

FOURTH ANNUAL REPORT OF THE AMERICAN JEWISH COMMITTEE

NOVEMBER 13, 1910

ACT OF INCORPORATION

LAWS OF NEW YORK.—By Authority

Chapter 16

AN ACT to incorporate the American Jewish Committee

Became a law March 16, 1911, with the approval of the Governor.
Passed, three-fifths being present.

*The People of the State of New York, represented in Senate
and Assembly, do enact as follows:*

Section 1. Mayer Sulzberger, Julian W. Mack, Jacob H. Hollander, Julius Rosenwald, Cyrus Adler, Harry Cutler, Samuel Dorf, Judah L. Magnes, Jacob H. Schiff, Isador Sobel, Cyrus L. Sulzberger, A. Leo Weil, and Louis Marshall, and their associates and successors, are hereby constituted a body corporate, in perpetuity, under the name of the American Jewish Committee; and by that name shall possess all of the powers which by the general corporation law are conferred upon corporations, and shall be capable of taking, holding and acquiring, by deed, gift, purchase, bequest, devise, or by judicial order or decree, any estate, real or personal, in trust or otherwise, which shall be necessary or useful for the uses and purposes of the corporation, to the amount of three millions of dollars.

Sec. 2. The objects of this corporation shall be, to prevent the infraction of the civil and religious rights of Jews, in any part of the world; to render all lawful assistance and to take appropriate remedial action in the event of threatened or actual invasion or restriction of such rights, or of unfavorable discrimination with respect thereto; to secure for Jews equality of economic, social and educational opportunity; to alleviate the consequences of persecution and to afford relief from calamities affecting Jews, wherever they may occur; and to compass these ends to administer any relief fund which shall come into its possession or which may be received by it, in trust or otherwise, for any of the aforesaid objects or for purposes comprehended therein.

Sec. 3. The business and affairs of said corporation shall be conducted by a board of not less than thirteen or more than twenty-one, to be known as the executive committee, and the persons named in the first section of this act, as incorporators, shall constitute the first executive committee of said corporation. At the first meeting of said executive committee held after the passage of this act, the members thereof shall be divided into three classes, the first of which shall hold office until January first, nineteen hundred and twelve, the second for one year thereafter, and the third for two years thereafter, and such members of said executive committee as may be thereafter added to said committee shall in like manner be apportioned to said three classes. At the expiration of the term of any member of the executive committee his successor shall be elected for the term of three years. All vacancies which may occur in said committee shall be filled until the ensuing election by said committee. An annual election for the members of said executive committee shall be held at such time and in such manner as shall be fixed by the by-laws to be adopted by said executive committee. At all meetings of the executive committee one-third of said committee shall constitute a quorum for the transaction of business, but no by-law shall be adopted, amended or repealed without the presence of a majority of the members of said committee for the time being; provided, however, that the by-laws with respect to membership in the corporation shall not be altered, revised or amended except as provided in section four of this act.

Sec. 4. The members of said corporation shall consist of the persons who shall be designated and chosen for membership by such method or methods and by such organizations, societies and nominating bodies as shall be provided in by-laws to be adopted for that purpose by the executive committee, such by-laws being however, subject to alteration, revision or amendment at any regular meeting of the members of the corporation or at a meeting called for such purpose; provided that thirty days notice be given of the proposed change and that such alteration, revision or amendment shall be carried by a majority of at least twenty votes; and not otherwise.

Sec. 5. This act shall take effect immediately.

OFFICERS AND EXECUTIVE COMMITTEE

PRESIDENT

MAYER SULZBERGER, Philadelphia

VICE-PRESIDENTS

JULIAN W. MACK, Washington

JACOB H. HOLLANDER, Baltimore

TREASURER (*ad interim*)

ISAAC W. BERNHEIM, Louisville, Ky.

EXECUTIVE COMMITTEE

CYRUS ADLER, Philadelphia, Pa.

HARRY CUTLER, Providence, R. I.

SAMUEL DORF, New York

J. L. MAGNES, New York

LOUIS MARSHALL, New York

JULIUS ROSENWALD, Chicago, Ill.

JACOB H. SCHIFF, New York

ISADOR SOBEL, Erie, Pa.

CYRUS L. SULZBERGER, New York

A. LEO WEIL, Pittsburg, Pa.

SECRETARY

HERBERT FRIEDENWALD, 356 Second Ave., N. Y. C.

MEMBERS AND DISTRICTS

Dist. I: Florida, Georgia, North Carolina, South Carolina. 2 members: Ceasar Cone, Greensboro, N. C. (1911); Montague Triest, Charleston, S. C. (1914).

Dist. II: Alabama, Mississippi, Tennessee. 2 members: Jacques Loeb, Montgomery, Ala. (1913); Nathan Cohn, Nashville, Tenn. (1913).

Dist. III: Arizona, Louisiana, New Mexico, Texas. 2 members: Maurice Stern, New Orleans, La. (1914); Isaac H. Kempner, Galveston, Tex. (1911).

Dist. IV: Arkansas, Colorado, Kansas, Missouri. 3 members: Morris M. Cohn, Little Rock, Ark. (1914); David S. Lehman, Denver, Col. (1911); Elias Michael, St. Louis, Mo. (1915).

Dist. V: California, Idaho, Nevada, Oregon, Utah, Washington. 3 members. Max C. Sloss, San Francisco, Cal. (1911); Harris Weinstock, Sacramento, Cal. (1912); Ben. Selling, Portland, Ore. (1912).

Dist. VI: Iowa, Michigan, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, Wyoming. 4 members: Henry M. Butzel, Detroit, Mich. (1914); Emanuel Cohen, Minneapolis, Minn. (1915); Victor Rosewater, Omaha, Neb. (1914); Max Landauer, Milwaukee, Wis. (1912).

Dist. VII: Illinois, 7 members: Edwin G. Foreman (1914); M. E. Greenebaum (1913); B. Horwich (1912); Julian W. Mack (1913); Julius Rosenwald (1915); Joseph Stolz (1914), all of Chicago, Ill.; ——— (1911).

Dist. VIII: Indiana, Kentucky, Ohio, West Virginia. 5 members: Louis Newberger, Indianapolis, Ind. (1915); Isaac W. Bernheim, Louisville, Ky. (1912); David Philipson, Cincinnati, O. (1914); J. Walter Freiberg, Cincinnati, O. (1911); E. M. Baker, Cleveland, O. (1913).

Dist. IX: New Jersey, Pennsylvania. 9 members: Cyrus Adler, Philadelphia, Pa. (1913); Isaac W. Frank, Pittsburg, Pa. (1912); Wm. B. Hackenburg (1914); B. L. Levinthal (1915); M. Rosenbaum (1915), all of Philadelphia, Pa.; Isador Sobel, Erie, Pa. (1911); Mayer Sulzberger, Philadelphia, Pa. (1913); A. Leo Weil, Pittsburg, Pa. (1914); Benjamin Wolf, Philadelphia, Pa. (1912).

Dist. X: Delaware, District of Columbia, Maryland, Virginia. 3 members. Harry Friedenwald, Baltimore, Md. (1915); Jacob H. Hollander, Baltimore, Md. (1915).

Dist. XI: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont. 3 members: Isaac M. Ullman, New Haven, Conn. (1911); Lee M. Friedman, Boston, Mass. (1912); Harry Cutler, Providence, R. I. (1911).

Dist. XII: New York City. 25 members: Joseph Barondess (1913); Samuel Dorf (1912); Bernard Drachman (1914); Harry Fischel (1914); William Fischman (1914); Israel Friedlaender (1913); Samuel B. Hamburger (1913); Maurice H. Harris (1912); Samuel I. Hyman (1916); S. Jarmulowsky (1912); Leon Kamaiky (1914); Philip Klein (1912); Nathan Lampion (1913); Adolph Lewisohn (1915); J. L. Magnes (1915); M. Z. Margolies (1916); Louis Marshall (1916); H. Pereira Mendes (1916); Solomon Neumann (1915); Jacob H. Schiff (1912); Bernard Semel (1913); P. A. Siegelstein (1915); Joseph Silverman (1914); Cyrus L. Sulzberger (1915); Felix M. Warburg (1916).

Dist. XIII: New York (exclusive of the City). 2 members: Abram J. Katz, Rochester (1913); Simon W. Rosendale, Albany (1911).

Members at large: Nathan Bijur, New York City (1911); Isidor Straus, New York City (1911).

FOURTH ANNUAL MEETING

NOVEMBER 13, 1910

The fourth annual meeting of the American Jewish Committee was held at the Hotel Astor, New York City, on Sunday, November 13, 1910. Present: Judge Mayer Sulzberger, in the chair, and Messrs. Cyrus Adler, Nathan Bijur, Ceasar Cone, Samuel Dorf, Bernard Drachman, Harry Fischel, William Fischman, Isaac W. Frank, Harry Friedenwald, Israel Friedlaender, Samuel B. Hamburger, Maurice H. Harris, Jacob H. Hollander, Leon Kamaiky, Nathan Lamport, Julian W. Mack, Judah L. Magnes, M. Z. Margolies, Louis Marshall, H. Pereira Mendes, Louis Newburger, Solomon Neumann, Morris Rosenbaum, Jacob H. Schiff, Pierre A. Siegelstein, Joseph Silverman, Isador Sobel, Cyrus L. Sulzberger, Isaac M. Ullman, and A. Leo Weil. Letters regretting their inability to attend were received from Messrs. Isaac W. Bernheim, Henry M. Butzel, Max Landauer, B. L. Levinthal, Elias Michael, David Philipson, Victor Rosewater, Ben Selling, Joseph Stolz, Isidor Straus, Montague Triest, and Samuel Woolner.

The minutes of the third annual meeting were approved as printed. The chairman announced the appointment of the following committee on nominations: J. L. Magnes, Nathan Bijur, and Leon Kamaiky.

REPORT OF THE EXECUTIVE COMMITTEE

MEETINGS

Meetings have been held on December 28, 1909, and February 20, May 29, September 26, and November 12, 1910.

DEATHS, NEW MEMBERS

It is with deep sorrow that your Committee reports the death, on November 30, 1909, of Isidore Newman, Esq., of New Orleans, a member of the Committee from its inception. A man of large influence, he actively supported the Committee and always responded promptly to all calls made upon him for advice or assistance. By his death the Committee has lost one of its most useful and valuable members.

Mr. Ceasar Cone, of Greensboro, N. C., was elected a member from District I to fill the vacancy caused by the death of his brother, Mr. Moses H. Cone, and Mr. Maurice Stern, of New Orleans, La., was elected to fill the vacancy caused by the death of Mr. Isidore Newman,

The terms of the following members expire this year:

District IV, Elias Michael, St. Louis;

District VI, Emanuel Cohen, Minneapolis;

District VII, Julius Rosenwald, Chicago;

District VIII, Louis Newberger, Indianapolis;

District IX, B. L. Levinthal and M. Rosenbaum, Philadelphia;

District X, Harry Friedenwald and Jacob H. Hollander, Baltimore.

At Large, Nathan Bijur and Isidor Straus, New York City.

There is also a vacancy in District X.

PASSPORT QUESTION

The Committee has not relaxed its efforts to procure effective action by the Government, looking to the recognition of the American Passport by Russia, without discrimination as to the religious faith of the bearer thereof. We have reason to believe that our Government is making earnest efforts to accomplish this object.

IMMIGRATION

It was to be expected that the Federal Immigration Commission, appointed in 1907, to make a thorough study of the entire immigration question would make a report to Congress, and that its report might include recommendations for changes in the immigration laws and regulations. Acting on this assumption, in order to safeguard the interests of the Jews, your Committee, on April 24, 1907, addressed the following letter to the Immigration Commission:

PHILADELPHIA, April 24, 1907.

*Hon. William P. Dillingham, Chairman of the Immigration Commission,
Washington, D. C.*

DEAR SIR.—At a recent meeting of the Executive Committee of The American Jewish Committee, I was directed to address the Immigration Commission on a matter in which we have a serious interest, in addition to the concern which every citizen of the United States has in all things pertaining to the public welfare.

As the Commission are well aware, the Jews of Russia, who prior to the year 1881 contributed no sensible proportion to our immigration, have, since that time, been subjected to such harrying persecutions and assassinations that many of the most active and enterprising have sought safety in flight, and have, in considerable numbers, emigrated to this country. The real impulsion to the movement is a dreadful mediaeval persecution for conscience sake. On this ground alone all our sympathies would go out to any people so circumstanced, and we should be interested in seeing that no unnecessary obstacles should be put in the way of human beings fleeing from a place where the merest elementary rights of man are disregarded. Our interest is naturally increased by the fact that these are our brethren in race and faith, and that the persecution is due to the very

opinions which, under our happy institutions, are openly professed by two millions of citizens and considerably respected by government and people.

We are keenly alive to the right and duty of every government to protect its people against the incursion of criminals, paupers, lunatics and other persons who would be public charges, but we deprecate most sincerely any nerveless or unmanly timidity about evils which may be coolly and sanely guarded against, without violating our national traditions and the dictates of common humanity, or depriving our country of a natural and healthy means of increasing its population and prosperity.

As in all public questions, many persons interested are carried away by passion and see things through a magnifying or distorting medium. Sad experience has taught us to observe facts calmly and to present them with moderation. We therefore respectfully urge the following request: If the Commission shall conclude to hear testimony upon the subject of their investigation at various places here or abroad, we crave the privilege of having notice of such intended meetings from time to time, and the further privilege of presenting evidence wherever we may think that such presentation would tend to increase or to modify the knowledge imparted by others. It is a matter of common knowledge that in many European countries, political parties are organized, whose platforms contain planks inculcating hatred of Jews as such. That prejudices so promulgated color the minds of many well-meaning persons in such environment is inevitable, and that these prejudices tend to be reflected in testimony that may be offered before you is highly probable. We deem it our duty to offer you our best services in avoiding this kind of error or indeed any kind of error which may impede the objects of your Commission. Our sole purpose is to enable the Commission to learn the facts most fully and most accurately. In presenting evidence we would exercise the most rigorous care to offer such testimony only as would give facts, without color or prejudice.

As it is possible, or even probable, that the testimony at various places will have reference to conditions more or less local, it would seem important that all sources of trustworthy information should be open to the Commission and that it should not be in danger of receiving testimony without adequate means of checking its accuracy or truthfulness.

Hoping that our petition may be favorably considered, I have the honor to be,

Very truly yours,

(Signed) **MAYER SULZBERGER**,
President.

To this the following reply was received:

WASHINGTON, D. C., April 27, 1907.

SIR.—Senator Dillingham, Chairman of the Immigration Commission, directs me to acknowledge the receipt of your communication of the twenty-fourth instant relative to certain features of the question to be investigated, and to assure you that when the feature of the work mentioned by you is taken up he will be pleased to communicate with you as suggested.

Respectfully,

(Signed) **W. W. HUSBAND**,
Secretary, The Immigration Commission.

On December 4, 1909, a representative of your Committee and a representative of the Board of Delegates and the Independent Order B'nai B'rith were accorded a hearing before the United States Immigration Commission. They suggested several modifications of the laws and regulations, and argued against any further restriction of immigration by increasing the head-tax or the imposition of educational or monetary tests. At the conclusion of the hearing, an invitation was extended by the Chairman of the Commission, to file in writing any recommendations respecting the revision of the immigration laws and regulations deemed necessary. For the purpose of considering the nature of these recommendations and procuring the views of persons actively interested in safeguarding the welfare of immigrants, a conference was held in New York, at the request of Abram I. Elkus, Esq., on December 19, 1909. This conference was attended by the following persons: Miss Sadie American, Miss Rose Sommerfeld, and Messrs. Nathan Bijur, Joseph Barondess, Abram I. Elkus, Leon Kamaiky, Max J. Kohler, Judah L. Magnes, Leon Sanders, Cyrus L. Sulzberger, and the Secretary.

Sundry desirable amendments to the immigration law and changes in its method of administration were agreed upon and were recommended to the American Jewish Committee and the Board of Delegates for presentation to the Immigration Commission.

Your Executive Committee, at a meeting held on December 28, 1909, discussed and amended these recommendations, and appointed a sub-committee to confer with the representative of the Board of Delegates, with a view to joint action by both bodies. After further amendment, these recommendations were jointly submitted to the Immigration Commission, on July 9, 1910, by the representatives of your Committee and the Board of Delegates.

In September last, your Committee received the following further communication from the Immigration Commission:

THE IMMIGRATION COMMISSION, WASHINGTON, D. C.

MY DEAR SIR.—The final reports of the Immigration Commission will be submitted to Congress early in December, and before completing its work it is the Commission's desire that various organizations interested in the immigration question be given an opportunity to express their views relative to any phases of the subject in which they may be interested.

Under date of April 24, 1907, you, as President of the American Jewish Committee, wrote in part as follows:

"If the Commission shall conclude to hear testimony upon the subject of their investigation at various places here or abroad, we crave the privilege of having notice of such intended meetings from time to time, and the further privilege of presenting evidence wherever we may think that such presentation would tend to increase or to modify the knowledge imparted by others."

Only two or three hearings have been held by the Commission during its entire existence and it seems probable that few, if any, will be held. The Commission, however, will be glad to have in writing any matter your Committee may desire to bring to its attention. Under date of July 9, 1910, Dr. Cyrus Adler, on behalf of the Committee forwarded to me for the consideration of the Commission certain recommendations respecting the Immigration law and its administration, and also statements made by Mr. Max J. Kohler and Mr. Abram I. Elkus of New York, before the House Committee on Immigration and Naturalization at a hearing held on March 11, 1910. On December 4, 1909, Judge Julian W. Mack of Chicago, one of the vice-presidents of your Committee, appeared before the Commission and discussed various phases of the immigration question. The matters submitted by Dr. Adler and Judge Mack will, of course, be considered in connection with the Commission's report, but if your Committee desires to present additional material for the consideration of the Commission, and also for publication as a part of its report, we will be glad to receive it by October 15. A similar invitation has been extended to other organizations interested in the Immigration question.

Very truly yours,

(Signed) W. P. DILLINGHAM,
Chairman.

As the Board of Delegates and the Independent Order B'nai B'rith received somewhat similar communications, your Committee in co-operation with these organizations submitted, on November 7, 1910, sundry recommendations respecting needed revision of the immigration laws and regulations which are printed at the end of this report.

The report of the Immigration Commission and its recommendations for legislation, ought to be carefully studied by the members of this Committee. Whatever it or its recommendations may be, the presentation will be the signal for various interests to make hateful assaults on immigrants and to present bills hostile to all our national traditions. It behooves every member of this Committee to use all his influence and efforts to secure a proper understanding by the Congress, the press, and the people of the true merits of the questions involved.

At the last session of Congress, numerous bills for the further restriction of immigration were introduced. Of these, the most drastic were a bill introduced by Representative Everis A. Hayes of California, on December 7, 1909, and a bill introduced by Representative Politte Elvins of Missouri on February 22, 1910. These bills provided for considerable increases in the head-tax, an educational test, difficult physical requirements, and the possession of large sums of money and certificates of good character from officials abroad. Many petitions favoring these and numerous other bills were sent to Congress by organizations and individuals. Hearings were also held by the House Committee on Immigration beginning in January of this year, during the course of which earnest restrictionist arguments were presented. Your

Committee considered it important that these arguments should be answered effectively, and it requested the Committee on Immigration to accord it a hearing. On March 11, 1910, representatives of your Committee and of the Board of Delegates of the Union of American Hebrew Congregations, the Independent Order B'nai B'rith, and of the Order B'rith Abraham were jointly accorded a hearing before the House Committee on Immigration, and vigorously opposed the restrictive measures of the Hayes, Elvins and other bills. The arguments presented by your and the other representatives have been printed for the use of the House Committee and appear in summary in the last issue of the American Jewish Year Book. (See AMERICAN JEWISH YEAR BOOK 5671, pp. 19-98.) Congress, however, was not called upon at its last session to consider any of these bills, because the House Committee on Immigration, on March 15, 1910, decided not to make any report to Congress until the approaching session of Congress.

Toward the end of June of this year, a considerable number of the Jewish immigrants at the port of Galveston, Texas, were ordered to be deported on the alleged ground, either that they had come in violation of the contract labor laws, or were liable to become public charges. The charitable mission of the Jewish Territorial Organization and the Jewish Immigrants Information Bureau of Galveston directed purely to the distribution of immigrants according to their own best interests and the best interests of the country, was by some supposed to be stimulating and assisting Russian immigration to this country. On an examination of all the facts it was shown that no promises of employment had been made, and that the immigrants had not been induced or assisted to come here. The charge of violation of the law was therefore unjust. Much correspondence has been had with the Department of Commerce and Labor, and thorough legal briefs were prepared and submitted by Judge Nathan Bijur and Max J. Kohler, Esq. There is reason to hope that the matter is in the course of satisfactory settlement.

NATURALIZATION

In the autumn of 1909, the Bureau of Naturalization of the Department of Commerce and Labor adopted an extraordinary ruling, depriving all Asiatics (among whom it is conceivable, Palestinian, Syrian, Arabian and Persian Jews might be included), of the privilege of naturalization, on the ground that they were not the "free white persons" comprehended in Section 2169 of the Revised Statutes of the United States. This ruling was contested in the courts in several cities, and the Government's contention was very generally defeated. In the mean-

time, a bill introduced by Mr. Hayes of California, adding to the persons already excluded by the immigration law, "persons who, under the provisions of Section 2169 of the Revised Statutes of the United States, are ineligible to become citizens of the United States, unless they are merchants, teachers, students, or travelers for curiosity or pleasure," was, on February 10, 1910, unanimously reported by the House Committee on Immigration. The report on this bill stated that the purpose of the amendment was "to reach all aliens who under our laws cannot become citizens of the United States, and to prevent beyond question their immigration to the United States in any large numbers."

Shortly thereafter, another bill, granting naturalization only to "white persons of the Caucasian race," was introduced in the House of Representatives.

These bills, whatever the object of those who presented them, were so phrased as to enable opponents of certain classes of immigrants to contend that the word "white" or the word "Caucasian," might be so construed as to exclude immigration of Jews from Syria, Palestine, Arabia, Morocco, and even Russia in Europe, and prevent the naturalization of Jews from those countries already here. Your Committee, therefore, took steps to protest against the passage of such restrictive legislation.

On April 26, 1910, another bill, amendatory of Section 2169 of the Revised Statutes (which accords the right of naturalization to "free white persons and Africans"), was introduced, providing that that section shall not be so construed as to prevent "Asiatics who are Armenians, Syrians, or Jews, from becoming naturalized citizens," and passed the House within a few days and before any action could be taken by your Committee by way of protest. This bill, which avoided the ambiguity of the other bills, had the vice that it attempted a definition of "white persons" wholly unknown to the Constitution or laws of this country, and by an inference which might be drawn, classified the Jews among those who were not "white persons." As the ruling of the Bureau of Naturalization, referred to above, was being contested in the Circuit Court of Appeals for the Second Circuit, and the interests of the Jews were being safeguarded by a member of your Committee, who acted as counsel for certain Syrian intervenors, protest was made to members of the United States Senate against the passage of this bill, while a case which would have a definite bearing upon the subject was being presented to the Courts.

We are happy to report that the Senate took no action upon this bill and that the arguments advanced by your representative against the contention of the Government were sustained by a unanimous decision of the Circuit Court of Appeals.

Your Committee is also looking after the interests of a Dr. Luria, a naturalized citizen of the United States, now resident in South Africa, whom the Government is trying to deprive of his right of citizenship because of his failure to return to the United States, though he contends that his failure to return to this country is due to ill-health, that he will return as soon as the state of his health will permit him, and that he has no intention of renouncing his allegiance to the United States.

The importance of this case is that it will test the constitutionality of the provisions of the Naturalization Act of 1906, in so far as it attempts to take away the right of citizenship granted prior to its enactment. There are many Jewish citizens of the United States, scattered through various countries, who are in a position similar to that occupied by Dr. Luria, and the decision of his case will determine their status.

JEWISH COMMUNITY OF NEW YORK CITY

The Jewish Community of New York City, District XII of your Committee, submits the following report:

NEW YORK, November 10, 1910.

To the Executive Committee of the American Jewish Committee, New York City.

DEAR SIRS.—I beg to present herewith a brief summary of a number of activities of our organization. Since your last annual meeting the Jewish Community (Kehillah) of New York City held its first annual Convention in February, 1910. At this Convention reports were presented of the activities for the first year of our existence, and these reports included among the other material an exhaustive study of the conditions of Hebrew and religious education in New York City. This report has since been published and sent to all our delegates and officers as well as to members of your body and to other persons interested in the furtherance and unification of Jewish communal work. At present the Kehillah has 238 constituent organizations, 133 Congregations, 58 Lodges, 44 Educational and Benevolent Societies, 3 Federations. The Federations are themselves made up of 450 societies, so that the number of organizations under the jurisdiction of the Kehillah may be said to be 688.

As the result of our activities in the field of Jewish education, a Bureau of Education has been established under the auspices of the Kehillah. To bring this about, Mr. Jacob H. Schiff has undertaken to contribute \$10,000 per year for five years, and the New York Foundation, to contribute \$5,000 per annum for the same length of time. The object of this Bureau as outlined in a Bulletin pertaining to the subject, which has been issued by us, is as follows:

1. To study sympathetically and at close range all the Jewish educational forces in New York City, including alike those that restrict themselves to religious instruction and those that look primarily to the Americanization of our youth, with a view to co-operation and the elimination of waste and overlapping.

2. To become intimately acquainted with the best teachers and workers who are the mainstay of these institutions, and organize them for both their material and their spiritual advancement.

3. To make propaganda through the Jewish press and otherwise, in order to acquaint parents with the problem before them and with the means for solving it.

4. To operate one or two model schools for elementary pupils, for the purpose of working out the various phases of primary education, these schools to act also as concrete examples and guides to now existing Hebrew schools, which will undoubtedly avail themselves of the text-books, methods, appliances, etc., worked out in the model schools, as soon as public opinion shall have ripened.

Dr. S. Benderly of Baltimore has been engaged as Director of the Bureau for five years. The Trustees of the Bureau appointed by the Executive Committee of the Kehillah are: Professor I. Friedlaender, Chairman, Professor M. Kaplan, Dr. J. L. Magnes, Louis Marshall, Esq., and Henrietta Szold, Secretary and Treasurer.

As part of its work of spreading Jewish education among adults, the Kehillah has made arrangements for two series of lectures, to be given during the coming season. The one series is to consist of four lectures on problems in modern Jewry, and the other is to consist of eight lectures on the Jews in various lands.

To obviate the evil of the mushroom synagogues, *i. e.*, the holding of religious services on the high holidays in quarters that are otherwise used for dance halls, beer gardens and similar purposes, the Kehillah has during the holiday season conducted five provisional synagogues in the halls of Jewish institutions. The Bureau of Education has been instructed to study the question of children's services. It is hoped that we may be able to establish services for children in the various sections of the City, not alone during the holiday season, but also during the rest of the year. In connection with our other religious work, we have provided holiday services for Jewish patients at the Consumptive Camp of Gouverneur Hospital, and have furnished Jewish inmates in public institutions with prayer-books. We have also endeavored and in many instances succeeded in securing leave of absence on the high holidays for Jewish employees of Federal, State and City departments and of public service companies and other large firms.

We are continuing the experiment of an employment bureau for handicapped Jews. As soon as we shall have established the necessity of and the possibility of such a Bureau, we shall recommend its creation by a committee independent of our organization.

We still regard it as one of our chief functions to collect authentic data in regard to the life of the Jewish population of this City, the educational, religious, and other specifically Jewish interests of our people. To this end we are planning several investigations.

In the course of our correspondence with various Jewish bodies in this and other cities, we have exchanged communications with the Kehillah which has been tentatively organized in Philadelphia, and with the gentlemen who are interested in forming similar central bodies in Louisville, Detroit and Rochester.

Yours very truly,
(Signed) J. L. MAGNES,
Chairman.

THE AMERICAN JEWISH YEAR BOOK

In the Year Book for the current year, the third volume of the series which has been compiled by your Committee, the special article is entitled "In Defense of the Immigrant." It is a full summary of the hearing of representatives of your Committee and of other bodies before the Committee on Immigration and Naturalization of the House of Representatives held on March 11, 1910. While dealing in general terms with the subject of immigration, the testimony of those who appeared before the Committee lays special stress on the Jewish phases of the question, and contains very valuable data regarding the education and assimilation of our Jewish immigrants and the effect of immigration upon the industrial, commercial, and social life of our country. In the appendix to the article are printed a number of quotations showing that the "Know Nothing" agitation for the restriction of immigration dates back to 1817, when the bulk of the immigration to this country was from Northern and Western Europe, the home of the so-called "desirable races" of to-day.

The customary article on the Year was omitted, as it was considered that the geographical classification of the list of events rendered an additional review of the year's activities superfluous.

A few changes have been made in the typographical arrangement of some of the lists, notably the list of Articles of Jewish Interest. This has been made more largely topical, with a view to rendering it more useful for reference. It presents at the same time a conspectus of the variety of subjects of interest to Jews, which have appeared in journals during the past year.

As in the Year Books for 5669 (1908-9) and 5670 (1909-10), there was published in the current issue a list of additional societies in the United States, organized between July 1, 1909, and June 30, 1910. This list shows that during that time upward of four hundred new Jewish local organizations have come into existence. These lists, though necessarily imperfect, supplement the Directory published in the volume for 5668 (1907-8), and will be of great assistance when it is determined to publish a new and more complete directory.

INFORMATION AND STATISTICS

Besides the preparation of the manuscript for the American Jewish Year Book, the routine work of the office of the Committee has, as heretofore, consisted of the gathering, indexing and filing articles and a few books of interest to Jews. During the year, 2,511 articles were indexed, for which 3,707 cards were written. This brings the total of articles on file up to 8,148, and of index

cards to 11,642. The usefulness of this collection was made apparent at the time of the hearing of your Committee before the House Committee on Immigration in March last, when a number of the articles on file were consulted and yielded valuable data for incorporation in the testimony, and also when the recent Recommendations to the Immigration Commission were prepared.

The Committee is receiving an appreciable number of requests for information upon various subjects, which it furnishes whenever possible.

WASHINGTON OFFICE

The Washington Office has been continued, and has, as heretofore, proved of great usefulness in keeping your Committee informed of affairs in Washington.

RUSSIA

The position of our co-religionists in Russia grows increasingly deplorable, and recent advices from that country indicate that there is little likelihood of any relief being afforded.

The situation is of the gravest. It may be doubted whether Jewry has ever confronted a greater crisis since the overthrow of the Jewish state by the Roman Empire. Not even the horrible persecutions of the times of the Crusades or the expulsion from Spain and Portugal affected so large a mass of our co-religionists. Russia has since 1890 adopted a deliberate plan to expel or exterminate six millions of its people for no other reason than that they refuse to become members of the Greek Church, but prefer to remain Jews. To carry out this purpose, it has used several methods. Wholesale assassinations (called pogroms), have been employed in order to arouse the religious fanaticism, the greed, and the savagery of the needy, the ignorant and the depraved among the Russian people. Horrible as these pogroms are, their effects are trivial compared with those which have followed other methods countenanced by that Government. The Jewish inhabitants of the congested Pale of Settlement are being harassed by restrictions on their ordinary activities, by practical denial to a serious extent of the right to educate their children, and by having thrust upon them by force, large numbers of their co-religionists who had settled in other places within the Empire and had there been usefully employed. By this insidious process, the Russian Government wickedly and artificially creates unnatural conditions that enable it to twist economic and social laws into the service of persecution, and it believes that by their operation the ultimate expulsion or destruction of the Jews of Russia is assured. From the point of view of that Government, this method has the further advantage that it avoids the cry of horror

and indignation which the whole civilized world spontaneously utters when crude assassinations are resorted to.

For us, however, who have the duty of doing what we can to save the bulk of our own people from extinction, the fiendish quietude of the process cannot conceal the dread nature of the continuing emergency. It was the ghastly massacres of Kishineff and Odessa which led to the organization of our Committee. These were stunning calamities which shocked the entire world and incited our whole people to spontaneous and unified action. The temporary Committee then formed dealt with the emergency promptly and effectively. Against the Russian Government's deadlier plan of carrying on a relatively peaceful war against its Jews that is calculated to last many years instead of a few hours, an organization more permanent than ours was originally intended to be has become an inevitable necessity, for the emergency with which we are and for many years will be confronted, is not sporadic but a continuing one.

In the hope that some alleviation of the distressing conditions might be brought about by publicity, your Committee has, from time to time, distributed to the press important communications received from trustworthy sources relating to the persecutions and expulsions in Russia, which information did not get to the public through the ordinary channels.

An excellent résumé of the situation in Russia is given in the following extract from an article in the *London Jewish Chronicle* of September 30, 1910:

During the year the Russian authorities indulged in Jew-baiting of the most cruel description. The persecution took the form of wholesale expulsions of Jews from towns where they had resided for many years, forcing them at short notice to liquidate their affairs and return to the overcrowded Pale of Settlement. The harshest possible interpretation was given to the confused and contradictory series of laws and regulations relating to the right of residence outside the Pale. The police specially manifested their zeal in thus persecuting Russian citizens in Kieff, where brutal night searches for Jews were conducted. In less than a month 1100 families, representing 6000 souls, were expelled. The plight of the Kieff Jews was so terrible that appeals were sent to Jewish communities abroad, invoking their assistance. Representations were addressed to the British Foreign Office, and some temporary lull in the tale of expulsions was achieved. In Smolensk a cordon was actually drawn round the Jewish quarter, and hundreds of Jews were driven out of the town without any respite. The expulsions were carried out in total disregard of such incidents as the separation of parents and children, or the suicide of the despairing victims. M. Stolypin's famous circular ordering a suspension of the prosecution of inquiries into the Jewish right of residence outside the Pale, pending legislation on the subject, has been completely disregarded. Indeed, it seems to have produced exactly the opposite effect to that which it ostensibly intended. Even the so-called "privileged" Jews who have to pay dearly for their "privileges" have not been

immune from the attentions of the police. Artisans, professional men, and guild merchants, whose right of residence outside the Pale was considered assured by law, have not been spared the fate of other Jews whose title to the rights has by arbitrary decree no legal justification.

While these wholesale expulsions were proceeding, the Duma (the scene of many anti-Semitic outbursts during the year), was called upon to consider a Bill for the abolition of the Pale of Settlement, presented by M. Friedman (one of the two Jewish deputies), on the first day of Pentecost. The bill is backed by 166 deputies including some members of the Right, and its chances depend entirely upon the attitude of the Government. Immediately upon the introduction of the Bill, the Black Hundreds began an agitation against the measure. Numerous petitions to the Tsar were engineered for the purpose of intimidating the authorities. The reactionaries even suggested the persecution of the signatory deputies, on the lines of the precedent set in the case of the Viborg Manifesto. The fate of the Bill is still undecided. The Union of Russian People, which has found in the measure a new target for its venom, has gone through many vicissitudes during the year. Dr. Dubrovin, its former leader, was indicted by the Finnish Courts for participation in the murder of Deputy Herzenstein, but he declined to submit himself for trial, and the Russian Minister of Justice refused to deliver up the fugitive. The Finnish Public Prosecutor summed up the situation when he stated publicly that though there existed sufficient reasons for demanding the arrest of M. Dubrovin, he still found it expedient in the interests of the country not to proceed with the charge. Madame Herzenstein was given the comforting assurance that it was open to her to go on with the indictment. Dubrovin's popularity waned considerably just at the time he was assured of immunity, probably owing to revelations of the uses to which he and his friends had devoted the funds of the Union. His place was taken by Count Konovnitzin, who on several occasions received marks of the special favour of the Tsar. The Black Hundreds had previously been responsible for giving color to a happily untrue report of a pogrom at Kieff, which was the subject of a question in the House of Commons in September of last year.

The chief scene of the activity of the Black Hundreds was, however, in Odessa, where General Tolmatcheff rules with an iron hand and makes the lot of the Jews who have the misfortune to find themselves under his sway almost unbearable. About a year ago a vacancy occurred in the representation of the city at the Duma through the death of M. Pergament, who had been a good friend of the Jews. Despite the most unscrupulous attempts by the Prefect to manipulate the polls, a Jewish candidate, M. Brodsky, was successful. Having failed to thwart his election, General Tolmatcheff set himself to annul it. He discovered that M. Brodsky had Russianised his name of Aaron into Arkadi. This was deemed to be sufficient ground for declaring the election null and void. The question was referred for decision to a section of the Senate, the anti-Semitic bias of which was notorious. M. Brodsky did not wait for the result; he resigned his seat. The election of a successor has only recently taken place.

The same scandalous procedure was adopted during the progress of the polling. Jewish voters were assaulted or altogether prevented from voting; bogus papers were inserted in the urns in favor of the anti-Semitic candidate, Reno, who thus emerged successful. Among the other exploits

of General Tolmatcheff during the year was his insistence on the emblem of the Cross being displayed in the illuminated signs of the Odessa synagogues, and the closing of one of the principal hospitals of the city on the alleged ground that it was under Jewish management.

It was made increasingly difficult for Jews to enter the higher educational establishments. The universities were practically closed altogether to Jews, and the authorities of these seats of learning, who are almost all desirous of receiving Jewish students, generally found to be excellent educational material, were prohibited from discussing the Jewish problem. In the secondary schools the "norm" for the reception of Jewish pupils was fixed at five per cent in the capitals, ten per cent in other districts, and fifteen per cent in the Pale. The entry of Jews to commercial schools—even those largely founded with Jewish money—was hedged round with restrictions; the Government began, too, to interfere with purely Jewish schools, which they refused to certify, thereby rendering their continuance impossible.

Your Committee deems it proper to draw attention to the enlightened resolutions of protest against Russia's inhuman course, passed by the Presbyterian General Assembly on May 24, and by the General Convention of the Episcopal Church in October, 1910.

Those of the Presbyterian General Assembly are as follows:

In the name of humanity, and in the name of Him who pitied the persecuted, the general assembly of the Presbyterian Church of the United States of America lifts its voice in protest against the wrongs inflicted upon the Jewish people of Russia, which are an offense to the conscience of Christendom.

Especially does it protest against the recent edict commanding the expulsion of the Jews in Kieff.

At the same time the Assembly desires to express its Christian sympathy with the cruel suffering of the race from which, according to the flesh, Christ came.

Those of the general convention of the Episcopal Church read:

WHEREAS, The situation of oppression and violation of men's inalienable rights by the lawless element in Russia is growing more intolerable each year, and whereas the persecution seems to be chiefly directed against our Blessed Lord's ancient people of Israel, depriving them in many instances of life and property, therefore be it

Resolved, first, That we protest against the unfair and inhuman treatment of the Jews;

Resolved, second, That this is not in any sense a desire to enter the realm of politics or to interfere in Governmental affairs, but a solemn protest and expression of our deep sympathy for our suffering brethren.

The New York Baptist Ministers' Conference, at a regular session, held on June 6, 1910, also unanimously approved of the resolutions of protest against the Russian persecutions, introduced into the House of Representatives on April 30, 1910, by Congressman Francis Burton Harrison.

All of these resolutions are gratifying symptoms of the strength in our country of the keen human sympathy which is not blunted by differences of creed or nationality.

FINANCE

The quotas assigned to the various districts for the general expenses for the past fiscal year were as follows:

I	\$200	VII	\$1,300
II	200	VIII	500
III	200	IX	1,200
IV	200	X	300
V	200	XI	500
VI	200	XII	5,000
		XIII	500

Your Committee regrets to state that the contributions to the expenses of the Committee were not as generous as during the preceding year, and desires to direct the attention of the members to the fact that the activities of the Committee ought to be enlarged in the direction of publication. The two subjects of Immigration and Russian conditions, however well known to us, are not so familiar to the general public whose interest it would be advisable to foster, so as to strengthen the sentiment that persons driven from their homes for conscience sake have always been and should always be hospitably received by our country. Moreover, the horrors of conditions in Russia are inadequately understood. The Government of that country has never stinted its expenditure for spreading false information; and, however careful the American press may be, it will from time to time be misled by the crafty and well-paid agencies of the Russian Government.

To carry out these suggestions effectively and systematically requires a larger expenditure than the Committee in its present state would be warranted in incurring. The subject is commended to the consideration of the Committee.

RELATIONS WITH OTHER ORGANIZATIONS

Your Committee has maintained the pleasant relations established with other organizations in this country and abroad.

Respectfully submitted,

THE EXECUTIVE COMMITTEE.

NEW YORK, November 13, 1910.

(NOTE.—Since the meeting of the Committee, the Immigration Commission has presented to Congress a voluminous report (in forty volumes), the upshot of which is a proposal to restrict immigration.)

ACTION ON THE REPORT, ETC.

It was resolved that the report be amended so as to include the mention of the resolutions passed by the Baptist Church, regarding the expulsions of Jews in Russia, and be adopted as amended.

The report of the Treasurer was read, and upon motion, consideration thereof was postponed until the afternoon session.

Communications containing suggestions and criticisms of the work of the Committee, were then read.

Dr. Magnes drew attention to the formation of a Kehillah in Detroit, and moved that the incoming Executive Committee be instructed to inquire into the newly formed organization in that city, and determine whether or not to form a Detroit Kehillah on a basis to be worked out by the Executive Committee. In the discussion that followed, it was pointed out that the Committee had no formal notification of the formation of the Detroit organization, nor any request on the part of that organization to be affiliated with the Committee, and that the Committee was, therefore, not in a position to make the inquiries suggested. Dr. Magnes, thereupon, withdrew his motion.

Several of the communications from members contained suggestions that the Committee hold its annual meetings at another time than that prescribed by the Constitution, and in other cities than New York. After discussion, it was resolved that the time of meeting be determined by the Executive Committee and that the meeting be held in New York City.

The Committee on Nominations reported as follows:

OFFICERS

President.....	Mayer Sulzberger
Vice-Presidents.....	{ Julian W. Mack
	{ Jacob H. Hollander
Treasurer.....	Julius Rosenwald *

MEMBERS OF THE EXECUTIVE COMMITTEE

Cyrus Adler	Louis Marshall
Harry Cutler	Jacob H. Schiff
Samuel Dorf	Isador Sobel
J. L. Magnes	Cyrus L. Sulzberger
A. Leo Weil	

* Resigned and Isaac W. Bernheim continued as acting treasurer.

TO FILL EXPIRED TERMS

District IV, Elias Michael, St. Louis.

District VI, Emanuel Cohen, Minneapolis.

District VII, Julius Rosenwald, Chicago.

District VIII, Louis Newberger, Indianapolis.

District IX, B. L. Levinthal and M. Rosenbaum, Philadelphia.

District X, Harry Friedenwald and Jacob H. Hollander, Baltimore.

The Committee reported that in view of Mr. Bernheim's expressed wish to be relieved of the office of treasurer, because of a contemplated stay of some months abroad, his name had not been placed in nomination for treasurer.

There being no other nominations, upon motion, the Secretary was requested to cast one ballot for the nominees of the Committee on Nominations.

Upon nomination of the Executive Committee, Messrs. Nathan Bijur and Isidor Straus were elected members at large for one year.

Upon motion, it was resolved that Mr. Bernheim be tendered a vote of thanks for his services as treasurer and as member of the Executive Committee.

The members of District IX brought to the attention of the Committee the complaint that the Jewish children of the public school of Weissport, Carbon County, Pennsylvania, were being segregated and otherwise improperly treated. On motion, it was resolved that the American Jewish Committee authorize District IX to send one of its members to Weissport, to make a personal investigation at once and to report his findings to the members of said District, and it was further resolved that the matter be then referred to District IX with power to act and, if deemed necessary to ask the co-operation of the Executive Committee.

After a discussion of the finances of the Committee, upon motion of Mr. Jacob H. Schiff, it was resolved that each member of the Committee be requested to make himself responsible for the payment into the treasury of the Committee, annually, of some amount to be fixed by him. It was further resolved, upon motion of Mr. Schiff, that the Committee refer to the Finance and Executive Committees jointly the matter of adapting the expenses of the Committee to its actual income.

Upon motion of Mr. Schiff, the following Finance Committee was appointed: Mr. Julius Rosenwald, Chairman, and Messrs. Daniel Guggenheim, Louis Marshall, Elias Michael, Jacob H. Schiff, and Isidor Straus.

The Chairman appointed Messrs. Nathan Bijur and Samuel Dorf, of New York City, a Committee to audit the Treasurer's report.

Upon motion, the following Committee on Immigration was appointed: Messrs. Cyrus Adler, Nathan Bijur, Julian W. Mack, Louis Marshall, and Cyrus L. Sulzberger.

On motion, adjourned.

RECOMMENDATIONS TO THE IMMIGRATION COMMISSION RESPECTING REVISION OF IMMIGRATION LAWS AND REGULATIONS *

I.

EXISTING LAW IN THE MAIN SATISFACTORY

The present law, except as to administrative details and desirable amendments hereinafter specified, is satisfactory, has been productive of great good, has resulted in the exclusion of those whose presence here might be injurious to the public weal, and has afforded our country the labor and enterprise which it required, and without which the development of our great industries and public works would be impeded. We desire to emphasize at this point that the immigration laws of the United States, except those dealing with Chinese (with which the present statement does not concern itself) have always been enacted to regulate immigration. They are designed to exclude those persons only who would inflict injury upon the body politic, either physically, mentally, or morally. They are peremptorily exclusive also of those who come within the definition of contract labor and those whose ticket or passage is paid for "by any corporation, association, society, municipality, or foreign government, either directly or indirectly." The earlier immigration policy of the United States was intended to encourage immigration. This policy has not been reversed nor is it conceived that such reversal is to be seriously considered. The act of 1868 (see page 14 *post*) is a true expression of the settled national policy. No immigration law of the United States has ever been restrictive (except as already specified) but always regulative, and the statements made here and abroad to the contrary are practically without foundation. The head-tax was not designed as a restrictive measure, but has always been intended to meet the cost of regulating immigration and caring for the immigrant.

* These recommendations were transmitted on November 7, 1910, accompanied by a letter which was signed by the officers and executive committee of the American Jewish Committee, and by Messrs. Simon Wolf, Abram I. Elkus and Max J. Kohler on behalf of the Board of Delegates, and Messrs. Simon Wolf, Adolph Kraus, Philip Stein and Jacob Furth on behalf of the I. O. B. E.

II.

THE IMMIGRANT ENTITLED TO DUE PROCESS OF LAW

1. *Immigrants arriving at United States Ports are entitled to due process of law in form and in substance, on their application for admission. The present law (Section 25) requires that decisions of Boards of Special Inquiry shall be "rendered solely upon the evidence adduced before the board of special inquiry" in the presence of the immigrant or his counsel, so that the immigrant may know what he has to meet. Departures from this requirement to the prejudice of the immigrant, are of frequent occurrence, and should be effectively prevented.*

Argument: Recent judicial decisions establish the proposition that it is a denial of due process of law, which justifies judicial intervention, if evidence is withheld by the Government from the examination of the immigrant or his counsel, but is nevertheless submitted to the reviewing body or is withheld by the immigration officials from consideration on appeal, (See: *In re Can Pon*, 168 F. R. 479, C. C. A.; *Chin Yow vs. U. S.*, 208 U. S., 8; *Hopkins vs. Fachant*, 130 F. R. 838, C. C. A.; *Davies vs. Manalies*, 179 F. R. 818 C. C. A.), and where conjecture is substituted for evidence. (*U. S. vs. Wong Chong*, 92 F. R. 141, Coxe, J.) This departure from due process of law, both in hearings before Boards of Special Inquiry and on appeal is a matter of constant occurrence, to the prejudice of the immigrant who is kept ignorant of the evidence against him. Records on appeal which have been examined show that in numerous instances, members of the Boards of Special Inquiry and Commissioners of Immigration attempt to decide cases on arbitrary assumptions where, contrary to law, facts to warrant them do not appear in the record sent up on appeal and which have in reality no bases in fact. A common illustration of the denial of due process of law is the assumption that the occupation of the applicant is or is not a "congested industry," so as to make it probable that he cannot secure occupation in it after his arrival, the contract labor provision preventing his securing a position before arrival. Frequently unwarranted assumptions are made that money actually deposited and offers to secure positions are "charity" and are not made bona fide. Courts recognize the necessary limitations upon their right to take judicial notice of matters in general, especially where the matter is not positively known or is in doubt or relates to a subject which is constantly changing, (See: *Austin vs. Texas*, 179 U. S. 343, 345; *American Sulphate Co. vs. D. Gross Co.*, 157 F. R. 660, C. C. A.) It is accordingly of great importance that the immigrants be accorded due process of law with respect to all investigations relating to them.

2. *The right of the immigrant to counsel before Boards of Special Inquiry should not be denied, and the hearings should be public as recommended by the Ellis Island Commission of 1903.*

Argument: See the recommendations of that Commission, and Brief in the Matter of Hersch Skuratowski, Point VII, pp. 37-42.

3. *The methods of hearing appeals should be improved, including the granting of reasonable opportunity to the immigrant, first to see the evidence, and, second, to offer new evidence and submit briefs.*

Argument: Note facts involved in the group of cases in Brief in the Matter of Hersch Skuratowski, Points VIII and IX, pp. 43-46.

4. *The provisions of the act of 1891, reenacted in the present law, (Sections 25 and 10), forbidding judicial review of the determinations of executive officers - excluding immigrants, should be repealed in so far as they prevent judicial review of questions of law merely, but not of questions of fact.*

Argument: No other class of cases is beyond judicial review, yet personal liberty is even more precious than property rights. A serious and anomalous situation arises when, as to protection of their most cherished rights, thousands of persons are put beyond the reach of the courts, particularly when there are presented serious questions of law affecting their rights, and when the executive tribunals deciding the cases act behind closed doors. Since revolutionary days, when the famous Massachusetts Bill of Rights was adopted, we have recognized that ours is a "government of laws, and not of men." Confusion, demoralization and injustice are bound to result, when executive action is made non-reviewable by the courts. There is no danger of the courts admitting persons really incompetent, nor even of their reviewing conflicting questions of fact previously determined against the immigrant by executive officers; the result would merely be to prevent illegal executive action, and to make executive rulings conform to law.

5. *The Secretary of Commerce and Labor and the Attorney General should jointly prepare and publish a compilation of judicial decisions and opinions rendered by the Secretary of Commerce and Labor and his legal advisors, for the guidance of immigration inspectors and the public generally.*

Argument: The purpose of this recommendation is to secure uniformity of action and correct determinations by immigration officials in accordance with law. Much uncertainty and confusion prevail among inspectors as to the proper interpretation of the law. Important authoritative decisions construing the statutes were handed down prior to the statute making admin-

istrative decisions non-reviewable, and there have been a few judicial decisions since then dealing with cases reviewable because of alleged denial of due process of law. There have also been authoritative rulings and opinions handed down by the Secretary of Commerce and Labor and his legal advisors, (the Attorney General and the Solicitor of the Department), but these are difficult of access and widely scattered. Moreover there have been various circulars and instructions issued by the subordinate immigration officials, the legality and correctness of which, as expositions of the law, have been challenged on behalf of immigrants, but the matters have not yet been determined by the courts. It is accordingly of great importance that such an authoritative compilation as above referred to be published and distributed among immigration officials and the public at large.

No such compilations have been issued since 1899, when the Treasury Department issued a "Digest of Immigration Laws and Decisions." This has long been out of print. The fact that for over twenty years the decisions of immigration officials have been practically non-reviewable by the courts makes it all the more important on the one hand properly to educate the Government officials who pass on nearly a million applications for entrance into the United States every year, and on the other hand to enable immigrants and their friends to ascertain, before embarkation for the United States, what the requirements of our laws are. The adoption of novel, constantly changing, and controverted theories of construction of the laws by subordinate immigration officials having coercive powers over their subordinates, makes it all the more important to secure such official compilations to guide both Government officials and immigrants. In fact, both Section 1 of the Immigration Act of 1907, and the corresponding section of the Act of 1903, provide that the money received from the head-tax on immigrants should be employed in part to defray "the cost of reports of decisions of the Federal Courts and digests thereof, for the use of the Commissioner General of Immigration." This of course also contemplated publication. This express mandate of Congress, so important to the interest of thousands, has been wholly ignored. An examination of many records of exclusions shows that an appreciable and increasing number of questionable exclusions is taking place. Instructions to inspectors, secretly issued, carelessly phrased and of doubtful legality, are no substitute for such authoritative publication.

More accurate information abroad as to the purport of our laws, would deter many incompetent persons from embarking for the United States. It appears from the Government's records, that during the fiscal year ending June 30, 1907, 65,000 persons

abroad, after paying for their tickets in whole or in part, were refused passage for this country by reason of physical defects disclosed by the medical examination at the port of intended departure—five times as many as the total number of exclusions for all causes for the same period here. Such a compilation, published in various languages, would also greatly discourage the migration of persons incompetent on other than medical grounds. In fact, while the Immigration Bureau was a branch of the Treasury Department, immigration decisions were published as rendered, in the weekly "Synopsis of Treasury Decisions," subsequently bound and issued in book form annually or semi-annually; even this has now ceased, though becoming more necessary day by day, as the laws are now administered by a different Department. (See Hearings before Committee on Immigration and Naturalization, House of Representatives, 61st Cong., 1st Sess., pp. 348 to 352, 356 to 360, and *passim*).

6. *Appointments to Boards of Special Inquiry should be made by the Department of Commerce and Labor, and should not be limited to immigration inspectors. These officials should have adequate salaries, in order to secure efficient service.*

Argument: See, for examples, the facts developed and described in Brief in the Matter of Hersch Skuratowski, especially pages 17-37.

7. *A circular letter issued by the Commissioner General of Immigration, dated June 21, 1910, as to the provisions of the law, concerning the detention of immigrants for hearings before Boards of Special Inquiry, has lately enormously increased the number of unjustified exclusions.*

Argument: The law (Section 24) provides that every alien who may not appear to the examining inspector at the port of arrival to be clearly and beyond a doubt entitled to land, shall be detained for examination in relation thereto by a Board of Special Inquiry. The purpose of this provision was merely to insure more careful and mature investigation and consideration of cases by a board of three than could be accorded by the hasty examination on the line by a single inspector. The statute nowhere makes this rule as to proof of entry "clearly and beyond a doubt" applicable elsewhere than to the examining inspector "on the line;" on the contrary, after examination "on the line" a different rule applies. In fact, the courts have all emphatically and unmistakably held that aliens are entitled to the benefit of all reasonable doubt as to the right of entry, and that our Immigration Laws, like all laws in restraint of liberty are to be fairly and liberally construed in favor of individual liberty. (*Moffat vs. United States*, 128 F. R., 375, 378, C. C. A.; *Tsoi Sim vs. United States*, 116 F. R., 920 C. C. A.; *Japanese Immigrant Case*,

189 U. S., S. S. 100; *Lau Ow Bew vs. U. S.*, 144 U. S., 47, 59; *Rodgers vs. U. S.*, 152 F. R., 346, 350 C. C. A.; *In Re Tong Tan*, 161 F. R., 618, Aff. as to *Can Pon* in 168 F. R., 479; *Botes vs. Davis*, 173 F. R. 996; *Lieber's Hermeneutics* (3d Ed.) pp. 128-9, 137; *Harten vs. Goldstein*, 20 App. Div. 203, 206; *Am. & Eng. Ency. of Law* (2d Ed.) Vol. 26, pp. 661-2, 659, 646-8; *Coffin vs. U. S.*, 156 U. S., 432.)

The circular letter in question emphasizes with much detail the necessity for proof before the inspector on the line as to the immigrant's being "clearly and beyond a doubt entitled to land," but makes no reference to the fact that such rule of proof does not apply before the Board of Special Inquiry. Consequently many inspectors sitting on Board of Special Inquiry conceive it to be their duty in this capacity as well, to exact proof clearly and beyond a doubt in default of which they order deportation. Even if this oversight be inadvertent, it must be remembered that inspectors to whom the circulars were addressed are not lawyers, and the Department has not rectified the oversight by a supplementary circular.

This circular is entirely too harsh and rigid even as an exposition of the law of burden of proof to be borne by the alien, to secure admittance without detention for the hearing before the Board of Special Inquiry. After a general statement as to alleged unauthorized leniency in primary inspection in the past, inspectors are instructed to make particular inquiry into any element of assistance in each case and as to the alien's occupation, his physical condition, his particular destination, the likelihood of his obtaining early employment at his occupation, the amount of funds at his command, etc., and the circular then goes on to say "the inspector must not leniently *conjecture* that the alien will be able to get along, but such fact *must appear clearly and beyond a doubt*." In view of the fact that the contract labor provision expressly forbids aliens securing positions before coming over, it is in almost every case possible for an unlearned inspector to hold that the mere fact that a man has no position renders his ability to get one a mere matter of conjecture, and that he may properly be held likely to become a public charge. By this process of reasoning, he elevates a mere possibility of not getting work into a likelihood to become a public charge, whereas, in a country like ours where labor is needed, no capable, healthy person, willing to work, can rightfully be held likely to become a public charge. In this connection, a very able editorial from the *N. Y. Evening Post* of July 16, 1909, is very much in point:

Once a foreigner has shown that he is able bodied, free from contagious diseases, and neither a criminal, an anarchist, nor polygamist, nor certain

to become a public charge, he has made out a *prima facie* case for his admission.

. . . . As to the fear of letting in aliens to become public charges upon public charity, it seems to us that the provision of the law which orders such immigrants back within three years after their arrival, should encourage clemency at Ellis Island, rather than harshness. If the immigrant who falls into pauperism can be gotten rid of within three years, why should our immigration officers speculate excessively upon the chances of an immigrant becoming a pauper? Here again he should be given the benefit of the doubt—given a chance to show what this country offers its newcomers is not poverty, but a living.

Moreover, this circular is in the respects specified similar to one issued by Commissioner of Immigration Williams, of the Port of New York, on June 15, 1909, in which in dealing with determinations as to entry, and not merely for detentions for the Board of Special Inquiry, he instructed his subordinates: "*It is necessary that the standard of inspection at Ellis Island be raised. Notice hereof is given publicity in order that the intending immigrants may be advised before embarkation, that our immigration laws will be strictly enforced.*" As pointed out above, the courts have established the rule of law that immigration acts must be fairly and reasonably construed in favor of immigrants and not rigidly and harshly against them.

The legal advisers of the Department of Commerce and Labor have on occasions decided adversely to the immigrant on points of law where they have themselves regarded their opinion as of doubtful validity, and this despite express recognition of inability to secure judicial review. A typical illustration of this is afforded by the remarks of the Solicitor of the Department of Commerce and Labor in Decision No. 111, p. 15 in the so-called "South Carolina Laborers' Case."

8. *The assisted immigrant and prepaid ticket provisions of the statute (Section 2), should be amended by omitting the confusing "burden of proof" provision. The provision should be recast so as to carry out the intent of the framers by confining it to contract labor cases and cases of immigrants whose passage has been prepaid by "corporations, associations, etc."*

Argument: The Committee of Congress which reported the original "assisted immigrant" provisions in 1891 (Report of Select Committee on Immigration, January 14, 1891, 52d Cong., 2d Sess., House Report No. 3472, p. IV), said wisely:

"Assisted immigration is of two kinds: Those assisted by friends from this side of the water is the best class of immigration, for they have relatives or friends here who will care for them in their untried surroundings. But the immigrant assisted from the other side usually has no friends here, and if any on the other side, their chiefest interest is in getting rid of what

is likely soon to become a burden. The assisted ticket immigrant should not be made an excluded class, but our experience has been so unfortunate that it is prudent to have him show affirmatively that he does not belong to one of the excluded classes."

The "assisted immigrant" provisions of the law are still based on this broad-minded premise. They merely aim to exclude undesirable persons brought over by contract-labor employers, seeking to secure cheap labor at the expense of home labor, and at scales of wages below our prevailing rates, and undesirables whose passage was paid by a foreign government, corporation, etc. Again the law is merely regulative and only imposes the burden of proof upon the immigrant of affirmatively showing the right of entry, except where such employer of contract labor or foreign state or organization has paid for the ticket or passage in whole or in part.

The purpose of these provisions must be held in mind in arriving at their proper construction. Paupers, *i. e.*, recipients of assistance for their support from the state or some division thereof are independently excluded, and the intent of the law is that in addition, persons unable to or barely able to support themselves abroad under normal conditions, and whose immigration was aided by foreign governments or charitable organizations in the manner specified are questionable acquisitions. Such statutes, reasonably construed, do not forbid even the part payment of passage-money of self-supporting persons overwhelmed by some sudden calamity, like the Sicilian earthquake or the present day Russian persecution, or such forms of persecution as led to the Puritan settlement of New England, the Catholic settlement of Maryland, the Quaker settlement of Pennsylvania, or the Huguenot emigration to South Carolina. Much less do they forbid assistance rendered to victims of persecution, other than the payment of passage in whole or in part. The exodus of such unfortunates, suddenly and unwillingly compelled to seek new homes in a land of promise, does not, even *prima facie*, indicate likelihood to become a public charge. It would shock the American people, inexpressibly, however, to know that the unfortunate victims of the Sicilian earthquake were, in a number of instances, deported from our shores as "assisted immigrants" under a blundering administration of our laws, solely because they received some of the aid their sympathizing fellowmen rushed to tender to them in their terrible, sudden distress. Similarly, the able-bodied, industrious Jewish victims of Russia's fiendish fanaticism cannot be lawfully excluded under existing law, even if they have been aided in paying their passage by sympathetic friends or charitable

organizations. Much more is this true when such aid has not had any relation to payment of passage.

Jefferson in his Presidential message of 1801, established our American principle in the famous words: "Shall oppressed humanity find no asylum on this globe? . . . might not the general character and capabilities of a citizen be safely communicated to every one manifesting a bona fide purpose of embarking his life and fortunes permanently with us . . . ?" This doctrine found a permanent place in our statute books at the close of a former "Know-Nothing" era, when Congress adopted a resolution still in force as Section 1999 of the U. S. Rev. Statutes, which provides that "the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the right of life, liberty, and the pursuit of happiness; and in the recognition of this principle, this Government has freely received emigrants from all nations and invested them with the rights of citizenship." The circular of the Commissioner General of Immigration, referred to above, was intended and has in fact led to many unwarranted exclusions on the score of "assisted immigration," in violation of these principles. Commissioner Williams' arbitrary circular letter of June 28, 1909, declared among other things that "in most cases it will be unsafe for immigrants to arrive with less than \$25 (besides railroad ticket to destination)" and that "immigrants must in addition of course, satisfy the authorities that they will not become charges, either on public or *private* charity." He defined his understanding of charity in the following extraordinary terms: "*Gifts* to destitute immigrants after arrival [will not] be considered in determining whether or not they are qualified to land; for, except where such gifts are to those legally entitled to support (as wives, minor children, etc.) the recipients stand here as objects of 'private charity.'" (See reprint in Report of Commissioner General of Immigration, 1909, pp. 132-3).

Similarly, assistance promised to immigrants by responsible philanthropists or societies (other than employers of contract labor) to be rendered after landing, is not merely not illegal, but must be considered in determining if they are "likely to become public charges." It is a serious misconstruction of the law to regard such assurances of relief as in themselves making immigrants likely to become charges on private or public charity.

The able editorial in the *New York Evening Post* (quoted above in part) in criticism of Mr. Williams' \$25 test, has broader applicability and is relevant also with respect to alleged "assisted immigrant" cases. It said:

The money test can never be anything but tentative. In incapable hands it may become an instrument of injustice. It might be fair to

call for a small sum of money from the Italian immigrant in ordinary times; it would be unjust to exclude the refugee from stricken Calabria, or Messina, because he has nothing to show but his poor bundle of clothes. The victims of Russian massacres are entitled to greater consideration than the ordinary Russian immigrant. The Armenian refugee from Adana or Tarsus has claims upon us that rise above the twenty-five dollar rule.

The prepaid ticket provision of the law, the purpose of which is salutary, is, as indicated above, so loosely phrased as to create much hardship and injustice. The law is indefinite and uncertain as to what is meant by a "person whose ticket or passage is paid for with the money of another," and as to what is meant by the general term "who is assisted by others to come." In addition, it establishes a special burden of proof, on the immigrant, different from any other prohibitions of the statute. This is decidedly confusing, since the courts have held that the burden of proof is upon the immigrant in any event. In practice, inspectors frequently act on the assumption that the immigrant has a full knowledge of our immigration laws and regulations and must, without interrogation, at his own instance and despite his ignorance of our language and laws, satisfy the requirements of the law by proving affirmatively that he does not belong to one of the excluded classes, though information on the requirements of the law be made inaccessible to him by the inspectors' method of hearing, which often excludes counsel. Moreover, no such obligation as that to meet the special burden of proof ought to be thrust upon an immigrant intelligent enough to purchase his ticket here or have his relatives do so, instead of dealing with more irresponsible ticket agents and "runners" abroad.

9. The provision of the law concerning likelihood to become a public charge should not be construed or modified so as to prevent the continuance of the established and salutary practice of permitting the heads of families to come to the United States, in order to establish themselves here as breadwinners and to provide homes for their families before sending for them from abroad.

Argument: The hardships attending the separation of members of families has attracted widespread attention. In efforts to prevent these hardships, immigration officials have recently adopted the practice of inquiring into the size and circumstances of the families of those male immigrants who leave their families abroad. In such cases, immigration officials, (basing their actions presumably upon a desire to prevent the exclusion of the members of a family whose head has already emigrated or intends emigrating to the United States) are making these inquiries with a view to speculating as to whether or not the

size or condition of the families abroad is likely to render them or the heads of the families coming here public charges. The authority to make such inquiries into matters outside of the jurisdiction of the United States, involving questions as to cost of living and assistance abroad, wholly beyond the possible range of knowledge of immigration officials is quite doubtful. (See *American Banana Co. vs. United Fruit Co.*, 213 U. S. 347). The history of immigration to this country demonstrates that in hundreds of thousands of cases the process has been for the male head of the family to come over first, to learn the conditions in the new country and prepare a home for his family. Any administrative regulations, or interpretations of the law which prevent this salutary process would be unnecessarily cruel and would result in great detriment to this country itself. Had such a practice been in vogue hitherto, it would have deprived this country of many of its most valuable and enterprising citizens. Hardships resulting from exclusions affecting separation of families can readily be avoided, first, by making the requirements of our laws better known, here and abroad, as suggested above (p. 317), second, by requiring thorough examinations (physical and other) by the steamship companies at the port of embarkation, and third, by the free exercise of the power to take bonds in all doubtful cases.

10. *The discretionary power under the statute (Sec. 26) lodged with the Secretary of Commerce and Labor to permit landing of immigrants "upon the giving of a suitable and proper bond or undertaking," should be freely exercised. Under present regulations this discretionary power is seldom availed of, though it is of great service in many cases and essential in others to avoid unwarranted hardships, if not cruelty.*

Argument: Despite the comprehensive language of Sec. 26 of the present act, giving the fullest discretionary power to the Secretary to admit immigrants under bonds, unless suffering from a loathsome or dangerous contagious disease, the Department rarely takes bonds, except to avoid separation of families. Cases, accordingly arise involving the grossest hardship and oppression, but the courts have declared themselves powerless to review the discretion of the Department (*U. S. ex rel Chanin vs. Williams*, 177 F. R. 629, C. C. A.) The right and wisdom of freely taking bonds in doubtful cases was strongly emphasized by the Government through Secretary Fairschild in an able opinion some years ago (Treasury Decision, No. 7698), and has also met with strong judicial approval (*U. S. vs. Lipkis*, 56 Fed. Rep. 427). An adequate bond protects not merely the Government, but makes it to the surety's interest to prevent his charge from becoming a "public charge." The objection to bonds is

placed chiefly upon the ground that sureties often are or become irresponsible. This is purely a matter of administration, as the law provides specifically that bonds may be taken by the Secretary of Commerce and Labor "in such amount and containing such conditions as he may prescribe."

It is further urged that bonded immigrants occasionally disappear or change their names, so that the liability of bondsmen cannot be established. This extremely rare contingency might have weight under some circumstances, but it may be readily guarded against. For instance, one method would require a form of bond declaring a forfeiture, unless the alien periodically report, personally or otherwise, during a fixed time limit, to some designated government official. This objection also resolves itself, therefore, into a mere matter of efficient administration.

11. The provision as to admission of children under sixteen years of age unaccompanied by their parents, has lately led to many oppressive and unwarranted exclusions and should be modified.

Argument: The law establishes as an excluded class "all children under sixteen years of age unaccompanied by one or both of their parents at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe." Under this statute, the Secretary very properly established the rule, that children shall not be permitted to enter the United States if it appears, or the circumstances indicate, that they are to be placed in forced or "padrone" servitude, or in any employment unsuited to their years, which implied that in other cases, they should be freely admitted. It is now the general practice to exclude such immigrants even where the matters referred to in the Secretary's rule are affirmatively and satisfactorily disproved. In fact, Commissioner Williams, in a recent circular letter entitled "Information as to the Immigration Laws and Their Execution," says that "all children under sixteen, unaccompanied by either parent will be held at Ellis Island for special investigation and (a) where the parents are abroad, they will, as a rule, be deported. If admitted at all, this will be only on bond, but the Secretary will not admit even on bond, except in instances presenting in his opinion special merit. (b) Where it is claimed that the parents are in the United States such children will usually be held at Ellis Island until the parents have been heard from." It is natural that under such instructions most children are certain to be excluded. This subject presents two features therefore: (1) the statute has vested the Secretary not the Commissioner, with power to regulate this matter by rule, and (2) the regulation established by the Secretary, pursuant to law, indicates that such children are eligible for entry except in the cases therein referred to.

The Commissioner's rule obviously is inconsistent with the regulation, and effects the deportation of young children who came over in reliance upon the Secretary's regulation, and who are admissible pursuant to it. Another, though less important question is whether it was intended to limit the admission of children to the extent the Commissioner's rule attempts, in view of the hardships and dangers attending such exclusion, especially where young girls are involved.

12. *Boards of Special Inquiry and immigration officials in general should keep correct and full records of all detention cases coming before them; such records to be open at all times to inspection by parties in interest who ought to have the right to make copies of the records.*

13. *Where decisions of the Boards of Special Inquiry excluding immigrants are affirmed on appeal, the immigrant or his counsel should have at least 48 hours notice prior to deportation.*

Argument: Great hardship results from the common practice now prevailing of delaying determinations until immediately before the vessel sails on which the immigrant is to be deported. Relatives and friends are prevented even from bidding farewell to excluded persons, or from providing for their maintenance and comfort on the voyage. Moreover, efforts to make application for admission on bond after dismissal of appeals, which the law sanctions, are thus thwarted. Placing in the hands of men unlearned in the law a facile means of avoiding a review of decisions charged to be illegal and oppressive, has been in many cases a temptation to which they have unfortunately yielded.

14. (a) *Medical examiners, in accordance with law, should report strictly upon the medical facts of each case, and should not include in their reports any other statement whatsoever.*

(b) *Physicians of the Marine Hospital Service should be instructed in official circulars as to their duties, so as to prevent divided responsibility for deportations because of mental or physical defects.*

Argument: At present, in very many cases, the physicians certify to trivial defects, such as the arbitrary estimate of three pound underweight and the like, and to defects and non-contagious nor dangerous diseases having no relationship to the likelihood of the immigrant's becoming a public charge, particularly in the cases of women and children having others to support them. These certifications frequently take the form of sweeping generalizations unjustified in fact, like "lack of physical development," "lack of muscular development." They wholly ignore the physical and mental vigor of the immigrant from Eastern Europe whose slight physique often is misleading to superficial observation. The medical inspectors, unless improperly instructed, in many cases would not assume the re-

sponsibility of reporting that the defect is such as to tend towards the immigrant's becoming a public charge. The Boards of Special Inquiry, however, especially at present, are naturally greatly influenced by such certifications, which have little significance in fact. Under the present rigid and enhanced medical tests, there is no occasion for the introduction of such doubtful expedients. The result is a responsibility for exclusions divided between the medical examiners and the Boards of Special Inquiry, with actual responsibility upon neither.

(c) *The present statute making decisions of medical officers final even as to alleged physical defect being likely to affect the immigrant's becoming a public charge, should be modified by making the decisions reviewable by appeal on such points.*

Argument: Even under the theory of the present statute, the question whether alleged physical defect is likely to affect the immigrant's becoming a public charge is a quasi-judicial question and not really a medical one, and ought to be made reviewable on appeal. In addition to this, however, certain diseases, like trachoma, favus, etc., are classed as "loathsome or dangerous contagious diseases," while in point of fact there are stages of them easily curable and far from loathsome or dangerous. The indiscriminate use of terms applicable only to certain stages of a disease has been protested against by the medical world and often by the courts. (See *In re Di Simone*, 108 F. R., 942; *U. S. vs. Nakashima*, 160 F. R. 842, C. C. A. See also articles on Trachoma by Dr. Alger in *N. Y. Med. Journal*, April 9, 1904; by Dr. Nydegger, *U. S. Marine Hospital Service*, *N. Y. Med. Journal*, Sept. 17, 1904; and by Dr. H. F. Hansell, in *N. Y. Med. Journal*, March 16, 1907). The Government's interests would not be jeopardized if appeal, even on those points, were permitted to the Secretary of Commerce and Labor, who can be depended upon to protect the public interests against what are actually "loathsome or dangerous contagious diseases," and suspend ruling on admission pending treatment of the applicant in a hospital, Governmental or otherwise, at the expense of the applicant or of his family.

15. *The exemption from exclusion under Section 2 of the existing law of "persons convicted of an offense purely political, not involving moral turpitude," should be amended by the omission of the words "not involving moral turpitude."*

16. *The adoption in practice of such administrative reforms as are herein referred to will render it unnecessary to press the recommendation, tentatively made to this Commission, that the words of the present law "likely to become a public charge," be limited and defined.*

III.

1. *In answer to the inquiry, "What can the National Government do to assist immigrants on their arrival at United States ports?" we submit that by increasing the scope of the Government's own Information Division, and by Government co-operation with similar bureaus, maintained by States or by private charitable organizations, it can encourage immigrants to go to districts where they are most likely to prosper, and thus be judiciously distributed throughout the country.*

Argument: The federal act of August 13, 1882, under which the national government took over the regulation of the subject of immigration, expressly provided that the head-tax collections should be paid into the United States Treasury, and constitute a fund to be called the "immigrant fund," to be used not merely "to defray the expense of regulating immigration," but also for "the care of immigrants arriving in the United States, [and] for the relief of such as are in distress;" and it further expressly authorized the Secretary of the Treasury to make contracts with State officials for the purpose, among others, of "providing for the support and relief of such immigrants therein landing as may fall into distress or need public aid." The obvious purpose of this provision was thus to compensate the seacoast States for the revenues which they were deprived of and which until then, they had collected by a head-tax on immigrants. These States had in part freely used these revenues for the benefit of immigrants falling into temporary distress after landing. (See *Edye vs. Robertson*, 112 U. S. 580.) The statutes and judicial decisions of New York and Massachusetts show that the theory underlying these statutes was that while people having an established residence in various countries or municipalities had a right to share in the "poor relief" funds of such localities, to tide them over periods of temporary distress, newly arrived immigrants had no such "established residence," and that it was accordingly fair and just to collect a head-tax from immigrants and have such immigrant fund employed in part for the relief of immigrants requiring aid. In the administration of these laws, the States moreover recognized that individuals might suddenly and temporarily require a little public relief during hard times in case of sickness or other calamity, which did not make them paupers, and subject to the legal disabilities of paupers. (It is a striking contrast to this to note our present procedure by which the receipt of merely free hospital treatment, at the expense of State or city, within three years after their arrival by aliens ignorant of the consequences, is construed to justify their deportation on the theory of their having become paupers or

public charges.) When, in 1891, the federal government provided for the appointment of its own officials to execute the immigration laws, abolishing the employment of state officials, much of the expense attached to the enforcement of these laws became a direct charge upon the federal government, and all subsidies or payments out of the Immigrant Fund to the States ceased. In fact, however, the States and subdivisions thereof, continued to bear a portion of the expense arising from the care or relief of needy aliens, though the national government ceased to contribute in reimbursement therefor. It was accordingly mere justice for the Government to establish an "Information Division" at its own expense, by Section 40 of the Act of 1907, "to promote a beneficial distribution of aliens admitted into the United States among the several States and territories desiring immigration," and to concern itself to this extent at least with the progress of aliens after their landing and admission to this country.

This Information Division has already done admirable work, and it should be developed by the Government and not handicapped and embarrassed. The statute in question, moreover, in terms, contemplates governmental aid to similar State agencies. This should be further extended to include State and municipal Immigration Bureaus and the like. The Government should also co-operate with various quasi-public charitable organizations which render important public service in their efforts to advise immigrants as to place of settlement and facilities for getting work at prevailing rates, and in looking after them and affecting their distribution through the country. Such disinterested benevolent agencies are entitled to assistance and encouragement from the Government, as they render at their own expense, quasi-governmental service. As was so well said by Attorney General Wickersham (27 Opinions 497):

It is certainly not against the policy of the law to send an agent into a foreign country to arrange for the transportation of aliens whose emigration has already been determined upon, and to secure their settlement in a section of the country where the industrial conditions are such that their presence is badly needed. As appears from an inspection of the reports of the Commissioner General of Immigration the most difficult problem in connection with the immigration question is to secure a proper distribution of the immigrants. . . . Manifestly any plan which has in view a distribution of the alien immigrants among the rural population and to procure their services in the development of industries in which labor is deficient and thus remove them from competition with American laborers in those vocations which are overcrowded, is in entire accord with the spirit of our immigration laws.

The work of the Galveston "Jewish Immigrants' Information Bureau" is of practical interest in this connection. It aims at

preventing the congestion of immigrants of the Jewish faith in the large northern and eastern cities by arranging for their distribution from Galveston throughout the West and Southwest, instead of going to New York and other northern and eastern cities. The work is based on the theory that the distribution would be best effected at the home of the immigrant, instead of from large American cities where relatives and friends can easily prevail upon them to remain. For this purpose, a number of immigrants, mainly men, sailed from Bremen to Galveston under the auspices of the Jewish Territorial Organization and the Galveston Bureau, the Galveston Committee and affiliated societies aiding them to find suitable work in their lines of occupation in the West and Southwest. The voyage is longer and more expensive, but the public-spirited interest of the Bureau through affiliated committees and societies, has succeeded in finding suitable positions for the immigrants after arrival, and has done noble work in distributing these immigrants who would have otherwise landed and remained at the eastern ports.

Accordingly the Government and especially the Bureau of Immigration should co-operate with and aid the work of such organizations as the Galveston "Jewish Immigrants' Information Bureau" and not hinder their beneficial activities. It should co-operate with and aid the work of such organizations as the Industrial Removal Office which has removed to the interior of the country away from congested districts, over 50,000 Jewish immigrants since 1901, and made them self-supporting workers in their various callings in the interior of substantially every State of the union. (See the account of the society's activities in the argument of its former president, Cyrus L. Sulzberger, Esq., Hearings before House Committee on Immigration, 61st Cong., 2 Sess., pp. 290 et seq.) The Government should also encourage the work of fraternal organizations like the Independent Order B'nai B'rith, which, through lodges and members scattered all over the country have furthered the beneficent work of the organizations mentioned. The Government should also co-operate with and aid such organizations as the "Jewish Agricultural and Industrial Aid Society," which induces Jews to take up farming and aids them in that vocation, being in turn aided by the "Baron de Hirsch Agricultural School," at Woodbine, N. J., and the Doylestown "National Farm School," presided over by Rev. Dr. J. Krauskopf. The Baron de Hirsch Fund, in addition to subsidizing several of these organizations, maintains a free "Trade School," for resident Jewish young men in New York City.

The Government should in like manner co-operate with and aid the work of such organizations, of all denominations and

nationalities, as look after the housing and employment of immigrants and maintain agents at Ellis Island and elsewhere. It should also aid the various well-managed Employment Bureaus, maintained by commendable private charities. The Secretary might profitably convene from time to time, conferences of representatives of such organizations, as the Department has done in other matters, and advise with them as to measures calculated to advance their common ends, and secure their recommendations before making changes in the regulations or recommending amendments of the law. (See Report of N. Y. State Commission of Immigration, March 3, 1909, which made important recommendations along these lines. These suggestions were in the main enacted into law by Chapter 514 of the Laws of 1910, of the State of New York, establishing a Bureau of Industries and Immigration. See also the paper on "Protection of the Alien," by Miss Frances A. Kellor, formerly Secretary of the North American Civic League for Immigrants, now the head of the N. Y. State Bureau of Immigration, in the recent publication of the Young Men's Christian Association Press, 1910, entitled "The Immigrant and the Community.")

IV.

In answer to the inquiry: "What can the National Government do to promote the assimilation or Americanization of Immigrants," we direct attention to the work of various Jewish organizations, referred to in the Hearing before the House Committee on Immigration, (61st Congress, 2d Sess., March 11, 1910, pp. 296, 301-3, 305-6, 339, 344-6, 354, 363,) which indicates that the Government can do much, both directly and through stimulating and aiding other organizations.

The United States Commissioner of Education should issue Bulletins directing the attention of local education boards to the admirable results accomplished in the Americanization of children and adults by private philanthropy, notably, the Baron de Hirsch Fund, in maintaining special classes for immigrants, day and night. The Baron de Hirsch Fund has for nearly twenty years subsidized such classes at the Educational Alliance in New York, which have been so successful that the City has recognized their value and has now taken them over for the benefit of all denominations. This Fund subsidizes similar classes in Boston, Brooklyn, Philadelphia, Baltimore, Chicago, St. Louis, Pittsburg, and Cleveland. Similarly, classes in Civics and American History have been maintained by the Educational Alliance in New York and many other public and private organizations have engaged in similar work. The admirable results accomplished are not, however, as widely known as they should

be, and it is within the province of the Government to promote such work by disseminating information concerning it. In the Territories it should itself establish similar classes.

Efforts at distribution, such as have already been referred to (pp. 24-27), will also hasten the accomplishment of this end, though in the larger so-called "congested" districts, this work of Americanization and assimilation, has been developed more fully than in less thickly populated sections. By an intelligent co-operation between the U. S. "Information Division" and the States, the importance of overcoming congestion in large cities, and the best methods of doing so, may also be emphasized. In fact, the New York City Board of Education, to aid in providing adequate facilities for the education of immigrant children, has just requested periodical information from the federal immigration authorities as to the number, age and prospective residence of alien children arriving at the port of New York. (See Report of Commission on Immigration of State of New York, pp. 93-109.)

It ought, however, to be remembered that the great force for assimilation and Americanization is in the immigrants themselves. The Russian immigrants for instance have invariably cut loose from their oppressing native country and have come here determined to cast their lot with us. Their children are abnormally eager for our schooling and it will be found that the only stimulus really required for them is sitting or even standing room in our schools. They have no wish to look back. Their eager anticipation is to become American citizens. Even the older people who acquire the English language with greater difficulty have already partially Anglicized their native Yiddish.

V.

CONCLUSION

In conclusion, we desire to renew the opposition to sundry restrictive bills and amendments now before Congress, as explained by our representatives in the hearing before the House Committee on Immigration and Naturalization on March 11, 1910.

For the reasons there stated, we, as American citizens, actuated by a desire to preserve the best traditions of this country as an asylum for the able-bodied citizens of other countries who suffer from oppression and persecution, and sincerely believing that the addition to our population of intelligent, industrious and moral persons, will greatly increase our national productiveness and general prosperity, emphatically oppose amendments to the law which

(1) Increase the Head-tax (See Hearing quoted above, pp. 276, 278-9, 317, 338).

- (2) Repeal or modify the bonding provisions (*Ibid.* p. 352-3).
- (3) Establish a literacy test (*Ibid.* pp. 276-7, 280-1, 286, 303-5, 324-5, 337-8, 353-4).
- (4) Prescribe physical examinations for immigrants, such as are prescribed for admission into the U. S. Army (*Ibid.* p. 323).
- (5) Establish a monetary requirement (*Ibid.* p. 322).
- (6) Require "moral certificates" for admission (particularly from Russian refugees), (*Ibid.* pp. 325, 346).
- (7) Abolish the Information Division (*Ibid.* p. 275, 290-5, 342-4).
- (8) Establish as an excluded class, persons "found" to be "economically undesirable" persons (*Ibid.* pp. 287, 321-2, 346).
- (9) Require all aliens to secure registration certificates under heavy penalties (*Ibid.* pp. 318-21).
- (10) Increase the period to five years (now three) within which deportations may be ordered on the ground of "public charge" (*Ibid.* p. 279).
- (11) Establish a race or color test for admission of aliens, contrary to the fundamental principles of our Government and in violation of treaty rights (*Ibid.* pp. 308-10, 316, 326-30).