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Memorandum on Immigration Bill, 1907

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MEMORANDUM.

The attached bill contains some features which are not only unique but interesting. The condition which the bill proposes to set up as the determining factor in the question whether alien laborers shall or shall not be admitted to the United States would seem to be both sound and practicable. Taking up the several sections of the measure, it is deemed proper to comment upon them as follows:

SECTION 1, if enacted into law, would have two far-reaching effects: (1) It would tend to very materially discourage the introduction into this country of the cheap labor of Asia, and if the difference between the wage earned in his native land and that prevailing in the United States were fixed at a sufficiently close percentage (as a rough estimate, anywhere from 40% to 20%, it is thought would have a telling effect), would shut out much of the lower class labor now coming from Italy, Greece, and other Southeastern European countries. It would not be very difficult to calculate, by ascertaining the average laboring wage of various countries, at exactly what point the percentage of difference ought to be fixed to effect the rejection of ~~the~~ particular classes of objectionable aliens; for the difference, for instance, between what is paid in the United States and what is paid in Italy as compared with the difference between what is paid in the United States and what is paid in Japan or India, would be considerable; and the wage paid in Southeastern Europe is, of course, much less than that paid in Scandinavian countries, from which some claim our best immigration is secured. (2) The young immigrant, unaccompanied by parents or other relatives on whom he can depend for support, would, practically, be prohibited from entering the United States. This would increase the efficacy of the present provision directed against persons likely to become public charges.

And if SECTION 2 were worked out with sufficient detail as to the nature and contents of the proposed certificate, it would doubtless prove a very effectual method of providing aliens admitted

to this country with evidence of their lawful admission. The greatest degree of care would have to be exercised, of course, in the preparation of the certificates in order to prevent their use for fraudulent purposes.

SECTION 3 proposes a very marked departure from previous legislation as to the punishment of those who enter contrary to law. No immigration act heretofore passed has attempted to do more than provide for the removal of the alien from the United States, and, in the case of contract laborers, disqualifying the alien for entry for a period of one year succeeding the removal or rejection. In the Chinese exclusion act of May 5, 1892 (27 Stat. 25), Section 4, the attempt was made to further the policy of exclusion by providing that, in addition to expelling the unlawfully-resident Chinaman, such person might be imprisoned at hard labor. But the Supreme Court, in the case of Wong Wing vs. United States (163 U.S. 228), held that this provision was unconstitutional and void. While section 3 of this act does not propose nearly so severe a penalty as that incorporated in the Chinese exclusion act mentioned, it might be well to give very careful consideration to the Wong Wing decision before attempting a provision contemplating the imprisonment of those who violate the immigration laws. Possibly, moreover, the object sought would be quite as effectually accomplished by providing for exclusion or expulsion and disqualifying the alien for admission for a certain period subsequent thereto. If it is intended by the last clause of this section to increase the head tax to $10 on account of every class entering the United States, a separate and distinct provision covering such intent would be preferable to the form in which the present provision is drawn.

To make the provision set forth in SECTION 4 practicable, a time limit would have to be fixed within which aliens now domiciled within the United States should register; otherwise what would constitute failure or neglect in the premises would be indeterminable,

and the provision would be likely to fail because of inexplicitness. Here again the most careful provisions would have to be made as to the character of the certificate and what it should contain to prevent fraud by counterfeiting and altering.

As to SECTION 5, the object to be accomplished by appointing officials "to be attached to the consular offices in foreign countries" is not clear; the bill does not seem to provide for the issuance of certificates in foreign countries.

There could, perhaps, be no objection to the provision of SECTION 6, unless, indeed, it were that the President would thereby be invested with an unusually broad power; but the necessity for making the percentage named in Section 1 subject to change as conditions change is obvious.

The remaining sections require no comment.

AWP-$