

Type of crime	Sentences			
	Total	To serve time only	To pay fine only	To serve time and pay fine
Total.....	197	5	150	42
Against persons.....	3	1	—	2
Against property.....	31	1	3	27
Against sex morality.....	4	1	—	1
Against public health and safety.....	14	—	2	12
Against sobriety, good order, and public policy.....	144	1	143	—
Unclassified.....	1	1	—	—

Sentences to pay fines predominate. Seventy-seven per cent were sentenced to pay fines; 21 per cent to pay fines and serve time; while 2 per cent received a sentence to serve time only. Of 192 Mexicans sentenced to pay fines 74 per cent paid none of their fine; 21 per cent paid part of their fine; while only 5 per cent paid all of their fine.

Frequent statements to the effect that judges were more severe in dealing with Mexicans than with others, especially in the case of the sentences given for carrying concealed weapons made it seem wise to study the matter. On April 1, a count was made of the prisoners in the bridewell on this charge. Of 97 imprisoned for this offense, 12 were Mexicans. A comparison of the sentences and fines given the Mexicans and other nationalities revealed the following: The heaviest sentence for the Mexican group was 1 year and a fine of \$16.50. There was just one of this type. The next one was 180 days and \$7.50. For other nationalities, there were four for 1 year and a fine of \$306.50; one for a year and \$206; and seven for a year and \$106.50. An average of the time in sentences and money in fines was found to be: Mexicans, 120 days and \$24.27; others, 136 days and \$78.10. If anything, it would appear that the judges had been more considerate of the Mexicans.

Of course, there is the possibility in their cases that most of these charges were not particularly grave. The weapons carried may have been, as in some of the illustrations given, only jackknives.

THE MEXICAN CONVICTS OF ILLINOIS

The term "convict" is sometimes understood to refer only to those imprisoned in penitentiaries. As used in this section, it has reference to all prisoners in the institutions which have been surveyed for this study.

The number of convicts fluctuates from day to day, for new ones are admitted or old ones are paroled. This study was made over a period of three months, hence the population for each institution is noted on the day when the work in it was begun. The names of the institutions which were surveyed in which personal history studies of Mexicans were made follow, together with the total and the Mexican population.

Penal Institution	Total population	Mexicans	Date
State penitentiary at Joliet.....	3,950	33	Jan. 1, 1930
State reformatory at Pontiac.....	2,013	6	Mar. 18, 1930
Southern State penitentiary at Menard.....	2,007	4	Mar. 27, 1930
Hospital for criminally insane.....	307	3	Do
Illinois State Farm at Vandalia.....	420	3	Mar. 28, 1930
Chicago bridewell.....	2,149	100	Apr. 1, 1930

¹ Personal history schedules were taken of only 49 of these Mexicans. Fluctuation in the numbers at the bridewell was noticeable. Many of those interviewed were discharged before the study was completed, and several were discharged before the opportunity to interview them was obtained.

In order that a comprehensive view may be had of the types of crime for which the inmates surveyed were in these institutions, the following table is given. It will be noted that "crimes against persons" is first in numbers and first among those crimes represented in the penitentiaries. "Crimes against property" is second in point of numbers. "Crimes against sobriety, good order, and public policy" bulk large in the bridewell.

TABLE XIV.—Types of crimes for which Mexicans are prisoners in the penal and correctional institutions of Illinois

Crime	Total	Penitentiary	Reformatory	Bridewell	State farm
Total.....	98	40	6	40	3
Against persons.....	37	20	—	0	2
Against property.....	32	12	6	13	1
Against sex morality.....	3	2	—	1	—
Against public health and safety.....	5	—	—	5	—
Against sobriety, good order, and public policy.....	21	—	—	21	—

The offenses together with the number of Mexican offenders in each case at Joliet and Menard penitentiaries are as follows:

Murder.....	13
Manslaughter.....	8
Assault to murder.....	2
Burglary.....	1
Robbery with gun.....	2
Robbery without gun.....	1
Larceny.....	6
Rape.....	1
Assault to rape.....	1
Attempted burglary.....	1
Receiving stolen property.....	1

At the Illinois State Hospital for the criminally insane at Chester, are three Mexicans, originally committed to the State penitentiary at Joliet. In all the tables given in this study, these three are included with the total in the penitentiaries. One of them was committed for "manslaughter," and the other two for "assault to murder."

In the Illinois State Reformatory at Pontiac, there are six Mexicans. Two were committed for burglary and four for larceny.

At the bridewell, in addition to obtaining the detailed histories of 49 Mexican inmates, the offenses for which 197 Mexicans (most of the 49 were included) were committed during the first quarter of 1930 were also ascertained. They follow:

Assault with deadly weapon.....	3
Larceny.....	28
Attempted larceny.....	1
Carrying concealed weapons.....	12
Burglary.....	1
Contributing to delinquency.....	2
House of ill fame (patron of).....	1
Disorderly conduct.....	126
Disorderly house (inmates).....	4
Disorderly house (keeper).....	1
Vagrancy.....	11
Driving while intoxicated.....	1
Possessing liquor.....	1
Leaving scene of accident.....	1
Indecent dress.....	1
Obtaining money by false pretense.....	1
Unlawful manufacture of cigarette (marijuana).....	1
Discharging firearms.....	1

It might be well to note that such offenses as "disorderly conduct," "larceny," and "carrying concealed weapons," as has already been noted, bulk large in this list, as in others.

The three Mexicans at the Illinois State Farm at Vandalia were charged with "malicious mischief," "assault," and "assault with a deadly weapon."

As for the counties from which the Mexican inmates of these State institutions come, 24 of the 49 were committed from Cook County, while 25 came from 13 other counties. It is quite natural that the largest number should come from Cook County, since not less than half of the Mexican population of the entire State is to be found there. It might be of interest to note further that the South Chicago police station has arrested the largest number of inmates from Cook County in the institutions. Twenty-one came from this station while Maxwell Street and State Street stations each arrested 13 of them and Desplaines, 12. In the bridge-well the largest number (17) also were arrested by the South Chicago police.

Aside from Chicago, other cities of the State which are represented by two or more Mexican inmates are as follows:

Waukegan.....	2	Joliet.....	2
Peoria.....	2	Freeport.....	2
Granite City.....	2	Bloomington.....	2
Galesburg.....	3	Alton.....	2

These inmates, in the majority of cases, were not newcomers in the State nor in the community in which their crime was committed. As was seen earlier in the study, 34 in 98 had been in Illinois over 5 years, 10 of whom had even exceeded 10 years. In addition, the following table gives some idea of how long the Mexicans had been residents of the locality where the crime was committed. The majority, it is evident, had lived in their respective communities long enough to be considered a part of them. Only 34 in 98 had been in the locality less than a year, while 64 had been there more than one year. And further, it is to be noted that these criminals in the majority of cases were not just fresh from foreign soil. As seen earlier¹⁸ roughly 1 in 4 of them had been in the United States between 5 and 10 years, and 1 in 5 had been here between 10 and 15 years, and 30 had been here at least 15 years.

TABLE XV.—Length of time Mexican inmates of State penal and correctional institutions lived in locality where crime was committed

Years	Number cases	Penitentiary	Reformatory	Correctional
Total.....	98	40	0	52
Less than 1 year.....	34	17		17
1 year but less than 5.....	34	16	3	15
5 years but less than 10.....	24	5	3	16
10 years but less than 15.....	5	2		3
15 years but less than 20.....	1			1

In this connection, the following table from the Federal statistics seems worth noting. For all foreign-born prisoners there seems to be a tendency for their per cent of crime to increase with the increase in the length of time in this country. On the other hand, the Mexican group in the Federal survey seems to show just the reverse of this, the highest per cent being among those prisoners who had been here less than five years. In the table, the percentages reflect merely the proportion of these groups in the entire population. In the total number of foreign born in this country, there is a greater percentage that are of the "old

¹⁸ Supra, p. 274, Table II.

immigration," while the Mexicans for the most part are of the "new immigration." Therefore the trend of crime in the two types of immigration is not comparable. However, this much may be said: In general, as has previously been indicated, the recent immigrants have the odds against them in their attempt to be law-abiding, hence the proportion of crime is likely to be larger than among those who have been in this country a longer period of time. This table would bear this out in respect to the Mexican group, as does likewise the survey of prisoners in the Illinois institutions. (See Table II.)

TABLE XVI.—Commitments of foreign-born white prisoners to prisons and reformatories by their time in the United States compared with Mexicans as per prison census of January to July, 1923

Time in the United States	All United States prisons and reformatories			
	All foreign born		Mexicans	
	Number	Per cent distribution	Number	Per cent distribution
Total.....	2,297	100.0	370	100.0
Less than 5 years.....	204	12.8	160	40.5
5 years but less than 10.....	340	14.8	104	28.1
10 years and over.....	1,533	66.7	91	24.6
Unknown.....	130	5.7	25	6.8

RECIDIVISM AMONG MEXICAN INMATES

Undoubtedly, the question of recidivism is important in all studies of penology and of inmates of penal institutions, but in the Mexican group at the penitentiaries in Illinois, the number of recidivists is not large. At Joliet there are five who had previous penal records, and one in the State reformatory. There is one also in the bridewell. However, there is a possibility that more of the Mexican inmates are "repeaters" than the records of the bridewell show, since information on a prisoner's penal record is secured largely from his own statement. No use is made of the services of the Bureau of Identification.

It is interesting to note their frankness in the matter. Except for one instance, the statements of the men tallied with the records, and in this case, the man's count included additional ones. The inmate at the bridewell had no hesitancy, though he said he was sure the judge who sentenced him was unaware of his record. Of the five who had had penal records, two had been in a penitentiary twice before, while the other three each had served one sentence.

INSANITY AMONG THE CONVICTS

Some further mention should, perhaps, be made of the three Mexicans who are insane and now confined in the State hospital for the criminally insane at Chester. In the office of the Chicago Crime Commission, a case record was found covering some of the legal procedure through which one of these men was committed to the penitentiary at Joliet on a charge of "assault to murder." While the mittimus mentions the fact that the defendant was examined mentally and declared capable of standing trial for his crime, the case record in the Chicago Crime Commission's files conveys the impression that there was at the time considerable doubt as to the defendant's sanity. Soon after his admittance to the penitentiary, it became quite clear that he was a mental case. The records at the prison state that no detailed history of the case could be secured from the man even by use of an interpreter, for his answers began with statements that had nothing to do with the questions as though he was unable to think of what he wanted to say. The diagnosis was, "Psychosis with drug addiction. Confused, distractable, and quite disturbed mentally. Reacts to both hallucinations and delusions. Is sullen and frankly vicious in his reaction to his attendants and inmates. Has attacked others. Is filthy about his person and habits. Very low intelligence. Cure is not expected. Unfavorable."¹⁴ The inmate had been admitted December 4, 1928. This report was written March 22, 1929; but when he was first admitted, probably before the last of December, the psychologist noted his case as

¹⁴ Health Officer's Report of March 22, 1929—Inmate's "jacket" in the Joliet Penitentiary files.

clearly mental when attempting to get his personal history schedule filled. His transfer to the hospital was accomplished May 3, 1929.

The second case (J. R.) plead guilty in the Cook County criminal courts to a charge of "manslaughter" after 8 months of incarceration. (He claims that the judge insisted upon his pleading guilty until he finally gave in.) This inmate seemed quite rational in his statements—in fact, he was the only one of the three who could be interviewed with any degree of satisfaction. At the hospital the record reads:

It seems that shortly after the first of the year he showed signs of insanity, which took the form of hallucinations, persecutions by inmates, and threats to kill some one. He was transferred back to the old prison at the recommendation of Doctor Martin to improve his mental condition, but no improvement followed. It was recommended the 28th of January (1929) that he be transferred to the Hospital for the Criminally Insane, which was done May 3, 1929.

An early report in the Joliet Penitentiary records reads:

He says that the inmates of an adjoining cell talked all night long. He secured a change of cell and says that the whole cell house halloed and yelled at him. He can not say positively that these are hallucinary experiences, but he has never been reported for unusual behavior during his stay here. When admitted, precoc mechanism was anticipated. He has borderline intelligence and reacted to fourth grade when 17 years old * * *

He was admitted to Joliet December 12, 1927, and transferred to the hospital May 3, 1929.

P. S. was admitted to the Joliet State Penitentiary September 24, 1913, on a charge of "assault to murder" for a term of from 1 to 14 years. After he had been in prison three years he was paroled, but broke his parole and was returned May 16, 1917, to serve the maximum of his unexpired time, which would have expired August 24, 1922. In August of 1918 steps were taken to transfer him to the Hospital for the Criminally Insane. He had made several vicious attacks upon the guards and his fellow inmates; he was careless about his person; he talked and laughed to himself, and was very noisy at night.

None of these cases has shown any signs of improvement. The cause of their insanity is anyone's guess. However, it

is fairly clear in the first case mentioned that the man was insane when he was committed. In the other two cases there is a possibility that there was borderline insanity and that their imprisonment aggravated it. The superintendent of the hospital stated that this is undoubtedly true in many cases.

PROBATION

It has not been determined in this study to what extent Mexicans in this State are being admitted to probation. From December 1, 1927, to November 30, 1928, there were 17 Mexicans placed on probation in the Chicago municipal courts. This may seem very few, and yet in 168,784 cases disposed of in these courts during 1928 there were only 3,681, or 2 per cent, placed on probation. It is quite evident that the courts are not using this method of dealing with first offenders to any large extent.

Undoubtedly, there are certain things which render it difficult to extend probation to Mexicans. These were brought out in an interview with Mr. Johnson of the probation department of the Detroit municipal courts when he said:

I do not feel that the probation department discriminates as to color or nationality. Because of the nature of the case, however, the Mexicans are less likely to be placed on probation than are individuals belonging to some other nationalities. First of all, there are certain standards upon which probation is based: (a) A certain length of residence in the community; (b) a good employment record; (c) family connections; and (d) adaptability to supervision. Very few Mexicans probably can fulfill these requirements.

Unfortunately, statistics could not be found either in Chicago or elsewhere to show how probation in the case of Mexicans has worked out. These points noted above unquestionably form a real impediment in the way of the court that desires to extend probation to the Mexican on a larger scale, especially when the probation offices are not adequately manned. However, it is quite patent that these same points are applicable to delinquents of all nationalities. Perhaps they are a bit more applicable to the Mexicans who form the most migratory group in Illinois at present.

INSTITUTIONAL TREATMENT OF DELINQUENTS

If the delinquent is not admitted to probation, then the only other course open is a fine or imprisonment or both. And, as has been noted, in many cases a fine for the Mexican, as well as for other delinquents, means imprisonment. Formerly incarceration was simply for purposes of punishment in the hope of its being effective as a deterrent. The history of prison reform during the past century shows clearly the attempt to provide in the life of the prisoner that which will work a change in his character whereby he may be returned to society better prepared to carry on as a law-abiding citizen. This ideal is to be found in the legislation of Illinois relative to penal institutions. It has been one aim of this study to discover, if possible, how imprisonment is affecting the Mexican inmates of the penal and correctional institutions of this State. In the life of every prison, there are certain things which determine whether the man freed from prison will make a better or a worse adjustment to society.

THE REFORMATORY AT PONTIAC

As the name indicates, the reformatory has one very definite aim. Whether it is actually succeeding in reforming the young delinquents intrusted to its care is not within the sphere of this study to decide. As an institution there is much to say in its favor. One is at once impressed with the beauty of its grounds and its well-kept buildings and equipment. There is little about it to remind one of a place of confinement. The boys have the advantages of attending school and of learning a trade. Facilities for recreation, reading, and study are at hand. Above all, one is impressed by the personnel of the staff. The fact that the superintendent is a former high-school principal seems to account for so much that is conducive to betterment in character and promises to turn out young men at least none the worse for having been there. As for the six Mexican youths at Pontiac, without exception the institution seems to be having a good effect upon them. None of them hesitated in

expressing the conviction that benefits are being received which have never fallen to their lot to enjoy before. However, there is one outstanding need for their welfare: Some provision should be made so that they could correspond with their relatives. They are not permitted to write or to receive letters written in a foreign language. Although three of the boys could write letters in English, some relatives to whom these letters go may not be able to read English.

THE STATE FARM AND THE BRIDEWELL

Although these are known as "correctional" institutions, neither one seems to have any other aim than to make certain that the inmates shall serve out their sentence and be kept reasonably occupied while doing so. However, there is no comparison between the two institutions in point of environment. As the name implies, the State Farm is out in quiet, wholesome, rural surroundings. All the buildings remind one of a privately owned farm. The personnel seems to have been selected with due care. For the Mexicans who are there, the place seems a thousand times better than would be a jail or workhouse. The indications were that the three Mexicans confined there were surprisingly happy for men serving a sentence, and that they had determined to turn over a new leaf.

The bridewell is also called the house of correction, but it would convey a more truthful meaning to call it a "workhouse." It is far from being an institution capable of correcting any perverseness in the nature of those committed to it. Its very appearance indicates its nature even more than do the buildings of either of the State penitentiaries. Sufficient has been said in the press during recent months for the public to be well aware of the overcrowded conditions which existed until very recently, to say nothing of cell houses, which are veritable fire traps. None of the Mexican inmates there seemed to complain of hard work, but they did complain bitterly of food insufficient to keep up their strength. One must pass through the dining room to get to the deputy's office, and it is not unusual to see for dinner one

small "hot dog," four thick slices of bread, and a cup of black tea. In the deputy's office the clerical force and runners are inmates, and they receive "extra" food which is better than the regular fare. Yet one of them, pale and thin, confided that when he entered the prison a year before he had been healthy and robust. "It is all because of this — food," he said. The Mexican inmates complained, too. Some said they were hungry all the time. The city was at that time getting their labor for 50 cents per day, which should have provided ample margin for plenty of wholesome food.

The deputy seems to have got the idea somewhere that he has to rule every one, guards as well as inmates, with an iron hand, and to do this he has to be "hard." It seems difficult for him to say anything without accompanying it with blasphemy. His commands and reprimands are belabored forth, causing the stranger to think that every one has become deaf in his terrible presence. Small wonder that this institution seems anything but a "house of correction." It is only a place for detaining those who have been convicted of some misdemeanor. First offenders and "repeaters" are not distinguished from each other or segregated. Quite aptly it might be called "Chicago's School of Crime." One of the inmates said in all seriousness that he would much rather spend a year in the "big house," meaning Joliet State Penitentiary, than six months in the bridewell. He was thinking particularly of his physical welfare, but he might well have included the moral also.

THE PENITENTIARIES

A penitentiary, according to the State statutes, should be a place for reformation as well as one of punishment. A great deal that is said and done behind the prison walls has some bearing upon whether this purpose of the institution can be carried out. For example, parole is based upon the "progressive merit system." Whether a prisoner is in the highest or the lowest class depends upon his conduct, and he is not a candidate for parole until he has been

in the highest class at least three months. The average man sentenced to the penitentiary perhaps looks upon it as a prison, little realizing that the length of his sentence depends ultimately upon himself. At least, Mexican inmates did not seem to be aware of this fact until they had been in prison some time. How important it is, therefore, that the new men understand at the beginning of their term in the penitentiary what parole really means.

In the matter of induction into the penitentiary, the clerk first makes the official record which includes brief personal history data about the prisoner and such items as: The court in which he was sentenced, the judge who sentenced him, the docket number, the length of the sentence, etc. This is followed in a few days by a medical and mental examination. In the latter, quite a detailed schedule is filled out. In securing this information, an interpreter is not always used when needed, hence a great many inaccuracies are to be found in the records for foreign-speaking inmates. One very important question with reference to the alien is when he arrived in the United States, and this is especially true for the Mexicans since many of them entered illegally and there is no record verifying the date. An inaccuracy in this may mean his deportation when he is paroled. One error of this nature was found in the survey. The personal-history schedules are sometimes quite incomplete in such items as social background, occupational history, education, and the prisoner's story of the crime. It should be noted, however, that there is evidently more care used in the last-mentioned particular, at least for the Mexican cases, in the Southern Penitentiary at Menard than in the Joliet Penitentiary. In Menard, the prisoner's story of his crime is given at length in every case.

The need for using an interpreter in treating with the Mexicans in prison is quite patent in the case of the intelligence tests. Manifestly it is unfair to attempt to give a Mexican a test using a language which he does not understand. Even if it is a performance test, it is highly important that the one being examined understand what he is supposed to do and why. The last point is especially impor-

tant, for perhaps not one Mexican in Joliet had ever heard of such a test. If he knew that the results might have some bearing upon the estimate which is formed of him, he would be quite eager to do his best. Quite likely it is all meaningless to him. In the matter of the language handicap in the intelligence tests, the following table demonstrates the need for an interpreter. Among the 40 inmates of the penitentiaries, only 4 are literate in English, but all are literate in Spanish. With respect to this, the following cases serve as samples for appraisal of some of the tests:

TABLE XVII.—*Literacy in English and Spanish of 98 Mexicans in Illinois penal and correctional institutions*

Institution	Total	Literate			
		In English		In Spanish	
		Yes	No	Yes	No
Total.....	98	27	71	83	15
Penitentiaries.....	40	4	36	31	9
Reformatory.....	6	3	3	6	0
Correctional.....	52	20	32	46	6

I. A.—Did not have the advantages of a public school, but he taught himself to read and write Spanish, and he has learned to read and write a little English. During his two years in Chicago he had good jobs: One was with the Illinois Steel Co., which paid 50 cents per hour, and the other in the Armour Packing House, which paid 45 cents. He impressed the interviewer as having a good personality and being, if anything, far above the average Mexican inmate. By the tests given, he was rated S. Binet, 10 years, 0 months. The examiner's note states: "Has difficulty with language, which makes it difficult to get a true estimate of the man. His behavior indicated no gross personality defect, other than that associated with mental defect." At the conclusion is the statement, "Dumb but willing," which is as far as anything could be from a true estimate of the man's personality judging from impressions made during the interview with him.

R. T.—Had only three years of school in Mexico, but since being admitted to the penitentiary January 2, 1926, he has learned to read, write, and speak English. He has read the 6 Spanish books which the prison possesses and some additional 30 in English "with diffi-

culty." In the records of the psychiatrist, he is rated "illiterate; performance, 11 years; border line defective; intelligence, unstable."

I. S.—Passed through the first four grades of the Mexican public schools, but had to quit and go to work when his father died. He had learned a trade in Chicago (ford heater in a tin mill) which paid him \$8 a day. He was owner of a poolroom when arrested. The criminologist considers him mentally defective, and speaks of him as "feeble-minded," and recommends that he be placed in the Lincoln State School and Colony after parole. Conversation with the young man in his own language reveals how incorrect this estimate is. He knows practically no English, and impresses one as being quite timid.

One of those doing the testing in Joliet had his attention called to the possibility of the Mexicans making such poor showing because of their lack of English. He remarked that the results were all right anyway, for if they did not have some defect they would have learned English.

Further, it is quite essential that the new inmate understand all instructions, for, under the "progressive merit system," good behavior gains a great reduction in time to be served. For example, in three years, there is a normal reduction of 10 months and 15 days. On the other hand, infraction of rules not only counts heavily in loss of time, but exposes one to severe punishments. The following is an excerpt of a lecture illustrative of the manner in which prison rules are explained to new inmates sometimes:

If you drop from the top grade to the bottom grade (grade A to grade E), you have to stay one year in the bottom grade, and it takes another year to work up into grade A, so there are two years out of your sentence before you are back again in position to get any benefits. And let me say this: It has been the practice of the parole board up to date (I believe I am right) if they find out anyone is below A, not to hear the case of any man no matter if his minimum is in unless he is grade A and has been there 3 months. Similarly, it has been the practice not to permit any man to go out on parole in spite of the fact that he may have served up the time of his setting (3 years, we will say). His time is in, but he would not go out on parole until he has been in A grade 3 months. This example is for a setting less than the maximum * * *

This lecture emphasizes a multitude of things which must produce in the mind of the English-speaking prisoner only

¹⁰ Landesco, J., Journal of American Institute of Criminal Law and Criminology, vol. 19 (May, 1928), p. 104.

a confused idea of a new life beset with rules and regulations, restraints, and restrictions. He is expected to know what is right and to follow every rule. We wonder what can be the impression on Mexican inmates who speak little or no English. (See Table XVII.)

The more important rules have been printed in English and placed on the wall of each cell, and the injunction to the new men is, "Read them carefully, and obey each and every one." But evidently all the rules are not on the card, and many must be learned either from the "old timers" or by experience, as the following example shows.

I. A.—A Mexican inmate of Joliet found that no underwear was allotted for the summer. While working in the stone quarry one day, he saw some old cloth flour sacks which had been thrown away with other rubbish. He took them to his cell and manufactured himself a suit of B. V. D.'s. Later a guard discovered his luxury, he was charged with having "contraband underwear," and sent to solitary confinement.

The guard is practically the only person with whom the prisoner comes into contact during his entire confinement, hence the smooth running of the institution is largely dependent upon the guard. Much depends upon his treatment of the inmates. He may be an easy mark for those designing to escape, or he may be of the brow-beating type who shows his authority in despicable conduct. It is the guard who reports infractions of the rules to the deputy. The inmate is not confronted by his accuser. The hearing is brief and summarily disposed of.

None of the Mexicans registered any complaints against the present guards. One, however, who has been an inmate since 1914 has a long punishment record, which he explained by saying he could not stand the way former guards used to abuse him. He has been an A grade prisoner for the last eight years.

There is a growing effort on the part of the prison to choose a higher type of man for this all-important task. Now no man is accepted for the job until he has been interviewed in person, and he must pass certain prepared examinations.

On a whole, it seems that the Mexican group is well-behaved. Twenty-six among the 37 in Joliet and Menard had no punishment record. Among the 11 with a punishment record, some had suffered only one or two punishments. One who has a record of 11 in 15 years claimed mistreatment at the hands of guards. The following is a list of some of the different offenses for which the 11 Mexicans were punished:

- Having knife in cell.
- Not working.
- Staying away from work.
- Talking in the dining room.
- Not closing the cell door.
- Having extra sheets and pillowcase in cell.
- Fighting with another inmate.
- Disobedience.
- Refusing to go to bed.
- Altering clothing.
- Having contraband underwear.

As to the severity of the punishments sometimes given, P. A.—accused of throwing cups in the dining room, was sentenced to 10 days in solitary confinement, 5 days in irons¹⁷ and bread and water for 10 days.

None of the staff in either penitentiary who were asked about their impressions of the Mexicans as prisoners had any unfavorable comments to offer. It seems that a few years ago there were two Mexicans who participated in a prison break, but so far as could be ascertained, there was no prejudice toward the Mexican inmates. The chaplain, however, had the impression that the Mexican inmates are a very low type of humanity and of inferior mentality. He admitted that his assertions were based on impressions only. Further, it was noted in the Southern Penitentiary that one of the Mexican inmates seemed to be a general favorite among the officers.

In determining a man's fitness for parole it is considered necessary to know his occupational history, his work record

¹⁷ "In irons" means handcuffed to the bars of a closed door and in a standing position for eight hours every day.

in prison, and the progress made toward learning a trade or otherwise preparing for rehabilitation. No effort is made to secure an extensive report of the Mexican's work history. Only his last job is noted, which is generally "labor." It has been found that some of them had been laborers only since being in the United States. Of course, as has been noted, language is an obstacle in the way of securing this information.

Although employment of the prisoner's time to good advantage is considered of prime importance, the facilities for attaining this end are far from what might be desired. Joliet has the following industries: Stone quarry, shoe shop, furniture shop, fiber shop—in all, furnishing work for some 1,000 men. A few more are employed in manufacturing clothing, in the mechanical shops, in barbering, blacksmithing, and watch repairing. There are, in addition, special assignments for a few in maintenance and clerical work. At the new prison, there is construction work as well as an honor farm where some 60 men are employed. In general, an atmosphere of genuine industry is lacking. There is much soldiering on the job because the occupations are overmanned, and, all told, much idleness prevails. Further, the hours of work are very few because of the time which the inmates are kept in their cells. Hundreds of men are simply passing their time in idleness. Not only are they not preparing for parole, but, as workers, they surely must be deteriorating.

Menard seems better able to occupy the men. The industries there are: Quarries, tailoring, knitting factory, brickyard, carpentry, electrical work, auto repairing, blacksmithing, farming, gardening, and dairying. The inmates are only about half as many in Menard as in Joliet, which reduces the problem of employment tremendously.

In both institutions the prisoners may attend school each morning. The schools are in charge of schoolmen from outside of the institution, but the teachers are drawn from among the inmates. No class work is attempted beyond the elementary grades. It seems that few Mexicans take advan-

tage of this opportunity, although they could thus learn English or make up other deficiencies in their education. It seems likely that this is due to failure to encourage their attendance for Mexicans are known to be hesitant until an invitation has been extended.

While recreational facilities such as baseball, music, bands, movies, dramatics, are available in both penitentiaries, the old prison at Joliet is handicapped by lack of space, and no outdoor athletics are attempted. Just recently an innovation has made its appearance at Joliet. The prisoners in their cells are entertained in the evenings by radio programs.

One thing which deserves more attention at Joliet is the library. There are 38,000 volumes, but, according to the chaplain's statement, not a new book has been purchased in nine years. For Spanish-speaking inmates, there are just six books in their language. The few novels are good, but many more would be used gladly by the Mexicans.

The hospital facilities in both institutions are excellent, and Mexicans have received fine treatment in them. One in the Southern Penitentiary was in the hospital when he was interviewed, and he expressed his gratitude for what had been done for him. He seemed very happy.

A difference in the atmosphere of these two penitentiaries is noticeable. Joliet may be characterized as an institution in which a military régime dominates. In Menard there is an atmosphere of comradeship, and a spirit of friendliness between officers and inmates is manifest. It is something hard to analyze, but most noticeable. Proof of it is had, for example, in the inmates boasting of their institution. In addition, there seems a conscious effort on the part of the staff to build up a morale. For example, there are no demotions or promotions of prisoners without the consent of the staff. A determined effort is made to clear up chafing, differences, and worries. Perhaps, a unique thing in penitentiary policy is the warden's court, which is a private, friendly interview for men who have some personal problem. The aim of the warden is to take a very definite personal interest in each one. In such an atmosphere the Mexi-

can inmates, as well as others, have a far greater chance to prepare themselves for parole and for making good during their parole.

PAROLE

"Parole is that part of penal administration which involves those persons who, after the service of a portion of a sentence of imprisonment, are set at conditional liberty."¹⁸ In other words, parole is society's final responsibility in dealing with the delinquent sentenced to penal institutions. This work is done in Illinois through the State board of parole. As has been mentioned earlier, it is the duty of this board to study the case of each individual prisoner and determine when he has served sufficient time to satisfy the ends of justice and to prepare himself for return to freedom.

In parole there is present the danger of political influence and friendly pressure being exerted in behalf of some prisoner. No accusation is made as such, yet Judge Bruce¹⁹ cites the example of a member of the parole board who received a letter from a member of the legislature to the effect that he was a candidate for reelection; that an important element among his supporters were friends of a certain prisoner; and that since he needed their support, the board's favorable action in behalf of this prisoner would be an act of mercy and of material assistance, since it would go far toward strengthening the dominant political faction. If such written evidence of pressure can be found, quite likely the board members are subject to even greater pressure through personal requests of similar nature. The committee of the Illinois Association for Criminal Justice found letters of influence as well as petitions in the "jackets" of the files which they examined,²⁰ but this survey has found in only one "jacket" of a Mexican inmate any such manifestation of friendly interest shown for the Mexican's early release. While relatives, friends, lawyers, and prominent

¹⁸ Bruce, A. A., "Administration of Criminal Justice," *Journal of the American Institute of Criminal Law and Criminology*, vol. 19 (May, 1928), p. 83.

¹⁹ *Ibid.*

²⁰ *Ibid.*, p. 86.

citizens are recorded as attending the hearings of others, no Mexican case was found in which any such friendly aid was given. In the majority of cases the Mexican can not speak English, so, when asked what he has to say, naturally he can not express himself.

It is not clear whether or not the Mexicans are receiving their fair share of attention in the work of the parole board. Many of them complain that such is not the case. There was no opportunity to observe a hearing in order to have more objective data. However, there are two cases which have been studied independent of the inmates' opinions by using material found in the "jackets" which are herewith presented for what they are worth.

F. C.—Was tried with a friend and convicted of manslaughter. Both were sentenced to a term of from one year to life. His friend consistently maintained that F. C. had nothing to do with the crime. They were admitted to the penitentiary December 23, 1924. A letter from the State's attorney dated November 9, 1925, in answer to an inquiry from the parole board, recommended that the prisoners be paroled "at the next meeting of the board." It was his expressed opinion that both men had been amply punished. The board took no action, and one of the men died in prison January 5, 1929. In his letter of November 9, 1925, the State's attorney added a good word for F. C., saying, "He had nothing to do with the shooting, but simply was in company with Miranda. In fact, there has always been some doubt in my mind as to whether F. C. expected Miranda to make an attack on the man. F. C. was not armed." He is still in the penitentiary.

F. M.—And a friend were convicted on a charge of robbery and sentenced to a term of from 3 to 20 years. Both of them had a previous penal record. They entered prison June 17, 1925. The State's attorney recommended that they be paroled at the earliest possible moment. The friend was paroled in December, 1929, but F. M. has been continued to June 1936. He has been an "A grade" prisoner since arriving at that grade in January, 1926.

No attempt has been made in this study to determine if Mexicans "make good" on parole. It was noted, however, that at present there is only one Mexican who is serving time because he violated the conditions of his parole. This was the case of P. S., given on page 314, who was convicted of robbery during the first year of his parole.

In conclusion, the question arises, Is the Mexican really criminally inclined? Without hesitation, the conclusion is that he can not be consigned to such a category any more than any other nationality or race. Rather, many of his difficulties in being a law-abiding citizen have natural causes. Some of them are found in his native background. In Mexico, customs and manner of life were different; life was comparatively simple and horizons narrow; and there was little to prepare him for the complexity of the social environment of the United States.

Further, as with most new immigrants, some of the Mexican's difficulties are due to the fact of his recent arrival. His ignorance of the laws and customs of this country, the narrow economic margin upon which he is forced to live, in many cases provide the cause for some of his predicaments.

Along with others who fall afoul of the law, the Mexican suffers from certain well-known faults in our system of law enforcement and criminal justice. He is arrested many times for trivial causes. He is detained in jail unnecessarily long. He is mistreated by the police. In court, his case suffers many times for want of legal assistance, an interpreter, and witnesses. Often he finds that the easiest way out is to plead guilty to a lesser offense. His financial straits, as well as his frequent inability to communicate with friends, often result in his being imprisoned for nonpayment of fines. While numerous arrests and frequent convictions of Mexicans tend to make it appear that they are inclined to be delinquent, it is quite likely that such things rather point to misfortune, the lack of ingenuity and resources, and, in some instances, perhaps some discrimination against them. As with all lawbreakers, sentences seem to be given to fit the crime. But when the sentence involves the payment of a fine, there is no consideration of the prisoner's financial status. Perhaps no class feels the effects of this type of injustice more than the Mexicans.

It is quite evident that institutional treatment of delinquents is resorted to in all but a very few cases. In common

with other nationalities, probation has not been extended to the Mexicans in any large degree. While the institutions, in general, make ample provision for the safe-keeping of the Mexican prisoners, there is evidently insufficient attention being paid to the all-important task of preparing them for rehabilitation.

And further, there is some reason to believe that the Mexican convicts are not receiving sufficient attention at the hands of the parole board.

PART IV
COMMUNITY STUDIES

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SECTION I

CRIME AND THE FOREIGN BORN: NEW ORLEANS.

By JESSE F. STEINER

In the study that was authorized last year by the National Commission on Law Observance and Enforcement to determine the amount and nature of crime that must be charged against our foreign born and immigrant population, New Orleans was chosen as a suitable southern city to be included in an investigation of this kind. While New Orleans ranks far below many northern industrial centers in number of foreign born, it is the leading port in the South and has long been known as the most cosmopolitan of all the large southern cities. According to the Federal census of 1920, 6.7 per cent of the population of the city are foreign born and 17.9 per cent are second-generation immigrants. This makes a total immigrant population of 95,275, or 24.6 per cent of the population of the city. This is only slightly less than the negro population and is almost exactly half the native whites of native parentage. The largest foreign group is the Italian, which comprises about 2 per cent of the population of the city.

Since New Orleans, during the past 50 years, has grown slowly and has never had a rapid influx of immigrants, prejudice against foreigners has been at a minimum, and, on the whole, their assimilation has gone forward in a fairly satisfactory manner. They are not segregated in definite localities as is customary in many northern cities and there is no section of the city that bears the stamp of an immigrant community. The only exception to this is the Italian group, which has tended to live in or near the old French quarter. Perhaps largely because of an unfortunate experience with the Mafia during the closing decades of the last century.

Italians bear the reputation of being criminally inclined and are likely to be blamed along with the Negroes for any serious crime wave that may seem to harass the city. In general, however, the foreign element in New Orleans is not discriminated against and those who belong to the French and Spanish nationalities enjoy considerable prestige.

As a result of this favorable attitude toward foreigners, the people are not likely to be "nationality conscious," as is the case in many northern cities. In dealing with social problems both voluntary and official agencies are not much interested in nativity of their clients and either ask no questions concerning this matter or collect information about it in a very indifferent manner. From their point of view the problem of race is the most important matter, and their records are designed to show facts about the white and colored rather than about the various nationalities. It is this comparative lack of interest in nationality that has been the most serious handicap in this study of crime and the foreign born in New Orleans. The police, criminal court, and juvenile court records either have not secured information about nationality or have failed to tabulate it in their monthly or annual reports. This has made it necessary in making this study to engage in a much larger amount of field work than would be required in northern cities where records of nationality are more emphasized.

It should be mentioned also that in computing percentages the 1920 census was used as a basis, although the main period covered by the study was the year 1928. This phase of the report should therefore be regarded as tentative and will be revised as soon as the 1930 census figures concerning nationality become available.

The task of collecting the materials for this study was carried out mainly by students in the Tulane University School of Social Work. This field work included not merely checking through police blotters and other official records, but also visits to the homes of juvenile delinquents. The large amount of time and labor involved in this work had not been fully anticipated and it could not have been completed if a considerable number of students had not contributed their services without expense to the commission.

1. ARRESTS BY POLICE DEPARTMENT

The original plan for this phase of the study included a statement of the number of arrests of the foreign and native born, and of each nationality and race for a 10-year period, 1920-1929. When the unpublished reports of the police department were carefully examined for this period, it was found that the data had been compiled in such a manner that they were almost entirely useless for this purpose. For this reason it was decided to limit the study to a 1-year period and secure the facts in so far as they were recorded, by going carefully over the police blotters in the different precinct stations. The year 1928 was selected rather than 1929 for it was difficult to get access to the books in current use. The method followed was to assemble for the foreign-born data concerning country of birth and offenses charged, whether misdemeanors or felonies, and to make record of the nativity and color of those charged with 12 of the most important classes of felonies. To have included in this latter tabulation misdemeanors also would have enormously increased the task without adding much to the value of the study.

As was mentioned in the introductory statement, the police have not been inclined to take seriously the question of nativity when booking a prisoner. This is especially true when a large group of prisoners is brought to a police station as the result of a raid of a gambling resort or a house of prostitution. In the case of felonies, however, more care is taken, and besides the local immigration authorities occasionally check up on those arrested for serious crimes to see if any are subject to deportation. There is reason to believe, therefore, that the number of foreign-born felons as reported by the police department is a fairly close approximation to the truth. In view of the fact that the chief of police the first of this year sent out an order to all precinct stations emphasizing the importance of nativity and urging that this information be secured with the greatest possible accuracy, a comparison of the 1928 data with that compiled in 1930 ought to throw some light on the reliability of the earlier figures.

The following table comparing the arrests for felonies for the year 1928 and for the month of April, 1930, shows only slight variations in the proportion of foreign and native born in the two periods under consideration:

TABLE I

Nativity and color	Per cent of arrests for 12 classes of felonies, 1928	Per cent of arrests for 12 classes of felonies, April, 1930
	Native born.....	51.2	51.3
Foreign born.....	1.5	2.0
Colored.....	47.3	46.7
Total.....	100	100

The significant fact brought out in this study of police arrests as is shown in Tables II and III is that the foreign-born white arrests vary from 1 per cent to 2 per cent of the total arrests, whereas the foreign-born white constituted, according to the 1920 census, 6.7 per cent of the total population of New Orleans. When the comparison is made on the basis of the adult males 21 years of age and over, the foreign born make a still better showing in their crime rate, since they comprise 12.3 per cent of those falling within this age and sex group from which the criminals are largely drawn.

The fact that 8 per cent of the arrests for violation of the prohibition and narcotic laws were of foreign-born persons may or may not be significant, since the New Orleans police give little attention to these types of offenders. Unfortunately, the Federal authorities who handle the majority of these cases could not furnish facts concerning nationality of those charged with offenses of this kind.

The comparatively small rôle of the foreign born in serious crime in this city is indicated by the fact that they were charged with only 34 of the 2,940 felonies for which arrests were made during 1928. By consulting Table III information can be secured concerning the different felonies in which each nativity and color group seems to specialize. The chief offenses charged against the foreign born were, in order of numerical importance, fugitives from justice, pos-

TABLE II.—Nativity and color of persons arrested by New Orleans police department, 1928

Nativity or color	Population 1920		Felonies		Misdemeanors		Prohibition and narcotics		Immigration		Total arrests	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
Native born, white.....	259,924	67.1	1,965	63.8	30,668	49.7	514	92.0	49	85	33,147	50.7
Foreign born, white.....	25,902	6.7	34	1.2	513	8	41	8.0	15	15	675	1.0
Colored.....	101,303	26.2	941	32.0	30,590	49.5	1				31,547	48.3
Grand total.....	387,219	100	2,940	100	61,769	100	1,566	100	104	100	65,569	100

¹ Incomplete since it does not include those handled by Federal authorities.

² These figures were compiled directly from the police blotters and are 131 in excess of the number of arrests given in the unpublished report of the police department for 1928.

TABLE III.—Nativity and color of persons arrested by New Orleans police department for 12 classes of felonies during 1928

Nativity and color	Percent- age of total popula- tion	Bur- glary	Embez- zle- ment	Fugi- tive from justice	Grand larceny	Kid- nap- ping for ransom	Sale of mat- tress juana	Man- slau- ghter, murder	Rob- bery	Serious sex offenses	Stolen goods	Weap- ons	Wound- ing	Total
Foreign born, white.....		4	4	7	1	2	4	1			5	1	1	30
Percentage.....	6.7	2.2	3.2	2.2	.05	.50	5.3	.07			5	.07	.05	1.5
Native white.....		154	90	182	145	1	60	63	141	33	56	60	30	1,015
Percentage.....	67.1	45.4	69.7	74.3	63.8	25	78.9	40.9	49.5	46	56	39.8	15.3	51.2
Colored.....		181	35	56	81	1	12	90	145	39	39	91	108	938
Percentage.....	26.2	53.4	27.1	24.5	35.7	25	15.8	58.4	50.5	54	39	60	84.4	47.3
Total.....	100	339	129	245	227	4	76	154	286	72	100	152	199	1,993

session of stolen goods, burglary, sale of marijuana, embezzlement, and kidnapping for ransom. Only one homicide and one grand larceny were charged against them and no robbery or serious sex offenses. The chief crimes of the native whites in similar order were fugitives from justice, burglary, grand larceny, robbery, embezzlement, homicide, sale of marijuana, concealed weapons, and possession of stolen goods. On the basis of population, the foreign born exceeded their quota in one type of felony, the native white in three types, and the colored in 9 out of the 12 types studied.

When the arrests are studied from the point of view of the different nationalities involved, it appears that the Scandinavians rank highest in percentage of total arrests, the Italians second, the Mexicans third, the Spaniards fourth, and the Central Americans fifth. The Scandinavians, however, were arrested for no felonies and owe their high crime rate to misdemeanors. As a matter of fact, a large number of the arrested Scandinavians, who were charged with drunkenness, loitering, and disturbing the peace, were sailors, many of whom were nonresidents.¹ The Mexicans also ranked high because of arrests for similar offenses and had only two felonies charged against them. In arrests for felonies, Italians ranked first, Central Americans second, and Spaniards third. The Italians, however, who comprise 29.4 per cent of the foreign born, were charged with only 26 per cent of the foreign-born arrests for felony, while both the Central Americans and the Spaniards considerably exceeded their quotas. When further analysis is made of the Italian arrests, local opinions about their tendency toward criminality seem hardly justified. Of the 9 felonies for which arrests of Italians were made, 1 was for embezzlement, 1 for selling marijuana, 1 for arson, 2 for receiving stolen goods, and 4 for being fugitives from justice. No homicides, burglaries, robberies, grand larcenies, or serious sex offenses were charged against them. Their chief misde-

¹ Of the 722 foreign born arrested by the police in 1928, 426 or 59 per cent were seamen. While it was impossible to determine accurately from the records how many of these were nonresidents, it is safe to assume that many were members of crews of visiting ships.

meanors were reckless driving, disturbing the peace, peddling without license, drunkenness, and loitering. Moreover, many of those arrested for misdemeanors were nonresident sailors.

In so far as reliable evidence can be secured from police records, the foreign born in New Orleans play a very minor rôle in crime. This holds true whether consideration is given to the number of arrests made or to the nature of the offenses. If the foreign born of any nationality are committing an undue portion of the crimes in the city, the police have not made available any evidence of it.

2. SENTENCED TO THE STATE PRISON

In making the study of convictions an attempt was made to ascertain nationality by looking up the arrest cards in the police department. This proved to be impracticable because a very considerable number of persons are brought before the criminal court by summons or are handled through the district attorney's office without being booked by the police. The records of persons held for trial in this manner give no information about nationality and it therefore was impossible to make a complete study of convictions as was originally planned. Fortunately, an order has recently been issued to the clerk of the criminal court to keep records of nationality; and if this order is complied with, it will be easily possible in the future to secure the desired information concerning country of birth of convicted persons.

Because of the unfortunate lack of suitable criminal court records, the only possible study of convictions was of persons sentenced to the State prison where records of nativity are kept. Accordingly, a study was made of the 185 persons sentenced from New Orleans to the State prison during 1928. In Table IV the results of this study are presented in tabular form. By referring to this table it will be seen that the native-born white of native parentage lacked 13 per cent of filling their quota, the native-born white of foreign and mixed parentage and the foreign born filled only one-third of their respective quotas, while the colored contributed

twice the number to which they would be entitled in proportion to their population in the city. It should be noted that only 1 of the 19 persons sentenced to the State prison for homicide belonged to the immigrant group, including the foreign born and children of the foreign born, which comprise approximately one-fourth of the total population. If those sentenced to the State prison during 1928 can be regarded as a fair sample of convictions in the criminal court, the foreign born, together with those of the second-generation immigrants, are less criminal than the native-born whites of native parents.

TABLE IV.—*Nativity and color of persons sentenced from New Orleans to the Louisiana State prison during 1928*

Nativity and color	Homicides	Other felonies	Total	Per cent of total convictions	Per cent of population in New Orleans
Native born, white, native parent-age.....	5	62	67	36.2	49.2
Native born, white, foreign and mixed parentage.....	0	10	10	5.4	17.9
Foreign born, white.....	1	5	4	2.2	6.7
Colored.....	13	91	104	56.2	26.1
Total.....	19	168	185	100	99.9

TABLE V.—*Table showing percentage of those charged with and convicted of homicide in New Orleans, 1925-29*

	Native born white	Negro	Foreign born	Unknown	Total
Charged with homicide.....	28.0	62.5	2.0	7.5	100
Convicted of homicide.....	17.9	75.2	6.8	—	100
Population of New Orleans, 1920.....	67.3	26.0	6.7	—	100
Males 21 years of age and over in New Orleans, 1920.....	62.3	25.3	12.3	—	100

3. HOMICIDES AND THE FOREIGN BORN

New Orleans has for years ranked high among American cities in number of homicides. The usual local explanation of this high homicide rate is that the Negroes engage in numerous murderous affrays among themselves. As is shown in Table V the Negroes who constitute slightly more than one-fourth of the total population commit almost two-thirds of all the homicides. The native-born white, on the other hand, have considerably less than half their quota. The best showing is made by the foreign-born white who constitute 6.7 per cent of the population and were responsible for only 2 per cent of the homicides. When their homicide rate is compiled on the basis of the male population of the city 21 years of age and over, the foreign born contributed only one-sixth of their quota of homicides committed during the five-year period.

The eight nationalities involved in the 11 homicides charged against the foreign born were the Porto Rican,

Chinese, South American, Italian, Syrian, German, Filipino, and Spaniard. Each was responsible for one homicide except the Italians who were charged with four homicides. While the Italians rank first among the foreign born in number of homicides, they do not greatly exceed their quota. They comprise 29.4 per cent of the foreign born in New Orleans, and committed 36.3 per cent of the homicides charged against the foreign born. As a result of trouble with the Mafia in New Orleans between 1870-1890 which led to the lynching of 11 Italians charged with the murder of the chief of police in 1890, the general public is inclined to hold the Italians partly responsible for the city's high homicide rate. Since the Italians were charged with only four of the 543 homicides committed in New Orleans from 1925 to 1929, this feeling against the Italians seems hardly justifiable.

TABLE VI.—Nativity of 205 white male juvenile delinquents brought before the juvenile court in New Orleans during the year 1928

Nativity	Number of delinquents	Percentage of total delinquents	Percentage of New Orleans population
Native born, native parentage.....	125	61	40
Native born, foreign parentage.....	34	16.6	10.8
Native born, mixed parentage.....	13	6.3	7.1
Native born, parents' birthplace unknown.....	31	15	.....
Foreign born.....	12	1	6.7
Total.....	205	100.0	.....

¹ 1 Italian, 1 Nicaraguan.

4. JUVENILE DELINQUENCY

The study of the nativity of the juvenile delinquents proved to be very difficult because the court kept no records concerning either the nativity of children or of their parents. Two methods were followed in securing the desired information. First, the cases were cleared through the Social Service Exchange and the nativity of those known to social agencies was secured by consulting their records; second, field visits were made to the homes of those whose nativity could not be obtained from records. Complete in-

formation could not be secured in all cases because of wrong addresses, removal to unknown addresses, etc. Of the 205 white male children studied the place of birth of all of them was determined, but the birthplace of the parents of 31 could not be learned.

One hundred and twenty-five, or 61 per cent of the 205 delinquents, were native born of native parentage. Forty-seven, or 23 per cent of the total number, were native born of foreign and mixed parentage. Only two of the delinquents were foreign born. Figures are not available giving the total number of children of juvenile court age in the city in these three nativity groups, but when comparison is made with the percentage of the total population belonging to these groups, it is apparent that both the native born of native parentage and the children of immigrants considerably exceed their quotas, while the foreign born have a negligible number. In view of the bad showing ordinarily made by the second generation children it is rather remarkable that while the native born of foreign and mixed parentage comprise 18 per cent of the total population, the delinquents belonging to this group were responsible for only 23 per cent of the total delinquency. A worse showing is made by the native born of native parentage, for they constituted 61 per cent of the delinquents, whereas this nativity group comprises only 49 per cent of the total population of the city.

One of the significant facts brought out in this phase of the study is the predominance of those of Italian descent among the native-born delinquents of foreign parentage. Thirty, or 90 per cent of the 34 belonging to the group, were of Italian parentage, although the Italian foreign born comprise slightly less than 30 per cent of the total foreign born in the city. Among the native born of mixed parentage those having one Italian parent constituted about half of the delinquents belonging to this group. This tendency toward delinquency among the Italian children is perhaps explained by the fact that the Italians for the most part live in the run-down and congested areas of the city adjoining the business section, where demoralizing influences abound and playgrounds are noticeably absent.

5. SUMMARY

Since the foreign born are not sufficiently numerous in New Orleans to constitute a serious problem, records concerning nationality have not been kept in an adequate manner. The available evidence seems to indicate that the police records of arrests do not include all the foreign born that pass through the hands of the police. This is especially true of those held for minor offenses. Nevertheless, in the matter of major crimes there is good reason to believe that the police and prison records of the foreign born approximate the truth. It can be stated with considerable assurance that the foreign-born whites are the least criminal of the New Orleans population and the colored the most criminal with the native born standing somewhere between the two extremes. No authoritative statement can be made about the second generation of immigrants because police and criminal court records have not included the country of birth of parents of criminals. At present an attempt is being made by the police department to secure this information, but the results thus far have not been satisfactory. The evidence that was secured through the field study of the juvenile delinquents indicates that the second generation of immigrants in New Orleans as in many other places drift easily into crime. It is unfortunate that it was impossible in this study to secure more adequate information about this point.

As far as the foreign born are concerned, when due allowance is made for those whom the police failed to discover and for the probable decline in the foreign-born population during the past decade, it can be safely stated that the foreign born contribute between one-third and one-half of their quota of major criminals. Whether one considers either their crime rate or the total amount of crime for which they are responsible, it is clearly apparent that they play a small rôle in the criminal situation in New Orleans.

SECTION II

CRIME AND THE FOREIGN BORN: SAN FRANCISCO

By PAUL S. TAYLOR¹

The attempt to determine the comparative criminality of various immigrant groups in San Francisco encounters the same difficulties which were experienced in dealing with the same problem in two other reports. Nevertheless the effort is made here, using the best data at present available. These data also permit judgments concerning what crimes various nationalities commit; the great variations in this respect are not only interesting but significant in the formation of estimates of criminality.

In Table I is presented a comparison of arrests in 1928-29 and census population in 1920, classified by nativity, except Chinese and Japanese, who have been classed here as foreign born, whether born in the United States or not. No separation of these two groups on the basis of nativity was possible from either census or the record of arrests; in fact, a larger proportion of Japanese than of Chinese are foreign born, for theirs is a more recent migration, but the proportion of foreign born of each group is large. The use of the 1920 census instead of the 1930 census is of course a handicap, but unavoidable until the 1930 figures of population by nativity become available. The total population of San Francisco in 1930 was 634,394, an increase of 25 per cent over 1920. Because of the restriction of European immigration since 1921 and Japanese exclusion in 1924, the European and Japanese groups have probably not increased relative to the total populations, but on the contrary have probably slightly declined relatively. Mexicans and Filipinos, not subject to quota laws, and Russians, coming as refugees via the Philippine Islands or elsewhere, have increased since 1920 the proportions of their respective groups.

The chief of police summed up his judgment of the criminality of the foreign born by saying: "The great problem

¹ With the collaboration of Jackson W. Chance.

of San Francisco is the American; the foreigner gives little trouble." The total figures in Table I support this view decisively; 21 per cent of the persons arrested were foreign born, but 30 per cent of the total population were foreign born in 1920, a proportion which could hardly have changed sufficiently in nine years to alter this conclusion.

TABLE I.—Comparison of arrests by nativity in San Francisco during the fiscal year ending June 30, 1929, with nativity according to the census of 1920¹

Country of birth	Arrests 1923-20		Population 1920	
	Number	Per cent	Number	Per cent
United States born.....	89,554	79.27	2352,281	69.53
Foreign born: ²				
China ³	6,203	5.57	7,744	1.53
Italy.....	2,469	2.10	23,921	4.72
Ireland.....	2,101	1.86	18,257	3.60
Mexico.....	1,615	1.43	3,793	.76
Sweden.....	1,265	1.12	6,468	1.28
Germany.....	997	.88	13,513	3.05
Philippine Islands.....	859	.76	(⁴)	(⁴)
Norway.....	835	.74	3,121	.62
Canada.....	776	.68	2,933	1.40
Russia.....	746	.66	5,752	1.14
England.....	644	.57	10,197	2.00
Greece.....	552	.49	3,293	.63
France.....	506	.45	6,993	1.36
Scotland.....	470	.42	3,569	.70
Finland.....	392	.35	1,810	.36
Austria.....	344	.30	3,694	.73
Denmark.....	284	.25	3,389	.67
West Indies.....	266	.24	(⁴)	(⁴)
South America.....	263	.23	871	.17
Spain.....	246	.22	2,500	.49
Switzerland.....	229	.20	2,306	.45
Hawaiian Islands.....	226	.20	(⁴)	(⁴)
Central America.....	170	.15	(⁴)	(⁴)
Portugal.....	144	.13	816	.16
Australia.....	128	.11	1,633	.32
Holland.....	109	.10	(⁴)	(⁴)
Balkan States.....	99	.09	(⁴)	(⁴)
Japan ⁵	90	.08	5,358	1.06
Iceland.....	85	.08	2,152	.42
Asia.....	69	.06	(⁴)	(⁴)
Belgium.....	55	.05	(⁴)	(⁴)
Turkey.....	52	.05	(⁴)	(⁴)
Africa.....	24	.02	(⁴)	(⁴)
All other.....			10,923	2.16
Total foreign born.....	23,408	20.73	154,305	30.47
Grand total.....	112,962	100.00	506,676	100.00

¹ Figures for arrests furnished by the San Francisco police department. The discrepancy of 9 years between arrest and census figures is serious, particularly in respect to certain nationalities. See text comments.

² Except American-born Chinese and Japanese. Includes 349,822 native whites, 2,414 Negroes, nearly all of whom are probably native born, and 45 Indians.

³ In both arrests and census figures "foreign born" includes Chinese and Japanese whether United States born or foreign born; census figures refer to foreign-born whites born in the respective countries, except Chinese and Japanese, is noted.

⁴ Included in "foreign born, all other." The census lists 7,813 as "all other" foreign-born whites; there have also been included here Atlantic Islands, 178; Hungary 1,390; Yugoslavia, 1,320; 871 whites born in South America have been subtracted and separately listed; net total, 10,923.

On the whole, then, the statistical record appears to favor the foreign born, although probably somewhat less than the total figures suggest, for unanalyzed figures of total arrests may be misleading. Indeed, with respect to certain nationalities and types of offense, the record is distinctly unfavorable to them. It is of great importance to note, for example, that 43.4 per cent of the arrests of natives of the United States were for traffic violations, most of which are considered by most persons to be relatively minor offenses. Among the foreign born, on the other hand, the very highest percentage of persons of any nationality charged with traffic violations was 30.8, and in most cases it was very much less, probably because ownership of automobiles is much less extensive among foreign born than among natives. This is but a single illustration of the fact that not only the total number of arrests, but also their distribution among types of offenses and among offenses which are of very different gravity, must be considered in forming a judgment on the relative criminality of different national groups.

TABLE II.—Arrests in San Francisco during the fiscal year ending June 30, 1929, by nativity and by major classes of offenses¹

Country of birth	Arrest for crimes against—											
	The person			Chastity and family			Public decency and good morals			Public health		
	Number	Per cent of all arrests for this class of offense	Per cent of all arrests, persons of specified nativity	Number	Per cent of all arrests for this class of offense	Per cent of all arrests, persons of specified nativity	Number	Per cent of all arrests for this class of offense	Per cent of all arrests, persons of specified nativity	Number	Per cent of all arrests for this class of offense	Per cent of all arrests, persons of specified nativity
United States born.....	930	63.4	1.1	2,365	86.2	2.6	18,488	55.6	20.7	1,795	54.6	2.0
Foreign born:												
Total.....	537	36.6	2.3	380	13.8	1.6	14,790	44.4	63.2	1,493	45.4	6.4
China ²	11	.7	.1	5	.2		5,604	16.8	39.3	273	8.3	4.3
Italy.....	87	5.9	3.5	94	3.4	3.7	588	1.8	23.8	585	17.8	23.8
Ireland.....	43	2.9	2.0	12	.4	.4	1,576	4.7	75.2	134	4.1	6.4
Mexico.....	65	4.4	4.0	33	1.2	3.0	952	2.9	58.9	56	1.7	3.4
Sweden.....	28	1.9	2.3	4	.2	.3	921	2.8	72.9	22	.7	1.7
Germany.....	32	2.2	3.2	19	.7	1.9	495	1.5	49.6	54	1.6	5.4
Philippine Islands.....	30	2.1	3.5	12	.4	1.4	596	1.8	69.5	4	.1	.4
Norway.....	5	.3	.5	1	(³)	.1	653	2.0	78.2	22	.7	2.7
Canada.....	14	1.0	1.7	31	1.1	4.0	383	1.1	49.4	20	.6	2.6
Russia.....	36	2.5	4.8	11	.4	1.4	347	1.0	46.6	25	.8	3.3
England.....	20	1.4	3.2	17	.6	2.8	333	1.0	51.6	12	.4	1.9
Greece.....	29	2.0	5.3	8	.3	1.5	295	.9	53.3	44	1.3	7.9
France.....	11	.7	2.2	90	3.3	17.9	145	.4	28.6	62	1.8	12.2
Scotland.....	1	.1	.2	3	.1	.6	330	1.0	70.2	11	.3	2.4
Finland.....	3	.2	.9	3	.1	.9	294	.9	75.0	2	.1	.5
Austria.....	8	.5	2.4	8	.3	2.4	140	.4	40.6	29	.9	8.4
Denmark.....	7	.5	2.5	1	(³)	.4	162	.5	57.0	13	.4	4.5
West Indies.....	25	1.7	9.5	3	.1	1.2	123	.4	46.1	8	.2	3.1
South America.....	19	1.3	7.2	2	.1	.8	104	.3	39.6	16	.5	6.0
Spain.....	11	.7	4.5	4	.2	1.6	97	.3	39.5	23	.7	9.3

Switzerland.....	14	1.0	6.1	1	(³)	.4	94	.3	41.0	31	.9	13.5
Hawaiian Islands.....	3	.2	1.2	4	.2	1.7	106	.3	47.1	9	.3	4.1
Central America.....	9	.6	5.4	4	.2	2.2	78	.2	45.8	3	.1	1.8
Portugal.....	5	.3	3.5	1	(³)	.7	68	.2	47.2	12	.4	8.3
Australia.....	2	.1	1.8	1	(³)	.8	81	.2	63.4	2	.1	1.5
Holland.....	3	.2	3.0	1	(³)	.9	69	.2	63.4	2	.1	1.8
Balkan States.....	4	.3	4.0				24	.1	24.3	2	.1	2.0
Japan ²	4	.3	4.7				28	.1	29.3	4	.1	4.2
Poland.....	4	.3	4.7	4	.2	4.7	25	.1	29.4	4	.1	4.7
Asia.....	4	.3	5.8				30	.1	43.6	2	.1	2.8
Belgium.....	1	.1	1.8				28	.1	51.0	5	.1	9.0
Turkey.....	2	.1	3.8	2	.1	3.9	10		19.2	1	(³)	1.9
Africa.....	1	.1	4.2	1	(³)	4.2	11	(³)	45.8	1	(³)	4.2
All.....	1,467	100.0	1.3	2,745	100.0	2.4	33,278	100.0	29.5	3,288	100.0	2.9

¹ Figures for arrests furnished by San Francisco police department.
² See footnote to Table I.
³ Less than 0.05.

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TABLE II.—Arrests in San Francisco during the fiscal year ending June 30, 1929, by nativity and by major classes of offenses—Continued

Country of birth	Arrests for crimes against—Continued						Miscellaneous			Noncriminal detention			Total	
	Administration of government			Property			Number	Per cent of all arrests for this class of offense	Per cent of all arrests, persons of specified nativity	Number	Per cent of all arrests for this class of offense	Per cent of all arrests, persons of specified nativity	Number	Per cent of all arrests
	Number	Per cent of all arrests for this class of offense	Per cent of all arrests, persons of specified nativity	Number	Per cent of all arrests for this class of offense	Per cent of all arrests, persons of specified nativity								
United States born.....	180	83.7	0.2	2,711	75.5	3.1	62,958	92.3	70.1	127	79.9	0.2	89,554	79.27
Foreign born:														
Total.....	35	16.3	.1	878	24.5	3.8	5,263	7.7	22.5	32	20.1	.1	23,408	20.73
China ²	1	.5	(³)	34	.9	.5	363	.5	5.8	2	1.3	(³)	6,293	5.57
Italy.....	7	3.2	.3	106	3.0	4.2	997	1.5	40.5	5	3.2		2,469	2.19
Ireland.....				66	1.8	3.2	264	.4	12.8	1	.6	(³)	2,101	1.86
Mexico.....	2	.9	.1	143	4.1	9.3	358	.5	22.2	1	.6	.1	1,615	1.43
Sweden.....				50	1.4	4.0	237	.4	18.6	3	1.9	.2	1,265	1.12
Germany.....	4	1.9	.4	32	.9	3.2	356	.5	35.8	5	3.2	.5	997	.88
Philippine Islands.....				51	1.4	5.9	166	.3	19.3				859	.76
Norway.....				22	.6	2.6	130	.2	15.7	2	1.3	.2	835	.74
Canada.....	2	.9	.3	45	1.3	6.0	279	.4	35.9	1	.6	.1	775	.68
Russia.....	4	1.9	.5	62	1.7	8.3	257	.4	34.6	4	2.5	.5	746	.66
England.....	4	1.9	.6	55	1.5	8.4	203	.3	31.5				644	.57
Greece.....	2	.9	.4	18	.5	3.3	156	.2	28.3				552	.49
France.....	2	.9	.4	7	.2	1.4	188	.3	37.1	1	.6	.2	506	.45
Scotland.....				27	.8	5.7	98	.1	20.9				470	.42
Finland.....				11	.3	2.7	78	.1	19.8	1	.6	.2	392	.35
Austria.....	1	.5	.3	22	.6	6.4	132	.2	33.3	4	2.5	1.2	344	.30
Denmark.....				11	.3	3.9	90	.1	31.7				284	.25
West Indies.....				15	.4	5.7	92	.1	34.4				266	.24

South America.....				11	.3	4.2	111	.2	42.2				263	.23
Spain.....				11	.3	4.4	100	.2	40.7				246	.22
Switzerland.....				7	.2	3.1	81	.1	35.5	1	.6		229	.20
Hawaiian Islands.....				14	.4	6.1	90	.1	39.8			.4	226	.20
Central America.....	1	.5	.6	14	.4	8.1	61	.1	35.9				170	.15
Portugal.....	2	.9	1.4	3	.1	2.1	52	.1	36.1	1	.6	.7	144	.13
Australia.....	1	.5	.8	4	.1	3.1	39	.1	30.4				123	.11
Holland.....				2	.1	1.8	33	(³)	30.3				109	.10
Balkan States.....				14	.4	14.0	56	.1	56.7				99	.09
Japan ²				1	.1	1.0	59	.1	61.5				96	.08
Poland.....				3	.1	3.5	45	.1	53.0				85	.08
Asia.....	2	.9	2.9	3	.1	4.2	28	(³)	40.7				69	.06
Belgium.....				4	.1	7.1	17	(³)	31.0				55	.05
Turkey.....				3	.1	5.0	34	(³)	65.5				52	.05
Africa.....				2	.1	8.4	8	(³)	33.2				24	.02
All.....	215	100.0	.2	3,589	100.0	3.2	68,221	100.0	60.4	159	100.0	.1	112,062	100.00

² See footnote to Table I.
³ Less than 0.05.

To assist in such a comparison Table II has been prepared presenting arrests by type of offense and by nationality. In comparing the distribution of charges against natives and foreign-born persons, the most striking difference is found in offenses against public decency and good morals and miscellaneous offenses. Among natives, 70.1 per cent of all arrests were for miscellaneous charges, of which traffic violations were the most prominent; among foreign-born persons only 22.5 per cent were arrested on charges classed as miscellaneous. Among natives, only 20.7 per cent of the arrests were on charges against public decency and good morals; among the foreign born, 63.2 per cent of the arrests were on charges of this class, in which offenses related to gambling and drunkenness in public places were conspicuous. With these modifying factors in mind, we may consider selected nationalities.

TABLE III.—Chinese arrested by police department, city and county of San Francisco, during the year ending June 30, 1929, classified by charges

	Number	Per cent
CRIMES AGAINST THE PERSON		
Battery.....	6	0.1
Assault to commit bodily injury.....	1	(¹)
Assault to murder.....	1	(¹)
Manslaughter.....	1	(¹)
Murder.....	1	(¹)
Threats to kill.....	1	(¹)
Total.....	11	.1
CRIMES AGAINST CHASTITY AND FAMILY		
Failure to provide for minor child.....	2	(¹)
Child labor law.....	1	(¹)
Contributing to delinquency of minor.....	1	(¹)
Crime against children.....	1	(¹)
Total.....	5	
CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS		
Lottery tickets and drawings in possession.....	2,274	36.2
Visiting gambling place.....	2,219	35.3
Keeping lottery place.....	383	6.2
Vagrancy.....	313	5.0
Keeping gambling place.....	189	3.0
Visiting lottery place.....	91	1.5
Visiting house of ill fame.....	68	1.1
Visiting disorderly house.....	30	.5
Disturbing the peace.....	15	.3
Drunk in a public place.....	14	.2
Inmate house of ill fame.....	1	(¹)
Keeping house of ill fame.....	1	(¹)
Total.....	5,604	89.3

¹ Less than 0.05.

TABLE III.—Chinese arrested by police department, city and county of San Francisco, during the year ending June 30, 1929, classified by charges—Continued

	Number	Per cent
CRIMES AGAINST PUBLIC HEALTH		
National and State narcotic acts.....	163	2.6
Visiting opium place.....	64	1.0
Keeping opium place.....	38	.6
National and State prohibition acts.....	8	.1
Total.....	273	4.3
CRIMES AGAINST ADMINISTRATION OF GOVERNMENT		
Resisting an officer.....	1	(¹)
CRIMES AGAINST PROPERTY		
Petit theft.....	10	.2
Fictitious checks.....	11	.2
Burglary.....	6	.1
Forgery.....	3	(¹)
Grand theft.....	3	(¹)
Attempt at burglary.....	1	(¹)
Total.....	34	.5
MISCELLANEOUS		
Motor and traffic violations.....	93	1.5
En route.....	25	.4
Alleged wards of juvenile court.....	24	.4
Fish law.....	20	.3
State revolver law.....	5	.1
Driving vehicle without owner's consent.....	2	(¹)
Miscellaneous.....	194	3.1
Total.....	363	5.8
NONCRIMINAL DETENTION		
Insanity.....	2	(¹)
Grand total.....	6,293	100.0

¹ Less than 0.05.

The Chinese (always including native and foreign born) clearly contributed several times their numerical proportion to the total of arrests, viz, 5.5 per cent of arrests as compared with 1.5 per cent of the 1920 population. The fact that the number of arrests of Chinese during the year was so nearly equal to the 1920 Chinese population indicates clearly that many individuals were arrested repeatedly during the course of the year. The offenses for which they were arrested are distributed peculiarly as to type. Whereas 20.7 per cent of the arrests of natives of the United States were on charges of crimes against "public decency and good morals" (see Table II), practically 90 per cent of the arrests of Chinese,

comprising one-sixth of all arrests for such offenses in San Francisco, were on these charges. More specifically (see Table III), 82.2 per cent of the Chinese arrested were charged with some offense connected with lotteries and gambling alone, as compared with approximately 2.8 per cent among the natives arrested. Arrests of Chinese for offenses against the narcotic laws also were proportionately very high—4.2 per cent as compared with only 0.4 per cent of arrests of natives. The comparison is even more strikingly adverse to the Chinese when one recalls, in addition, the high proportion arrested by the San Francisco office of the State narcotic division. The figures, shown in Table IV, of the report on "Crime and the foreign born: Mexicans,"² reveal that from 17 to 48 per cent of all persons arrested during various recent periods were Chinese.

In most other respects the record of the Chinese as indicated by arrests was satisfactory or even better than the record of natives of the United States. Offenses against the person, property, chastity, and the family, and the prohibition laws, for example, were few. But in matters related to gambling and narcotics their arrests were grossly disproportionate to their numbers in the population.

TABLE IV.—Natives of Italy arrested by police department, city and county of San Francisco, during the year, ending June 30, 1929, classified by charges

	Number	Per cent
CRIMES AGAINST THE PERSON		
Battery.....	37	1.5
Assault with deadly weapon.....	14	.6
Manslaughter.....	12	.5
Threats to kill.....	10	.4
Assault to murder.....	9	.4
Robbery.....	3	.1
Mayhem.....	1	(¹)
Murder.....	1	(¹)
Total.....	87	3.5
CRIMES AGAINST CHASTITY AND FAMILY		
Visiting house of ill fame.....	51	2.1
Keeping house of ill fame.....	18	.7
Failure to provide for minor child.....	11	.5
Contributing to delinquency of minor.....	4	.2
Child labor law.....	3	.1
Soliciting prostitution.....	2	.1

¹ Less than 0.05.

² Pt. III, Sec. I.

TABLE IV.—Natives of Italy arrested by police department, etc.—Con.

	Number	Per cent
CRIMES AGAINST CHASTITY AND FAMILY—continued		
Abandonment and neglect of wife.....	1	(¹)
Pimp law.....	1	(¹)
Inmate house of ill fame.....	1	(¹)
Rape.....	1	(¹)
Seduction.....	1	(¹)
Total.....	94	3.7
CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS		
Drunk in public place.....	210	8.0
Visiting gambling and disorderly houses.....	181	6.5
Vagrancy.....	112	4.5
Disturbing the peace.....	40	2.0
Keeping gambling houses.....	23	.9
Keeping disorderly houses.....	18	.7
Indecent exposure.....	6	.3
Total.....	588	23.8
CRIMES AGAINST PUBLIC HEALTH		
National and State prohibition acts.....	505	22.0
Health ordinances.....	14	.6
National and State narcotic acts.....	6	.3
Total.....	585	23.8
CRIMES AGAINST ADMINISTRATION OF GOVERNMENT		
Resisting an officer.....	5	.2
Contempt of court.....	2	.1
Total.....	7	.3
CRIMES AGAINST PROPERTY		
Petit theft.....	22	.9
Burglary.....	19	.8
Malevolent mischief.....	18	.7
Grand theft.....	18	.7
Nonpayment of wages.....	16	.5
Fictitious checks.....	5	.2
Extortion.....	5	.2
Forgery.....	4	.2
Attempt at burglary.....	1	(¹)
Burglary tools in possession.....	1	(¹)
Felony embezzlement.....	1	(¹)
Receiving stolen goods.....	1	(¹)
Total.....	106	4.2
MISCELLANEOUS		
Motor act and traffic violations.....	621	25.2
En route.....	97	4.0
Fish law.....	29	1.2
Revolver law.....	18	.7
Failure to render aid.....	0	.3
Driving under influence.....	5	.2
Alleged wards of juvenile court.....	5	.2
United States Criminal Code.....	5	.2
Driving vehicle without owner's consent.....	1	(¹)
Miscellaneous minor violations.....	210	8.5
Total.....	907	40.5
NONCRIMINAL DETENTION		
Insanity.....	5	.2
Grand total.....	2,400	100.0

¹ Less than 0.05.

Next to the Chinese, the largest number of foreign-born persons arrested were those of Italian nativity. These constituted 2.19 per cent of all persons arrested during the year, as compared with 4.72 per cent of the 1920 population which was native of Italy. The proportion of Italians in the total population may have declined somewhat since 1920, but it is probable that the proportion of arrests of Italians is still well below their proportion of the total population. On the average, then, their record is distinctly favorable. Like the Chinese, however, there are certain offenses for which they are arrested in numbers and proportion which are extremely high.

The characteristic offenses of natives of Italy, for which they are arrested proportionately far in excess of natives, are against the State and National prohibition laws. Of all Italians arrested, 22.9 per cent were charged with violation of the prohibition statutes, as compared with 1.4 per cent among natives arrested. The contrast is heightened, although direct comparison between the data is not possible, by additional figures which show that 26.8 per cent of all violators of the national prohibition laws reported by the San Francisco office of the United States Prohibition Service were natives of Italy. The distribution of offenses by Italians show somewhat larger proportions of offenses against the person, particularly the offense of battery, and against chastity and the family, than the proportions of similar offenses by natives, but it also shows slightly lower proportions of charges of violation of the narcotic laws, and of being drunk in public places.

TABLE V.—Natives of Ireland arrested by police department, city and county of San Francisco, during the year ending June 30, 1929, classified by charges

	Number	Per cent
CRIMES AGAINST THE PERSON		
Battery.....	20	1.4
Assault to do bodily injury.....	4	.2
Manslaughter.....	4	.2
Threats against life.....	3	.1
Assault with deadly weapon.....	3	.1
Total.....	43	2.0
CRIMES AGAINST CHASTITY AND FAMILY		
Failure to provide for minor child.....	4	.2
Contributing to delinquency of minor.....	3	.1
Crimes against children.....	3	.1
Abandonment and neglect of wife.....	1	(1)
Seduction.....	1	(1)
Total.....	12	.4
CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS		
Drunk in public place.....	1,067	50.8
Vagrancy.....	236	11.2
Disturbing the peace.....	62	3.0
Visiting gambling places.....	62	3.0
Visiting disorderly houses.....	44	2.1
Visiting lottery places.....	38	1.9
Begging.....	20	1.4
Keeping a disorderly house.....	18	.9
Keeping gambling places.....	8	.4
Selling lottery tickets.....	7	.3
Intemperate.....	5	.2
Total.....	1,576	75.2
CRIMES AGAINST PUBLIC HEALTH		
National and State prohibition acts.....	134	6.4
CRIMES AGAINST PROPERTY		
Malicious mischief.....	31	1.5
Petit theft.....	17	.8
Burglary.....	8	.4
Grand theft.....	6	.3
Fictitious checks.....	4	.2
Total.....	66	3.2
MISCELLANEOUS		
Motor and traffic violations.....	144	6.9
En route.....	33	1.6
Driving under influence.....	9	.4
Alleged wards of juvenile court.....	2	.1
United States Criminal Code.....	2	.1
State revolver law.....	2	.1
Failure to render aid.....	1	(1)
Driving vehicle without owner's consent.....	1	(1)
Miscellaneous minor violations.....	75	3.6
Total.....	269	12.8
NONCRIMINAL DETENTION		
Insanity.....	1	(1)
Grand total.....	2,101	100.0

¹ Less than 0.05.

Natives of Ireland comprised 1.86 per cent of all arrested persons, as compared with a proportion of 3.6 per cent of the 1920 population. Considering possible shifts in their proportion of the total population since 1920 this record as a whole remains distinctly favorable to the Irish. On the other hand, in respect of certain offenses the position of natives of Ireland is very unfavorable. The arrests for drunkenness in public places, for example, constituted 50 per cent of all arrests of Irish as compared with 9 per cent of natives arrested for the same charge. Also offenses against the prohibition laws were proportionately much higher than among natives. Offenses classified as against public decency and good morals, among which drunkenness is included, were very high—75.2 per cent as compared with 20.7 per cent among natives; the same was true of offenses against public health—6.4 per cent as compared with 2 per cent among natives. The offenses of Irish involving drunkenness, vagrancy, gambling, and prohibition were principally responsible for these unfavorable comparisons. On the other hand, no natives of Ireland were arrested for violation of the narcotic laws, and the proportions arrested for offenses against chastity and the family were much lower than among natives.

TABLE VI.—*Natives of Mexico arrested by police department, city and county of San Francisco, during the year ending June 30, 1929, classified by charges*

	Number	Per cent
CRIMES AGAINST THE PERSON		
Battery.....	28	1.7
Robbery.....	10	.6
Assault with deadly weapon.....	7	.4
Threats to kill.....	6	.4
Assault to murder.....	5	.3
Failure to render aid.....	4	.2
Murder.....	2	.1
Assault.....	1	.1
Assault to rape.....	1	.1
Manslaughter.....	1	.1
Total.....	65	4.0
CRIMES AGAINST CHASTITY AND FAMILY		
Failure to provide for minor child.....	13	.8
Crimes against children.....	6	.3
Contributing to delinquency of minor.....	4	.2
Rape.....	4	.2

TABLE VI.—*Natives of Mexico arrested by police department, city and county of San Francisco, during the year ending June 30, 1929, classified by charges—Continued*

	Number	Per cent
CRIMES AGAINST CHASTITY AND FAMILY—continued		
Inmate house of ill fame.....	3	0.2
Abandonment of wife.....	1	.1
Adultery.....	1	.1
Soliciting for prostitution.....	1	.1
Total.....	33	2.0
CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS		
Drunk in public place.....	403	25.0
Vagrancy.....	308	10.0
Visiting gambling and disorderly houses.....	164	10.2
Disturbing the peace.....	64	3.3
Keeping gambling and disorderly houses.....	23	1.4
Total.....	952	68.0
CRIMES AGAINST PUBLIC HEALTH		
State and national prohibition laws.....	20	1.7
State and national narcotic laws.....	27	1.7
Total.....	50	3.4
CRIMES AGAINST PROPERTY		
Petit theft.....	56	3.5
Burglary.....	45	2.8
Malevolent mischief.....	20	1.8
Grand theft.....	6	.4
Attempt burglary.....	3	.2
Fictitious checks.....	3	.2
Receiving stolen goods.....	3	.2
Forgery.....	2	.1
Arson.....	1	.1
Total.....	148	9.3
MISCELLANEOUS		
En route.....	136	8.4
Motor vehicle and traffic violations.....	92	5.7
State revolver law.....	13	.8
Driving under influence.....	4	.2
Conspiracy.....	3	.2
Alleged wards of the juvenile court.....	2	.1
Driving vehicle without owner's consent.....	1	.1
Tampering with vehicle.....	1	.1
Miscellaneous minor violations.....	106	6.0
Total.....	358	22.2
NONCRIMINAL DETENTION		
Insanity.....	1	.1
Grand total.....	1,015	100.0

Mexicans appear to have been arrested somewhat out of proportion to their numbers, although the increase of Mexican population since 1920 weakens materially the force of this

conclusion, and conceivably might even overthrow it. The distribution of offenses by Mexicans is materially different from those by natives. Whereas 43.4 per cent of the offenses by natives were traffic violations, only 5.7 per cent of the offenses by Mexicans were of this type, doubtless because in San Francisco they own cars proportionately less than do natives. But the proportion of offenses by Mexicans against the person, public decency and morals, public health, and property were all higher than the corresponding proportions of the offenses by natives. In particular, the proportions of charges of battery, robbery, drunkenness in public places, vagrancy, petit theft, burglary, and offenses relating to gambling, were notably high. Offenses against the narcotic laws were disproportionately high, and should be considered in conjunction with the relatively high proportion of arrests of Mexicans by the San Francisco office of the State division of narcotic enforcement reported to be from 2.7 to 6.6 per cent of total arrests during various recent periods of time (see Table IV of preceding study, "Crime and the foreign born: Mexicans"). On the other hand, offenses by Mexicans against the prohibition laws were but slightly higher than those of natives, and offenses against chastity and the family were somewhat lower.

It is significant that when conversing with persons in San Francisco before the statistical tables presented here were prepared, such nationalities as Swedes and Germans which appear next in order of total arrests were not mentioned except perhaps to say that they were hardly regarded as foreigners and presented no problem. The figures in Table I indicate that for the most part the proportion of arrests of persons of European nativity other than those already discussed was generally not high. Usually they were distinctly low, as for example, the Germans; sometimes they appear somewhat high, as for example, the Norwegians. But the only foreign groups other than those already discussed in detail, which attracted particular attention of local observers, were the Filipinos, Russians, and Japanese.

TABLE VII.—*Natives of Philippine Islands arrested by police department, city and county of San Francisco, during the year ending June 30, 1929, classified by charges*

	Number	Per cent
CRIMES AGAINST THE PERSON		
Battery.....	10	1.2
Assault with deadly weapon.....	0	1.1
Robbery.....	4	.5
Assault to murder.....	2	.2
Attempt at robbery.....	2	.2
Mayhem.....	1	.1
Manslaughter.....	1	.1
Threats to kill.....	1	.1
Total.....	30	3.5
CRIMES AGAINST CHASTITY AND FAMILY		
Contributing to delinquency of minor.....	5	.6
Rape.....	4	.5
Inmate's house of ill fame.....	2	.2
Failure to provide for minor child.....	1	.1
Total.....	12	1.4
CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS		
Visiting gambling and lottery places.....	280	33.7
Visiting disorderly houses.....	96	11.2
Vagrancy.....	95	11.1
Disturbing the peace.....	39	4.5
Drunk in public place.....	30	3.5
Keeping gambling places.....	20	2.3
Keeping disorderly houses.....	16	1.9
Lottery tickets in possession.....	11	1.3
Total.....	590	69.5
CRIMES AGAINST PUBLIC HEALTH		
National and State prohibition acts.....	3	.3
State narcotic act.....	1	.1
Total.....	4	.4
CRIMES AGAINST PROPERTY		
Petit theft.....	24	2.8
Malevolent mischief.....	13	1.5
Burglary.....	8	.9
Grand theft.....	4	.5
Forgery.....	2	.2
Total.....	51	5.9
MISCELLANEOUS		
Motor act and traffic violations.....	59	6.5
En route.....	28	3.3
State revolver law.....	18	2.2
Alleged wards of juvenile court.....	2	.2
Deserter from United States Navy.....	2	.2
Driving vehicle without owner's consent.....	2	.2
8-hour law for women.....	2	.2
Miscellaneous minor violations.....	56	6.5
Total.....	166	19.3
Grand total.....	850	100.0

The census of 1920 offers no data on Filipino population for comparison with arrests. A Filipino Masonic organization in San Francisco estimated the number of Filipinos in that city in early 1930 at 4,000. If correct, this was about 0.67 per cent of the total population, or a little less than the proportion of Filipinos arrested, which was 0.76 per cent. The general view of officials is that their record is bad. The views of two police officers and a police judge are illustrative of the unfavorable attitude:

The Filipino is bad; by nature he is a criminal. Their crimes are of a violent nature. And in addition they intermingle with white girls, more especially with the prostitutes.

The Filipino is our great menace. They are all criminally minded. They are great chasers after the white women.

The Filipinos, with a comparatively small number in the population, give a great deal of trouble. They commit acts of violence, being untamed; they slash, cut, or stab at the least provocation. Their natty appearance is an added incentive in attracting women of various low types with whom they continually travel. Here is a menace in the intermingling of whites with them. These Filipinos are undesirable nationals because there is not one of them but who is a potential criminal.

It is clear from these statements that the principal objection to the Filipino arises from the fact that they cross the race line in their relations with white women. Many county clerks in California interpret the statute against intermarriage of Mongolians and Caucasians as a bar to intermarriage between Filipinos and white Americans; in such cases the applicants for licenses often go to Nevada or Mexico to be married. But whatever the situation with reference to miscegenation, since less than 1 per cent of the persons arrested in San Francisco were Filipinos, and they constituted perhaps two-thirds per cent of the population, they can not be a great criminal menace. They were arrested somewhat out of proportion to their numbers, if the estimate given earlier was correct, yet not even this is certain. Their arrests for offenses against the person were high—3.5 per cent as compared with 1.1 per cent among natives of the United States. Offenses by Filipinos against public decency and good morals were very high, 69.5 per cent of their arrests being on these charges as compared with only 20.7 per cent among natives.

The explanation of this high percentage lies chiefly in the large proportion who were charged with offenses connected with gambling, viz, 37.3 per cent, as compared with less than 3 per cent of the natives arrested. Also, 11.1 per cent of the Filipinos arrested were charged with vagrancy as compared with 6.6 per cent of the natives. This is to be expected among a population which is overwhelmingly composed of young males without families.

On the other hand, offenses against chastity and the family and public health were low. Particularly striking are the facts that only 3.5 per cent of the arrests of Filipinos were for drunkenness in public places, 0.3 per cent for violation of the prohibition laws, and 0.1 per cent for violation of the narcotic acts, as compared with similar proportions among natives arrested of 9 per cent, 1.4 per cent, and 0.4 per cent, respectively.

The Russians were mentioned to us as a distinctive alien group which occasioned some trouble. However, examination of the statistical records indicates that while the proportion of several types of offenses is high, e. g., offenses against the person, public decency and good morals, public health, and property, on the average the record is distinctly favorable. Of all persons arrested in San Francisco, only 0.66 per cent were Russians, whereas they comprised 1.14 per cent of the population in 1920 and probably a larger proportion in 1929, making their average showing even more favorable.

TABLE VIII.—*Natives of Russia arrested by police department, city and county of San Francisco, during the year ending June 30, 1929, classified by charges*

	Number	Per cent
CRIMES AGAINST THE PERSON		
Battery.....	10	2.5
Robbery.....	5	.7
Manslaughter.....	4	.5
Assault with a deadly weapon.....	3	.4
Murder.....	2	.3
Threats to kill.....	2	.3
Robbery attempt.....	1	.1
Total.....	30	4.8
CRIMES AGAINST CHASTITY AND FAMILY		
Failure to provide for minor child.....	5	.7
Crimes against children.....	4	.5
Contributing to delinquency of minor.....	1	.1
Soliciting prostitution.....	1	.1
Total.....	11	1.4
CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS		
Drunk in a public place.....	169	22.8
Visiting gambling and disorderly houses.....	90	12.1
Vagrancy.....	42	5.6
Disturbing the peace.....	28	3.8
Keeping gambling and disorderly houses.....	13	1.7
Lottery tickets in possession.....	4	.5
Intemperate.....	1	.1
Total.....	347	46.0
CRIMES AGAINST PUBLIC HEALTH		
National and State prohibition acts.....	24	3.2
State narcotic act.....	1	.1
Total.....	25	3.3
CRIMES AGAINST ADMINISTRATION OF GOVERNMENT		
Resisting an officer.....	3	.4
Perjury.....	1	.1
Total.....	4	.5
CRIMES AGAINST PROPERTY		
Burglary.....	20	2.7
Malevolent mischief.....	15	2.0
Petit theft.....	12	1.6
Grand theft.....	11	1.5
Obtaining money by false pretenses.....	3	.4
Fictitious checks.....	1	.1
Total.....	62	8.3
MISCELLANEOUS		
Motor act and traffic violations.....	140	20.1
En route.....	24	3.2
Alleged wards of juvenile court.....	5	.7
8-hour law for women.....	5	.7
Revolver law.....	6	.8
Driving under influence of liquor.....	4	.5
Failure to render aid.....	4	.5
Miscellaneous minor violations.....	60	8.1
Total.....	257	34.6
NONCRIMINAL DETENTION		
Insanity.....	4	.5
Grand total.....	746	100.0

More trouble from the second-generation Russians than from the natives of Russia was noted by observers. The unusually wide gulf between customs of parents and of children in the process of "Americanization" was the cause suggested. Even among the first generation a conflict of codes was responsible for some of the offenses by Russians. A judge recited the following illustration:

A Russian woman had her husband arrested for beating her. I jailed him for 30 days. Several days later she came around and wanted his release because her neighbors "wouldn't speak to her"; they thought it a disgrace that she wouldn't stand the discipline from the patriarchal ruler of the family as was the custom in their native home. (Probably also there was inconvenience from absence of the breadwinner.)

The high proportion of cases of battery by Russians is perhaps in part a reflection of this practice which is not a violation of the code which some of the immigrants brought with them; for the most part, however, the figures reflect quarrels among themselves.

It is significant that only one Russian was arrested for violation of the narcotic laws.

The Japanese may be mentioned chiefly to emphasize their extremely low proportion of arrests. One of the most diverse of the nationalities in San Francisco, they are among the most law-abiding. Only 0.03 per cent of all persons arrested were Japanese, while they comprised 1.06 per cent of the 1920 population. Shifts in proportion of Japanese in the total population since 1920, if any, have probably only made their record more favorable.

The explanation of the unusually law-abiding character of the Japanese offered by one of their leading citizens is the same as was offered in Stockton, viz, the stress placed on courses in ethics in the public schools of Japan. Additional factors may be the types of Japanese immigrants, who are largely business men or former farmers, the influence of a very sensitive race pride, particularly in the face of race discriminations such as the immigration and California alien land laws, and the high degree of organization among Japa-

nese in the United States which makes possible the exercise of a high degree of social control.

Many of the difficulties of estimating the criminality of the various nationalities have already been discussed.³ Technical difficulties in obtaining the statistics desired, similar to those previously described, have been encountered in the present study. Differences in age and sex composition of nationality groups also affect apparent criminality. Although we have no proof, it is entirely possible, since a large proportion of the San Francisco police force is Irish and the political power of the naturalized Italians is great, that natives of Ireland or Italy are less likely to be arrested than others for the same offenses. On the other hand, the general prejudice against Filipinos probably subjects them more readily to arrest. Nevertheless, despite the well-founded criticisms which can be leveled against the validity of arrests as a measure here, as in the preceding reports, it is necessary to make use of arrests as the statistical criterion of criminality.

The conflict of national codes as distinguished from inherent individual or race criminality as a factor in crime statistics is well illustrated by situations existing in San Francisco. The concentration of Chinese offenses on gambling and narcotic violations is at least partly of this character. As in Stockton, it was suggested to us by Chinese that the extensive participation of their people in illegal businesses is also due partly to the race discriminations against Chinese which limit severely their opportunities for successful participation in legitimate business or employments. For example, despite the praise of Chinese commonly voiced by Californians; that their honesty makes them ideal bank employees—in China or Japan—there is very slight opportunity for qualified Chinese to obtain such employment in California. It may be added that an informed police officer pointed out with respect to morphine that "we know that the Chinese peddlers get their morphine from white wholesalers."

An even clearer illustration of the conflict in codes is furnished by the very high proportion of arrests of natives of

³ *Supra*, Pt. III, Sec. I.

Italy for violation of the prohibition laws. The Italian view was summed up in the following language:

We have been a wine-drinking and producing nation for generations. Our people have been used to drinking wine from the ages of 5 and 6 years. So to us, prohibiting wine (not whisky) is like prohibiting drinking milk. Wine is a family drink and prohibition is not considered just. Our people don't feel themselves to be offenders and they can make money by making wine.

Of course the same conflict in codes on the same subject appears among Americans.

Yet another factor in arriving at an estimate of the criminality of any group is our evaluation, largely subjective, of the seriousness of the types of offenses most commonly committed by that group. In part, this is a group evaluation crystallized in our penal codes which set different penalties for different offenses. But other factors enter. The statement of a San Francisco judge illustrates this:

As to the Chinese, I would say a good word for them any time; they are exceedingly law-abiding. Crimes that they do commit are either against themselves personally, such as the narcotic habit, or against their own kind. They are never brought in except on the poison [narcotic] law and for gambling.

In other words, since their offenses are principally against themselves rather than against "our kind" of Americans, they are regarded as very law-abiding despite a proportion of arrests which is several times their proportion of the total population. This is clearly a personal, or group evaluation, not expressed in the penal code.

Another illustration may be drawn from another statement by a judge with reference to Italians:

Their offenses are mostly against some of our more oppressive legislation, e. g., prohibition, and the fish and game laws; a good many of the Italian fishermen attempt to circumvent the seasonal restrictions on their catches.

Here the individual evaluation is clearly at variance with the penal code, and it is obvious that many Americans agree with it.

The purpose of presenting these illustrations is not to argue whether the views expressed are correct or not, but to point out that in addition to the available figures of arrests

and populations, age and sex compositions of national groups, and conflicts of codes, which affect conclusions as to criminality, there also enter considerations of the gravity of the offenses committed. These are concealed entirely by total figures of arrests, and are concealed partly even by the classified offenses, and in important cases may be partly or entirely at variance with the figures themselves since subjective judgments may be partly or completely at variance with the standards set by the penal code.

Efforts to ascertain the degree of equality in the administration of justice among aliens in San Francisco revealed comparatively little complaint, nothing to compare, for example, with the outcries of the Mexicans against the police in Chicago and Indiana Harbor.

A leading Chinese expressed the following views:

The San Francisco police are more courteous and more cosmopolitan, and have not such race prejudices as in some places; it is much worse in rural districts than here where there is a good police system. The lower grade of policeman is rough in his methods with the labor class, but this is probably because he is used to dealing with thugs.

There is a feeling among Chinese and Japanese that because they are aliens and a labor class they do not need to be treated like citizens. They can't escape the feeling that the mere fact that the defendant is an alien sways the feelings of the jury against him in order to protect their own. This is a psychological fact which they, like aliens almost everywhere, must encounter. But the judges are a safeguard; they have been trained to control their prejudices. The higher officials of justice, especially the judicial officials, have always attempted to administer justice as such, and wouldn't willingly show an impartiality.

The chief complaint of the Chinese is a lack of protection of our own injured citizens rather than of their treatment by the authorities. They can't escape the feeling that if the injured person—the victim of assault and battery or even murder—had been a citizen, the police authorities would have exerted greater effort to apprehend and prosecute the guilty person.

An official of the Japanese association was well satisfied with the treatment accorded to his countrymen, but like Japanese in Stockton, complained of the difficulty of obtaining jury verdicts in civil cases arising from automobile accidents.

An informed Italian, like the Chinese, thought that "perhaps the police are less aggressive in solving crimes against Italians than against persons of your own race." And he observed that the police are "very kind if you ask them for information, but in general rough when you are accosted by them." But he deprecated the amount of rough treatment meted out by the police. Another Italian went so far as to claim advantages in treatment of his people:

We now have several judges on the bench who are Italians, three detectives, and several policemen.

If anything, the Italian gets more than even-handed justice with the police and the judges. One reason may be that most of the judges rely on the Italian vote to put them in office, as well as for their private business. Some of the judges are never absent from an Italian gathering, whether it is an old-fashioned clambake or a real drunk.

In some cities interpreters are sometimes a source of trouble in administration of justice among aliens. In San Francisco, however, almost no complaints were made. On the contrary, definite statements were made from a variety of persons including representatives of bench, bar, and aliens, to the effect that the local arrangements were satisfactory. Interpreters in the various languages have been "appointed" by various superior court judges, and usually began their service years ago. They usually wait in the halls outside of court each morning and when called to serve receive a per diem allowance of \$10 from the city treasury.

It was an American, a newspaper reporter, who stressed more than did the aliens or social workers among aliens, the difficulties of obtaining justice for the foreign born:

The foreigner without friends, who stands sullenly before the judge is bound to, and does, get less consideration than an American who comes into court with an attorney, and even though poor, does know his rights. This is true in San Francisco, as it is everywhere else. The judge will unconsciously give the one more attention. A Filipino who was thrown in jail for six months never did apply to the parole board for a parole, as he did not know of this right; he did not have an attorney, and the public defender was not in existence at that time. The public defender has altered this defect, and has a most creditable record, for he has gained a good many acquittals. But even this office is not enough to offset the attitude of the judges against the otherwise friendless defendant, for the defender stands in

the position of an official friend to this whole class, has only met the man a few minutes before perhaps, and is not an actual fighting friend, one of whom the judge must beware for political reasons. Of course, if the foreigner has influential friends, whether foreign or not, his prospects for going free are better; this is one of the evils of our system. There was a Mexican from San Francisco hung in San Quentin last week and there was a good deal of newspaper talk that the man was railroaded, since he had no friends; this is an example of the kind of thing I have been trying to generalize upon.

In our jails the foreigner and the poor man are given different treatment in that the man with money can send out for meals and little comforts that the other can not, and in this way there is worse treatment given. But, of course, if the foreigner has money he, too, can get these small luxuries. Outside of this there can be found no discriminations. I don't know of any rough handling of the foreigner in our jails; though it may occur and we would not know anything about it.

There were other occasional reports of maladministration of justice, including rough handling of prisoners, but these were usually vague, and in the most definite instances they concerned Americans instead of aliens. Most of these reports, too, came from Americans.

On the other hand, the statements of some aliens were outspokenly laudatory of the administration of justice to the foreign born in San Francisco. Some of these statements are included in the appendix of field notes.

In the presence of this diversity of testimony the investigator is embarrassed in his attempt to arrive at a conclusion.

It appears that as compared with some cities, at least, the foreign born in San Francisco are subjected to relatively little discriminatory treatment. The discrimination against some, for example, Filipinos, is probably greater than against others; for example, Italians, who have been in the city longer, differ less from Americans in race and have naturalized extensively. Indeed, it is conceivable, although not generally true, that some foreign-born groups may actually receive preferential treatment.

It must be remembered that San Francisco is a cosmopolitan city with comparatively little recent immigration. Most of the foreign-born groups are protected either by strong organizations such as the Japanese Association of America

or the Chinese Six Companies, or by the political strength of the naturalized citizens who are members of the colony, e. g., the Italians. There is also consular protection at hand. These considerations, in addition to the absence of any vigorous complaint, lead to the conclusion that no major problem of general discriminatory treatment of the foreign born exists in San Francisco. However, it must be borne in mind that the investigation was not carried far enough, in view of the known difficulty of obtaining evidence of harsh treatment of officials, and of evidence of some sporadic cases of such treatment of citizens as well as aliens, to warrant a generalization concerning the extent to which harsh treatment toward either citizens or aliens does or does not take place.

The following notes on interviews are presented as illustrative of statements made in the text of this report, corroborating or amplifying them. It was not possible to check by further investigation all of the statements made here, for instance that on Chinatown. Nevertheless, these interviews are included here since they do illuminate the situation with which this report is concerned.

* * * * *

An officer who has been assigned to the Chinatown squad for many years:

There has been very little trouble from the Chinese. We keep the young men who are unemployed, and who appear suspicious, on the move and out of the city. There have been two tong wars since 1920, but not a single killing in San Francisco.

The lottery is carried on, but all the drawings are done across the bay, since we were able to drive them out of this city. We are only able to catch the man delivering the marked tickets, along with the person who buys or marks the ticket—both the seller and the buyer of lottery tickets are guilty of violations of the gambling laws. Those games that are carried on under secret code are impossible to detect. Still, we have kept the Chinaman on the run, or at least he is not allowed to run open places with the gambling, and everything of this sort is broken up immediately.

Opium smoking is well curbed. Since it is difficult to smoke without the fumes penetrating beyond the den; that is one means for detecting the user in the act. We only have to make about three arrests for opium smoking a month. At present the price of opium is about \$2 per card; the prices fluctuate according to the supply present,

or as a result of curbing smuggling in on the wholesale end of the traffic; you can tell the amount getting into the country by the price paid on the streets by the addicts. If the price is over \$150 per tin, then the stuff is scarce. The Chinaman both uses and sells the opium, which is not such a habit-forming drug as the morphine and heroin. The morphine and cocaine come in from Japan and not from China, and we know that the Chinese peddlers get their morphine from white wholesalers.

Since narcotics and prostitutes are the cause of the Chinese tong wars, we try especially to curb these two evils. Gambling starts most of the drug habits, and this is the reason for our strictness in keeping out the professional gambler. Since the enormous sums gained from the operations of gambling houses go in support of an undesirable class, and the patrons are around those places which the seller and the user habituate, the drug habit is formed there, and goes hand in hand with the gambling. Then the same person owning the gambling joint will own or hire the prostitutes, and between these two operations will furnish the money to support the group of Chinese gunmen who give us the greatest apprehension. This is our reason for such a rigid policy with a seemingly trivial matter. In other, and especially in the smaller towns, gambling and prostitution are allowed to exist; the violators are not imprisoned but only fined, since this provides ample revenue, which is accepted as desirable.

The "district tongs" were benevolent mutual aid associations for the benefit of those from a particular district or of a particular dialect. The "large-family tongs" originated in China. Another type of tong is the "highbinder tong" which was formed in the United States by the small families to combat commercial competitors. Control of certain trades was the original purpose of the organizations, and then they spread their protection to any type of activity, regardless of its legality, for example, gambling or prostitution. At the present time if a Chinese prostitute is in San Francisco she is foreign born and imported, under the guise of a student, or the daughter of a merchant, or of an American-born Chinese. They sell for about \$7,000, and the owner is usually a member of a tong. It often happens that a member of some other tong falls in love with this woman, runs off with her, and then if no money settlement is possible or no agreement can be reached, there is an ensuing war. This, or the taking of her jewels, etc., have been the causes of most of the tong wars. Although there are no Chinese houses of prostitution, since we closed them all down years ago, that activity goes on and can not be entirely wiped out. The Chinese girl will be brought in on a vagrancy charge, and then some Chinaman will appear and swear that she is his wife, and the officer can prove nothing. This makes it almost impossible to stamp out all traces of this traffic, which goes on, we are morally certain, but we can gain no sufficient evidence.

The present Chinatown squad has been intact since 1921, and has held them in check and broken up the "inner club" of the tong men, who are the gunmen, by chasing them out of town. When a young stranger comes into Chinatown he is usually questioned and, by accusing him of belonging to one tong or another, you worm out of him that he has been a member, and then you suspect him of being a gunman, and if other circumstances are proper you run him out of town, and in this way we keep the settlement pretty clear of the most vicious type, and reduce to the lowest possible minimum the potential forces for the strongest crimes. We often ask these young fellows where they come from, and in that way we have a pretty good idea of what tong they might belong to. This is the method we apply in keeping the place clean.

Once a man goes into a tong, he can not get out without paying a price of around \$100. It is relatively easy to join, but most difficult to get out. Each tong member is the object of a killing in a war, and this is the sole honor of such wars. The last war was between the Bing Kongs and the Hip Sings. It is of this that we are most apprehensive, since it is the most dangerous form of Chinese crime.

A Chinese social worker:

The general comment among the Chinese is that the treatment from the officials here is better than in China. They realize that a law enforcement body is necessary and proper, and have a good deal of respect for the officers et al. Then, we have a very good man in charge of the area, who understands the Chinese, and has his own ways of handling them; he may take down the pants of some troublesome boy and give him a good spanking, but this arouses no resentment, and they all like him. Then, too, the Chinese do a great deal of settling among themselves without the intervention of the officials. It has been my opinion that the law rests more lightly around Chinatown than any other part of the city, and that they are handled in a very proper fashion.

A Japanese official of a Japanese organization:

The Japanese feels that he receives wonderful treatment in everything except an automobile accident involving a Japanese; then it seems impossible for us to receive a verdict. However, that may not be supported by actual figures, and may be only a popular impression. This is an inevitable result of human nature, for if an American went to Japan or elsewhere, he would probably get the same result from a Japanese jury. On the whole, we are treated very fairly.

There has not been one instance of ill-treatment accorded to a Japanese in the jails. The jails here are paradise compared to those in other countries, even our own. A delegation from Japan came here to California several years ago, went through the county jail, and through San Quentin, and then one of the members told me that

he was coming to live in this country, for if he ever should be committed to confinement he would be sure of better housing, etc., than most people received when at their own liberty. And especially by the police here in the city are we given fine protection and consideration. There were some Negro prostitutes who were walking the streets in the Japanese quarters not so long ago. We complained to the policeman on the beat, who had been here for some time; he immediately had these arrested and chased them out of the neighborhood; as a result a petition for his removal was circulated by the Negroes in the quarter, and presented to the police commission. I then sent a counterrequest to that body for the continuance of the officer on his same territory because he had always been very efficient. As a result, the man was retained and is at present doing the same fine work. This shows that, for the Japanese, there is nothing but cooperation from the police department.

We never have any experience with the public defender's office, because we retain an attorney for the association, and anyone who is in difficulties is attended by this man. There are very few of our people who need this attention, but those who are in need come here without any hesitation.

Any law that affects the Japanese, I translate or have technically translated by our attorneys, and place this in our paper, to let our people know of the laws that are pertinent to their welfare, or that they might otherwise violate unknowingly. We let them know beforehand what rules they may have to comply with. The subscription of our people to this paper is practically 100 per cent. We find that most violations of the law are due to lack of knowledge on the part of the person offending. For instance, the license plates must be secured by January 15, and I have published this requirement numerous times; all of our people will have them. Any traffic regulation, alien land law enactment, etc., are the subject of this sort of publication in furtherance of this policy.

As to the alien land law, our people uniformly know more about the act than do most lawyers; it is necessary for their very existence that they do. But as a political issue this is slowly dying out, for within a few years our generation of American-born Japanese coming of age will be able to buy and sell the same as anyone else. There is, however, one issue that is at present being given much popular discussion among the Japanese, and that is the proposal again of an alien poll tax. But, fortunately, a clause in the 1911 treaty protects our people against just this discrimination. The matter was again brought before the State legislature this session, but the judicial council quashed it. Then there are matters such as the \$25 fishing tax on the alien which is levied and collected against the Japanese fishermen; but this is accepted, and our people are told not to complain, for we do not want to appear as a contentious people fighting for every inch that we might possibly acquire.

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An Italian newspaperman:

If there were anything going on that was detrimental to the interests of the Italians I would hear of it first thing. In the past 10 years the attitude toward the Italian has changed, due probably to his assimilation. We now have had several judges on the San Francisco bench who are Italians, three detectives, and several policemen. If anything, the Italian gets more than even-handed justice with the police and the judges. One reason may be that most of the judges rely on the Italian vote to put them in office, as well as for their private business. Some of the judges are never absent from an Italian gathering, whether it is an old-fashioned clam bake or a real drunk. Yet it must be remembered that there is no such thing as prohibition for the Italian. He has always had his wine, and probably will continue to have it. And, too, you will find him as your chief offender among the rumrunners, and, incidentally, as the smuggler of most any contraband that is profitable for him to bring in, e. g., opium, due to his past environment in Italy where smuggling has always gone on, and due to his adventuresome spirit.

A lawyer of Italian nativity:

When we Italian lawyers go into court we never feel the least inferiority in doing so, and never get anything but fair treatment. Yet whenever the Italian comes into contact with the law it signifies an oppressive institution due to the tyranny under which he has been raised in the old country. Then when, after all this mystery, he finds that he is given a fair hearing, and justice is meted out to him, it is so much the more agreeable.

A Filipino journalist:

The judges are fair to the Filipinos, except when one complains against another, and then it seems that the case is usually dismissed, or that they are just hurried along. I have followed several cases where this treatment has been given.

But as to the jails, there is no question about that; we were discussing the matter several weeks ago with two fellows who had just gotten out of the county jail; the conditions are almost ideal, and the fellows jokingly said they wanted to return.

A leading Mexican citizen:

The mayor and chief of police are mostly friendly to us and give very fair treatment. The courts are very impartial, and we have nothing but pleasure with the sort of handling that the Mexican receives in San Francisco. Our people in San Francisco feel in their hearts that they can get justice.

There is one matter in which we are discriminated against, and that is in the schools; the teachers in San Francisco will separate the

Mexican from the other children, and we have had many complaints in this office as to this practice. Outside of this one matter we are very pleased with the whole situation.

A judge recited an instance of what he believed to be use of "third-degree" methods against an American prisoner:

In one instance I was almost positive that the police were using strenuous methods of wringing out information of the location of certain goods which the defendant had been convicted of stealing, and for which he was going to San Quentin for a long period. The police came down from the jail and wanted an order to have the man released from the jail to be brought over into the hall of justice, for the purpose of making a confession, it was alleged. I thought it over, and told them to bring the man before me in my chambers, as I had my reporter here. They were hesitant but they brought the man in. He appeared to be under the influence of narcotics and when I asked him if he wanted to make a statement, he looked at the officers, and asked them if that was what they had brought him there for. The officer answered in the affirmative, and added that he knew very well the purpose of the meeting. When I again asked the prisoner if he wanted to make a statement, he replied that he would say anything, because of the way that they had been treating him. When the officer told him again to make the confession, he told them to take him back to the jail. Sometime later the man came up before me in open court, and he looked altogether different, much more natural and human. The officers afterwards told me that it was evident that I knew nothing about confessions from criminals, for they will never make a statement before a stenographer, as they fear to have each word and "slip" recorded. This is the nearest to evidence that I have seen that the police treat the prisoners roughly; this looked like a clear case of drugging the man to obtain the information.

SECTION III

CRIME AND THE FOREIGN BORN: STOCKTON, CALIF.

By PAUL S. TAYLOR

By reason of great racial diversity in the composition of its population, Stockton, Calif., presents a situation particularly interesting for study of law observance and enforcement among alien groups. According to the 1930 census, the population of Stockton is 47,963. A large element, in its alien population particularly, is floating; the city is a distributing center for agricultural labor employed in the Sacramento and San Joaquin Valleys, and a rendezvous for many who are seasonably unemployed in the winter.

Among the more important immigrant groups in San Joaquin County, of which Stockton is the county seat, are Italians, Japanese, Chinese, Hindus, Mexicans, and Filipinos. In 1920 half, more or less, of the Italians, Chinese, and Mexicans of the county, as reported by the January census, lived in Stockton. Slightly less than 20 per cent of the Japanese of the county were reported from the city of Stockton. The Italian immigrants have to a considerable extent passed from the ranks of farm laborers into those of owners of farms. The Chinese and Japanese, and to a lesser extent the Hindus, have been important elements in the agricultural labor supply of the district. With the curtailment of oriental immigration, the movement of Chinese and Japanese into business, and the movement of these races and the Hindus toward independent or semi-independent farming, and the expanding labor demand occasioned by the development of intensive agriculture, these groups have become relatively less important in the labor supply. Mexicans and Filipinos have entered the labor market. The best estimates obtainable of the winter population of Filipinos and Mexicans in Stockton were about

3,000 each. The numbers of these groups in the summer in the surrounding country are much increased. Few Hindus are residents of Stockton, although some hundreds are employed in the surrounding country and come frequently to Stockton, where the Sikh Temple is located.

EXTENT OF OFFENSES BY SIX PRINCIPAL ALIEN GROUPS

The opinions of local officials, including police and attorneys, charged with law enforcement, were unanimous that on the whole the alien groups were not offenders out of proportion to their numbers in the community. In the absence of figures of the 1930 census giving numbers of each alien group, it is impossible to make any careful comparison of populations and numbers arrested which would answer the question with reasonable certainty; even with census figures, there yet remains the unmeasured factor of seasonal fluctuation in numbers of alien groups in Stockton, not to mention the questionable validity of arrests as a measure. However, relying on such estimates as could be obtained, and the arrests of the Stockton police the record of the alien groups as a whole appears to be favorable.

It may be observed that the police records are kept in a manner very unsatisfactory from the point of view of a study such as the present one. In the district attorney's record of cases handled, no notation of nativity of the prisoner is made. The police blotter contains a record of daily arrests on which a place for recording nativity is provided, but it is frequently left blank. The form also provides for entry of race of the prisoner; however, since the classifications white, black, and brown are used, brown including indiscriminately Chinese, Japanese, Filipinos, and Mexicans, this part of the record is not particularly helpful to this type of study. With little trouble the records could be improved.

The record of arrests according to the police blotter, of the six principal alien groups for 1928 is given in Table I. Where the record was incomplete, identification of race was made by name.

TABLE I.—Number and percentage of arrests by the Stockton police of six principal alien groups, 1928

	Number	Per cent
Mexicans.....	642	7.8
Italians.....	139	1.7
Chinese.....	66	.8
Filipinos.....	55	.7
Japanese.....	32	.4
Total, 6 groups.....	934	11.4
Others.....	7,264	88.6
All arrests.....	8,198	100.0

No record of arrest of a Hindu appeared during the year. American-born Chinese and Japanese are included with the foreign-born of these races, although strict adherence to classification by nativity would separate them. The six groups specified accounted for 11.4 per cent of all arrests. A special census of children enrolled in public and Catholic elementary schools on February 1, 1927, indicated that in Stockton 13.9 per cent of the total were Mexican, Japanese, and "other" (principally Chinese) children.¹ This seems to confirm the view that these alien groups combined were responsible for rather less than their proportionate share of arrests during the year 1928. Individual alien groups varied from less than their proportionate share to perhaps somewhat more than their numbers entitled them to.

TYPES OF OFFENSES BY EACH GROUP

MEXICANS

From Table I it appears that Mexicans accounted for 7.8 per cent of all arrests for the year. The special census referred to above reported that Mexican children comprised 6.1 per cent of the total for Stockton. It is probable, therefore, that this group is responsible for its full proportion of arrests, or perhaps a little more, although several factors not fully known cast doubt upon the certainty of the conclusions. It is not certain, for example, that the proportion of Mexican school children is an exact index of the proportion of Mexicans to total population; furthermore, seasonal fluctuations increase the numbers of Mexicans in the city at

¹ Taylor, Paul S., Mexican Labor in the United States, I, 286.

some times, but by how much, it is impossible to say. It is clear, however, that compared with the other alien groups, the proportion of Mexicans arrested is decidedly high, amounting to 60 per cent of the arrests of persons of the six alien groups.

Law enforcement officials of Stockton consider Mexicans their greatest alien group problem. They are regarded as "a bad lot," "natural thieves," who have "no idea of private property." Petty theft, drunkenness, and burglary were mentioned as principal offenses. The use of solidified alcohol for beverage purposes and use, though rarely the sale of marijuana, were subjects of comment. The practice of carrying weapons, usually knives, makes the results of fighting among Mexicans more disastrous than otherwise and sometimes results in homicide, although none appeared on the record in 1928. Forgery is rare. As one person said:

You usually get the Mexican on a primitive type of crime, i. e., petty theft, or breaking and entering to commit theft, i. e., burglary. Under the influence of alcohol or drugs they frequently commit homicides. This is made more likely by their practice of carrying concealed weapons, usually a knife. Very rarely do we get a Mexican for an intellectual crime.

One officer observed that in serious cases, it was unusual for Mexicans to plead guilty, and another offered the explanation that Mexicans had the idea that they could not be convicted for an offense unless they had been seen committing it.

TABLE II.—*Offenses by number and percentages, for which Mexicans were arrested by the Stockton police, 1928*

Offense	Number	Per cent	Offense	Number	Per cent
Vagrancy.....	207	32.2	Robbery.....	4	0.6
Drunk.....	179	27.0	Evasion of rail fare.....	5	.8
Investigation.....	98	15.3	Concealed weapons.....	5	.8
Petty theft.....	24	3.7	Rape.....	3	.5
Wright Act (prohibition).....	21	3.3	Malignous mischief.....	3	.5
Disturbing the peace.....	21	3.3	Failure to provide.....	1	.1
State poison act.....	21	3.3	Reckless driving.....	2	.3
Quarantine.....	9	1.4	Throwing glass in street.....	1	.1
Traffic.....	19	3.0			
Battery.....	11	1.7	Total.....	642	100.0
Burglary.....	8	1.2			

The record of arrests of Mexicans, classified by charges, is set forth in Table II. It will be observed that practically one-third of the arrests were for vagrancy, and almost another one-third for drunkenness or violation of liquor laws. Of the remainder, almost half were held for "investigation" and the rest for a variety of offenses, among which may be noted petty theft, burglary, and robbery.

A local religious worker, who knew the Mexicans from long experience among them, both in Mexico and the United States, explained their violations of law in substantially the following terms:

Primitive, uneducated, still uncivilized, the Mexican immigrant laborer has lived where he was accustomed to having his property taken from him, and to making his living by appropriating what he needed from the hacienda. He has come north as a seasoned laborer, usually with a family. With the returns of [seasonal] work he has to keep himself and his family for the year. In addition, he is improvident by nature, so that even his small earnings are soon spent. It is to this economic necessity and to the undeveloped regard for the rights of private property that petty theft and allied offenses are due. Primitive passions coupled with the practice of carrying knives [which are so habitually worn as almost to be part of the dress of these people in Mexico] leads to homicides.

In commenting upon the use of marijuana, our informant said that its use was not extensive and was usually limited to unmarried men working under unendurable conditions who used it to relieve the dreariness of their existence.

It may be noted here that the use of marijuana is carried by Mexican immigrants to other parts of the country to which they go. In 1928 in Chicago, for example, appearance of marijuana was a matter of surprise and concern, for it was a drug with which local officials were unfamiliar, and which was at that time prohibited by neither the Illinois nor the Federal laws.

ITALIANS

According to the 1920 census, persons of Italian birth comprised 3.9 per cent of the population of Stockton. The police blotter of Stockton showed that 1.7 per cent of the persons arrested in 1928 were natives of Italy. The Italians are a fairly well-established element in the population, and

since they also present comparatively little racial diversity from others of European stock, they seem hardly to be regarded as aliens, at least so far as violations of the law are concerned. Their percentage of arrests is obviously low. Most of their offenses are related to prohibition, or the use of liquor. As an attorney and former Federal official said:

In prohibition cases the Italians give us the most trouble. They have been accustomed to the use of wine for centuries and do not see anything wrong in its use. They will make wine out of anything that they can squeeze, and they will sell it.

Analysis of the police blotter shows that 78 per cent of the arrested Italians were charged with offenses against prohibition, or probably related to liquor, viz, drunkenness, violation of the State prohibition act, and disturbing the peace. The view of an official that, aside from prohibition, the Italians of Stockton present no particular problem as law violators, appears to be well founded. The record of arrests of Italians is given in Table III.

TABLE III.—Offenses by number and percentages, for which Italians were arrested by the Stockton police, 1928

Offense	Number	Per cent	Offense	Number	Per cent
Violation of Wright Act.....	65	40.8	Bad checks.....	1	.07
Drunk.....	30	21.0	Lottery ticket in possession..	1	.7
Investigation.....	10	7.2	Malicious mischief.....	1	.7
Disturbing the peace.....	9	6.5	Failure to provide.....	1	.7
Vagrancy.....	12	8.7	Traffic.....	1	.7
Visiting lottery joint.....	3	2.2	Perverstion.....	1	.7
Speeding.....	2	1.4			
Possession of still.....	1	.7	Total.....	130	100.0
Keeping disorderly house.....	1	.7			

CHINESE

In Table IV are given the offenses for which Chinese were arrested during 1928. It will be noted that approximately 70 per cent are concerned with either gambling or narcotics. The percentage of total arrests is low; Chinese accounted for but 0.8 per cent when they (native and foreign born) constituted slightly over 2 per cent of the population of Stockton in 1920. In this connection, however, it must be observed that gambling under Chinese auspices is carried on in Stock-

ton under circumstances so open that it could not be unknown to the police. The number of arrests is therefore in this case not an accurate measure of degree of law violation, but a clear understatement of it. Of course, arrests are not a perfect measure of law violation by any nationality; they may either understate or overstate, and it is often not clear in which direction the record deviates.

With the exceptions of gambling and narcotic offenses, however, the Chinese are regarded as a very law-abiding people. Typical of the generally favorable view was the following:

The Chinese are another people who are all right. They are fundamentally honest. It is true they gamble, but gambling is part of a Chinaman's daily life like eating his meals. It does not seem to lead to other vices. Some of the unfortunate Chinese use drugs, but it does not seem to be general.

TABLE IV.—Offenses by number and percentages, for which Chinese were arrested by the Stockton police, 1928

Offense	Number	Per cent	Offense	Number	Per cent
Visiting gambling joints.....	21	31.8	Burglary.....	2	3.0
Lottery tickets in possession..	14	21.2	Drunk.....	1	1.5
Conducting lottery joint.....	4	6.1	Practice of medicine without license.....	1	1.5
Narcotics.....	8	12.1	Possession of still.....	1	1.5
Wright Act.....	3	4.6			
Investigation.....	3	4.6	Total.....	66	100.0
Vagrancy.....	7	10.6			
State barber law.....	1	1.5			

FILIPINOS

The discrepancy between the attitude of Americans toward Filipinos and the record of their arrests was striking. For some time prior to our investigation anti-Filipino sentiment had been on the increase in California, with violence appearing in Watsonville, and subsequent to the investigation violence broke out in Exeter, Stockton, Dinuba, and elsewhere. Strong race feeling was evident in the replies to our questions. Law-enforcement officials said, "The Filipino is our greatest problem." It was reported, "When the police wagon gets a call that there is a hospital case in a Filipino flop house, they say, 'let's take our time and maybe he'll be

dead when we get there." The first point uniformly made against the Filipinos was their relations with white women. To them was ascribed the "ruination" of many white girls. Upon questioning, the offense seemed to be that the Filipinos were aggressive in presenting themselves for the favor of white girls, and that the white girls would go with them. One observer thought that the greatest danger in this was danger of spread of venereal disease. To most persons the objection was undoubtedly grounded on opposition to race mixture.

Another charge against the Filipinos was that they frequent gambling places: "Whenever we raid a gambling joint we are sure to find a lot of Filipinos as visitors." Filipinos themselves admitted this, but urged closing the halls. An American observer offered in extenuation that—

It is widely said that gambling is one of the vices of the Filipino, but I do not think that he is to blame. He has no social opportunities, and he is openly invited into the gambling resorts. I have heard them solicited on the streets.

Another common charge is reckless driving. Said one American:

As soon as a Filipino or a group of them can raise \$15, it is put down as the first installment on a secondhand car. Then they fill it with gas and start out on the highway. They are very high strung and very poor drivers and cause many of the serious accidents about here.

A Filipino admitted that some of his race were very poor drivers, but asked, "Why will the dealers sell cars to Filipinos, and why will the traffic officers issue operators' licenses to them?"

Filipinos were also charged with carrying concealed weapons, usually a knife or brass knuckles, but one of the officers making the charge was inclined to treat it lightly, for, as he said, "They seldom use them on others than themselves." Filipinos admitted the proneness of their people to carry weapons, and ascribed it to their customs rather than to any desire to break the law, and pointed out that through the Filipino press attempts were being made to educate their people from the practice.

After the initial expressions of dislike for the Filipino, it was sometimes admitted upon closer questioning that the

offenses of the Filipino were not serious. The record of arrests of Filipinos is set forth in Table V. It will be noted that the percentage of Filipinos arrested, which was but 0.7 per cent of the total, is very favorable to them. Also that liquor and narcotic law violations do not appear on this record, except for some cases of drunkenness, and perhaps some disturbing the peace or vagrancy. It is generally noted of the Filipinos that they drink comparatively very little.

The opposition voiced against the Filipinos of Stockton has no basis in their crime record, which is distinctly very favorable to them; it rests on other grounds.

TABLE V.—Offenses, by number and percentages, for which Filipinos were arrested by the Stockton police, 1928

Offense	Number	Per cent	Offense	Number	Per cent
Disturbing the peace.....	10	18.2	Pimping.....	1	1.8
Investigation.....	16	29.2	Contributing to delinquency of minor.....	1	1.8
Petty theft.....	5	9.1	Reckless driving.....	1	1.8
Vagrancy.....	5	9.1	Battery.....	1	1.8
Drunk.....	5	9.1	Traffic offense.....	1	1.8
Carrying concealed weapons.....	3	5.5	Embezzlement.....	1	1.8
Quarantine.....	2	3.6	Total.....	55	100.0
Visiting lottery joints.....	2	3.6			
Grand theft.....	1	1.8			

JAPANESE

The Japanese are favorably regarded and are reported to "give little trouble." One attorney said:

Contrary to the belief of people from the agricultural district the Japanese is all right. He seldom gets into trouble. He is industrious, puts his money in the bank, and buys the best for himself.

A police official said:

Once in a while we get a Japanese who passes a bad check, but on the whole they seem to make an attempt to be law-abiding; besides, most of them are settled down, own property, and are pretty used to our ways.

A leading Japanese said that his people were now accepted as part of the community; that for the most part they had families and were in settled occupations. He thought that his people made a definite attempt to be law-abiding, and said

that where there were offenses it was usually because of ignorance of the law, e. g., violation of the fish and game laws. The records from the police blotter presented in Table VI show few serious Japanese offenses. According to the census of 1920, Japanese were about 2 per cent of the population of Stockton and a little less than 5.5 per cent of the population of the county. Yet only 0.4 per cent of the arrests were Japanese. Both opinion and record agree that the situation is distinctly favorable to the Japanese.

TABLE VI.—Offenses, by number and percentages, for which Japanese were arrested by the Stockton police, 1928

Offense	Number	Per cent	Offense	Number	Per cent
Vagrancy.....	0	18.8	Traffic.....	1	3.1
Drunk.....	9	23.2	Defrauding innkeeper.....	1	3.1
Wright Act.....	3	9.4	Petty theft.....	1	3.1
Disturbing the peace.....	4	12.5	Carrying concealed weapons.....	1	3.1
Visiting gambling joint.....	5	15.0			
Investigation.....	1	3.1	Total.....	32	100.0

Inquiries were made among various immigrant groups concerning their relations with American laws and law enforcing officials. It is noteworthy that complaints against methods of law enforcement were usually secondary grievances as compared with what were regarded as social or racial discriminations.

CHINESE

Admittedly, Chinese operate gambling places; the look-outs can be seen as one looks down the street, standing like sentinels, which they are. Indeed, it was reported that some Chinese thought that, "the police raid only because it is a duty." My Chinese informants, like Hindus and Filipinos, expressed concern over the reputation of their fellows as gamblers, and urged that the laws against gambling ought to be more strictly enforced than they then were. They mentioned not only the operation of gambling halls in Stockton, but also the operation of places just outside the city limits and the open solicitation on the streets of Stockton by

those who drive them in cars to the edge of town. Chinese, Japanese, Filipinos, and Hindus are reported to be the principal patrons of the gambling halls, the latter races being admitted more when business is slack, and less when Chinese patronage is good. (A Hindu thought this distinction unlikely, as his countrymen never seemed to find difficulty in securing admittance.) But a Chinese said that the police seemed to interfere less when gambling was confined to the Chinese.

In extenuation of the practice of operating gambling places, a Chinaman born in the United States pointed out the difficulty of entering other occupations:

But you must consider what a Chinese can not do. It is harder for a Chinese to find work. They get an education as an engineer, and then, failing to secure employment, try to run an oil station. A California-born Chinese was engaged as a marine engineer on a Dollar ship. The others struck, so he lost his job. Chinese can't get jobs in banks.

And another, with perhaps some of the same incidents in mind, said:

Chinese boys who are mechanics can't get jobs; the owners fear they would hurt their business by employing them. Generally there is a silent boycott against Chinese business men; therefore, they can not be equal economically.

He added that when he remonstrated with some of his race who operate gambling places, one replied: "This is a business. What would you have us go into? We can not all go into the restaurant and laundry businesses."

With reference to the use of and the trade in narcotics by Chinese, a young Chinese voiced a common opinion when he said: "The traffic in narcotics by Chinese in the United States will blow over like a broken branch in the next generation."

One Chinese objected to the California law which prohibits an alien from carrying a weapon, claiming that they need them as protection against "evil Americans who would rob Chinese without resisting power; the Chinese are not physically so strong as the Americans. The tong people carry them anyway, and innocent people have them taken from them [by the officers] first."

It was also pointed out that:

The Chinese merchants give the police cigarettes, firecrackers, cigars, etc. The police are "privileged characters." They [the Chinese] think, "He's an officer; it might be handy. He tells us when we can't sell firecrackers, etc." When a Chinaman gets drunk [then], instead of calling the station, he tells them to quiet down; it saves money!

A reputable Chinese business man of a number of years' residence in the community, who was carrying home some Christmas candy for his children, was stopped on the street and without warrant searched for narcotics. The conversation with the officer was reported as follows:

The Chinese protested against the search, saying, "You ought to know me * * *" but he was interrupted by the officer with, "No sassing back; I often catch people this way."

Among the Chinese the question was raised, "Would he do it to a white man?" The answer is that under California law, which admits evidence illegally obtained, officials do search white men without warrants. However, the affair was regarded in the Chinese colony as a racial indignity; one of their respected citizens, although American born, had been publicly searched on the streets without warrant; he had not even been accorded the decency of private search in some near-by house or store. There was a feeling of helplessness: "If I go to court—it's 'resisting an officer.' His word is worth more than mine." At the same time there was complete sympathy with the effort to suppress the narcotic traffic: "I wish they would be stricter on dope; I hate those who handle dope." There was disbelief in the equality of Chinese and white men before the law. "Our word is not as good as a white man's with the police." When I inquired whether the same was true in the courts, the reply was skeptical: "It's hard to say whether they are fair or not [as between white men and Chinese]."

When Chinese are killed by Americans, there is resentment if the Americans do not receive what the Chinese regard as adequate punishment. Three instances were cited to us in Stockton, although but one was said to have occurred in that city. A private patrolman, alleged to have been drunk while on duty, and to have shot a Chinese business man who re-

fused him a drink, plead guilty at his trial and was sentenced to 300 days in jail or a fine of \$300. The Chinese commented to me that the sentence was light "just because that was a poor Chinese. If a white man had been killed, he would have got more." The second instance was that of an American driver, alleged to have been drunk, who ran into the car of a Chinese bridal party, resulting in setting fire to the car of the Chinese, and burning the occupants to death. There was ill feeling against the constable, who was affirmed to have said at the scene of the accident, "He's pretty drunk," but to have testified later that the accused American was not drunk, and against a district attorney, who, speaking of the accident over the phone, said, "Yes, they're only Chinese." The American was said not to have been brought to trial, which the Chinese regarded as gross injustice founded on race prejudice. The third incident was said to have taken place in San Francisco. When an American woman who had killed a Chinese woman with her automobile was freed, the Chinese husband asked, "If I ran over an American, would you let me loose?"

The facts of these incidents were not verified by the writer. Indeed, the conviction of Mrs. Pantages in Los Angeles for fatal injury to a Japanese by her auto which she was driving while under the influence of liquor, is one answer to the last query, and an answer to the first—i. e., whether illegal methods are employed against white Americans as well as against nonwhites—has already been suggested. But irrespective of the truth of individual cases, there is a deep-seated conviction among the Chinese, whether born in the United States or not, that they are not equal before the law with white Americans.

JAPANESE

A leading Japanese pointed out that among his people it was principally the old bachelors who patronized the Chinese gambling halls. For the most part they live in the country and come to town to spend their money. He said that the Chinese sell narcotics mainly to Chinese and whites. The Japanese make and drink sake (rice wine) in preference

to using narcotics. He reported that a few years ago he saw a policeman use a blackjack on a Japanese, without sufficient provocation, but he stated emphatically that for some years there had been no reports that Japanese had been beaten by the Stockton police.

There was also belief that in automobile accidents involving Japanese and whites, even-handed justice could hardly be counted on. A recent instance was cited in which white witnesses who could have given testimony favorable to the Japanese would not do so, presumably for racial reasons.

HINDUS

The Hindustani population was concentrated in Stockton during our investigation because of a convention held at the Sikh temple located there. The complaints against administration of our laws made by the Hindus, as they are usually called, did not pertain to Stockton but are nevertheless included here.

One Hindu reported that a district attorney had not adhered to his agreement with him. The Hindu was carrying a weapon (a felony for an alien in California) at the time of his arrest on some minor charge. The district attorney, he reported, agreed to drop the former charge and secure for him a light fine if he would plead guilty to the other charge. When the sentence proved to be a fine of \$500 and six months in jail he felt that he had been unfairly and dishonorably treated. Not only did he feel this because of the asserted broken agreement with the district attorney, but also because in the same affair for which he was arrested there were said to be four Americans and one Mexican; the Americans received sentences of 30 days each and the Mexican a sentence of 60 days.

In the above case the Hindu asserted his belief that another Hindu who was an enemy of his had bribed the district attorney. In other instances charges of bribery to the disadvantage of Hindus were made both against courts and immigration officers. Interestingly, it was claimed that personal enemies among their own race gave the bribes, some of them openly gloating over their method of injuring their fellow

Hindus. Whether there is any foundation in fact we are unable to say. Concerning the immigration officers, another Hindu said that they were generally regarded as a well-disciplined force, not open to bribery.

Like Chinese and Mexicans,² Hindus raised the issue of adequacy of punishment of Americans who cause the death of their people. It was with a feeling of race grievance that they recounted the case of an American who shot a Hindu in Imperial Valley some 15 years ago but was freed by the jury. On the other hand they also recited an instance in Imperial Valley of a Hindu whom they thought had been fairly treated by the courts. This Hindu killed two Americans who sought to take advantage of him in a joint arrangement for sharing a lettuce crop. When his American partners told him to leave, apparently relying upon the alien land law to prevent him from asserting his claims by legal means, he killed the Americans. The Hindu in Stockton who recounted the affair said that the sentence of from 10 years to life which was passed on their countryman was lighter than otherwise because the American community was sympathetic to the defrauded Hindu.

The law officers of two California communities were specifically mentioned as "good men." In another community, in Imperial Valley, there was resentment against an officer who knocked on the head a drunken Hindu whom he took to the police station. There was also a generalization that "The Hindu never feels he will get justice against an American. He doesn't expect justice." Perhaps because of Indian political aspirations it was added, "Our treatment isn't equal to that of some other immigrants because we haven't our own government to represent us. The Japanese and Mexicans are treated better."

FILIPINOS

As already pointed out, hostility of Americans toward Filipinos is frequently focused on the relations of Filipino men with white women, a relationship which apparently is mutually satisfactory to the participants but which is re-

²See Pt. III, Sec. I.

sented by other members of the American community. In the name of the Filipinos complaint was made that "if they are even seen talking with a girl they are arrested. A Filipino can't look at a girl. He or both will be taken in by an officer." There was also complaint that they are sometimes subjected to search without warrant and that when they gather around to talk on the streets they may be arrested for "planning a riot." The view was expressed that without legal representatives the Filipinos were subject to prejudice and unequal treatment. For example, a particular official is reported to have said on the bench that he "understood Filipinos were very fast drivers." But it was also said that with proper legal representation the Filipinos were usually treated fairly and often sympathetically.

It was said that a previous administration in the city kept the Filipinos out of the gambling halls, and as a result of this practice they had to go to the edge of the city limits where gambling was carried on, and to which a "bus" service was maintained. Under the present administration it was said that Filipinos are admitted to the town's gambling halls. My informants believed that it would be desirable to close the gambling halls.

It is not the fault of my people. The police refuse to close the places. Why don't they close them instead of raiding them? What are the boys here to do? They have no chance for social relations with the white people here. It is natural that they should visit these places.

MEXICANS

A person close to the Mexicans summed up their attitude when he said, "they feel that they don't quite have equality with Americans." No specific complaints were made, however. It was also said that, "A Mexican gets a better deal in Stockton than in the South." It was stated that no cases of mistreatment by officials had come to the attention of my informants.

The preceding is a statement of the incidents which persons of various races reported to me, and the attitudes of these race groups toward the administration of justice. Opportunity was not afforded for investigating the incidents

cited; although ex parte accounts, they are nevertheless important as illuminating the belief in inequality before the American law which is common to these groups.

In order to understand this attitude more fully we may well go beyond the strict confines of our subject and introduce a brief summary of some of the other disabilities mentioned by various informants. Indeed, it is significant that although approach to them was with reference to the administration of criminal justice, that when their confidence was gained, they volunteered much more information relating to other sorts of discrimination than to the administration of criminal justice.

The alien land law of California was a grievance raised by Chinese, Japanese, and Hindus. The Mexicans are not included in its provisions since they are generally treated as eligible to citizenship, and the Filipinos while not generally eligible to citizenship are not aliens. Concerning the status of both Mexicans and Filipinos, legal questions have been raised, but irrespective of this neither group has as yet evinced much desire to undertake farming operations independently. With the Chinese the grievance was less pressing because there are more Chinese than Japanese who are citizens by birth and therefore not subject to the provisions of the act. The Japanese find the provisions of the law more burdensome, as Hawaiian-born Japanese in California are not numerous, and the California-born Japanese have in very few cases attained their majority. As one Japanese said, "It would be better if they could own or lease land. The alien land law makes life miserable for them and is unfair." It is both annoying and injurious to Japanese pride. To the Hindus also the alien land law is an annoying restriction. It has offered a means by which unscrupulous citizens who aid them to circumvent the law may defraud the Hindus who are left without legal recourse, and has made agricultural operations more difficult for them.

The denial of eligibility to citizenship was mentioned by the Hindus only. Perhaps the reason that the Chinese did not mention it is that the rise of an American-born generation is solving that problem, and the Filipinos for the most.

part think that they will return to their home. Furthermore, the eligibility of the Hindus has been a subject of recent agitation among them. Only a few years ago (1922) a decision of the United States Supreme Court settled the issue adversely to them, holding them to be nonwhites within the meaning of our naturalization law. Said one of my Hindu informants, "it is a national insult added to injury that we were not held to be of the Aryan race, and it is resented in India too." The injury was largely that the decision brought them within the provisions of the California alien land law.

The exclusion of Chinese was not regarded by my Chinese informants as particularly undesirable, although they felt that to single out the Chinese for exclusion by special statute was to discriminate against them unduly. As one American-born Chinese said, "They ought to exclude *all* foreigners whether white, black, yellow, or red. They should protect the labor here now, and [unrestricted] immigration would make it pretty hard for those here." A Japanese objected to exclusion under the act of 1924 as an injury to pride. He added:

But, we are against more Japanese immigration because the more Japanese there are here the more there is American feeling against the Japanese. If more come there will be bad ones among them, therefore, it makes a bad reputation for all. It would be a slow process to build up again to the present good relations.

The unbalanced sex ratio renders life abnormal in many respects for all of these oriental groups. This is particularly true of the Hindus, who said that exclusion, which has applied to them since 1917, is no longer felt by those here as a practical handicap, except that they are prevented from bringing Hindu women to the United States. A Hindu's view of immigration restriction was as follows:

More Hindus than would be allowed by a quota now come in illegally. They take chances of life and death crossing the desert. If there were a quota, even though small, illegal entries would be reduced, for most prospective immigrants would prefer to wait even years for a visa rather than take the risks of illegal entry. Also a very small quota, instead of total exclusion, would win the good will of India.

The census of 1920 reported 2,409 Hindu males in the United States, and only 98 females. The ratios of males per 100 females was 189.8 among Japanese, 695.5 among Chinese, and 1,410.2 among Filipinos. Both Chinese and Hindus wished the privilege of bringing in women of their own race. A Chinese pointed out the difficulty of a situation in which intermarriage between Chinese and whites is illegal in California, the ratio of Chinese males to females is almost 7 to 1, yet Chinese-born wives of Chinese who are American citizens can not immigrate to the United States. The sex ratio of Filipinos is almost as badly unbalanced, but not because of any restrictive legislation. This heavy predominance of males is undoubtedly the cause of much of the maladjustment between these races and Americans, as well as serious distortion of the lives of members of these groups.

The administration of our immigration laws with reference to Orientals is not only difficult but a cause of friction as well. Complaints of the form and manner of questioning, of protracted delay, and sometimes of personal indignities were made. The Hindus complain, for example, of instances in which inspectors badgered them by pulling their hair, an act which is felt to be particularly insulting. Some also thought that immigration officers sometimes used their office to vent grudges, and that persons with grudges against them sometimes turned them over to the immigration officers to make trouble for them. A Chinaman admitted that his fellows lie to immigration officers, but said, "If the administration of the laws were better regulated we wouldn't have to lie. Sometimes we have to lie even when [the truth would entitle us to admission]. The officers have deported some Chinese boys who were the natural sons of citizens of Chinese race and have let some into this country who were not."

Social discrimination, such as denial of admission to restaurants, theaters, barber shops, hotels, etc., and reluctance to patronize business conducted by orientals were all resented.

It was felt, probably with reason, that the same racial prejudice entered into legal disputes involving these races and Americans. Indeed, rather striking confirmation of the

existence of this is the fact that at least one of the important automobile clubs of California providing mutual insurance instructs its agents not to insure persons such as Chinese, Japanese, Negroes, Hindus, and Filipinos, or persons who do not speak English. Nevertheless, it should also be noted that there was no complaint of recent police brutality in Stockton, and that comments were sometimes offered that in specified instances treatment was notably fair. Furthermore, the illegal procedure against which protest was raised, such as search without warrant, is followed against citizens as well as aliens.

PART V
GENERAL CONCLUSIONS

By EDITH ABBOTT

GENERAL CONCLUSIONS

The reports that have been submitted herewith deserve careful study before any conclusions are pronounced regarding crime and criminal justice in relation to the foreign born. Miss Bowler's report, in particular, should be carefully considered because of the extensive collection of official statistical data that she was able to assemble. The data utilized in Miss Bowler's tabulations included general or detailed information regarding the nativity of the individual offenders in some 4,000,000 cases, distributed as follows:

Police arrests from 34 cities.....	3, 548, 876
Felony arrests, State of New York.....	24, 867
United States prohibition indictments.....	26, 685

There are also the following cases of convictions and commitments:

Convictions.....	643, 442
Commitments to institutions for petty offenders.....	524, 149
Commitments to Federal and State prisons and reformatories.....	78, 688

Miss Bowler's report was written independently. The conclusions that she has drawn were prepared entirely on her own responsibility and with few conferences or consultations with me. I considered myself fortunate when I secured Miss Bowler's assistance in the preparation of this report. I am glad to transmit a piece of work so competently done for your consideration.

Nativity data for nearly 27,000 prohibition indictments were specially secured for this study and have been presented in Miss Bowler's report. This is also true of the Illinois prison interviews. The work was done before Miss Bowler began her work, but she has carefully studied the material in Doctor Horak's and Mr. Ford's schedules and has made

use of their data in her report. She has, however, tabulated and analyzed this material without any assistance from me.

It is very significant that Miss Bowler's large collection of police and court statistics lead her to the conclusion that "in proportion to their respective numbers, the foreign born commit considerably fewer crimes than the native born." Her next conclusions are also important: "That the foreign born approach the record of the native white most closely in the commission of crimes involving personal violence" and that "in crimes for gain (including robbery, in which there is also personal violence or the threat of violence) the native white greatly exceed the foreign born." She also reports that the data do not justify the assertion of excessive criminality of any particular national group. Her conclusion is "that in the commission of certain types of offenses there is considerable variation among the different nationalities within the foreign-born group but that the detailed data as yet available are insufficient, both as to quantity and accuracy, to warrant the formation of any final conclusion as to the comparative criminality of any particular groups."

Finally, there is the conclusion "that there is insufficient information available to warrant any deductions as to criminal activity among the native born of foreign parentage as compared with those of native parentage."

Deserving of special consideration is Miss Bowler's review of the statistics furnished by the police departments of nine important cities. These nine cities which supplied data in such shape that it was possible to compile a table showing their combined experience as to nativity and country of birth of the persons accused by their police of certain of the most serious offenses were Chicago, Detroit, Los Angeles, Cleveland, Cincinnati, Kansas City (Mo.), Rochester (N. Y.), San Francisco, and Cambridge (Mass.). The crimes for which there seemed to be fairly comparable data in the material sent were homicide, rape, robbery, aggravated assault, burglary, and selling, carrying, or possessing dangerous weapons contrary to law.

That is, Miss Bowler's table for these nine important cities that were able to furnish data for the commission narrows

the field of crimes under consideration to those that most frequently and seriously menace person or property. Miss Bowler's conclusion is that "here as in the previous tabulations, the foreign born has a distinctly lower rate of arrest in proportion to numbers than the native white, and, except in rape, only a tenth or even smaller fraction, that of the Negro. The foreign-born rate approaches the native white most closely in arrests for aggravated assaults. In the vast majority of instances, of course, these represent so-called "crimes of passion." That is, they arise out of personal quarrels or family "feuds," and are not the premeditated, planned type of crime. She reports that the foreign-born offenses are not aimed at material gain.

In crimes for personal gain the native-white rate rises conspicuously higher than that of the foreign born. Apparently in so far as police investigation has warranted a conclusion as to who bears the responsibility for robberies in these nine cities the evidence has pointed to the native white almost four times as often as to the foreign born. Responsibility for burglaries has been laid at the door of the native white about 2.7 times as frequently as at that of the foreign born.

Special attention is called to the trend of Chicago statistics. These statistics are the most reliable measure available of Chicago crime in relation to the foreign born, regardless of sensational journalistic accounts of the situation. The tables in Miss Bowler's report led her to the following conclusions (see P. II, Sec. III) :

There are some notable features about Chicago's experience during the past 15 years in the matter of convictions. Table VII reveals a steady decline in the felony conviction rate since 1915. The average rate for the years 1925-1929 is 35 per cent less than it was during the period 1915-1919. It will be remembered that Table IV disclosed the felony arrest rate in Chicago to have been steadily mounting during the same period. The felony conviction rate for the foreign born seems to have been decreasing at a more rapid rate than that of the native white. In the misdemeanor field, Table VII-A, the general conviction rate has risen slightly. But curiously enough, while the native white and the negro were maintaining an increased rate, the foreign born were achieving approximately a 25 per cent decrease in this direction also.

The tables presented by Miss Bowler justify her in the conclusion that "during the recent years, 1925-1929, the for-

eign born in Chicago were convicted of felonies only about one-third as often as the native white and but slightly more than one-third as often were convictions against them registered in the misdemeanor field."

After an examination of her Table VII-B, Miss Bowler says, "where felony conviction rates for the various national units are shown," it is revealed "that the decrease has been fairly consistent throughout. In no instance does this period show an increase over the 1915-1919 average. Greece had registered a slight increase in 1920-1924 average, but this was more than wiped out during the next five years. Greece, Italy, Lithuania, Poland, and all other groups show rates above that for the total foreign born. None show a rate as high as that of the native white."

From her Table VII-C, Miss Bowler concludes that—

For misdemeanor convictions, the national units show a little more variation, but nothing especially worthy of note. In the 1920-1924 period Czechoslovakia, Lithuania, Poland, the Scandinavian countries, and the All Other Group registered higher rates than in 1915-1919. All showed distinct decreases in 1925-1929, Czechoslovakia and Poland dropping below their 1915-1919 rates, Lithuania, the Scandinavian countries, and All Others continuing to maintain rates slightly higher than in 1915-1919. In no case did the rate of a foreign-born unit rise as high as that of the native white. The countries whose misdemeanor conviction rate was higher than the general foreign-born rate were Greece, Italy, Lithuania, Poland, the Scandinavian countries, and All Other Group.

Similarly the Detroit tables which Miss Bowler presents show "a conviction rate for Part I offenses during 1930 that was 35.4 (per 10,000 population) for native white and 14.1 for foreign born. Part II offenses include too many felonies to be properly compared with any misdemeanor rates." But Miss Bowler's conclusion is that "the native white in Detroit were convicted of Part II offenses about 1.5 times as often as the foreign born."

A further comment on the Detroit figures which should be quoted from Miss Bowler's report is this:

Review of the conviction rates for particular offenses discloses that in convictions as in arrests the foreign-born rates approached the native white most nearly in crimes of personal violence. They very nearly equaled the native white in homicide and exceeded it almost

two to one in aggravated assault. But in robbery and burglary the native white was convicted almost three times as frequently as the foreign born. In larceny of all kinds the native white was deemed guilty more than twice as often. For Part II offenses, assaults, liquor laws, and gambling found the foreign born running a higher rate than the native white. But they were convicted of drunkenness less than half as often.

Miss Bowler reports that "except for the Mexican rate no other national unit's rate exceeds that of the native white. The two highest, Italy and Poland, run just about half the native white rate. In lesser offenses (Part II), Greece, Ireland, and Mexico exceed the native white rate. All other national units fall below it in varying degrees."

In general Miss Bowler says that the material from Chicago, Cleveland, Detroit, and Los Angeles justifies her in drawing this conclusion:

The effect of a study of the figures on convictions presented in this section for the four cities from which such figures were procured is to greatly strengthen the conclusion reached in Section II. That was, that the foreign born in general are found to commit less crime, in proportion to their numbers, of like age and sex, than the native born, and that the foreign born approach the crime standard set by the native born most nearly in crimes of personal violence and drop farthest below it in the crimes for gain.

With regard to the Federal prohibition violations the United States attorneys cooperated generously in securing data regarding country of birth of offenders for one quarter. Miss Bowler's comment on these returns is of interest:

The almost exact conformity of the native white percentage of prohibition charges filed to their percentage of the male population 21 years and over in 1920 is striking. The Negro percentage is slightly higher, the foreign born slightly lower than their respective population percentages.

This seems important enough perhaps to justify the commission in asking the Department of Justice to secure data regarding country of birth regularly so that more adequate data may be available for future studies of this subject. Miss Bowler's further statement regarding the prohibition statistics should also be quoted:

Closer inspection shows certain national units registering percentages of Federal prohibition cases considerably out of proportion to

their percentages of the population. Most conspicuous of these are Italy and Mexico, with 2.3 and 2.4 times as high a percentage as would normally be expected. Other units running higher percentages than their proportion of the population would warrant are Lithuania, 1.7 times the expected per cent, Ireland 1.4, Greece 1.2, and Austria only 1.03 times their respective percentages of population. All other units run Federal prohibition case percentages lower than their population percentages, in varying degrees.

It is also important to note that, after a careful study of the available statistical record of arrests, Miss Bowler concludes that—

As they stand, these figures seem to disagree radically with the popular belief that a high percentage of present-day banditry may be ascribed to the alien. Certain groups do run comparatively high rates for offenses involving personal violence. How many of those offenses were committed in connection with crimes for gain is not shown. In certain cities some would undoubtedly be connected with gang wars, or with intimidation measures in extortion or racketeering activities. But only a special bit of careful research would reveal how many crimes of that particular sort are perpetrated by foreign born as compared with native born. Time and funds did not permit the making of intensive studies of problems of that kind.

Miss Bowler also notes that—

A great many police officials with years of experience in investigating crimes of violence express the opinion that in the majority of such crimes by foreign-born persons the victim is a member of the same national group, frequently a friend or associate. The immediate causative factor has often been something of a personal nature, an argument over a gambling game, quarrelsomeness resulting from too heavy drinking, jealousy in connection with attentions to a member of the opposite sex, some reflection on personal or family honor. Such cases form a type of offense distinctly different from those associated with organized professional crime.

The conclusion at which Miss Bowler arrives is important. She says that, summarized, the statistical evidence offered in nine cities leads to these conclusions:

1. In cities of diverse characteristics and varying size, scattered throughout the country, the police find good reason to accuse the native-born white and the Negro of crime very much more frequently than the foreign born.
2. The foreign-born arrest rate, in proportion to their number, of the same population class and of similar sex and age characteristics, approaches that of the native white most nearly in crimes involving

personal violence, and drops below it most decisively in crimes committed for gain.

The importance of securing competent honest interpreters is indicated in the material collected by Miss Bowler and by Mr. Warnshuis. The Massachusetts State Immigration Commission dealt with this subject in 1914 at some length. A few paragraphs are quoted here from that official report, since it is clear from the work of Miss Bowler and Mr. Warnshuis that the problem of court interpreters is not settled. That commission commended the police court judges and justices of the peace of Massachusetts but added that "impartiality and intelligence on the part of the judge are not sufficient." It was pointed out that in these courts the immigrant appears as complainant or defendant, ignorant not only of American law and court procedure but of the language as well. The commission emphasized the fact that the judge was "dependent upon the interpreter for his knowledge of the facts; the intelligence, honesty, and impartiality of the interpreter are as important as his own."

"In this matter, as in education, the importance of planning to care for the immigrant in accordance with American standards of justice has never been really faced." The commission said plainly that "instead of responsible interpreters, those provided are too often dangerously incompetent." An examination held by the commission "which was mainly a test of the applicant's ability to translate these languages, brought out the fact that many of the men who had been for years interpreting about the Boston courts had a totally inadequate vocabulary both in English and in the foreign language." The commission saw the immigrant as a man who was "ignorant of all his legal rights, unable to talk to police, attorney or judge," he is in need of some one who will "explain the charge to him, notify his friends, find a lawyer for him and then act as interpreter in his dealings with his lawyer and when his case comes up for trial. For this reason," said the commission, "the 'runner,' whose character and practices are so well known, can not be excluded from the courts until interpreters and attorneys for the defense are provided by the State."

Owing to the method of selection and payment the legitimate earnings of the interpreter are wholly inadequate and, in consequence, he may be tempted to take money from those interested in the outcome of the case, and to arrange for the division of fees with some "shyster" lawyer for whom he acts as runner. In every city in which investigations were made by the commission complaints of dishonesty on the part of present or former interpreters were heard. Police officers and clerks of court said that men ignorant of English as well as of the language they were attempting to interpret are constantly accepted as interpreters because no others are available. In order to determine the general truth of this statement, interpreters who are used in four different cities were selected quite at random by the commission and given a very simple test as to their command of the languages that they testified they were interpreting in court.

A common complaint is that an Italian undertakes to translate dialects that he does not understand. The Pole who knows Polish is likewise allowed to translate Russian, Bohemian, Slovak, and the other Slavic languages. He may perhaps in rare cases have learned all these, but as a general rule he is able to understand something of what is being said only because of the general similarity of the languages. That means, of course, that he is entirely unable to make the accurate translation that is essential in the administration of justice.

Since the judge can know the facts only through the interpreter, the honesty, competence, and disinterestedness of the interpreter, as we have said, are as essential as his own. There can be no assurance that these qualities are possessed under the present system, or lack of system. It is important to the State not only that the individual concerned should not be unjustly punished or deprived of his liberty, but that this injustice should not result in the unfortunate belief that the courts are unfair to the foreigners and that those who are especially charged with the enforcement of the law lend themselves to its defeat.

The commission said that the only objection that could be made to official interpreters whose qualifications have been tested was on the ground of expense and added:

Neither expense nor occasional delay should outweigh the necessity of having for interpreters only those who are salaried officers of the court, appointed only after a thorough test of their competence by the Civil Service Commission. * * * Uneducated and often unscrupulous interpreters usually have some lawyers to whom they direct the immigrant and, according to reports made to the commission, the lawyer and the interpreter often conspire together to encourage the filing of complaints. Not infrequently the runner goes to both parties and helps them to work up their cases, receiving fees from both and promising to "look out for" both when the case comes up for trial.

It has seemed important to quote at some length from the excellent statement regarding interpreters from the Massachusetts State commission. No one can read the reports submitted herewith without realizing that this measure of protection in the courts is still denied the Mexicans and other foreign-born defendants.

The men interviewed in the Illinois penitentiaries also registered very bitter complaints regarding police brutality. Miss Bowler deals with this evidence critically, but it is her final judgment that "if even a small fraction of the charges made were actually true they would still constitute a grave indictment of certain public officials responsible for the administration of justice."

The subject of the public defender does not fall within the scope of the work of this committee, but attention should be called here to the fact that the rights of the alien do not seem to be adequately protected by the present system. The need of competent interpreters and better legal service, whether this is to be provided by a system of public defenders or in some other way, is clearly indicated by interviews with alien inmates in the Illinois prisons. (See reports of Miss Bowler and Mr. Warnshuis.) Out of 343 cases the legal service was considered competent in only 89 cases in Illinois prisons and was considered very poor in 254 cases. While it is not possible here to present detailed statements regarding these interviews, the many complaints registered by these unfortunate men regarding the neglect of their interest because they had no money for competent legal services show the grave need of finding some way to improve the present method, if "equality before the law" is to be ultimately brought about.

Because of the increase in Mexican immigration in recent years, public attention has been frequently called to certain questions regarding the Mexican in the field of delinquency and crime. Three of the reports here included have undertaken to assemble specific data as to the relative frequency with which Mexicans have been accused of crime in certain cities, towns, and rural areas. These reports have been prepared by men who are distinguished authorities in this

field, and they have subjected the available data to dispassionate critical analysis.

Professor Taylor's material was drawn from the State of California, from the sugar-beet area of Colorado, from one county in Texas, and from the Chicago-Gary industrial region. His data are of two distinct types—statistics from police departments and courts, and statements of opinion from law enforcement officials, from the Mexicans themselves, and from interested and disinterested observers.

Throughout the work of preparing these reports the lack of recent census information has proved a serious handicap, and this has been particularly true in the study of the Mexican in relation to crime. Estimates of Mexican population for recent years, based on the per cent distribution of previous enumerations may be so inaccurate as to be of little value. For comparative purposes Professor Taylor has utilized certain special school censuses, and other estimates believed to be reasonably valid, to indicate roughly the number of Mexicans in the population for specific times and places. On this point Professor Taylor says:

The Mexican population varies greatly from the general population in age and sex composition, poverty, and occupation. These facts are not disclosed by the total number of Mexicans. More largely composed of young males, and poorer and more migratory than the average of the general population, they are, for these reasons, entirely independent of nationality, expected to contribute a larger number of violators than their numbers alone would suggest.

Thoughtful analysis of the figures that he found available for the regions studied led Professor Taylor to conclude that "the evidence of comparative law observance by Mexicans varies from locality to locality; indeed, it sometimes shows an interesting diversity within the same locality, depending on the type of offense under consideration, or whether the Mexican group taken as the basis of comparison was Mexican 'by race' or 'by nativity.'"

Professor Taylor then presents a summary of the diverse showings. These indicate that the Mexican presents an unfavorable comparison with the native white in some regions and a quite favorable comparison in others. He then warns

his readers of the dangers inherent in forming conclusions relating to the criminality of Mexicans on the basis of such comparisons, because of certain other obvious factors. For example, he says—

It was frequently observed that peace officers shared the prejudices toward Mexicans of other members of the community in which they live. * * * The effect of this is doubtless to increase arrests of Mexicans relative to arrests of native-born Americans, quite independently of criminality.

Furthermore, Mexicans are politically helpless. To what extent this fact makes them particularly liable to arrest is, of course, not readily determinable. Hypothetically, however, it is easy to see that a politically dry official could satisfy the dries with a large number of arrests and at the same time avoid offending his wet constituents by arresting Mexicans. In fact, Mexicans, both Mexican and American born, are generally conscious of an inferior standing in the eyes of the officers of the law.

It is significant to find this constantly recurring acceptance of the close relationship between "politics," political strength, and the administration of criminal justice.

Professor Taylor notes that statistics of total arrests for Mexicans, as for other groups, may be distinctly misleading if used to indicate degree of criminality. Legal codes in the United States make misdemeanors of many acts that are not only legally permissible but are common and customary in Mexico.

Professor Taylor presents no specific conclusions as to the Mexican in relation to crime in the United States, but his careful analysis should prove an invaluable guide to those studying this problem, providing, as it does, an excellent summary of the facts that must be weighed if scientific standards are to be followed and if prejudice and injustice are to be overcome.

Professor Handman's study of The Mexican in Texas, with special reference to delinquency, makes use of material from the records and reports of the Texas penitentiary, and from records, reports, and statements from law enforcement officials in San Antonio, the largest Mexican center in the State, Eagle Pass, a border city, and Waco, a city in central Texas.

From the data that he secured Professor Handman was able to draw the definite conclusion that there is "no evi-

dence to show that the Mexicans [in Texas] run afoul of the law any more than anyone else and if the complete facts were known they would most likely show that he is far less delinquent in Texas than the non-Mexican population of the same community."

Professor Handman then proceeds to analyze qualitatively Mexican delinquencies in Texas as compared with Mexican offenses in Mexico City for a particular period. His observations are both interesting and significant. Of the San Antonio records he says that what strikes one at first sight when looking at the record of charges against the Mexicans is "the small number of delinquencies involving deceit—swindling, fraud, and embezzlement—and the comparatively large number of delinquencies against the person, such as aggravated assault." In Mexico City he notes that more than half of the offenses "were in the nature of various forms of assault." His general conclusion is—

According to this evidence it would seem that at home the Mexican is not addicted to murder, nor burglary and theft, nor sex crimes, but he is apt to engage in all sorts of assaults and battery, aggravated and otherwise. * * * Murders, sex crimes, and the higher percentage of burglary and theft in the United States seem to be associated not with the Mexican as Mexican but with the Mexican immigrant in certain American environments, and that needs an explanation.

He then notes the conflict between Mexican and American customs which affords a natural and reasonable explanation of the Mexican's tendency to show a high percentage of arrests for assault and for certain sex crimes, notably so-called "seduction." His final conclusion is that "the Mexican's nationality is no cause of delinquent behavior, and whatever variation this behavior shows is a variation due to the efforts of a human being with a different culture pattern to adjust the best he can to what seems to him the curious and capricious American system of justice."

In his treatment of the subject of crime and criminal justice among the Mexicans of Illinois Mr. Warnshuis uses data obtained from law-enforcement agencies and from officials and prisoners in the city of Chicago and in the penal and correctional institutions of Illinois. The material

consists of information secured from the records of the police, the courts, and the institutions, and from interviews with officials and prisoners. Mr. Warnshuis approaches the subject from several different angles, each one vital in any consideration of the problem as a whole. He deals at some length, in vivid fashion, with some of the difficulties encountered by the Mexicans, in common with other immigrant groups, similar to those already pointed out by Miss Bowler. Most conspicuous of these are the handicaps felt in the matter of adequate interpreter service and in the provision for competent legal counsel. Both of these handicaps seem to be intensified in the case of the Mexican, whose economic status is almost invariably on the lowest level.

From a careful review of his very considerable mass of material Mr. Warnshuis concludes that "along with others who fall afoul of the law, the Mexican suffers from certain well-known faults in our system of law enforcement and criminal justice. He is arrested many times for trivial causes. He is detained in jail unnecessarily long. He is mistreated by the police. In court, his case suffers many times for want of legal assistance, an interpreter, and witnesses. Often he finds the easiest way out is to plead guilty to a lesser offense. His financial straits, as well as his frequent inability to communicate with friends, often result in his being imprisoned for nonpayment of fines. While numerous arrests and frequent convictions of Mexicans tend to make it appear that they are inclined to be delinquent, it is quite likely that such things point rather to misfortune, the lack of ingenuity and resources, and in some instances to discrimination against them." Mr. Warnshuis further comments that it is probable that no class feels the discriminatory effect of imprisonment for nonpayment of fines more than the Mexicans.

In connection with the discussion of the treatment of Mexican as compared with non-Mexican delinquents, particularly the native white, Mr. Warnshuis brings out certain points that are not treated specifically in other studies, namely, the application of probation and parole. He finds in the case of convicted Mexicans that it is "quite evident that institutional treatment is resorted to in all but a very

few cases. In common with other nationalities, probation has not been extended to the Mexicans in any large degree. While the institutions, in general, make ample provision for the safe-keeping of Mexican prisoners, there is insufficient attention being paid to the all-important task of preparing them for rehabilitation. And further, there is some reason to believe that the Mexican convicts are not receiving sufficient attention at the hands of the parole board." He recognizes the difficulties inherent in the problem of using probation and parole in Mexican cases in Illinois, but points out that there are no bases for judging as to whether that form of treatment might not be much more effective than imprisonment in treating the many minor offenders among the Mexicans.

Thoughtful reading of these three reports dealing with the Mexican tends to lead to the formation of an opinion that the lack of fairly exact population data which would permit corrections for sex and age makes it impossible to determine whether or not Mexicans commit more crimes than do the native white, but that there is reason to doubt that the popular belief as to excessive criminal behavior among Mexicans is justified by the facts; that the character of crimes committed by Mexicans points to a definite and serious conflict between customs and habits acquired in Mexico and legal codes applied in the United States, rather than to any innate criminal tendency as a basic factor; and that the Mexicans, when accused of crime, are probably at a greater disadvantage than other foreign born white individuals, having to suffer from a racial prejudice that is very real in certain regions, in addition to the handicaps under which all immigrants labor in common.

The three special studies of conditions in particular communities do not reveal any striking differences from the more general findings of the statistical survey presented by Miss Bowler. In general, their greater detail and closer contact merely serve to confirm the conclusions reached on the basis of the large body of figures from different sections. A slight discrepancy is noted between the observations of Miss Bowler and Professor Taylor regarding the situation in San Francisco. On the basis of statistics of arrests, sup-

plied by the San Francisco police department for the fiscal year ending June 30, 1930, Miss Bowler found the native born showing a slightly more favorable crime rate than the foreign born. On the basis of figures supplied to him for the year ending June 30, 1929, Professor Taylor found the reverse to be true. An inspection of the actual number of arrests (for all offenses), by nativity, as reported by the San Francisco police department for the two years to these two research workers shows them to be widely different. The figures supplied to Miss Bowler for the fiscal year 1930 showed a total of 62,910, of which number 41,670 were native born. Those obtained by Professor Taylor for the fiscal year 1929 totaled 112,962, of which number 89,554 were native born. No investigation of this apparent great change within the one year has been undertaken. It is possible that an intensive traffic campaign was carried on during 1929, and discontinued in 1930. Professor Taylor notes that 43.4 per cent of the native born arrests in 1929 were for traffic violations. The detailed material in Miss Bowler's hands shows 25.5 per cent of the 1930 native born arrests to have been for traffic violations. But if the figures as supplied for these two years were complete in both instances, then there was a very great change within the one year, which can not be accounted for with the information in hand.

These community studies offer findings of interest and value that supplement the statistical generalizations. Certain sections of Professor Taylor's reports on San Francisco and Stockton, Calif., with their numerous quotations from individuals of widely different economic status, occupation, and interests, present a picture of the problem that is much more vivid and much more valuable than can ever be given by statistics alone.

Of New Orleans, Doctor Steiner speaks as a city that "has long been known as the most cosmopolitan of all the large southern cities," where "prejudice against foreigners has been at a minimum, and, on the whole, their assimilation has gone forward in a fairly satisfactory manner." He even found it somewhat difficult to secure data because the foreign born were considered so little of a problem that

nativity was not always recorded. From the material that he was able to secure he drew the very definite conclusion that "as far as the foreign born are concerned, * * * it can be safely stated that [they] contribute between one-third and one-half of their quota of the major criminals. Whether one considers either their crime rate or the total amount of crime for which they are responsible, it is clearly apparent that they play a small rôle in the criminal situation in New Orleans."

In both San Francisco and Stockton, Professor Taylor found the records showing somewhat lower arrest rates for the foreign born than their population percentages entitled them to have. Comparisons for Stockton were particularly difficult because of its constantly fluctuating population. It is described as "a distributing center for agricultural labor employed in the Sacramento and San Joaquin Valleys, and as a rendezvous for many who are seasonally unemployed in the winter." However, for the foreign-born group as a whole, such figures as were available and the opinions of the local officials alike tended to indicate that "the alien groups were not offenders out of proportion to their numbers in the community."

In the reports for these two California cities Professor Taylor points out some interesting variations among particular national units of the foreign-born group. In San Francisco he finds the Chinese contributing many times their quota in arrests. But 82.2 per cent of Chinese arrests during the year studied were on charges connected with gambling and operation of lotteries. The only major offense in which their showing was bad was for violations of the narcotic laws. Natives of Italy were arrested far in excess of their quota for offenses against the prohibition laws. In other respects the Italian of San Francisco follows quite closely the position indicated in the general statistics set forth in Miss Bowler's report. The same may be said of the Irish, who, in San Francisco as elsewhere, run a high rate of arrest for drunkenness, but fall short of their quota in the more serious offenses.

In California Professor Taylor finds the Filipino considered a special problem by law enforcement officials. The

statistics indicate that Filipinos "were arrested somewhat out of proportion to their numbers"; but Professor Taylor finds that "the explanation of this high percentage lies chiefly in the large proportion who were charged with offenses connected with gambling."

Special attention is called to the extremely low rate of arrest for the Japanese, who are described by Professor Taylor as "among the most law-abiding" of all population groups.

As a result of his careful inquiry into the fairness with which criminal justice was administered in the two cities, Professor Taylor found that "complaints against methods of law enforcement were usually secondary grievances as compared with what were regarded as social or racial discriminations." Nevertheless, neither the Mexicans nor the orientals feel that they have an equal standing with other racial groups (exclusive of Negroes) before the bar of justice in the United States. The feeling seemed even stronger when the Mexican or oriental, as an aggrieved victim, was seeking "justice" than in cases where he stood accused.

In conclusion it is necessary only to point out that the controversy regarding immigration and crime is a very old one. This controversy has arisen from several causes. One of these is connected with the inevitable difficulties of absorbing new immigrant elements in the population.

Immigration has been the source of great wealth and power in this country, but it has also created a more complex and difficult social organization. It is never easy to admit strangers with foreign habits and traditions into your home, and undoubtedly some of the strangers from strange lands have been difficult to assimilate in our American life. Some disorders have certainly from time to time been chargeable to immigrants, but these have not been so serious or so numerous as to occasion grave concern. On the other hand, we should be seriously disturbed if in the enforcement of the law the alien does not at all times meet with the even-handed justice that America demands.

Finally, and briefly, it should be pointed out that immigration has made us the greatest and richest country in the world, and there are some difficulties connected with

greatness and wealth. With immigration there have been some difficulties of adjustment to meet and one question that America, as a nation, has been reluctant to face is whether we have earnestly tried to meet these difficulties by wise preventive measures. The immigrant comes here friendless and poor—both in the old world and in the new he belongs in the lowest paid and frequently most exploited group—and his ignorance of our language and our laws, his sudden entry into new relations in a new world where he receives in a single hour more new impressions and ideas than he has formerly received in all the years of his life, all make his new life difficult.

For more than a century there has been continuously in this country a clamorous group who have tended to emphasize only the difficulties connected with immigration and to lose sight of all its beneficial effects. Unfortunately these attacks on the alien have frequently laid stress on the popularly supposed relation between immigration and crime. Statistics have never justified their assumptions, and Miss Bowler's report shows that the most recent official statistics fail to substantiate their charges.

Another reason for the constant repetition of these attacks on the immigrant lies in the ready acceptance of the easy theory that our social difficulties are not to be charged to our own mistakes and failures. It is easy to shift the responsibility for what is wrong by charging it upon the nationals of other countries. It is easier, for example, to charge our crime record against immigrants than against an inefficient and corrupt system of police and an outworn system of criminal justice.

Charging our high crime rates against the foreign born is merely evading the real difficulties of life instead of trying to solve them. To continue to follow the method of preferring charges against the immigrant is the method of adopting one policy because it is the "easy way"—the line of least resistance—and rejecting another method because it is more difficult. But an attempt to face squarely the more difficult problems of life is more in line with our American traditions.

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