

IMMIGRATION AND CRIME IN EARLY 20TH CENTURY AMERICA

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Abstract

Research on crime in the late 20<sup>th</sup> century has consistently shown, that despite the public rhetoric, immigrants have lower rates of involvement in criminal activity than natives. The earliest studies of immigration and crime conducted at the beginning of the 20<sup>th</sup> century produced similar conclusions. We show, however, that the empirical findings of these early studies suffer from a form of aggregation bias due to the very different age distributions of the native and immigrant populations. We find that in 1904 prison commitment rates for more serious crimes were quite similar for the two nativity groups for all ages except ages 18 and 19 when the commitment rate for immigrants was higher than for the native born. By 1930, immigrants were less likely than natives to be committed to state and federal prisons at all ages 20 and older. But this advantage disappears when one looks at commitments for violent offenses. Immigrants in their late teens, in fact, were more likely than their native counterparts to be incarcerated for violent offenses.

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

Edith Abbott in the report of the National Commission of Law and Enforcement (1931: 23)

Concerns about the criminality of the foreign born were prominent in the public debate that led the Federal government to become involved in regulating immigration in 1882, as they had been in the courts and in state legislatures prior to that time (National Commission of Law and Enforcement 1931). A common charge in the Congressional debates was that foreign countries actively encouraged convicts to emigrate to the United States. The issue of crime became increasingly interwoven with immigration in the public debate in the early 20<sup>th</sup> century. In its 1911 report, the Federal Immigration Commission, known as the Dillingham Commission, concluded that federal regulation was not effectively excluding criminal aliens. Revisions to immigration law in 1910 and 1917 expanded the grounds for deportation to include some criminal acts taking place in the U.S. after lawful immigration. Even after the flow of immigrants had been sharply curtailed by the National Origin Quota Act of 1924, immigrants were still blamed for driving up the crime rate. In the early 1930s, the National Commission on Law and Enforcement, also known as the Wickersham Commission, devoted an entire volume of its final report to the examination of the links between immigration and crime.

The view that immigration increases crime is pervasive and, as Edith Abbott's quote indicates, quite persistent, but is there any evidence to support it? Research on immigration and crime today provides no support for this view. The Dillingham Commission, despite its policy recommendations, found "no satisfactory evidence" that crime was more prevalent among the foreign born than the native population (U.S. Senate 1970b: 1). The Wickersham Commission likewise did not find evidence supporting a connection between immigration and increased crime. However, these early assessments of the connections between immigration and crime have been challenged both by social scientists at the

time, who questioned the quality and interpretation of the data, as well as by historians, who have linked trends in violent crime to the arrivals of certain immigrant groups to the U.S.

The objective of this paper is to re-evaluate the evidence on the links between crime and immigration in the early twentieth century to determine whether or not immigrants increased the crime rate as often asserted. Our findings contrast with the findings of the Dillingham and Wickersham Commissions, as well as with the findings of the research on immigration and crime in the U.S. in the recent period.

### **Theory and Evidence on the Link from Immigration to Crime**

The connection of higher crime rates to immigration fits well with several theories of crime (Martinez and Lee 2000; Butcher and Piehl 2006). Theories about the causes of crime operate at several different levels: individual-level causes; family, peer or neighborhood effects; labor market conditions; the influences of alcohol, drugs, guns and gangs; and law enforcement. Some explanations emphasize the interactions of potential offenders and potential victims, as well as the built environment in which the crimes occur.<sup>1</sup> For many of these types of causes, immigrants would be predicted to have elevated rates of criminal activity.

Among the individual-level factors, some of the most important predictors are gender, age, education, and poverty. These factors invariably predict a substantial portion of the variation in criminal activity in the general population, regardless of whether the outcome is self-reported acts, arrests, incarceration, or recidivism. Age is so consistently and highly correlated with criminality that a branch of criminology is dedicated to understanding the “age-crime” curve through the life course (Laub and Sampson 2003). Immigrants, particularly recent arrivals, tend to be disproportionately represented in the demographic groups with the highest rates of crime: males in their late teens and twenties. Immigrants to the United States have also tended to have high rates of poverty, which would tend toward greater

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<sup>1</sup> Chapters on each of these topics can be found in Tonry (1998).

involvement in crime. Immigrants rate high on other well-known criminogenic factors, including living in socially disorganized neighborhoods in large cities (Taft 1933). The correlation of urbanization with crime and other social problems greatly influenced the development of sociology, especially in the early 1900s (Wikstrom 1998).<sup>2</sup> As with other social science outcomes, a central focus in the empirical research literature has been to tease out individual from community effects. For the present purposes, it is sufficient to note that both mechanisms operate in the same direction – leading toward relatively higher crime rates for immigrants.

There are a several theories about crime that are particular to immigrants. Sellin (1938) emphasized the “culture conflict” faced by immigrants as they adjust to a new set of behavioral norms. At the aggregate level, it is possible that immigration would increase the criminal activity of the native born by displacing natives from work, promoting urbanization, and increasing “the variety of patterns of behavior” (Sutherland 1924: 128). At the same time, some mechanisms would lead immigration to reduce, rather than increase, crime. Sutherland (1924: 124) noted such an effect: that immigrants may have developed strong respect for the law in their home countries, formed in their “homogenous and stable groups” before migrating to the more disorganized American city. Changes in the policy environment may also play a role. Over time the legal environment increasingly discouraged criminal activity among immigrants, by adding screening before entry and introducing deportation for criminal activity after immigration.

A growing research literature about crime and immigration in late 20th century United States is finding, using a variety of data and methods, that immigrants today generally have lower rates of crime than natives. Butcher and Piehl (1998a, 2006) compare cities with a large share of new immigrants to cities with fewer new immigrants and find no statistically significant relationship between immigration and crime. Similarly, comparisons of border to non-border cities reveal that border cities (with larger immigrant populations) do not have higher crime rates (Hagan and Palloni 1999). And analyses of

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<sup>2</sup> These correlations held until recently (Glaeser and Sacerdote 1999), but (depending on the crime measure used) may have moderated during the recent dramatic crime declines in large cities.

neighborhoods in Miami, El Paso, and San Diego have shown that, controlling for other influences, immigration is not associated with higher levels of homicide among Latinos and African Americans (Martinez and Rosenfeld 2001). These studies support the basic inference in Butcher and Piehl, that immigration is not associated with increasing crime in a locality.

Differences in criminality have also been studied at the individual level. In Chicago, violent offending among those aged 8 to 25 is comparatively low for immigrants: the odds of violence for first generation Americans are approximately half those of third generation; the odds for second generation members are about three-fourths of those of the third generation (Sampson, Morenoff, and Raudenbush 2005). Butcher and Piehl (1998a), using a nationally representative sample, also found immigrants less likely to be criminally active, using a measure that included property crime.

The research closest to that of the current paper analyzes the institutionalization rates of immigrants compared to those of natives using the U.S. Censuses of 1980, 1990, and 2000 (Butcher and Piehl 1998b, 2006).<sup>3</sup> This research shows that immigrants have much lower institutionalization rates than the native born — on the order of one-fifth the rate of natives. More recently arrived immigrants have the lowest relative institutionalization rates, and this gap increased from 1980 to 2000.

### **Historical Evidence on the Criminality of Immigrants**

Studies of immigration and crime in the early twentieth century also concluded that immigrants did not have higher rates of crime than natives. At worst, immigrant and native crime rates were the same, and some studies argued that, consistent with the evidence from later in the century, immigrants had lower crime rates. The first systematic study of immigration and crime, conducted between 1907 and 1910 as part of the Dillingham Commission, found incarceration and arrest rates were about the same for the foreign-born and native-born populations. Table 1 presents the basic findings of the Commission

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<sup>3</sup> In 1990 and 2000, the U.S. Census provides information on whether a respondent is in an institution, but not whether that institution is a correctional one. Butcher and Piehl (1998b) documented that for men aged 18-40, the vast majority are in correctional institutions so that for this demographic group institutionalization approximates incarceration.

regarding incarceration rates. The foreign born constituted 23 percent of males 15 and older in the population at large, and 23 percent of the male prison population on June 30, 1904 (U.S. Senate 1970b: 213 and 218). The foreign born were disproportionately represented in prison commitments, but this was due to the large numbers of commitments for minor offenses among the foreign born which the report's authors attributed to the concentration of immigrants in cities where such offenses were more likely to be prosecuted.

The Commission's report, however, cast these conclusions as tentative in light of the difficulty of obtaining reliable data, problems that plagued both measures of crime and of population. Nonetheless, the Commission asserted that 2<sup>nd</sup> generation immigrants, the children of the foreign born, appeared to have higher crime rates than the offspring of the native born. Moreover, the Commission suggested that immigration may have altered the composition of crime. Immigrants, the data suggested, were overrepresented among the more serious acts of personal violence as well as “offenses against public policy” such as vagrancy, disorderly conduct, and drunkenness) and prostitution (U.S. Senate 1970b: 2). Italian immigrants were singled out as having a higher prevalence of homicide and other crimes of personal violence.

These last conclusions, however, were not based on the rates of violent crimes per foreign born or Italian immigrants in the population. Rather they were based on the distribution of crimes among the foreign-born or Italian immigrant imprisoned population (U.S. Senate 1970a). Basing conclusions about the relative criminality of immigrants by country of birth on the crime distribution *within* immigrant group was the focus of a scathing critique by Oscar Handlin (U.S. Senate 1970a), which further accused commission members of partiality (favoring older immigrants and vilifying the new) and “scientific pretensions.”

Twenty years later, the Wickersham Commission found that the foreign born were less likely to be arrested and less likely to be committed to prison than the native born. Using data from police departments as well as prison statistics, the conclusions were presented in stronger terms than those of the earlier commission. In particular, the Wickersham researchers did not find sufficient evidence to

conclude that the 2<sup>nd</sup> generation was more criminal than children of the native born or to conclude that certain immigrant groups had particularly high criminality. Consistent with the Dillingham Commission conclusions, there were some differences across crime categories. The Wickersham Commission found that the foreign born had rates similar to natives for acts of personal violence, and particularly low relative rates of crimes of economic gain.

But the Wickersham conclusions were not without dissenters. C.C. Van Vechten, the Chief of the Institutional Section of the Census Bureau, was concerned that the conclusions were misleading because of differences in the age distributions of the immigrant and native populations. In the official reports of the prison censuses, concern was expressed that there were few young immigrants, a fact that would inflate the perception of criminality for the foreign born. The solution was to use only those age 15 or older in the population denominators (U.S. Department of Commerce and Labor 1907:19).<sup>4</sup> Van Vechten showed that by applying this method to data from the 1938 prison census and preliminary 1940 population Census data, the prison commitment rate was 110 per 100,000 for native-born white males over 15 and only 50 per 100,000 for foreign-born white males the same age (Van Vechten 1941: 142). This "two to one" advantage of the foreign born might be interpreted as strong evidence that immigrants were less prone to commit crimes, as indeed the Wickersham Commission had concluded. But in a nice demonstration of aggregation bias, Van Vechten calculated incarceration rates for 5-year age categories to show the importance of adjusting for age in comparing prison outcomes across populations. These results are shown in Table 2.

The first two columns reproduce the results in Van Vechten (1941). In the younger age categories, the prison commitment rate is higher for the foreign born than for the native born, which was obscured in the overall figures because the immigrant age distribution was so much older than the native age distribution even when excluding those under 15. The National Origins Quota Act of 1924 had significantly curtailed the inflow of new migrants and so had cut off the supply of younger immigrants.

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<sup>4</sup> The Wickersham commission used 15 or older and 21 or older as denominators (National Commission on Law and Enforcement 1931).

Without this inflow, the foreign-born population had aged relative to the native-born population. Figure 1 shows the age distributions of the native-born and foreign-born male populations in 1930. The foreign-born population shows a distinct bulge in the ages between 35 and 50.

Van Vechten provided a life table estimate to “correct” for the age distribution, concluding that if each group spent its whole life in the U.S., the ratio of prison admissions of foreigners to natives would be 10 to 9, or 1.11.<sup>5</sup> An alternative, and perhaps more straightforward, approach would be to apply the age-adjusted immigrant crime rates to the native age distribution. This yields a similar ratio, 1.15. Both measures clearly demonstrate Van Vechten’s critique that population differences could affect inference about relative criminality of the foreign and native born.

Van Vechten's critique may also be applicable to the findings of the Dillingham Commission. Immigrant arrivals were quite high at the beginning of the twentieth century, and many of these were young men. Figure 2 shows the age distributions of the native- and foreign-born male populations in 1910. Here the bulge in the foreign-born population is in the late 20s and 30s, reflecting the young ages at which most immigrants entered the U.S. However, given the steep age-crime profile evidenced in Table 2, aggregation bias could still be a problem in this earlier period given the smaller fractions of the foreign born in the 15 to 19 and 20 to 24 age groups.

The other issue of contention in the interpretation of the Dillingham and Wickersham Commissions findings is whether the comparison of natives and immigrants differed by crime type. As noted above, the Dillingham Commission had concluded that immigrants were disproportionately represented in the commission of particular types of crime, including crimes of personal violence. This conclusion, though, was based on the distribution of crimes among the foreign born who had been committed to prisons not on commitment rates per population for different nativity groups. However, a number of historical analyses of homicides have asserted strong links between immigration and the trends in violence in the U.S. (Gurr 1989). Looking at homicide reports from newspapers and coroners' records,

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<sup>5</sup> A key assumption in this exercise is that both age at migration and time since migration are unrelated to crime (Van Vechten 1941: 147).



Monkkonen (1989) claimed that the large immigrant population in New York City could account for between one-third and two-thirds of the homicides between 1852 and 1869. The sluggishness of the decline in homicides at the end of the nineteenth century and early twentieth century is likewise ascribed to the continued entry and assimilation of new groups of immigrants, particularly the Italians who came from the only area in Europe where the homicide rate exceeded that of the U.S. Lane (1989) found that between 1899 and 1928, almost 20 percent of all men and women convicted of murder or voluntary manslaughter in Philadelphia and consigned to three local prisons were born in Italy, whereas no more than 5 percent of the Philadelphia population as a whole were Italian born during this period.

These conclusions by historians might be reconciled with the Dillingham or Wickersham findings if immigrants' involvement in crime varied significantly with the type of offense. Violent and property crimes frequently have different time trends, age patterns (with involvement in property crimes peaking at younger ages than for violent crimes), and geographical distributions.<sup>6</sup> In addition, inmates convicted of property crimes have somewhat different criminal histories and post-release outcomes compared to those convicted of violent crimes (Langan and Levin 2002). Because of these cross-offense type differences, researchers generally disaggregate to the extent possible when investigating crime patterns.

The members of both commissions as well as Census Bureau statisticians working with prison census data were interested in comparing offense types. But in most of their analyses, this issue was addressed by looking at the distribution of crimes within the arrested or incarcerated populations. This may have been due to the objectives of the writers of these reports to have something negative to say about immigrants and crime, as Oscar Handlin has argued. But it also was driven by data constraints. In order to calculate crime rates for different demographic subgroups, one requires not only data on the crimes of those subgroups but also the population of those subgroups. The studies of immigrant versus native criminality done in the early twentieth century all suffered from the lack of good measures of the immigrant population. The Dillingham Commission had to use data from the 1900 Census, missing

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<sup>6</sup> These patterns can be seen in the Uniform Crime Reports collected by the Federal Bureau of Investigation (U.S. Department of Justice 2006).

important demographic shifts during a period of high rates of immigration. The Wickersham Commission was forced to use 1920 population data even though the crime data it analyzed were for the late 1920s.

Our review of the literature found no current reanalysis of the findings of the research efforts of the Dillingham and Wickersham commissions. Such a reanalysis is needed though to reconcile the different conclusions. In the next section, we begin with a new look at the prison census data that were the foundation of the Dillingham Commission and other early studies of criminality among the foreign-born population. We carefully assemble population denominators from census data tabulations and microdata samples of census records, adjusting for mortality and other demographics to provide the best estimates for the prison census numbers.

Getting the population data correct is key to evaluating how crime patterns differed between natives and immigrants. The final two columns of Table 2 show the same prison commitment numerators denominated by the final 1940 Census numbers, rather than the preliminary estimates used by Van Vechten. For native-born males, the new population numbers make little difference. But for the younger age categories of the foreign born, the rates using the estimated population are inflated 20-30 percent over those using the final census numbers. Reweighting by the native age distribution, the revised ratio of foreign to native criminality is 1.03. These calculations reveal just how sensitive the conclusions are to proper population data, a point that drives much of our own work.

### **The Prison Censuses**

The basic question we want to ask is, were immigrants more or less likely than the native born to commit crimes? We can never, however, address this question directly, because we cannot observe criminality per se, but rather crime as defined by things that are recorded, like crime reports, arrests, and convictions. Crime measured by any of these types of data will necessarily be an understatement of criminal activity. But for our research agenda what is most vital is how the crime measure allows us to compare the experiences of the native and foreign born. There are reasons to believe that all of these

types of data may over- or under-state relative immigrant involvement in crime: immigrants may have been less likely to report victimization, or, racial prejudice on the part of the police or courts may have made them more likely to be arrested and convicted of crimes. The degree and even the direction of the biases created by these issues are difficult to evaluate, even in modern crime data. So our selection of data is based on the perceived quality of the nativity information. We return later to a discussion of the extent to which the results are likely to represent differences in criminality.

We use prison population data collected by the Census Bureau because we believe that these data have more accurate information on nativity and related factors than would police records. The prison censuses were designed to collect data on the characteristics of the prison populations. Police records were designed for a very different purpose, a purpose for which the accurate recording of place of birth and time in the U.S. was not vital. A study of police records in the 1930s, in fact, found that street cops often confused religion and country of birth (Sutherland and Van Vechten 1934).<sup>7</sup>

The Census Bureau collected some data on prisoners in the nineteenth century in conjunction with the decennial population censuses. These early data collection efforts were hampered, however, by the failure to define clearly the population of interest. Terms like "crime," "criminal," "prison," and "convicted" were not defined on the census schedules. In 1880 and 1890, the Census provided special supplemental schedules which defined these terms, but the returns were "incomplete and fragmentary" (U.S. Department of Commerce 1926: 5).

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<sup>7</sup> Moreover, the prison census data may suffer less from the impact of racial and ethnic prejudice than arrest records, as the prison censuses only included individuals who had been sentenced to penal institutions. These individuals therefore had been charged and convicted by a court of committing an offense. Judges and juries surely were swayed by nativist views, but such views likely had a larger impact on arrests since arrests are dominated by low-level incidents with wide discretion. We do not have direct evidence on bias in punishment, but some suggestive support comes from a number of studies that find that court outcomes did not vary by nativity. A study of data from Chicago police and court records for 1925 and 1929 conducted as part of the Wickersham Commission found that the ratio of convictions to arrests was the about the same for native whites and the foreign born (National Commission on Law and Enforcement 1931: 171). Roger Lane (1989) likewise found that among those charged with killing someone in the Philadelphia courts in the early twentieth century, the degree of charge and conviction rate did not vary significantly by race or ethnicity (p. 71). The one study we could find regarding pre-trial treatment by nativity is for the more recent period. Using data from El Paso and San Diego from the 1980s, Hagan and Palloni (1998) found that immigrants were more likely than natives to be detained pre-trial, even after controlling for factors like age and offense (pp. 376-8).

In 1904, the Census Bureau conducted its first special enumeration of prisoners separate from the population census. Data were collected on the population in prisons and reformatories on June 30, 1904 as well as on all commitments to these institutions between January 1, 1904 and December 31, 1904. The Census Bureau did similar special enumerations of prisoners and prison commitments in 1910 and again in 1923. Starting in 1926, the Census Bureau began annual prison enumerations but limited their scope to state and federal facilities.<sup>8</sup>

Despite being commonly referred to as "prison censuses," the focus of the data collection, as well as the bulk of the analysis by the Census Bureau, was on commitments to prisons, rather than on the prison population at a given moment in time. All of the censuses did collect and present data on the what we might call the "stock" of prisoners on particular date, but most of the detailed tables and breakdowns pertain to commitments, or the "flow", into prisons over a given time period. This focus became more pronounced over time; by the 1930 prison census only one of the 54 tables pertained to the prison population on a given date and one more reported the average daily prison population.

Some explanation for this focus is given in the report of the 1923 prison census. Data on the incarcerated population on a given date, it was argued, was useful for assessing the costs of institutional care for different types of offenders, but not for studying criminality. It was pointed out that an increase in the prison population could occur without an increase in the number of crimes being committed; longer sentences would increase the number of individuals incarcerated on any given date. Commitments over a specified period of time were viewed as a better index of criminality. Increases or decreases in commitments may not be exactly proportional to increases and decreases in criminal activity, but "other things being equal," an increase in the number of commitments for a particular offense was directly related to an increase in convictions for that offense, which was likely related to the frequency that offense was committed (U.S. Department of Commerce 1926: 4-5). The question remains, though, why was the Census Bureau interested in measuring the extent of crime? The answer seems to be that the

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<sup>8</sup> All of these censuses were restricted to individuals who had been "sentenced." Individuals who were detained in facilities awaiting trial or sentencing were not included in the enumeration of the prison population or commitments.

Census Bureau, or at least some of those working at the Bureau, viewed itself as the agency responsible for providing national statistics. The writers of the 1923 report note that in a number of other countries national statistics on crime were regularly compiled from police and court records. In the U.S., however, such statistics were compiled only locally and in general remained quite sparse and unstandardized (Ibid: 5).

This focus on the flow rather than the stock of prisoners contrasts sharply with studies on incarceration in the current period. The flow measure “new commitments from the courts” may give the best approximation for crime rates. However, as flows are dominated by more common, but less serious, crimes, one might prefer the stock measure instead. The “stock” measure gives a weighted average of all of the sources of flow, with the weights based on sentence length as well as inmate behavior. We discuss this issue in more detail below, as it is central to the substantive conclusions.

The special prison censuses of 1904, 1910, and 1923, as well as the annual prison censuses started in 1926, all had the same basic objectives: to measure the extent of the prison population and to examine the characteristics of that population. But how the "prison population" was defined and the characteristics deemed of interest, varied from enumeration to enumeration. The biggest change came in 1926 when the enumeration was restricted to only state and federal prisons. State and federal prisons generally housed those with the longest sentences, and hence, the most serious offenders. Although state laws varied, typically only those sentenced to a year or more would be placed in a state, rather than local government, facility. Accordingly, state and federal prisons accounted for the vast majority of the sentenced inmate population at any given moment in time. For instance, 75 percent of the population incarcerated on January 1, 1923 was in state or federal prisons. However, as we will see more clearly below, most commitments were for lesser offenses which came with short sentences. Only 11 percent of all commitments made between January 1, 1923 and June 20, 1923 was to state and federal prisons (U.S. Department of Commerce 1926: 250).

The 1904, 1910, and 1923 censuses all collected data on commitments to local correctional facilities as well as state and federal prisons. But even these censuses differed in the length of the period

over which commitments were enumerated and whether those imprisoned for nonpayment of fines were included in the enumeration.

Perhaps more challenging for our analysis is the fact that there was no consistency across the censuses in how the data were presented. The censuses differ in the degree of detail in which the data are presented and even in how population subgroups are defined. For our analysis, ideally, we would like to have data on prison commitments by gender, age, nativity, and offense. But such detailed breakdowns are only available for the annual state and federal prison censuses starting in 1926. The 1904 census, however, does allow us to look at breakdowns by gender, age, and nativity separately for "major" and "minor" offenses, and the 1923 census allows us to look at such breakdowns separately by type of institution.

Therefore, our strategy is to look at each prison census in turn, starting with the 1930 census, to extract as much as we can from a given census before trying to make comparisons across the censuses.

### **The Importance of Age, Race, and Offense Distributions: 1930**

We begin our analysis with the commitments of males to state and federal prisons from the 1930 prison census. All of the annual censuses of state and federal prisons starting in 1926 present similar data. The advantage of the 1930 prison census is that it coincides with the decennial census of the population. This allows us to construct commitment to population ratios using census population counts as opposed to population estimates. Table 3 presents the prison commitment rates per 100,000 population by age, race, and nativity. Note that the age categories are not of consistent width; because of the importance of age in the study of crime outcomes, we report age at the lowest level of aggregation available.

The highest commitment rates, by far, are among black Americans. This phenomenon persists today, and is the subject of a long literature. The consideration of disproportionate incarceration of blacks is beyond the scope of this paper. Besides the issue of potential racial bias in enforcement and conviction rates, the comparison of the incarceration patterns of blacks and the foreign born in this period is complicated by the very different geographical distributions of these populations. The immigration-crime

debate in the early twentieth century was framed in terms of the comparison of foreign-born to native-born whites. We choose to emphasize the same comparison. However, as is easily seen by looking at the last column in Table 3, if the comparison group were all natives instead of native whites, the relative performance of immigrants would appear much better.

For native-born white males, the commitment rate peaks at age 20, falling rapidly through the 20s and 30s. This “age-crime” curve is familiar to criminologists. For foreign-born white males, the relationship is similar, but at each age the commitment rates are lower than for the native born, in some cases substantially lower. However, the comparison of native-born to foreign-born whites as presented in the 1930 data is potentially misleading, especially if one wants to make comparisons over time. In both the 1930 population census and prison census, people born in Mexico or of Mexican descent were classified simply as "Mexican" without regard to nativity. In previous population censuses and the special enumerations of penal institutions, Mexicans were classified as "whites."<sup>9</sup> Therefore, Mexican immigrants are excluded from the 1930 data on “foreign-born whites” in spite of forming a sizable part of the foreign-born.<sup>10</sup> Individuals of Mexican descent who were born in the U.S. were also, of course, excluded from the "native-born white" category, but the impact of this exclusion is smaller given the size of this group relative to the size of the native-born population as a whole. Given the constraints of how the prison census data were reported, the only way we could include those of Mexican descent was to substantially broaden the definition of foreign born. The category “foreign-born white plus all other races” includes Mexicans as well as Native Americans, Chinese, Japanese, and all others deemed not white and not black. Mexicans account for the vast majority of this "other race" group. But about a third of all males over the age of 15 identified as "Mexican" in the population census were born in the U.S. Adding this group to the foreign born muddles the comparison by nativity, but it at least can give us a sense of the degree to which the exclusion of Mexicans influences the incarceration patterns we observe.

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<sup>9</sup> Mexicans were separated out from whites in the penal institution data starting with the 1926 census of state and federal prisons.

<sup>10</sup> Mexican-born males accounted for approximately 5 percent of the foreign-born male population in 1930 (U.S. Department of Commerce 1933: Table 8, p. 577 and Table 15, p. 586).

Adding “other races” to the foreign-born category generally increases the commitment rate by 30%. This substantially narrows the difference between native and foreign-born commitment rates, but does not change the sign of this difference. The picture that emerges is that in 1930 the age-adjusted rates of prison commitment are quite similar for the native and the (broadly defined) foreign born at younger ages, but by age 20 the foreign born appear to be somewhat less likely to be committed to state or federal prison.

Prison inmates have been convicted of one or more of a wide range of criminal offenses, and the offense distribution changes somewhat over time. One of the key questions that comes out of the previous research on immigrants and crime is whether or not immigrants were more likely to be involved in violent crimes? Although all of the prison censuses we examine collected data on offense, only the 1930 census reports data that allows us to look at nativity differences in commitment rates controlling for age. Table 4 reports commitment rates by offense type using somewhat aggregated age categories (as dictated by data availability), for the population groups in Table 3 for four increasingly narrow, and increasingly serious, categorizations of crime: all offenses, all except liquor violations, violent crime, and homicide. Violent crimes include homicide, assault, rape, and robbery. The major category within violent crimes is robbery, comprising 54% of the violent crimes among these groups of males in 1930.

In the top panel, we see that the aggregation of ages misses some of the interesting detail of the earlier presentation. Not much changes when liquor violations are excluded, ages 18 to 24 is the age group with by far the highest commitment rate, blacks have higher rates at all ages, and the foreign born have much lower rates than the native born, a gap that is moderated when other races are included with foreign born. This suggests that Prohibition likely did not distort greatly the differences in incarceration rates by age, race, and nativity relative to other, non-Prohibition periods.

Even within commitments to prison, a measure that captures the more serious offending, violent crimes are a minority. But for the foreign born, violent crime represents a larger share of overall offenses (36% for those age 18-24 and 28% for those 25 to 34) than among the native whites (24% and 20%, respectively). The age distributions for native whites and both definitions of foreign born are quite



similar for violent crimes at this level of aggregation. Figure 3 shows these findings at the least aggregated level available. Here, the foreign-born white rate (excluding Mexicans) exceeds that of native whites for ages 18 and 19, then at older ages the rate for the foreign born is somewhat lower than for natives.

The bottom panel of Table 4 shows the commitment rates for homicide, the most serious of the violent crimes. Foreign-born white males have homicide commitment rates that are substantially below those of native whites when the narrower definition is used, though there is rough equality in some age categories with low incarceration rates. Here the picture is different when the broad definition of foreign born is used – looking worse than natives at younger ages. Also, the age-crime curve is much flatter for homicide than for the other crimes.

The analysis by offense type has revealed that the offense distribution did indeed differ across demographic groups even controlling for age. The foreign born in 1930 had much lower overall commitment rates than natives, but commitment rates for violent offenses were very similar across the two nativity groups

### **Jurisdictional Differences: 1923 and 1910**

Because of the way data were reported, there is somewhat less to say about the prison censuses of 1923 and 1910. One positive feature is that the 1923 data allow us to analyze the impact of jurisdiction on measures of relative immigrant criminality. Currently, as well in the previous century, inmates are housed in various types of institutions, from “camps” with minimal security to “reformatories” to medium and maximum security prisons with substantial restrictions on freedom of movement. These facilities are operated by federal, state, and local governments but, jurisdiction does not always cleanly map onto class of institution. As noted earlier, the 1930 prisoner census covered those committed to state or federal prisons, individuals who generally had been sentenced to terms of one year or longer. In earlier years, the data collection covered a broader set of people, so the average severity of the sentence is lower in earlier censuses. Given the earlier findings about the importance of offense type, it would not be surprising to

find that different definitions of the incarcerated population led to different conclusions about relative criminality.

The complication in examining the 1923 prison data is that we must construct population estimates for that year. The writers of the 1923 prison census report simply used data from the 1920 population census. However, the 1920 data understate the size of the foreign-born population relative to that of the native-born in 1923, particularly in the younger age categories. Immigrant arrivals jumped dramatically in the early 1920s in the aftermath of the first World War and the scramble to enter the U.S. before it changed its immigration laws. In order to capture this inflow of new immigrants before 1923, we construct population estimates for 1923 using microdata from the 1930 population census made available through the Integrated Public Use Microdata Series.<sup>11</sup> The 1930 census collected data on the year of immigration which we use to identify the foreign born who had arrived in the U.S. by 1923. We then age the population backward to 1923 and adjust for mortality to construct population estimates by age and nativity.<sup>12</sup> Using these population estimates rather than the 1920 population data lowers the total commitment rate for 18 to 20 year olds by 17 percent. Taking into account the immigration flows of the early 1920s, therefore, significantly alters the constructed age profile of the incarceration rates of the foreign-born population.

The top panel of Table 5 reports the 1923 commitment rates for native- and foreign-born white males. The middle columns of Table 5 are for commitments to state and federal prisons, so this is most comparable to the numbers in Tables 3 and 4. One difference is that in 1923 data on commitments were collected for only the first 6 months of the year. We doubled the numbers reported in the census in our

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<sup>11</sup> IPUMS data and supporting documentation is available on-line at: [www.ipums.umn.edu](http://www.ipums.umn.edu). We use the preliminary 1930 IPUMS dataset which is a 0.5% random sample of households enumerated in the 1930 census.

<sup>12</sup> We adjust for mortality using the age-specific death rates for white males in 1930 in Death Registration States presented in Linder and Grove (1947) Table 9, p. 186. We also constructed population estimates using the nativity-specific mortality rates presented in the same table. Using these alternative population estimates had little effect on the results. For no age category did it change the sign of the difference between the commitment rates of natives and the foreign born.

calculations of the rates in Table 5 to make them comparable. But there may be some bias if there is seasonality in commitments during this time period.<sup>13</sup>

In 1923, the foreign born had higher commitment rates to state and federal prisons than natives for younger ages, but lower rates at older ages, age 35 in this case. The picture is somewhat different when looking at commitments to local jails. Here, the foreign born have higher rates at all ages, and substantially higher in some cases. Note that the scale is much higher: commitments to municipal and county jails are about six times the level of commitments to state and federal prisons. These higher rates reflect the lower severity of crimes, with correspondingly short sentences. Unsurprisingly, the overall picture in columns (1) and (2) looks like that for the jails, as the latter dominate overall commitments.

The bottom panel of Table 5 reports the commitment rates for all jurisdictions for 1910. These data reveal the same bottom line as the 1923 results: when analyzing a broad set of institutions such that very minor crimes dominate the flow, the age-adjusted commitment rates of the foreign born consistently exceed those of the native born, sometimes substantially.

### **Comparing “Stock” and “Flow” Measures: 1910**

Although the 1910 data do not allow us to look at differences in incarceration rates between nativity groups by offense or institution type, they do allow us to analyze the differences between the “stock” and “flow” of inmates across jurisdiction level and across crime types (though not, unfortunately, by age also). The top panel of Table 6 shows how the number enumerated in an institution differs from the flow of new commitments in 1910 for several demographic groups. Overall, the 479,787 commitments are 4.3 times the 111,498 present at a point in time in prisons, jails, and workhouses. Looking across demographic groups, the results show that women have a much higher ratio of flow to stock than men (7.6 to 4.1), and foreign-born whites have a higher rate than native-born whites (5.1 to

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<sup>13</sup> We are unaware of any studies of seasonality in prison commitments during this time period. Seasonality in crime rates in more recent times is well established, but processing time through the courts may dampen these patterns in commitment rates.

4.6). Similar patterns are evident for the flow out (discharges) relative to the stock.<sup>14</sup> These numbers indicate that the criminality of the foreign born will generally look relatively worse using a flow measure than with a stock measure.

The bottom panel of Table 6 reports the enumerated population and the commitment flow for 1910 by offense (offenses with fewer than 1000 enumerated were suppressed in the table). This set of numbers demonstrates that the commitment numbers are dominated by less serious crimes of disorderly conduct and vagrancy, which comprise 65 percent of all commitments. Homicides, which are 13 percent of the enumerated population, are less than 1 percent of the flow into this broad set of institutions. Thus, when one considers commitments, the conclusions will be driven by high volume offenses that tend to be punished by short stays in confinement. These lesser crimes may be treated quite differently in different states (for example, some might do little enforcement of any kind while others may punish more with fines than with incarceration). Also note that commitment data may have more measurement error, as the rates of “unknown nativity” and “offense unknown” are much higher in the commitment data than in the enumerated data.<sup>15</sup>

Among commitments, the offense distribution differs by type of institution, as seen in the final column in Table 6. Fewer than 5% of all commitments in 1910 were to prisons, but 95% of commitments for homicide were to prisons. Together, Tables 5 and 6 have shown that more serious offenses are more highly represented in 1) enumerated rather than commitment rates, 2) prisons rather than other institutions.

### **Minor Offending, 2<sup>nd</sup> Generation, and Country of Origin: 1904**

The 1904 prison census offers much more detail for our research questions, but unfortunately the definitions used in that year map onto neither the institution types nor the offense categories used in 1923

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<sup>14</sup> Results available from the authors.

<sup>15</sup> The analysis presented in the paper treats missing data on nativity as being random. In other words, we drop these observations from the analysis. This likely leads us to disadvantage the foreign born relative to the native born since some prison officials may have just left the nativity information for natives blank, viewing that as the "default."

or 1930. As with the 1923 data, we construct population estimates for 1904 using the 1910 IPUMS dataset.<sup>16</sup> Table 7 reports total commitments to all penal institutions and commitments by “major” and “minor” offenses. Due to variation across jurisdictions in the definition of “felony” and “misdemeanor,” the 1904 Census (U.S. Department of Commerce and Labor 1907: 28) instead drew a distinction between “major” and “minor” offenders. The former category was meant to include “all crimes that are universally held to be of a grave nature,” and included all person offenses, the most aggravated offenses against chastity, perjury, counterfeiting, arson, burglary, forgery, embezzlement, and serious cases of larceny and other offenses when punished by imprisonment of more than one year. Other offenses were categorized as “minor.”

As was true in the results presented earlier, Table 7 shows that in 1904, the commitment rates of the foreign born exceed those of native born whites when minor offenses are included. The gap in commitment rates for minor offenses is particularly large for males in their 40s and 50s. Note, too, that the age-crime curve is quite flat for the minor offenses. The age of highest offending rate is in the late 40s! For the major offenses, the rates of the foreign born exceed those of native whites for ages under 30, and the gap is substantial for 18 and 19 year olds. The important patterns are easily seen in Figures 4 and 5, which reproduce the numbers in Table 7.

The general conclusions do not change when the comparison group is all natives, black and white, instead of just native whites. At all ages, the foreign-born had higher commitment rates for minor offenses than natives, and foreign-born teenagers were much more likely than native teenagers to be incarcerated for major offenses.

The finding that the foreign born had higher commitment rates for minor offenses is consistent with the findings that the foreign born had higher commitment rates to municipal and county jails in 1923 and a higher commitment to enumerated ratio in 1910. These findings, however, may not be evidence of

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<sup>16</sup> We use the same method as we did for 1923: first excluding the foreign-born who arrived in the U.S. 1904 or later, aging the population backward to 1904, and making adjustments for mortality. For the 1904 estimates, we adjust for mortality using the age-specific death rates for white males in 1910 in Death Registration States as presented in Linder and Grove (1947) Table 9, p. 186

greater criminality among the foreign born. Imprisonment for minor offenses depends greatly on law enforcement choices. The writers of the report on the 1904 prison census attributed the relatively large numbers of commitments for minor offenses among the foreign-born population to its concentration in major urban centers where such offenses were more likely to be punished (U.S. Department of Commerce and Labor 1907: 28). The level of enforcement of these kinds of offenses varied greatly across jurisdictions. A study of city-level data from 1900 found that the arrest rate for drunkenness was positively correlated with the number of police per capita and the number of years the police department had had a merit system in place (Brown and Warner 1995: 90).

But the higher commitment rate for such offenses among immigrants likely also reflects prejudicial enforcement even within particular jurisdictions. The decision to arrest someone for disorderly conduct or drunkenness is a discretionary one. There is ample anecdotal evidence that immigrants, especially those who did not speak English, were more likely to be arrested and convicted for such offenses. Maldwyn A. Jones (1976) recounted such a story in his popular history of the experiences of immigrants in America, *Destination America*. An Italian immigrant bought a candy bar and put it in his pocket. He was stopped by police because they assumed it must be a gun or a knife. Even after the police discovered it was just a candy bar, they arrested the man because being unable to speak English, he could not explain how he got the candy bar (p. 213). Paul Livingstone Warnshuis documented similar incidents in his study of Mexican immigrants and the criminal justice system in Illinois (National Commission on Law and Enforcement 1931: 291-2).

The incarceration rate for major offenses should be less affected by variation in enforcement. The much higher commitment rates for these types of offenses for the foreign born under age 30 appears to support the notion that at least young immigrants were more likely to be involved in criminal activity than natives their same age. The question is, were the foreign born committed for major offenses more likely to be recent arrivals in the U.S. or individuals who had been in the U.S. for a number of years? Table 8 contrasts the distribution of time in the U.S. of those committed to prison to the distribution in the civilian population of foreign-born white males. While 3.4 percent of the civilian population had been in

the U.S. for one year or less, a full 8.7 percent of those committed to prison had arrived that recently. This is a huge proportion of the population, especially considering that enforcement actions generally take some time to complete. In the distribution of time in the U.S. we again see a dramatic difference between major and minor offenses. More than half of those committed for minor offenses had been living in the U.S. for 15 years or more. A final view of this issue is presented in Figure 6, a graph of the percent “recent” among all foreign born males, by age, where “recent” is defined as having been in the country for five or fewer years. For those under age 30 – the ages with the highest commitment rates relative to the native born – a substantial fraction (30 percent or more) were recent immigrants. In contrast, fewer than 5 percent of those over 40 arrived recently. These patterns are suggestive that two different mechanisms explain the earlier results: one mechanism that emphasizes violent actions among young recent immigrants, and one that leads to high levels of vagrancy and disorderly conduct among older immigrants who have been in the country many years.

The discussion of time in the U.S. leads naturally to a consideration of the outcomes for the children of the foreign born, a topic of great concern to the Dillingham and Wickersham Commissions. Figures 7 and 8 show the commitment rates for major and minor offenses by parentage. (The raw numbers are reported in Table 9 for readers interested in more detail.) These rates were calculated using population estimates constructed from the 1900 population census.<sup>17</sup> In these graphs, those born to two native parents are compared to those with one or more foreign-born parent. For the major offenses, the commitment rates for the latter group are generally somewhat higher than for the children of native-born parents. The gap is not usually large, and both groups show the same age-crime curve with a peak in the early 20s. For minor offenses, the pattern is very different. Here the children of foreign parents have

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<sup>17</sup> To construct these population estimates, we used published data from the 1900 census (U.S. Department of Commerce 1902: Table XVI, pp.xxxvi-xxxix). We aged the population forward to 1904, making adjustments for mortality. The mortality adjustments were made using the age-specific death rates for white males in 1900 in Death Registration States as presented in Linder and Grove (1947) Table 9, p. 186. We also calculated commitment rate data for natives by parentage using population estimates constructed from the 1910 IPUMS as for the previous analyses of the 1904 data. These data exhibited the same patterns and yield the same conclusions as those presented in the paper.

very high commitment rates, particularly in the 40s and 50s, mimicking the patterns of the foreign born themselves.

We now turn to the final “hot” issue in the study of immigrant criminality, that of relative criminality across countries of origin. Both of the Commissions concluded that the composition of offenses varied greatly across immigrant groups. The Dillingham Commission had singled out the Italians as having a high fraction of homicide commitment. Roger Lane (1989) likewise has singled out the Italians as being disproportionately involved in homicides in Philadelphia in this period. None of these studies, however, considered the impact of age on the crime experiences of different immigrant groups. The age distributions varied quite a lot by country of origin, just as they differed between immigrants and natives. Figure 9 gives an indication of this variation by plotting the age distributions for the Germans, Irish, and Italians in 1904.<sup>18</sup> The Germans and Irish were part of the “old stock” of immigrants, and by 1904, these populations were quite old, with nearly half of the population 50 years of age or older. By contrast, the Italians, part of the “new stock” of immigrants, look young, with the bulk of the population in the 20s and 30s. Given what we have shown about the age distribution of crime, one would expect these differences to be observable in crime outcomes.

Ideally, we would like to be able to look at commitment rates by age for the different immigrant populations. But none of the prison censuses reported commitment data broken down by both country of origin and age. So instead we predict commitment rates for each immigrant group based on the age distribution in the general population and the propensities for commitment by age from the foreign born population overall. These predicted commitment rates give us a sense of how much of the variation in commitment rates by country of origin can be explained by variation in the age distributions alone.

Table 10 reports the 1904 actual and predicted commitment rates to penal institutions, in total and separately for major and minor offenses by country of origin. Perhaps the most interesting result of the simulation is the distribution of predicted rates across countries of origin. For minor offenses, the

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<sup>18</sup> These age distributions were constructed from the 1910 IPUMS dataset as described above.



predicted rate barely fluctuates, due to the flat age-crime curve. But for major offenses, the predicted rate varies greatly across countries. This fluctuation should raise a big red flag regarding any comparisons of criminality across immigrant groups that does not account for age.

The data in Table 10 demonstrate that at least some of the differences in commitment rates by country of origin can be attributed to differences in age distributions. For instance, the commitment rate for major offenses for Russian immigrants, one of the "new" immigrant groups of the period, was high relative to those of the English, Germans, and Irish, but it was close to what was predicted given the age distribution of this group. But differences in age distributions cannot explain all of the differences in crime involvement across immigrant groups. For some groups, the predicted rates far exceed the actual, meaning that the group is "out performing" what would be expected given the age distribution of that immigrant group. For example, Hungarians and Swedes were committed for major offenses at half the rate that would be expected based on age alone. For the Irish, the predictions are lower than the actual experience. But while this difference is small for major offenses, it is huge for minor offenses. The results are also dramatic for Mexicans. But there are reasons to believe that this may reflect, at least in part, problems in both the population and commitment data for this group. The seasonal migration of the Mexican immigrant population may make the census date count an understatement of the population "at risk" to be committed to a penal institution in a given year. At the same time, the commitment data may overstate the number of Mexican born if institution administrators tended to classify those of Mexican ancestry simply as "Mexicans."<sup>19</sup>

The Italians merit special note given the attention this group has received in previous studies. While Italian immigrants had a very low commitment rate for minor offenses, their commitment rate for major offenses was high – more than twice that of Irish immigrants and three times that of German

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<sup>19</sup> Paul Taylor raised such concerns relating to the data on Mexicans presented in the Wickersham Commission report. Taylor argued that the tendency of prison officials to classify persons of Mexican ancestry as simply "Mexicans" likely would have been offset by foreign-born individuals falsely claiming U.S. nativity to avoid deportation. However, given immigration law in 1904, foreign-born individuals would not have had such an incentive to misreport their nativity (National Commission on Law and Enforcement 1931: 200-201).

immigrants. This higher commitment rate, however, can in part be explained by the much younger age distribution of Italians. The predicted commitment rate for Italians was almost twice those of Germans and the Irish. Nonetheless, the predicted commitment rate falls short of the actual rate by a considerable degree. Even taking the younger age distribution into account, Italian immigrants appear to have been disproportionately involved in more serious crimes.

Commentators at the time frequently attributed differences in criminality by ethnicity to difference in cultural predispositions.<sup>20</sup> But before taking the data in Table 10 as confirming this view, it is important to keep in mind that immigrant groups differed in characteristics other than age that would also be expected to affect criminal involvement. Reflecting differences in population characteristics in countries of origin and the self selection of migrants from those populations, immigrant groups in this U.S. varied greatly in skill and education levels and, more generally, economic resources. Table 11 presents data on manufacturing wages, literacy, English proficiency, and time in the U.S. by country of origin. The data on manufacturing wages come from a survey conducted in 1908 as part of the Dillingham Commission. The other data were calculated using the 1910 IPUMS dataset. The countries are listed in descending order by the ratio of the actual commitment rate for major offenses by the predicted commitment rate.

Mexico is at the top of this list with an actual commitment rate nearly 8 times that predicted given the age distribution of Mexican immigrants. But Mexicans are also at the extremes of the distributions of the other presented characteristics. They had the lowest average wages in manufacturing, the lowest literacy rate, and lowest rate of English proficiency. Italian immigrants, for whom the ratio of the actual to predicted commitment rate was 1.5, had the second lowest rates of literacy and English proficiency as well as the second lowest level of manufacturing wages. At the bottom of the list are the Scandinavian countries. Immigrants from these countries, in contrast to those from Mexico and Italy, were highly skilled and had among the highest average wages in manufacturing. Consistent with standard theories of

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<sup>20</sup> See Bingham (1908).

crime, the criminality of immigrant groups, at least as measure by commitment rates, was strongly correlated (in ranks and in levels) with the economic opportunities of those groups.

## **Conclusions**

The answer as to whether immigrants were more prone to crime than the native-born depends on how one defines crime. This paper relies on data from those punished for criminal activity, not direct observation of crime. The foreign born were more likely than natives to be incarcerated for minor offenses. We see this directly in the 1904 prison census data but it is also supported by the much higher rates of commitments to municipal and county jails in the 1923 prison census. It is unclear, however, whether this should be interpreted as evidence of more criminal activity on the part of the foreign born. Most prison commitments for minor offenses are for things like vagrancy and drunkenness. Arrests and prosecutions of such offenses depend greatly on the choices made by law enforcement officials. These choices will vary greatly across jurisdictions and even within jurisdictions across population groups. Incarceration for these offenses will also depend on the economic and social resources of the offender.

The age profile of incarceration for minor offenses runs counter to the standard adjustment and "culture conflict" theories as to why immigrants would have higher crime rates. The prison commitment rates for these offenses are highest for men in their 40s, most of whom were not recent arrivals to the U.S. It is also quite telling that the higher rates of incarceration for minor crimes carried over to the so-called 2<sup>nd</sup> generation of immigrants who were born and raised in the U.S. This provides further support for the notion that the patterns for minor crimes reflect the geographic concentration of the immigrant population in major cities, prejudicial law enforcement, and the lower socio-economic status of this group.

When the focus turns to major crimes, the gap between the native and foreign born narrows dramatically. For 1904, the prison commitment rates by age for the two nativity groups are quite similar with the exception of the rates for 18 and 19 year olds. This exception is noteworthy, though, because of the foreign born in this age group, almost half were recent arrivals in the U.S. This, together with the finding that recent arrivals were disproportionately represented among prison commitments for major

offenses, is at least suggestive evidence that adjustment or culture conflict issues were a factor in the criminal activity of the foreign-born population in this period.

By 1930, the foreign born were less likely than natives to be incarcerated for more serious crimes as evidenced by their lower commitment rates at every age to state and federal facilities. This change from 1904 may reflect the impact of changes in immigration law and its impact on the selection of immigrant arrivals, or perhaps more likely, the sharp drop off in the numbers of those arrivals and hence the much smaller share of recent arrivals in the foreign-born population. A particularly interesting finding, though, is that the lower rate of incarceration for the foreign born is due entirely to this group's lower rate of incarceration for non-violent crimes. Incarceration rates for violent crimes were very similar for the two nativity groups for ages 20 and over, and in fact, were higher for the foreign born than natives for ages 18 and 19.

These historical findings stand in sharp contrast to more recent experience, where immigrants have been found to have quite low criminality compared to natives and appear to assimilate rapidly. It is premature to speculate on the primary causes of such a shift, given the substantial changes over the past century in economic, residential, demographic, and other conditions as well as the policies targeting immigrant offending. It was challenging enough to overcome the limitations of data collection and reporting to draw comparisons over a 30-year period. It is striking, however, how little the rhetoric in the public debate has changed over a century during which the stylized facts changed considerably.

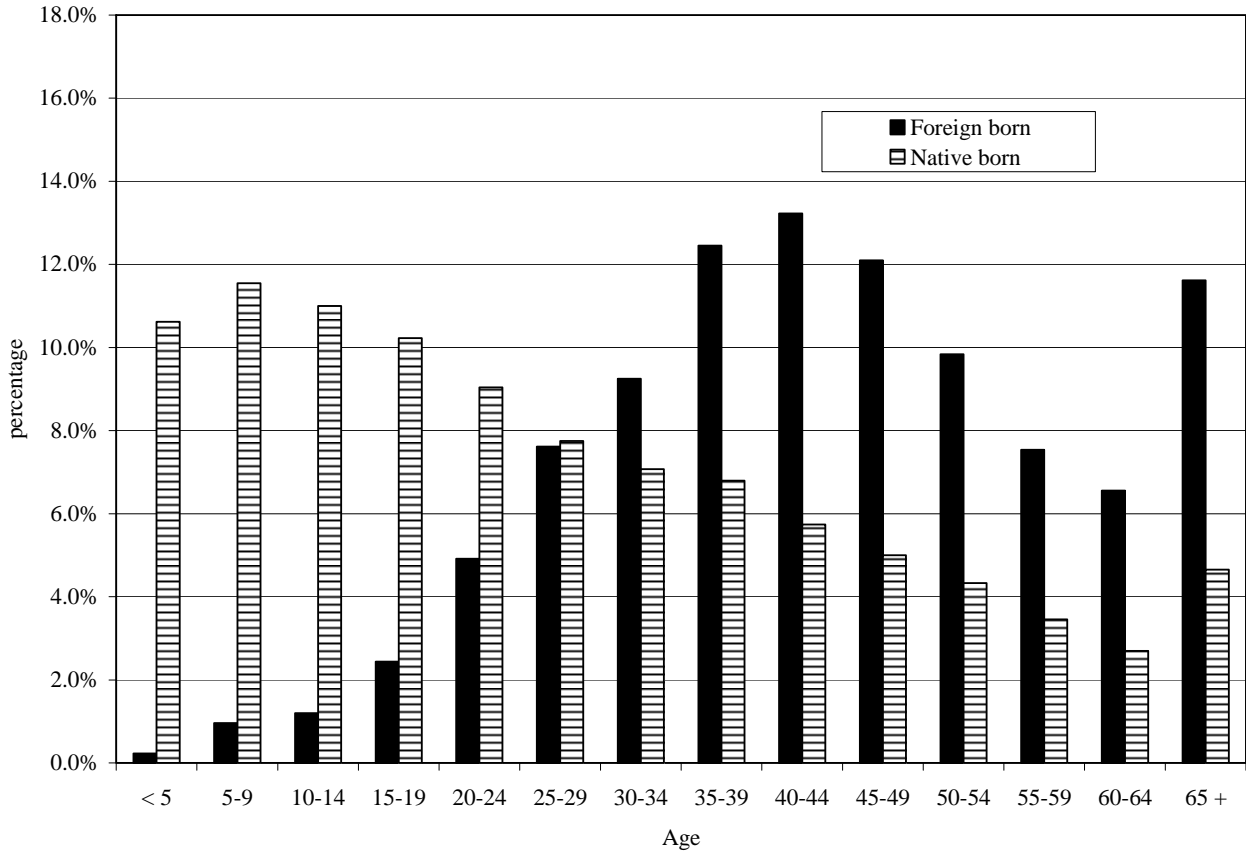
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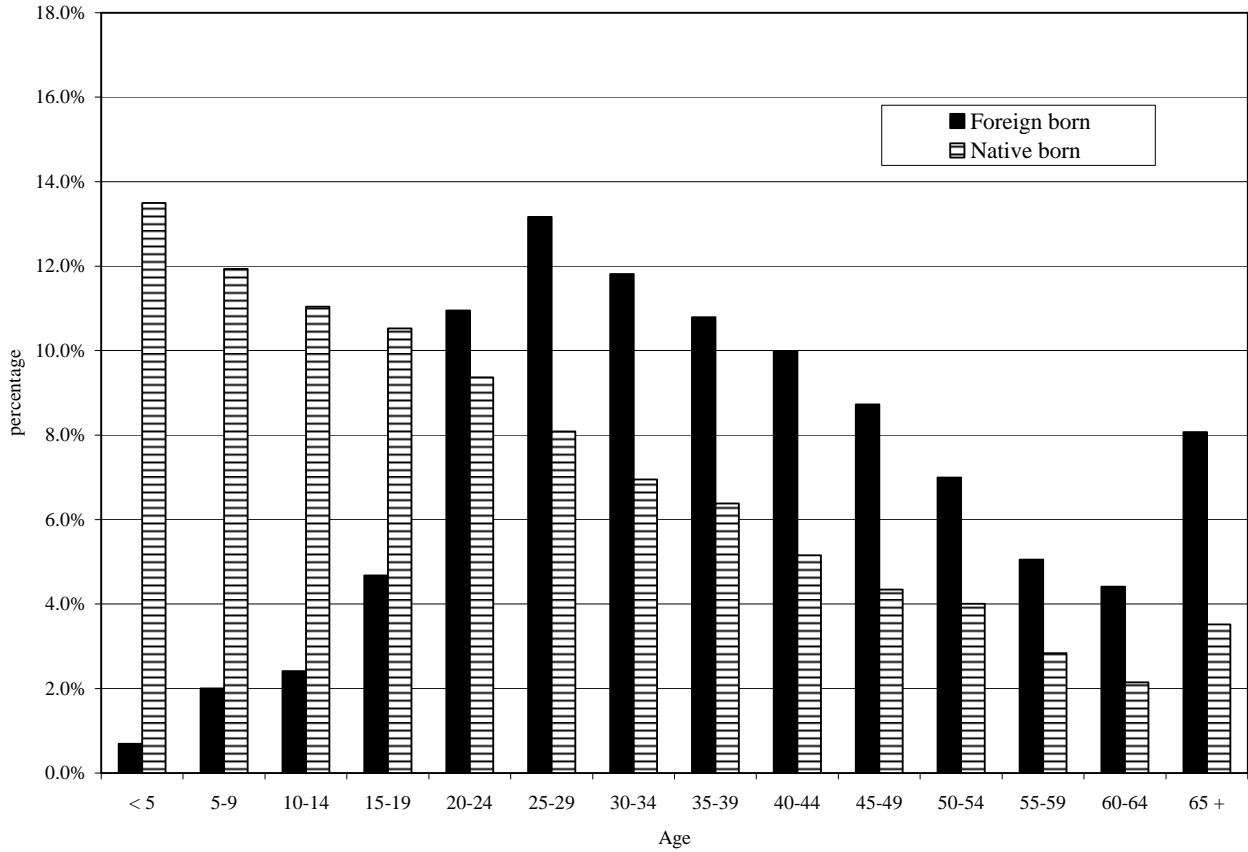
**Figure 1.—Age Distributions of Foreign-born and Native-born White Males, 1930**



Sources: Michael R. Haines, "Native-born white population, by sex and age: 1870-1970," Table Aa1922-1973 and "Foreign-born white population, by sex and age: 1870-1970," Table Aa1974-2025 in *Historical Statistics of the United States, Earliest Times to the Present: Millennial Edition*, edited by Susan B. Carter, Scott Sigmund Gartner, Michael R. Haines, Alan L. Olmstead, Richard Sutch, and Gavin Wright. New York: Cambridge University Press, 2006.

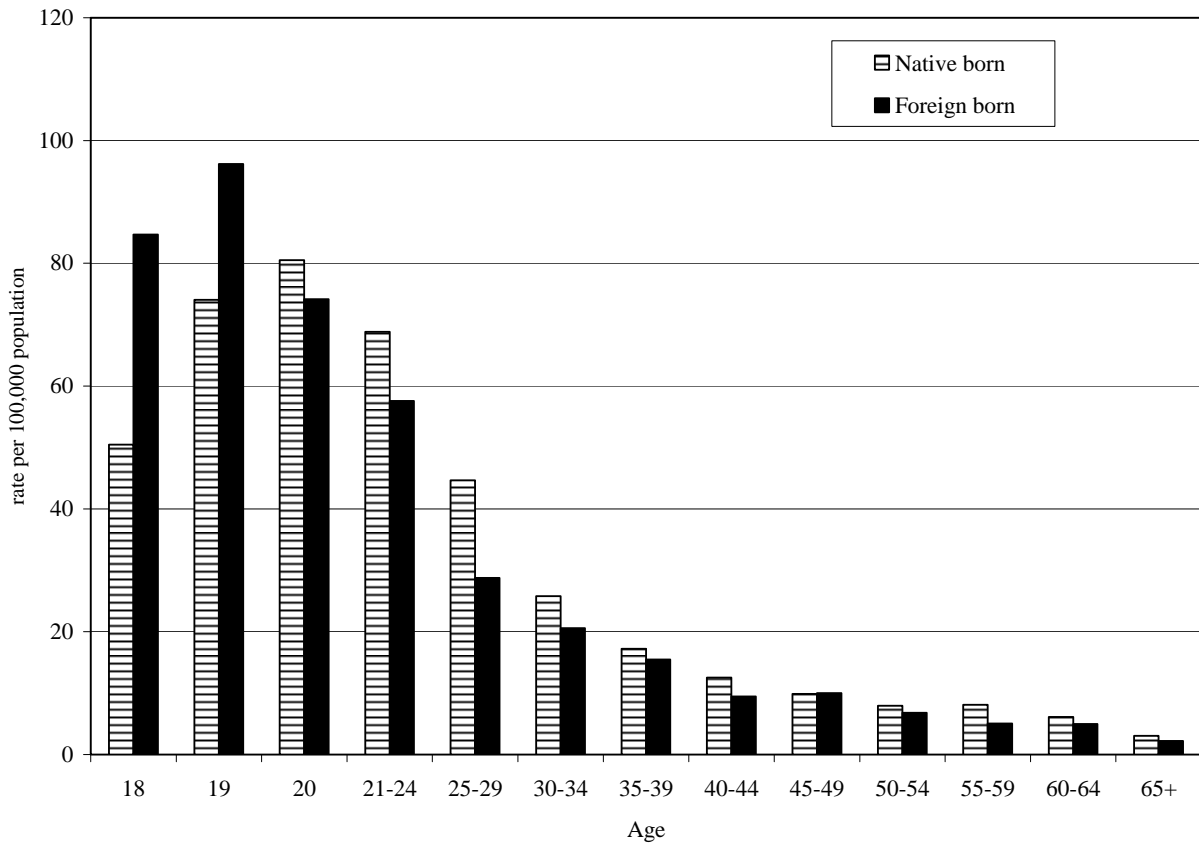


**Figure 2.—Age Distributions of Foreign-born and Native-born White Males, 1910**



Sources: See notes to Figure 1.

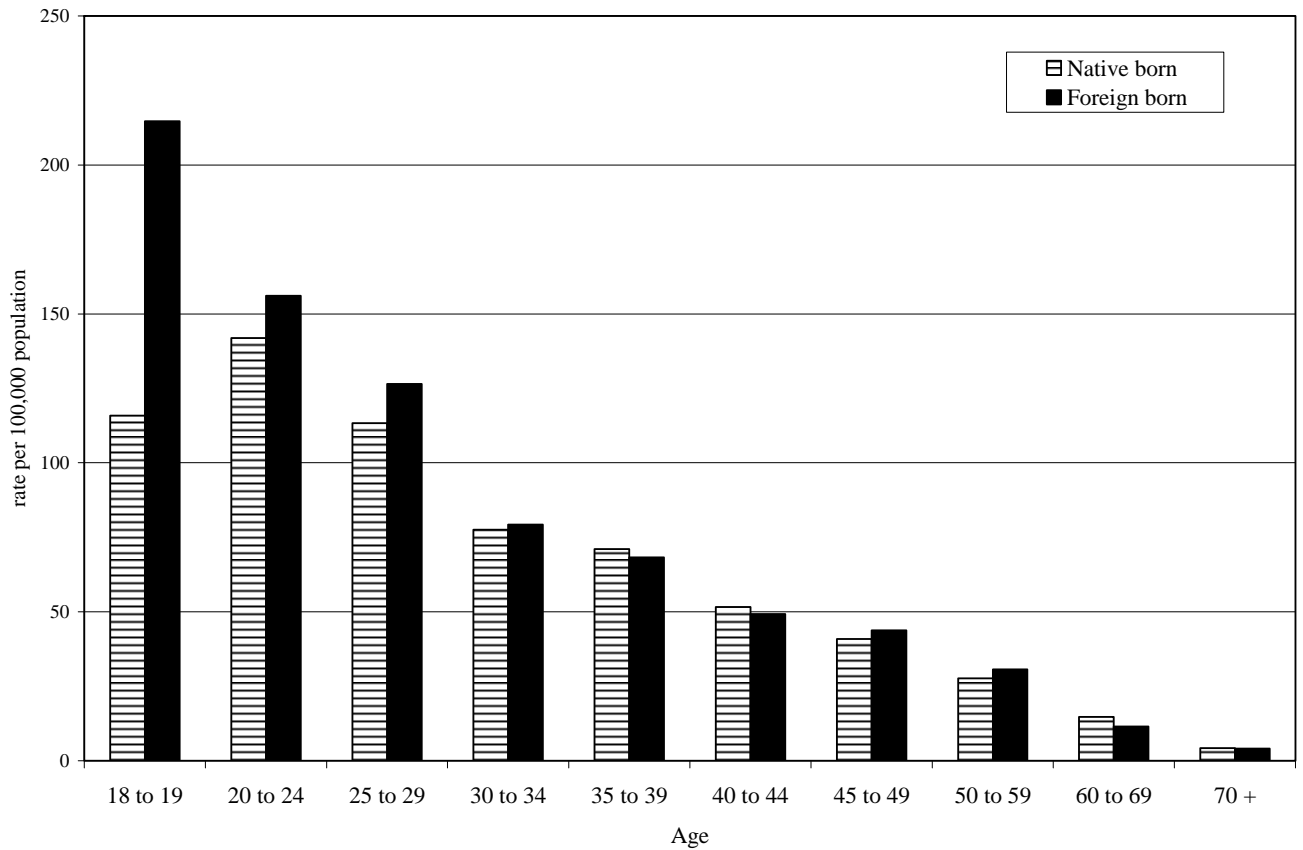
**Figure 3.—Commitment Rates to State and Federal Prisons for Violent Crimes, Foreign-born and Native-born White Males, 1930**



Notes: These data exclude men born in Mexico or of Mexican descent who were classified as a distinct racial group by the Census Bureau in 1930. See text for more discussion.

Sources: U.S. Department of Commerce, *Prisoners in State and Federal Prisons and Reformatories 1929 and 1930*. Washington, D.C.: Government Printing Office, 1932. Table 44a, pp. 72-3. U.S. Department of Commerce, *Fifteenth Census of the United States: 1930. Population. Volume II. General Report. Statistics by Subject*. Washington, D.C., Government Printing Office, 1933. Table 8, p. 572, and Table 21, pp. 595-6.

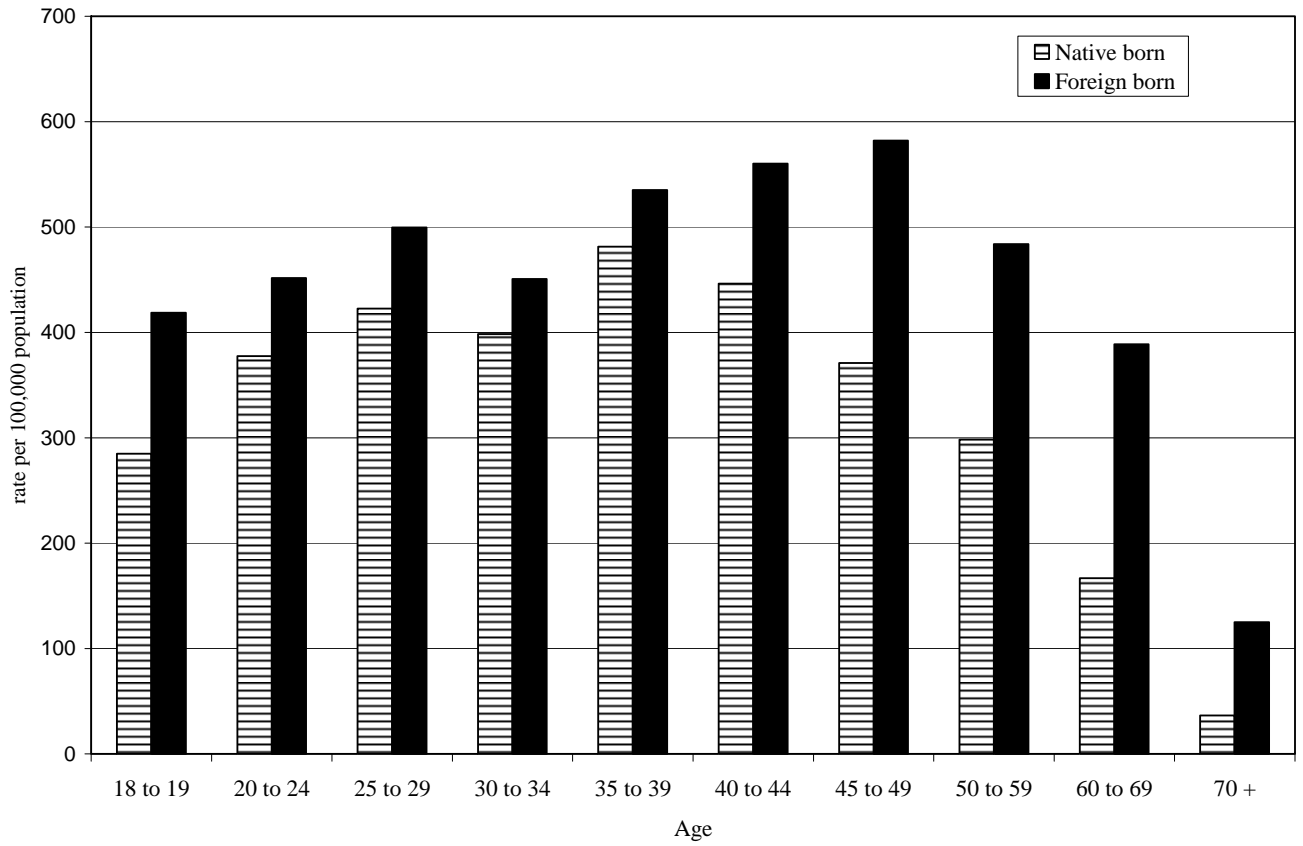
**Figure 4.—Commitment Rates for Major Offenses, Foreign-born and Native-born White Males, 1904**



Notes: "Major" offenses include all person offenses and the most serious property and "chastity" offenses. All other offenses are classified as minor offenses. Population data were estimated from the 1910 IPUMS sample. See text for details.

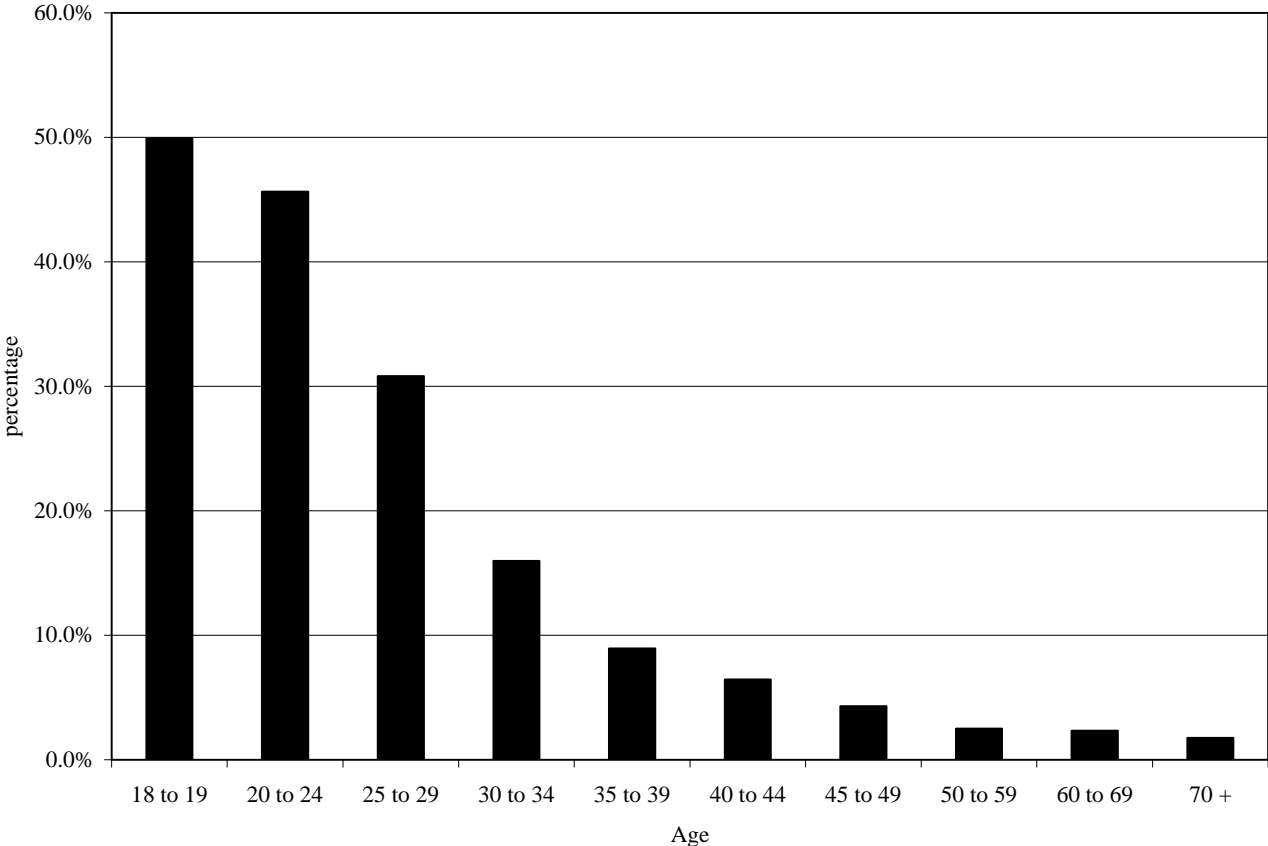
Sources: U.S. Department of Commerce and Labor, *Prisoners and Juvenile Delinquents in Institutions 1904*. Washington, D.C.: Government Printing Office, 1907. Table 32, pp. 182-5.

**Figure 5.—Commitment Rates for Minor Offenses, Foreign-born and Native-born White Males, 1904**



Sources: See notes to Figure 4.

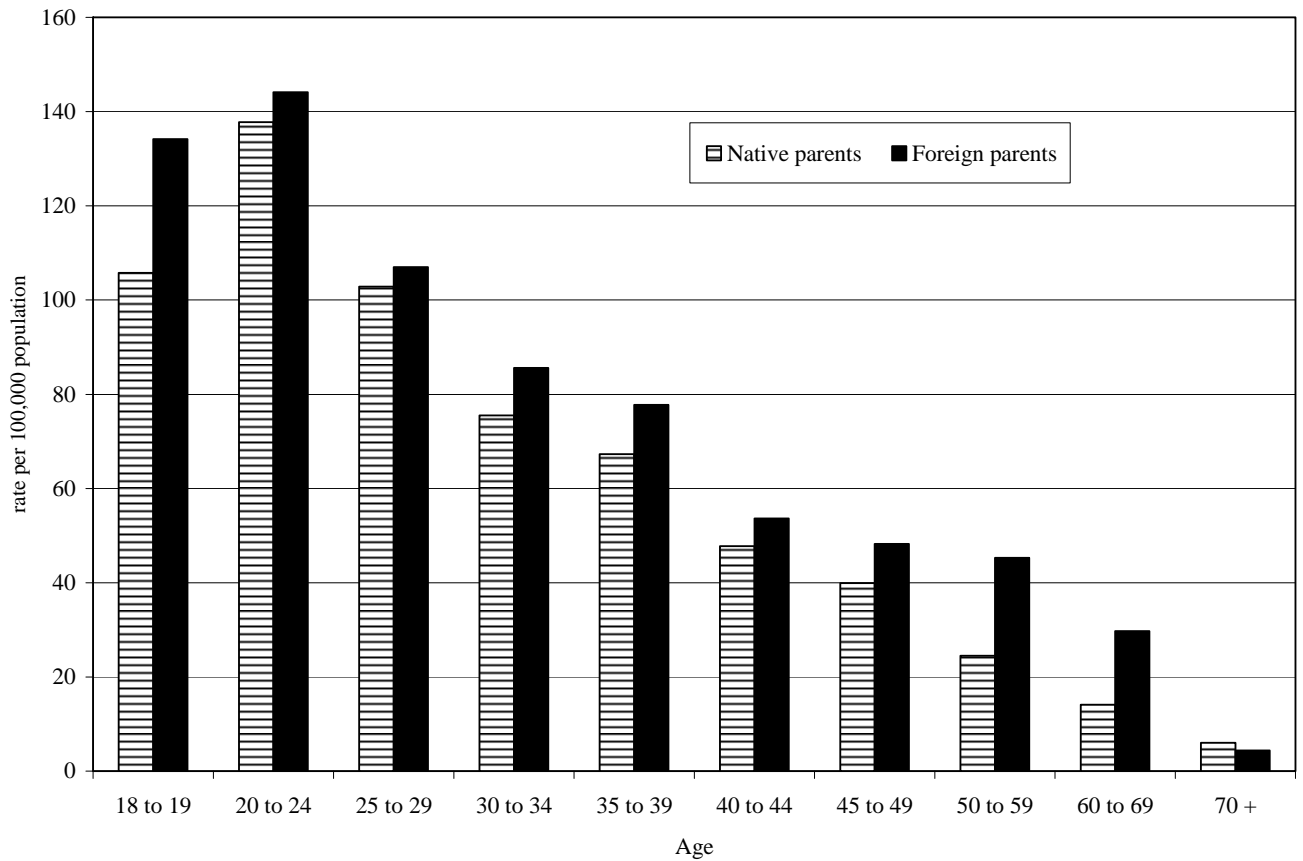
**Figure 6.—Recent Immigrants as a Percentage of the Male Foreign-born Population by Age Group, 1904**



Notes: "Recent" immigrants are defined here as those who had arrived in the U.S. after 1899 and had been in the U.S. less than 5 years.

Sources: Estimates constructed from the 1910 IPUMS data. See text for details.

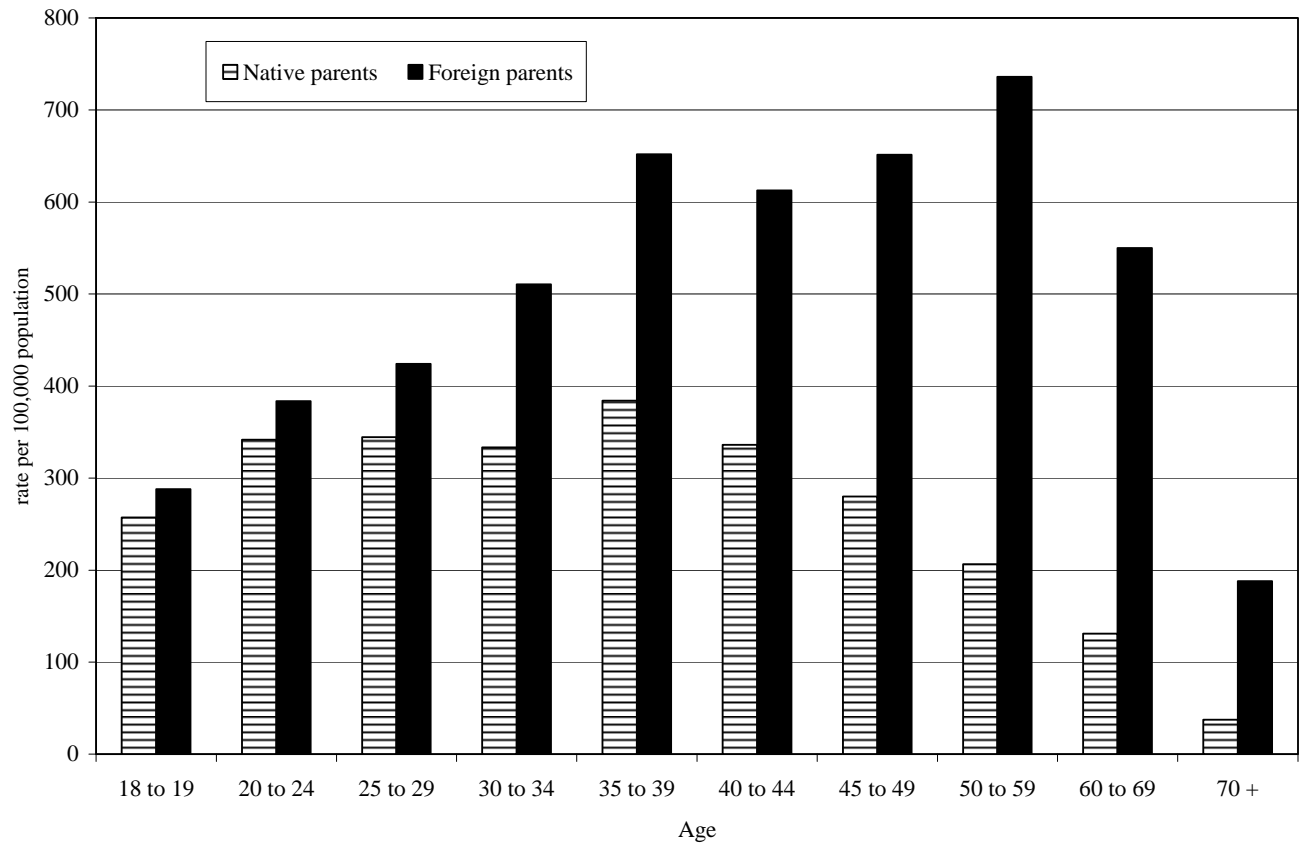
**Figure 7.—Commitment Rates for Major Offenses Native-born White Males by Parentage, 1904**



Notes: "Foreign parents" here means that one or both parents were foreign born. "Native parents" means both parents were native born. Population data were estimated using the published data from the 1900 Census. See text for details.

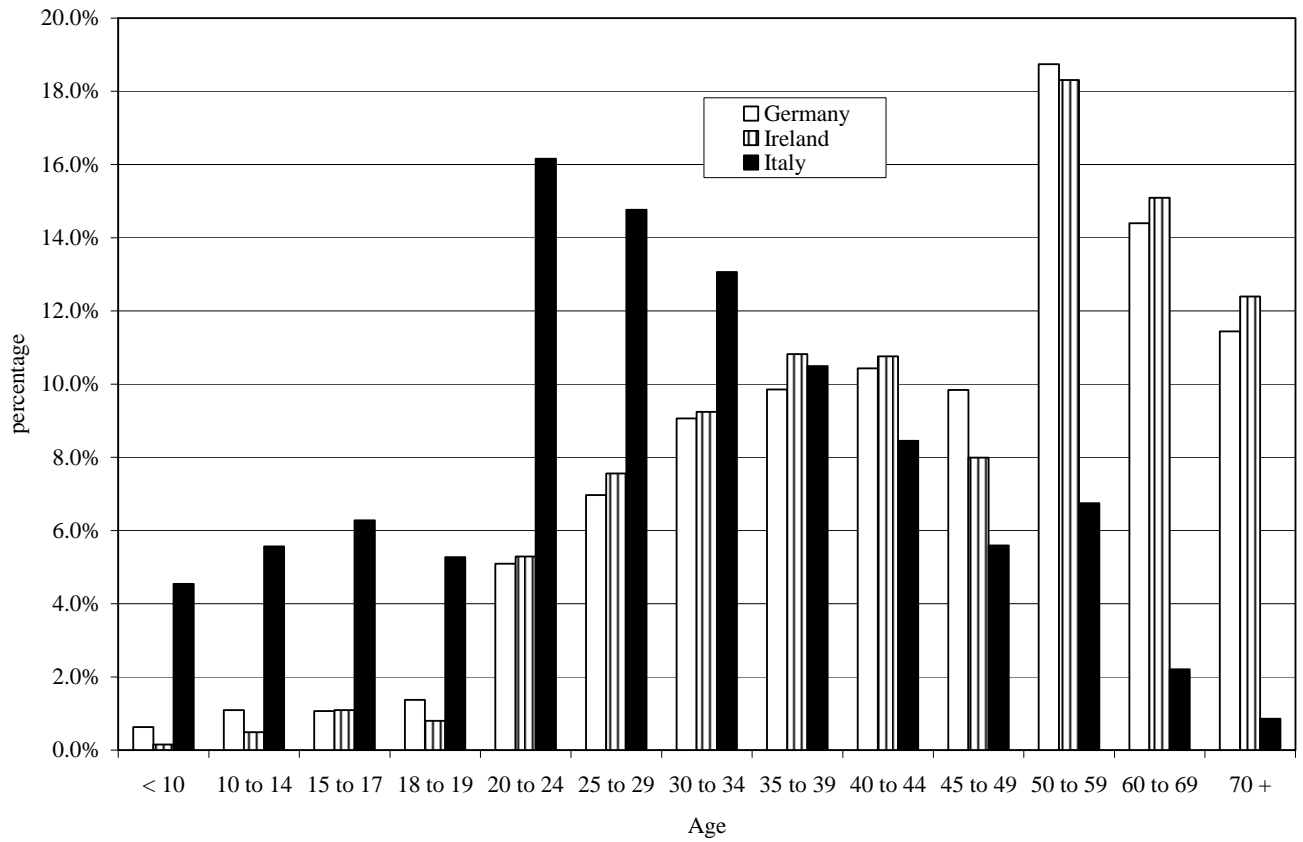
Sources: U.S. Census Office, *Twelfth Census of the United States taken in the year 1900. Population. Part II.* Washington, D.C.: Government Printing Office, 1902. Table XVI, pp. xxxvi-xxxix. U.S. Department of Commerce and Labor, *Prisoners and Juvenile Delinquents in Institutions 1904.* Washington, D.C.: Government Printing Office, 1907. Table 32, pp. 182-5.

**Figure 8.—Commitment Rates for Minor Offenses Native-born White Males by Parentage, 1904**



Notes: See notes and sources for Figure 7.

**Figure 9.—Age Distributions of the Irish, Italian, and German Male Immigrant Populations, 1904**



Sources: Estimates constructed from the 1910 IPUMS data. See text for details.



**Table 1. – Summary of the Findings of the Dillingham Commission**

	Percentage foreign born
White male population 15+ in 1900	23.0
White male prison population on June 30, 1904	22.6
White male prison commitments 1904	28.8
Major offenses	21.7
Minor offenses	30.1

Notes: "Major" offenses include all person offenses and the most serious property and "chastity" offenses. All other offenses are classified as minor offenses

Source: U.S. Senate, *Reports of the Immigration Commission. Volume 36: Immigration and Crime*. New York: Arno Press, 1970, pp. 213 and 222.

**Table 2.— Prison Commitment Rates by Nativity and Age, 1938  
(per 100,000 Population)**

	Preliminary Census numbers		Final 1940 Census numbers	
	Native born	Foreign born	Native born	Foreign born
White male 15 +	110	50	109	47
White male 15-19	119	167	117	126
White male 20-24	216	295	220	234
White male 25-29	167	230	168	191
White male 30-34	132	132	130	116
White male 35-39	117	86	112	75
White male 40-44	86	67	83	59
White male 45-49	60	43	60	41
White male 50-59	39	26	38	25
White male 60-69	18	14	31	22
White male 70+	7	4	4	2

Source: C.C. Van Vechten, "The Criminality of the Foreign Born," *Journal of Criminal Law and Criminology*, Volume 23 (1941).

**Table 3.— Commitment Rates to State and Federal Prisons by Race, Nativity, and Age,  
Males 1930  
(per 100,000 population)**

Age	Native-born whites	Foreign-born whites	Foreign-born whites with other races	Blacks	Other races	All natives
18	245	236	260	575	303	282
19	319	228	318	714	503	361
20	326	245	294	656	405	363
21-24	284	159	233	647	442	325
25-29	207	101	157	560	415	249
30-34	149	76	101	449	290	182
35-39	108	66	79	282	224	128
40-44	85	48	54	219	142	100
45-49	67	39	44	156	129	78
50-54	49	28	31	103	95	55
55-59	40	21	24	93	75	45
60-64	29	15	18	52	89	32
65+	15	7	9	39	75	17

Notes: "All natives" includes native-born whites and blacks. The prison census data do not provide information on the nativity of non-whites.

Sources: U.S. Department of Commerce, *Prisoners in State and Federal Prisons and Reformatories 1929 and 1930*. Washington, D.C.: Government Printing Office, 1932. Table 30, p. 37. U.S. Department of Commerce, *Fifteenth Census of the United States: 1930. Population. Volume II. General Report. Statistics by Subject*. Washington, D.C., Government Printing Office, 1933. Table 8, p. 572, and Table 21, pp. 595-6.

**Table 4.—Commitment Rates to State and Federal Prisons by Race, Nativity, Age, and Offense,  
Males 1930  
(per 100,000 population)**

Age	Native-born whites	Foreign-born whites	Foreign-born whites with other races	Blacks	Other races	All natives
All offenses						
18 to 24	289	184	253	646	427	329
25 to 34	179	87	127	510	361	217
35 to 44	98	57	66	254	187	115
45 +	41	23	26	100	99	47
All offenses excluding liquor violations						
18 to 24	270	180	236	625	376	310
25 to 34	153	75	109	468	306	189
35 to 44	77	43	49	218	138	93
45 +	29	16	18	82	70	35
Violent crimes						
18 to 24	68	66	71	202	84	83
25 to 34	36	24	33	172	85	51
35 to 44	15	12	14	84	34	23
45 +	7	6	7	33	22	10
Homicides						
18 to 24	7	4	8	46	18	11
25 to 34	7	5	9	57	30	12
35 to 44	4	4	5	33	16	7
45 +	2	2	2	16	10	4

Notes: "Violent crimes" include homicide, assault, rape, and robbery.

Sources: U.S. Department of Commerce, *Prisoners in State and Federal Prisons and Reformatories 1929 and 1930*. Washington, D.C.: Government Printing Office, 1932. Table 28, p. 36 and Table 44a, pp. 72-3. U.S. Department of Commerce, *Fifteenth Census of the United States: 1930. Population. Volume II. General Report. Statistics by Subject*. Washington, D.C., Government Printing Office, 1933. Table 8, p. 572, and Table 21, pp. 595-6.

**Table 5.— Commitment Rates by Nativity, Age, and Jurisdiction, White Males 1923 and 1910  
(per 100,000 population)**

Age	All jurisdictions		State and federal prisons		Municipal and county Jails	
	Native born	Foreign born	Native born	Foreign born	Native born	Foreign born
<i>1923</i>						
18-20	668	1001	165	185	503	816
21-24	894	1206	168	187	726	1018
25-34	695	996	99	98	596	898
35-44	734	1017	63	54	671	964
45-54	567	831	36	32	531	799
55-64	335	412	21	14	314	398
65 +	108	152	8	5	100	147
<i>1910</i>						
18	768	1010				
19	907	1268				
20-24	1084	1351				
25-34	1241	1278				
35-44	1337	1469				
45-54	1081	1375				
55-64	707	1046				
65 +	283	518				

Notes: The 1923 Prison Census only collected data on commitments for a six month period, January 1, 1923 to June 30, 1923. To make these data comparable to the prison census data for other years which collected data on commitments over a calendar year, the 1923 commitment numbers have been multiplied by two. Population data for 1923 were estimated from the 1930 IPUMS sample. See text for details.  
Sources: U.S. Department of Commerce, *Prisoners 1923: Crime Conditions in the United States as reflected in Census Statistics of Imprisoned Offenders*. Washington, D.C.: Government Printing Office, 1926. U.S. Department of Commerce, *Thirteenth Census of the United States Taken in the Year 1910. Volume I. Population 1910. General Report and Analysis*. Washington, D.C., 1913. Table 29, pp. 310-3. U.S. Department of Commerce, *Prisoners and Juvenile Delinquents in the United States 1910*. Washington, D.C.: Government Printing Office, 1918. Table 34, p. 349.

**Table 6.—Stock vs. Flow in Prisons, Jails, and Workhouses by Demographic group and Selected Offenses, 1910**

	Enumerated	Commitments	Commitments to prison
Total	111,498	479,787	
Male	105,362	433,460	
Female	6,136	46,327	
Native White	5,2473	243,053	
Foreign born White	19,438	98,536	
Nativity Unknown	886	28,430	
<u>Offense</u>			
Grave homicide	6,890 (0.06)	964 (0.00)	914 (0.04)
Lesser homicide	7,367 (0.07)	1,912 (0.00)	1,687 (0.08)
Assault	9,719 (0.09)	22,509 (0.05)	2,391 (0.11)
Robbery	4,729 (0.04)	1,657 (0.00)	1,055 (0.05)
Rape	4,465 (0.04)	1,406 (0.00)	905 (0.04)
Burglary	16,268 (0.15)	8,105 (0.02)	4,591 (0.21)
Larceny	21,397 (0.19)	39,338 (0.08)	5,025 (0.23)
Fraud	1,481 (0.01)	8,924 (0.02)	469 (0.02)
Forgery	3,145 (0.03)	2,063 (0.00)	1,292 (0.06)
Disorderly conduct	13,704 (0.12)	262,788 (0.55)	103 (0.00)
Vagrancy	6,004 (0.05)	49,670 (0.10)	159 (0.01)
Liquor	2,148 (0.02)	7,713 (0.02)	323 (0.01)
Unknown	213 (0.00)	7,758 (0.02)	194 (0.01)

Notes: The terms in parentheses represent the offense numbers as a fraction of the column total.

Source: U.S. Department of Commerce, *Prisoners and Juvenile Delinquents in the United States 1910*. Washington, D.C.: Government Printing Office, 1918. Tables 1, 62, and 63.

**Table 7.—Commitment Rates to Penal Institutions by Nativity, Age, and Type of Offense, Males 1904 (per 100,000 population)**

Age	All commitments			Major offenses			Minor offenses		
	All natives	Native whites	Foreign whites	All natives	Native whites	Foreign whites	All natives	Native whites	Foreign whites
18 - 19	482	401	633	164	116	215	318	285	419
20 - 24	625	519	608	199	142	156	426	378	452
25 - 29	620	536	626	159	113	126	460	423	499
30 - 34	497	476	530	96	78	79	401	398	451
35 - 39	565	553	604	88	71	68	477	481	535
40 - 44	478	498	609	60	52	49	419	446	560
45 - 49	397	412	626	46	41	44	351	371	582
50 - 59	309	326	515	32	28	31	277	298	484
60 - 69	176	182	400	18	15	11	158	167	389
70 +	43	41	129	5	4	4	37	36	125

Notes: "All natives" include native-born whites and blacks. "Major" offenses include all person offenses and the most serious property and "chastity" offenses. All other offenses are classified as minor offenses. Population data were estimated from the 1910 IPUMS sample.

Sources: U.S. Department of Commerce and Labor, *Prisoners and Juvenile Delinquents in Institutions 1904*. Washington, D.C.: Government Printing Office, 1907. Table 32, pp. 182-5.

**Table 8.—Time in the U.S.: General Population and Commitments to Penal Institutions for Foreign-born White Males, 1904**

Years in U.S.	Population 18+	Prison commitments		
		Total	Major offenses	Minor offenses
1 year or less	3.4	4.4	8.7	3.8
2 years	3.3	3.2	5.4	2.9
3 years	2.5	2.7	4.6	2.4
4 years	4.1	2.2	4.1	2.0
5 years	1.4	2.5	4.2	2.3
6 to 9	6.6	6.4	9.5	6.0
10 to 14	13.7	11.9	15.6	11.4
15 or more	58.2	50.7	36.2	52.6
Not reported	6.7	16.1	11.8	16.6

Notes: Population data were estimated from the 1910 IPUMS sample. See text for details.

Sources: U.S. Department of Commerce and Labor, *Prisoners and Juvenile Delinquents in Institutions 1904*. Washington, D.C.: Government Printing Office, 1907. Table XXVII, p. 48.

**Table 9.—Commitment Rates to Penal Institutions by Parentage, Age, and Type of Offense  
Native-born White Males 1904  
(per 100,000 population)**

Age	All commitments		Major offenses		Minor offenses	
	Native parents	Foreign parents	Native parents	Foreign parents	Native parents	Foreign parents
18 - 19	363	422	106	134	257	288
20 - 24	479	528	138	144	342	383
25 - 29	447	531	103	107	344	424
30 - 34	409	596	76	86	333	511
35 - 39	451	730	67	78	384	652
40 - 44	384	666	48	54	336	612
45 - 49	320	700	40	48	280	651
50 - 59	231	781	25	45	207	736
60 - 69	145	580	14	30	131	550
70 +	44	192	6	4	38	188

Notes: "Foreign parents" here means that one or both parents was foreign-born. "Native parents" means both parents were native-born. Population data were estimated using the published data from the 1900 Census. See text for details.

Sources: U.S. Department of Commerce, *Twelfth Census of the United States taken in the year 1900. Population. Part II.* Washington, D.C.: Government Printing Office, 1902. Table XVI, pp. xxxvi-xxxix.  
U.S. Department of Commerce and Labor, *Prisoners and Juvenile Delinquents in Institutions 1904.* Washington, D.C.: Government Printing Office, 1907. Table 32, pp. 182-5.

**Table 10.—Actual and Predicted Commitment Rates of the Foreign-born Population  
by Country of Origin, 1904  
(per 100,000 population)**

Country of Origin	Total commitments		Major offenses		Minor offenses	
	Actual	Predicted	Actual	Predicted	Actual	Predicted
Austria	345	573	75	90	269	483
Canada	566	544	84	68	482	476
Denmark	199	553	34	68	165	484
England	508	516	58	59	450	457
France	496	456	98	54	398	402
Germany	309	499	49	52	260	446
Hungary	344	586	56	103	288	484
Ireland	1516	494	61	52	1456	442
Italy	527	583	149	98	377	486
Mexico	1460	538	561	71	899	467
Norway	235	536	35	65	200	471
Poland	351	569	65	93	286	475
Russia	392	582	91	99	301	484
Scotland	802	519	79	57	723	462
Sweden	283	548	28	71	255	477
Switzerland	273	530	36	62	237	468
Others	536	559	113	85	424	474

Notes: "Actual" commitment rates calculated using data from the 1904 Prison Census on commitments and population estimates constructed from the 1910 IPUMS dataset. "Predicted" commitment rates were calculated using the age distributions by country of birth constructed from the 1910 IPUMS and applying the commitment rates by age for the foreign-born population as a whole presented in Table 7.

Sources: U.S. Department of Commerce and Labor, *Prisoners and Juvenile Delinquents in Institutions 1904*. Washington, D.C.: Government Printing Office, 1907. Tables 19 and 20, pp. 156-7.



**Table 11.—Ratios of Actual to Predicted Commitment Rates for Major Offenses and Other Population Characteristics of Immigrant Groups 1904**

Country of origin	Ratio of actual to predicted commit rate for major offenses	Ave. weekly wage in manufacturing	1904 male population 18 to 49: Literate	English speaking	< 5 years in U.S.
Mexico	7.90	\$ 8.57	54%	17%	34%
France	1.81	12.92	97	92	15
Italy	1.52	10.29	71	69	47
Scotland	1.39	15.24	100	100	10
Canada	1.24	11.11	93	98	14
Ireland	1.17	13.01	97	100	11
England	0.98	14.13	99	100	10
Germany	0.94	13.63	98	96	9
Russia	0.92	11.01	89	87	34
Austria	0.83	12.12	83	76	33
Poland	0.70	11.06	78	69	39
Switzerland	0.58	13.96	98	96	13
Hungary	0.54	11.46	90	68	50
Norway	0.54	15.28	99	98	18
Denmark	0.50	14.32	100	99	18
Sweden	0.39	15.36	99	98	14
<u>Correlation with Ratio of Actual to Predicted Commitment Rate</u>					
Pearson's correlation coefficient		-0.59	-0.75	-0.81	0.18
(significance level)		(0.02)	(0.00)	(0.00)	(0.50)
Spearman rank correlation		-0.52	-0.41	-0.12	-0.11
(significance level)		(0.04)	(0.12)	(0.66)	(0.70)

Notes: Ratios calculated using the data presented in Table 10. Manufacturing wages come from survey of workers in manufacturing and mining conducted in 1908 as part of the Dillingham Commission. The average for Mexican immigrants is based on a small number of observations (14), but is in line with the wage data presented by Feliciano (2001) from other data collected as part of the Dillingham Commission. The 1904 population data were calculated using the 1910 IPUMS dataset.

Source: U.S. Senate, *Reports of the Immigration Commission. Volume 1: Abstracts of Reports of the Immigration Commission. With an Introduction by Oscar Handlin*, New York: Arno Press, 1970, (Reprint: Original G.P.O. 1911), Table 22, p. 367.