

Assimilation of Immigrants and Incarceration, 1900-1930

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Abstract

Using a newly constructed individual-level dataset, we analyze the relative incarceration probabilities of native and foreign-born men between 1900 and 1930. We find that the foreign-born were less likely to be incarcerated than natives even after controlling for age and literacy. However, immigrants seemed to assimilate rapidly to the incarceration patterns of the native born. The likelihood that an immigrant was incarcerated was increasing in his time spent in the U.S. and the children of immigrants had incarceration rates that were the same or even higher than those of their peers with native parents. Finally, we find that odds of incarceration were lower for immigrants who arrived in the 1920s after the imposition of immigration restrictions and quotas than for those who had arrived earlier.

In 1917, the U.S. Congress mustered the votes to override President Wilson's veto to enact the Immigration Act. The key provision in this Act was a literacy test for new arrivals, the first broad-based restriction on immigration (Goldin 1994). The Act, however, also contained another significant provision: the right to deport any immigrant who had been in the U.S. five or fewer years and who had been sentenced to at least one year in prison, and any immigrant no matter the time spent in the U.S. who had been convicted of a more serious offense or prostitution. This provision reflected the long-standing view that immigrants increased crime. Writing in the report of the National Commission on Law and Enforcement in 1931, Edith Abbott argued that this claim was "almost as old as the colonies planted by Englishmen on the New England coast" (p. 23). This claim has resurfaced with the most recent wave of immigration and continues to influence U.S. immigration policy.²

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² The Anti-Drug Abuse Act (1988), the Violent Crime Control and Law Enforcement Act (1994), and the Anti-Terrorism and Effective Death Penalty Act (1996) have greatly expanded the set of crimes for which noncitizens were deportable and amended the Immigration and Nationality Act to extend requirements for detention and deportation of eligible aliens.

Despite its persistence, empirical examinations of the linkage between immigration and crime today do not support the claim that immigrants drive up crime rates. A growing number of studies, using a variety of data and methods, have found that immigrants today generally have lower rates of crime than natives. Immigrants are much less likely to report involvement in criminal activity (Sampson, Morenoff, and Raudenbush 2005; Butcher and Piehl 1998), and at the city level, immigration does not increase the crime rate more generally (Butcher and Piehl 1998; Hagan and Palloni 1999). In addition, male immigrants are much less likely than natives to be incarcerated (Butcher and Piehl 2007) — on the order of one-fifth the rate of natives. There are several possible mechanisms that could lead to these findings, from selection of immigrants to the high potential cost of crime, as noncitizens face possible deportation if convicted of certain crimes and those illegally resident in the country face some deportation risk upon contact with law enforcement.

A century ago, there were eight or more new immigrant arrivals for every 1000 individuals in the U.S. population and understanding the impact of these high immigration flows was a central public concern just as it is today. The most extensive contemporary examinations of the connections between immigration and crime were two federal governmental commissions – the Federal Immigration (or Dillingham) Commission in 1911 and the National Commission on Law Enforcement (or Wickersham Commission) in 1931 – which were strongly influenced by political agendas and plagued with data problems that led them to present partial, and, at times, misleading accounts of the differences in the criminal activity of natives and the foreign born. The historical analyses of crime and immigration in the early twentieth century to date have also left many questions unanswered. Previous studies have focused on violent crime, which accounts for a relatively small fraction of total crime and can exhibit different trends, age patterns, and geographic variation than non-violent crime. More problematic, though, is that these studies suffer from limited or inferential information on nativity since most historic data sources on crime do not systematically report data on place of birth.

In a recent paper, Moehling and Piehl (2009) conducted a systematic re-examination of the prison census data that served as the basis of research of the Dillingham and Wickersham Commissions. They controlled carefully for age and calculated population estimates to correspond to the timing of the prison censuses. Notably, even in the period of high immigrant arrival rates before 1914, the older age distribution of the foreign born led to an aggregation bias that made immigrant prison commitment rates look more favorable in comparisons to natives. Had the Dillingham Commission controlled more carefully for age, it would have found some evidence that immigrants were more likely than natives to engage in crime. In particular, the 1904 prison census data reveal that immigrants ages 18 to 19 were more likely than their native white peers to be committed to prisons for serious offenses. Nativity differences for older age groups, however, were small. The 1923 prison census data revealed similar patterns. But by the 1930 prison census, the story had changed: at all but the youngest age categories (under 21), immigrants were substantially less likely to be committed to prison than were native whites. This change was driven not by declines in the commitment rates of immigrants but rather by substantial increases in the commitment rates of natives. Strikingly, though, the nativity differences in prison commitment rates in 1930 were driven by differences in non-violent crimes; immigrants were just as likely as natives to be committed for violent crimes. None of these features identified in the reanalysis of the prison census data were apparent in the aggregate data that provided the empirical basis for the policy debates at the time.

The data reported in the prison census volumes, however, limited what Moehling and Piehl could say about immigrant assimilation and crime outcomes. Only in the report for the 1904 prison census did the Census Bureau publish data on the time spent in the U.S. by foreign-born males committed to prison. Moehling and Piehl (2009) compared the distribution of years in the U.S. of immigrants committed to prison to those in the non-institutionalized population and found that more recent arrivals were disproportionately represented in the commitments for serious crimes. But in these comparisons, they were unable to control for age. The Census Bureau, moreover, only provided data on the second generation for the 1904 prison census. Moehling and Piehl found that the prison commitment patterns of

second-generation immigrants in 1904 were similar in some respects to those of their parents and in other respects to those of the children of natives. For more serious crimes, the age-commitment profile of the second generation looked much like that of the children of natives, but for less serious crimes, the second generation exhibited the first generation's pattern of relatively high commitment rates in middle age.³

The evidence on immigrant assimilation, within and across generations, on crime outcomes is very thin. The question of assimilation over the lifetime remains, as does the question of whether patterns of incarceration for the second generation changed over time. Between 1923 and 1930, the prison commitment rates of natives increased dramatically while those of the foreign-born remained stable. Did the second generation behave more like their parents or like the native-born?

To answer these types of questions we need individual-level data rather than the aggregated data published in Commission and Census reports. Therefore, we have assembled individual-level data from the schedules of the U.S. population censuses for men incarcerated in state penal institutions in 1900, 1910, 1920, and 1930. This time-intensive work was necessary, as the publicly available data samples of the historic censuses provide small subsets of the population, and the small prison populations at the time do not allow for meaningful statistical analysis. With a census of all inmates, however, we are able to use the publicly available census of population extracts to provide the complementary data set for non-incarcerated persons. The new dataset includes detailed, individual-level data on age, birthplace, parents' birthplaces, year of arrival for immigrants, literacy, and ability to speak English, and hence allows us to directly describe and assess assimilation and incarceration.

Historical Background

Over nine million immigrants entered the U.S. in the first decade of the twentieth century. The arrival rate in 1907 reached almost 15 per 1000 persons in the population, a number surpassed only in the

³ In Moehling and Piehl (2009), the data for the second generation are presented in Figure 2. Unfortunately, the legend labels were reversed in the type-setting process. The dark bars represent the data for the native children of foreign-born parents and the light bars represent the data for the native children of native parents.

early 1850s and in 1882. Like the nineteenth century waves of mass migration, this "third wave" provoked a significant nativist backlash. Unlike previous nativist movements, however, this one succeeded in securing legislative restrictions on immigrant arrivals. The literacy test imposed by the 1917 Immigration Act was less-restrictive than intended given the rising literacy rates in Europe during the period (Goldin 1994), but shortly on its heels Congress enacted the Emergency Quota Act (1921) and then the National Origins Quota Act (1924) that placed quotas on the numbers of arrivals during a given year. The result of the quota system was a sharp drop in the number of immigrant arrivals. By 1930, the immigrant arrival rate was only 2 per 1000 in the population, where it remained until the quota system was abandoned in the 1960s.

The most politically persuasive argument for restricting immigration was that immigrants undercut the wages of the native born (Goldin 1994). But the evolution of federal immigration law was also influenced by the perception that immigrants increased crime. Starting in the 1890s, the list of "inadmissible" classes of immigrants included individuals convicted of crimes and misdemeanors in their home countries, and the 1917 Immigration Act included a provision to deport immigrants convicted of serious crimes.

The perceived connections between immigration and crime also influenced the emerging academic field of criminology. The founders of this field sought to understand the determinants of criminal behavior and, in particular, why individuals with particular traits seemed more likely to engage in it than others. Key among the traits studied was nativity. Thorsten Sellin argued that immigrants faced a "culture conflict" as they adjusted to a new set of behavioral norms in the host country which may have made them more likely to become involved in crime. Other scholars, though, focused on the other characteristics of the immigrant population and how these related to criminal behavior. Most important among these were age and gender. Males are much more likely to be engaged in crime than females, and the age-crime profile is very steep, peaking in the early 20s and falling sharply thereafter. New immigrant arrivals tended to be young and male – precisely the group most likely to engage in criminal behavior. In addition, immigrants were concentrated in large urban centers in what sociologists referred

to as “socially disorganized” neighborhoods (Taft 1933). Crime rates in these areas were high due to the break down of social bonds and high rates of poverty. The correlation between nativity and crime in these theories was viewed as spurious, reflecting the other characteristics and experiences of the immigrant population rather than a greater proclivity toward criminal behavior (Shaw and McKay 1942).

Not all early criminologists, however, believed that immigrants would be more likely to be engaged in crime. Edwin Sutherland (1924: 124) argued that immigrants may have developed a strong respect for the law as well as social connections in their home countries before migrating to the disorganized urban centers of the U.S. These immigrants would have brought their sense of community with them to America and may have been less likely to be involved in crime than their native-born urban neighbors.

The public and academic discussions of the connections between immigration and crime did lead to some empirical examination of the issues, albeit limited. The most extensive investigations were conducted as part of two prominent federal government commissions -- the Federal Immigration (or Dillingham) Commission in 1911 and the National Commission on Law Enforcement (or Wickersham Commission) in 1931. Politics, however, influenced how both of these commissions presented and interpreted the data on immigrants and crime. The Dillingham Commission’s reports clearly reflect the growing support for restrictions on immigration. Unable to find “satisfactory evidence” that immigrants were more likely than natives to commit crime, the focus was placed on nativity differences in the types of crimes committed. The Commission claimed that immigration had changed the nature of crime in the U. S. and in particular, increased “the commission of offenses of personal violence” (U.S. Senate 1970b: 2). The Italians, in particular, were assigned blame for driving up homicide rates. The evidence underlying these claims, however, were conditional crime distributions: conditional on being incarcerated, the Italians were more likely than other groups to have been convicted of homicide. But as Oscar Handlin argued in his review of the Dillingham Commission reports, such evidence does not reveal anything about the relative or absolute criminality of immigrants (U.S. Senate 1970a: xxxv-xxxvi). The

criticisms of the Wickersham Commission are just the opposite: scholars accused the Commission of trying to portray immigrants in a favorable light (Taft 1933).

Politics aside, the real challenges faced by contemporary investigations of immigrants and crime were limited data and limited understanding of how aggregate crime rates reflect the age distribution of a population. Before the 1930s, very few jurisdictions regularly compiled police and court records and those that did often did not include reliable data on nativity (Sutherland and Van Vechten 1934). The most reliable data on crime and nativity for the period comes from the special censuses of penal institutions conducted by the Census Bureau. These so-called “prison censuses” formed the basis for many of the investigations of crime during this period including the work of the Dillingham and Wickersham Commissions. These censuses were not always conducted in the same year as the population censuses, however, complicating the calculation of incarceration rates in the face of high immigrant arrival rates. But more problematic for understanding the nativity differences in crime and incarceration was the lack of understanding of the profound effect of age distributions on measured crime rates. As noted above, the age-crime profile is quite pronounced. Crime rates for males peak in the late teens and early twenties and decrease sharply thereafter. Statisticians for the Census Bureau were aware of the difference in the age distributions of immigrants and natives, but they only dealt with one aspect of difference: the small numbers of foreign-born children. The Census Bureau, and hence most of the researchers using the prison census data, compared the percentage foreign-born in prison commitments to the percentage foreign-born in the general population ages 15 and older. By failing to correct for differences in the fraction of the population in the peak crime ages of 18 to 24 such comparisons produced misleading findings on nativity differences in crime. C.C. Van Vechten, the Chief of the Institutional Section of the Census Bureau, wrote an article in 1941 criticizing the findings of the Wickersham Commission on these grounds. The Wickersham Commission had found that by the late 1920s natives were twice as likely as immigrants to be imprisoned. But Van Vechten argued that this was mainly due to the aging of the foreign-born population after the imposition of quota restrictions on new arrivals. By controlling for more carefully for age, Van Vechten found that the prison commitment rates of natives

and immigrants were much more similar than the Wickersham Commission had claimed. Moehling and Piehl's (2009) re-analysis largely validated Van Vechten's concerns (if not the magnitudes he presented).

Though they found an overrepresentation of recent arrivals in commitments for serious crimes, with the available data Moehling and Piehl could not investigate whether this reflected the type of "culture conflict" Sellin proposed in the 1920s, or whether it was due to the high fraction of recent arrivals in the peak crime ages of 18 to 24. Moreover, given the history of migration flows in the U.S., at any given point in time, the time spent in the U.S. is strongly correlated with one's country of origin. In 1904, for instance, recent arrivals would have been mostly Italians and Central and Eastern Europeans whereas the long-time residents would have been mainly the Irish, Germans, and Scandinavians. Contemporary observers certainly believed that involvement in crime varied across immigrant groups, but so too did the age distributions. Unfortunately, none of the published reports for the prison censuses provided data disaggregated by both age and country of origin.

Examining the experiences of the second generation of immigrants would seem particularly important for understanding the process of assimilation. Some observers at the time attributed the "immigrant crime" problem to the native-born children of immigrants rather than the immigrants themselves. The Wickersham Commission devoted an entire chapter in its report to the experiences of the second generation, motivating this effort with the following profound statement:

Practically every law-enforcement officer who was interviewed in the course of this study, whether he were a police officer, a prosecutor, a probation officer, or a judge, expressed the opinion that it was not the immigrants themselves but their sons that constituted the big crime problem at the present time. All were emphatic in that belief. (National Commission on Law and Enforcement 1931: 157).

Writing in 1933, just a couple years after the Wickersham report, Lawrence Brown also claimed that it was the second generation that was more likely to be engaged in crime and delinquency. He attributed this to what he perceived as the greater culture conflict experienced by the children of immigrants. While first generation immigrants brought their culture with them from the Old World, their children found

themselves enmeshed in two cultures: the Old World culture of their parents and the American culture they experienced all around them (Brown 1969: 251).

The claim that second generation immigrants were more likely to be involved in crime than their foreign-born parents, however, was mostly based on speculation. As the Wickersham report noted of the law enforcement officials who blamed the second generation for immigrant crime, “Generally they did not have statistics at hand in support of their belief” (National Commission on Law and Enforcement 1931: 157). Even fewer jurisdictions collected data on parental birthplace than data on birthplace.

Therefore, in order to investigate assimilation within and across jurisdictions, we turned to population Census data, as the Census at the time provided microdata with information on birthplace and year of immigration, parental birthplace and language, as well as allowing for careful control for age and other demographics. Although there are publicly available random samples of the census data, the relatively low sampling rates combined with the very low (by today’s standards) rates of incarceration yields very small numbers of incarcerated individuals. So to carry out our research agenda, we had to collect additional data on the incarcerated population from the census schedules.

Data Collection

We collected micro-level data from the 1900 to 1930 federal population censuses for all male inmates in state correctional facilities in a sample of eight states: Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Illinois, Michigan, and California. Table 1 provides data on the numbers of prisoners in state facilities in the sample states according to the 1904, 1910, 1923, and 1930 prison censuses. Because the sample states were the most populous and urban states, they accounted for almost 40 percent of the male inmates reported in state correctional facilities in the four censuses. More importantly for our project, the sample states were major immigrant destinations and therefore accounted for around 60 percent of the foreign-born male population in the U.S. at the turn of the century and nearly 70 percent by 1930. For the two years for which we are able to produce calculations, 1904 and 1923, the

sample states account for even higher fractions of the imprisoned foreign-born male population than they do of the total foreign-born male population.

We limited our data collection efforts to state correctional facilities in order to focus on incarceration for more serious offenses. Although state laws varied, most state-run facilities housed inmates sentenced to a year or more. Inmates with shorter sentences, and hence, convicted of presumably less serious offenses, were housed in county or municipal jails. Moehling and Piehl (2009) showed that the most common of these minor offenses were disorderly conduct and vagrancy, offenses which were defined and prosecuted differently in different jurisdictions. The types of crimes resulting in commitments to state institutions were those that imposed the greatest costs to society: for example, larceny, burglary, robbery, assault and homicide. And importantly, these were the types of offenses that could lead to deportation under the provisions of the Immigration Act of 1917.

We chose to limit our sample to correctional facilities for men because the incarceration rates of women were extremely low during this period. Women were most commonly imprisoned for prostitution and typically served short sentences. Many states during this period did not have separate facilities for women and housed women sentenced to longer terms in segregated housing in the same facilities as men or even in local jails.⁴ We also excluded facilities for juvenile offenders. Many states established juvenile courts as well as juvenile detention facilities during the period of our study. Including juvenile facilities in the prison sample, however, would lead to an overstatement of youth offending rates because many of the inmates in these facilities were committed for minor, juvenile-specific offenses, like truancy, or for non-crime reasons like having deceased or incapacitated parents. More problematic, though, is the variation over time and across states in the treatment of juveniles in the criminal justice system. A sixteen year old convicted of burglary may have been sentenced to a prison in one state but a juvenile detention center in another. Youth offending rates based only on those youths housed in state prisons will, therefore, understate youth involvement in crime. We do observe some inmates under the age of 18 in the

⁴ A number of state prisons in our sample had female inmates. They are not included in the analysis.

prisons in our dataset, but their numbers are small. Hence, we restrict our examination to males ages 18 and older.

We began the data collection project by drawing from the published volumes of the 1904, 1910, 1923, and 1930 prison censuses to develop lists of state correctional facilities likely in operation in the decennial census years. We then searched for these facilities in the census schedules, a process that often involved consulting data from state departments of corrections and local historical societies.⁵ Once a facility was located in the census schedules, all data on inmates for that facility were entered in a spreadsheet. During this period, it was common to have the officers and workers of an institution live on the grounds. These individuals and their families were enumerated on the same schedules as the institutional inmates. Such individuals are easy to identify, though, by the data on their relationship to the head of household as well as their occupations, and we excluded them from the dataset.

Care was taken to enter the data exactly as they appeared on the census schedules. Before the data collection began, we had worried that some of the columns on the census forms would be left blank for prison inmates since it was likely that prison officials rather than the inmates themselves provided information to the census enumerators. Fortunately, we found that this was not the case. Prison officials tended to fill in all the data in the columns of interest to us: age, birthplace, parents' birthplace, literacy, year of immigration, and whether the prisoner spoke English.

Once collected, the prison inmate data was formatted and coded to be consistent with the Integrated Public Use Microdata Series random samples of the population censuses.⁶ We then combined the prison data with the IPUMS samples for the same census years. To prevent double-counting, we dropped from the IPUMS samples all individuals enumerated in correctional facilities other than military prisons, jails

⁵ We have recently reconciled the lists of prisons constructed from the prison census data with histories of the prison systems in the sampled states. This process revealed a handful of facilities that were not enumerated in the prison censuses. Some were small prisons or prison camps, and one was a facility that served as a mental hospital and debtors' prison as well as a prison. The data for these facilities is currently being entered and will be added to the dataset at a later date.

⁶ IPUMS data and supporting documentation is available on-line at: www.ipums.umn.edu.

and houses of corrections.⁷ We are left with a dataset that allows us to examine the prison population from 1900 to 1930 in comparison to the general population.

Possible biases

To what extent will data from the population censuses on prison inmates reflect differences in the propensity of immigrants, relative to the native born, to commit crimes? There are several circumstances that potentially confound the interpretation. First, the prison data record an event that takes place several stages beyond the crime event of interest. The discretion involved in each intervening stage – from detection to apprehension, to conviction and punishment with incarceration – means that the differences between natives and foreign born we measure will be noisy measures of the differences by nativity in criminal behavior. Analysts at the time detailed the many reasons that the foreign born might be disadvantaged in court: from not understanding the court system, to lack of adequate translation services, to being easy targets for scams (Claghorn 1971). Many of these mechanisms would suggest large immigrant disadvantages for minor and nuisance offenses. But it was also suggested that lack of confidence in the rule of law, and/or non-responsiveness of police to foreign-born complainants, might cause some conflicts to escalate to violent crime due to the lack of involvement of the police and courts in early stages of conflict. Unfortunately, even in modern crime data it is difficult to obtain reliable evidence on the magnitudes of these effects.

Analysis of criminality always depends upon measures of crime as defined by things that are recorded (or upon self-reported activity, which has its own drawbacks). Police reports of the period were considered more likely to contain bias than data based on court outcomes (Maltz 1977). Even today, when there is more systematic data collection by police departments, studies of criminal justice outcomes rely more heavily on court outcomes (such as conviction and incarceration) than on arrest data. Our

⁷ To be precise, we dropped individuals coded as residing in the following types of correctional facilities: correctional institutions, n.s.; federal or state correctional facility; prison; penitentiary; reformatory; and camp or chaingang.

approach here is to utilize Census data which also provide reliable nativity information, include a set of individual-level control variables unavailable from any other source, and are comparably collected across time and across jurisdiction.

One feature of our research design serves to minimize the bias due to discretion: the reliance on data on the state prison population at a point in time. Moehling and Piehl (2009) documents that the flow of inmates into correctional facilities is dominated by less serious crimes and immigrants are more highly represented among those incarcerated for less serious crimes. The level of enforcement of these kinds of offenses varied greatly across jurisdictions (Brown and Warner 1995: 90). 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). 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 (Jones 1976).

Census data do not contain information about two factors that are of particular interest: geography and crime type. Census information is recorded by place of residence, and inmates are generally housed away from, and sometimes far from, their usual place of residence. Because it would be misleading to calculate incarceration rates at any level of geography smaller than the state, these data cannot be used to speak to urban/rural differences in criminality and how this contributes to immigrant/native relative criminality.⁸

We are mindful of these potential biases. At the same time, the constructed dataset has several advantages for examining the connections between immigration and crime. The particular strength of the design is its reliance on individual-level data that are collected comparably across time and place. These

⁸ In 1900, 66% of the foreign-born population in the U.S. lived in cities of 2,500 or more and 38% lived in cities of 100,000 or more (U.S. Senate 1970a: 139).

data will provide the research will the ability to control for biases that have plagued other research designs attempting to address the same research questions.

Results

As discussed earlier, we limit the analysis to those aged 18 and older. On the upper end, we limit our attention to those under age 45 in order to concentrate on the ages of greatest participation in serious crime. When comparing the incarceration experience of the foreign born to the native born, one issue presents itself immediately: race. Table 2 reports incarceration rates for males aged 18-44 by nativity and race. Overall, in 1900 natives had an incarceration rate of 248 per 100,000 and the foreign born rate was 169. But the native rate varied greatly by race: the white native rate was 215 while the rate for blacks was 1357 per 100,000 – over six times the rate for whites. For this paper, we limit the analysis to whites for the native- and the foreign born. Doing so moves the native rate more than it moves the foreign rate, as the flow of immigrants was primarily white during the period under consideration. While the decision to limit the analysis to whites follows the historical literature on immigration, it is worth noting that this sets aside any analysis of the high rates of incarceration of Asians and particularly African Americans.

Table 3 provides a brief description of three mutually exclusive population groups of interest: native born to native parents, foreign born, and members of the “second generation.” We define that latter as individuals with at least one foreign-born parent.⁹ The cell sizes for each group are large: the smallest (second generation in 1900) is over 20,000 and the largest (1930 native born, native parents) is nearly 57,000.

In 1900, 41% of the population of white males aged 18-44 was born in the U.S. to parents who were born in the U.S. 31% were foreign born, and 28% were members of the second generation. The data for 1910 reflect the large numbers of new arrivals in the preceding decade. By 1910, 37% of the prime age male population in the sample states was foreign born. By 1930, though, the share foreign born had dropped to 25% while the share second generation share had risen to over 31%. Table 3 shows other

⁹ We drop from the sample a small number of people who were born abroad to U.S. parents.

features of the immigration restrictions of the 1920s. By 1930, the high illiteracy rates of the foreign born (12% in 1900) had fallen to 6.6%, and the average number of years in the U.S. rose to over 16. And even within the fairly narrow age band considered in this sample, immigrants had aged. In 1930, the foreign born were nearly 4 years older, on average, than the native born in this highest incarceration age group. Throughout the period, the second generation closely resembles the native born in terms of age and illiteracy, important predictors of crime and incarceration.

Figure 1 shows the age distributions in more detail for 1910 and 1930. The dark bars show the distribution for the foreign born, who are older than the natives and the second generation in 1910. While there is little change in the age distribution for the native born, native parents over time, by 1930, the foreign born are dramatically older: nearly unrepresented in those 18-19 years old and almost twice as likely as the other groups to be in the oldest age category.

Figure 2 shows the incarceration rates by the same age categories for the same three population groups. For all groups, the rates are somewhat higher in 1930 than in 1910. In both years all three groups show the usual age-incarceration curve, with a peak in young adulthood and declining thereafter. Together with the differing age distributions in Figure 1, this demonstrates the importance of tightly controlling for age when comparing native and foreign born populations, especially during periods of change in immigration patterns, as noted by Moehling and Piehl (2009). What is novel in Figure 2 is the striking pattern for the second generation. In 1910, the age-specific incarceration rates are consistently higher for the second generation than for the other population groups. Earlier analyses grouped the (sizeable) second generation with the native-born to native parents, and thus missed this feature of immigration and incarceration. Without being able to decompose the native population into second vs. third and higher generations, the native-born incarceration experience included these high-incarceration second generation immigrants, muting the (relative) poor outcomes of the foreign born at young ages, and exaggerating the positive performance at older ages. By 1930, the foreign born have lower age-specific incarceration rates throughout the ages in the sample, and the second generation's experience aligns closely with that of the native born to native parents. Overall, these pictures give some support to the

concerns of analysts at the time that the second generation is more problematic than their parents. However, at least by 1930, the second generation looks very similar to the natives to whom they might more appropriately have been compared.

Table 4 shows that there is substantial cross-state variation in incarceration rates, from California with on the order of 400 per 100,000 to Pennsylvania with rates $\frac{1}{4}$ as high. Cross state differences in incarceration persist today, partly reflecting the organization of punishment authority (e.g., which crimes qualify for punishment in prisons as opposed to jails) and partly reflecting the level of criminal activity and how severely it is punished (Piehl and Useem 2011). Across the states, the trend over time is toward increased incarceration. The values in 1920 overall seem oddly low, an observation that requires some additional investigation. These results suggest that the multivariate models of incarceration should flexibly control for state and year variation.

As described earlier, the immigrant flow to the U.S. changed over time. Table 5 characterizes the foreign-born population in 1910 for select source countries and arrival cohorts.¹⁰ In 1910, 38% of immigrants were born in Central Europe, with smaller but large fractions from Italy, Germany and Ireland. The vast majority of immigrants from Italy and Central Europe were new arrivals, with 70% arriving within the previous decade and most of the rest the decade before. The German and Irish immigrants in the sample were fairly evenly spread across the 1880s, 1890s, and 1900s. Differences in arrival cohort are also reflected in differences in average age. Thus, age differences occur within the foreign born population as well, and may be important for the interpretation of differences in incarceration across countries of origin.

Table 6 reports the results of logistic regressions of the probability of incarceration, reported as log odds ratios. Each specification includes a full set of year dummies and a full set of state dummies to capture the variation noted in Table 4. The first column shows that, unadjusted for demographics, the foreign born have a lower incarceration rate than the native born of native parents, and the second

¹⁰ For this analysis, we define source country as country of birth. Some scholars prefer alternative definitions based on language as well.

generation's rate is higher. Both of these estimates are strongly statistically significant. Column (2) adds a quartic in age and literacy status.¹¹ These controls move both of the estimates of interest slightly closer to the native-born comparison, consistent with the discussion above of the sensitivity of crime-related rates to differences in age distributions. But even with the controls for age and illiteracy, the second generation is somewhat more likely than natives with native parents to be incarcerated (z-statistic of 3.8) while the foreign born is much less likely to be incarcerated (z-statistic of 13.8).

The remaining columns of the table attempt to understand the experiences of the foreign born in more detail. Column (3) adds the variable "years in the U.S." and its square to examine how the likelihood of incarceration for an immigrant changed with his time in the U.S. At odds with "culture conflict" theories of immigrant crime, the longer an immigrant has been in the country, the higher the incarceration rate. Because age is controlled in this model, those who have been in the U.S. longer must have arrived at earlier ages. (Note the large effect of missing information on the year of immigration. We interpret this as the result of data collection procedures at correctional institutions and the higher likelihood of having missing data on this variable for prison inmates.)

The fourth column examines the experiences of immigrants from different source countries. Although the odds of incarceration vary greatly across immigrant groups, the general finding that the foreign born were less likely to be incarcerated than natives remains. Only Mexican immigrants have higher incarceration rates than natives. Among the Europeans, Italians have substantially higher rates than other immigrant groups, but still much lower than those of native born (with native parents). Finally, column (5) adds the cohorts of entry, which are correlated with countries of origin. The pattern across cohorts is a quite steep decline in the log odds ratio over cohorts, with the most recent much less likely to be incarcerated. Recall that the cohort of arrivals in the 1920s was smaller due to changes in immigration law and therefore, more likely to have been highly selected than previous arrival cohorts.

¹¹ We experimented with several ways to control for age and found that the quartic was sufficient to capture the age patterns in the data.

Conclusion

The creation of a dataset of prison inmates in the U.S. population censuses has shed greater light on the connections between immigration and crime in the early twentieth century and in particular on immigrant assimilation in incarceration patterns. On the whole, the foreign born were less, rather than more, likely than natives to be incarcerated, and this finding holds for immigrants from a wide range of source countries. Even the Italians, a group singled out by contemporary observers for their seemingly disproportionate involvement in crime, had lower odds of incarceration than natives after controlling for age, illiteracy, and time spent in the U.S.

Our findings indicate, however, that immigrants assimilated fairly rapidly to native incarceration patterns. Controlling for age and literacy, the probability of incarceration for an immigrant was increasing in his time spent in the U.S. This is seemingly at odds with Thorsten Sellin's (1938) theory of the culture conflict suffered by new arrivals and the finding of Moehling and Piehl (2009) that new arrivals were disproportionately represented in prison commitments for serious crimes in 1904. But these contrasts speak once again of the profound effect of age on crime rates. New arrivals tended to be in the peak crime ages. What the logistic regression results reveal is that the high crime rates of new arrivals could be better explained by their ages rather than by their time in the country.

The findings for the second generation provide even stronger evidence of the rapid assimilation to native incarceration patterns. The second generation incarceration rates by age are almost identical to those of natives with native parents. The logistic regression models, in fact, indicate that the second generation was at a slightly greater risk than their peers with native parents to be imprisoned. This finding coupled with the striking differences in the age distributions of the first and second generation make it easy to see why law enforcement officials during the period blamed the immigrant crime problem on the children of immigrants rather than the immigrants themselves.

Finally, the finding in the logistic regression models of the differing experiences by arrival cohort is consistent with the notion that immigration law affected immigrant crime periods. Controlling for age,

time in the U.S., literacy and source country, immigrants who arrived in the 1920s after the imposition of quotas were much less likely to be incarcerated than earlier cohorts.

Of course, much more can be done to investigate these patterns further. Future drafts of this paper will analyze the experience of the foreign born who arrived as children (the so-called “1.5 generation”) to see whether this group appears more like the second generation than the other foreign born. In addition, we will investigate the robustness of the results to alternative econometric specifications, a concern to use due to the low base rates of the outcome variable.

References

- Brown, Lawrence Guy. 1969. *Immigration: Cultural Conflicts and Social Adjustments*. New York: Arno Press. (Reprint: Original Longmans, Green, and Co., 1933).
- Brown, M. C. and B. D. Warner. 1995. "The Political Threat of Immigrant Groups and Police Aggressiveness in 1900." Pp. 82-98 in *Ethnicity, Race, and Crime: Perspectives across Time and Place*, edited by D. F. Hawkins. Albany: State University of New York Press.
- Butcher, Kristin F. and Anne Morrison Piehl. 2007. "Why are Immigrants' Incarceration Rates so Low?" National Bureau of Economic Research working paper #13229.
- Butcher, Kristin F. and Anne Morrison Piehl. 1998. "Cross-City Evidence on the Relationship between Immigration and Crime," *Journal of Policy Analysis and Management*, 17, (Summer): 457-493.
- Claghorn, Kate Holladay. 1971. *The Immigrant's Day in Court*, vol. 9 of *Americanization Studies* (ed. by William S. Bernard), Montclair, NJ: Patterson Smith (original publication 1923 by Harper & Brothers).
- Goldin, Claudia 1994. "The Political Economy of Immigration Restriction in the United States, 1890-1921," in *The Regulated Economy: A Historical Approach to Political Economy*, eds. Claudia Goldin and Gary Libecap. Chicago: University of Chicago Press.
- Hagan, John and Alberto Palloni. 1999. "Sociological Criminology and the Mythology of Hispanic Immigration and Crime." *Social Problems*, 46(4): 617-632.
- Jones, M. A. 1976. *Destination America*. London: Widenfeld and Nicolson.
- Maltz, Michael D. (1977) "Crime Statistics: A Historical Perspective." *Crime and Delinquency*, 23:32-50.
- Moehling, Carolyn and Anne Morrison Piehl. 2009. "Immigration, Crime, and Incarceration in Early 20th Century America" *Demography*, 46(4): 739-763.
- National Commission on Law Observance and Enforcement. 1931. *Report on Crime and the Foreign Born*. (Report number 10; Wickersham Commission). Washington DC: Government Printing Office.
- Piehl, Anne Morrison and Bert Useem. 2011. "Prisons" Pp. 532-558 in *Crime: Public Policies for Crime Control*, edited by James Q. Wilson and Joan Petersilia. New York: Oxford University Press.
- Sampson, Robert J., Jeffrey D. Morenoff, and Stephen Raudenbush. 2005. "Social Anatomy of Racial and Ethnic Disparities in Violence," *American Journal of Public Health*, vol. 95: 224-.
- Sellin, T. 1938. *Culture, Conflict, and Crime*, Social Science Research Council, Bulletin 41. New York.
- Shaw, Clifford R. and Henry D. McKay. 1942. *Juvenile Delinquency and Urban Areas*. Chicago: University of Chicago Press.
- Sutherland, E. H. 1924. *Principles of Criminology*, Third Edition. Chicago: J.B. Lippincott Co.

- Sutherland, E. and C. C. Van Vechten. 1934. "Reliability of Criminal Statistics." *Journal of Criminal Law and Criminology* 25: 10-20.
- Taft, D. R. 1933. "Does Immigration Increase Crime?" *Social Forces*, 12 (October): 69-77.
- U.S. Department of Commerce. 1918. *Prisoners and Juvenile Delinquents in the United States 1910*. Washington, D.C.: Government Printing Office.
- U.S. Department of Commerce. 1926. *Prisoners 1923: Crime Conditions in the United States as reflected in Census Statistics of Imprisoned Offenders*. Washington, D.C.: Government Printing Office.
- U.S. Department of Commerce. 1932. *Prisoners in State and Federal Prisons and Reformatories 1929 and 1930*. Washington, D.C.: Government Printing Office.
- U.S. Department of Commerce and Labor. 1907. *Prisoners and Juvenile Delinquents in Institutions 1904*. Washington, D.C.: Government Printing Office.
- U.S. Senate. 1970a. *Reports of the Immigration Commission. Volume 1: Abstracts of Reports of the Immigration Commission. With an Introduction by Oscar Handlin*. New York: Arno Press. (Reprint: Original G.P.O. 1911).
- U.S. Senate. 1970b. *Reports of the Immigration Commission. Volume 36: Immigration and Crime*. New York: Arno Press. (Reprint: Original G.P.O. 1911).
- Van Vechten, C. C. 1941. "The Criminality of the Foreign Born," *Journal of Criminal Law and Criminology* 23: 139-147.

Figure 1.—Age Distributions White Males 18 to 44, by Nativity

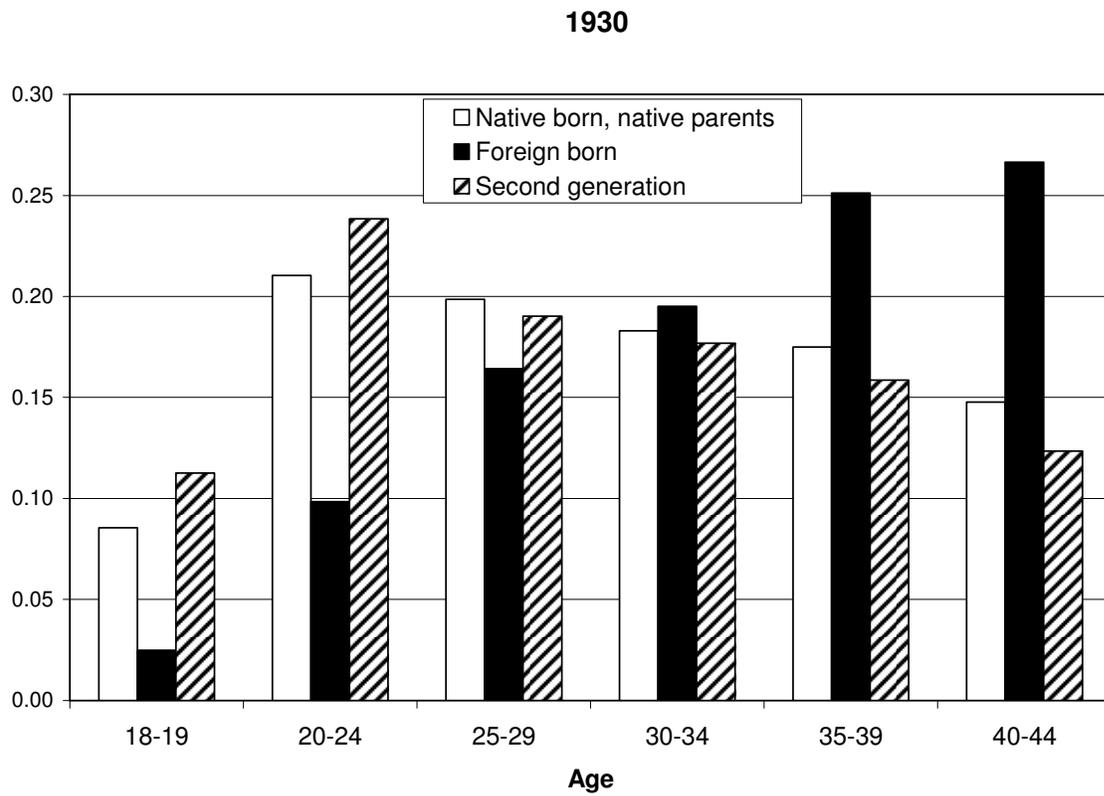
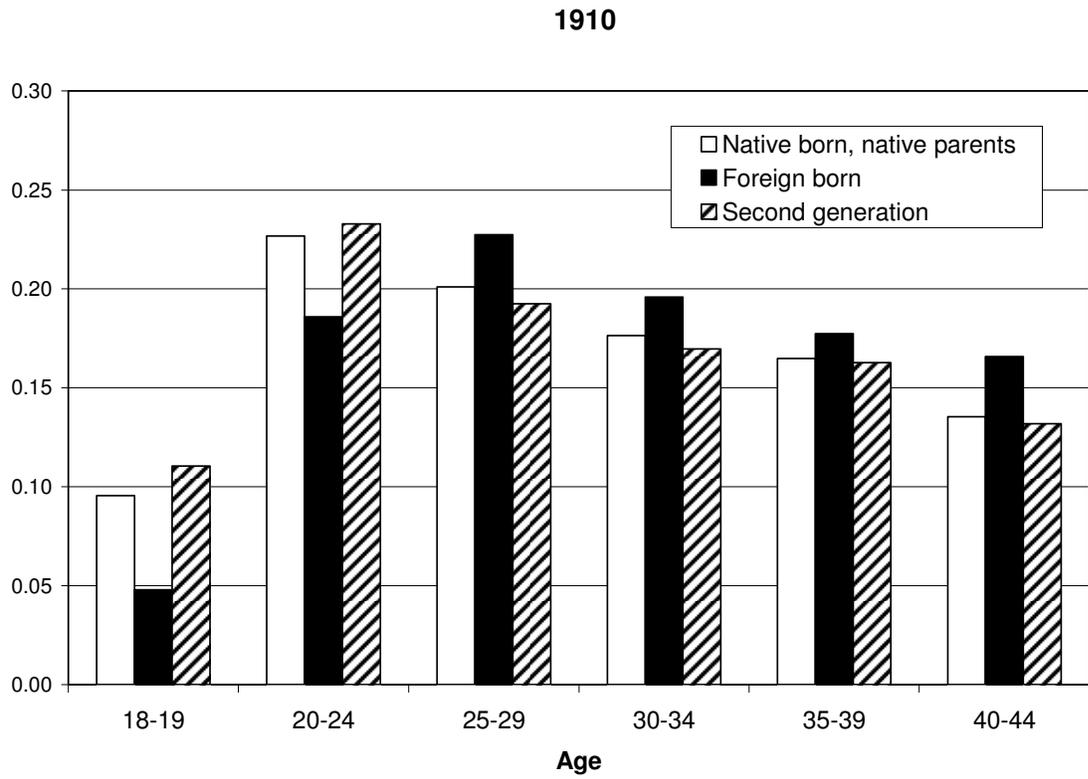
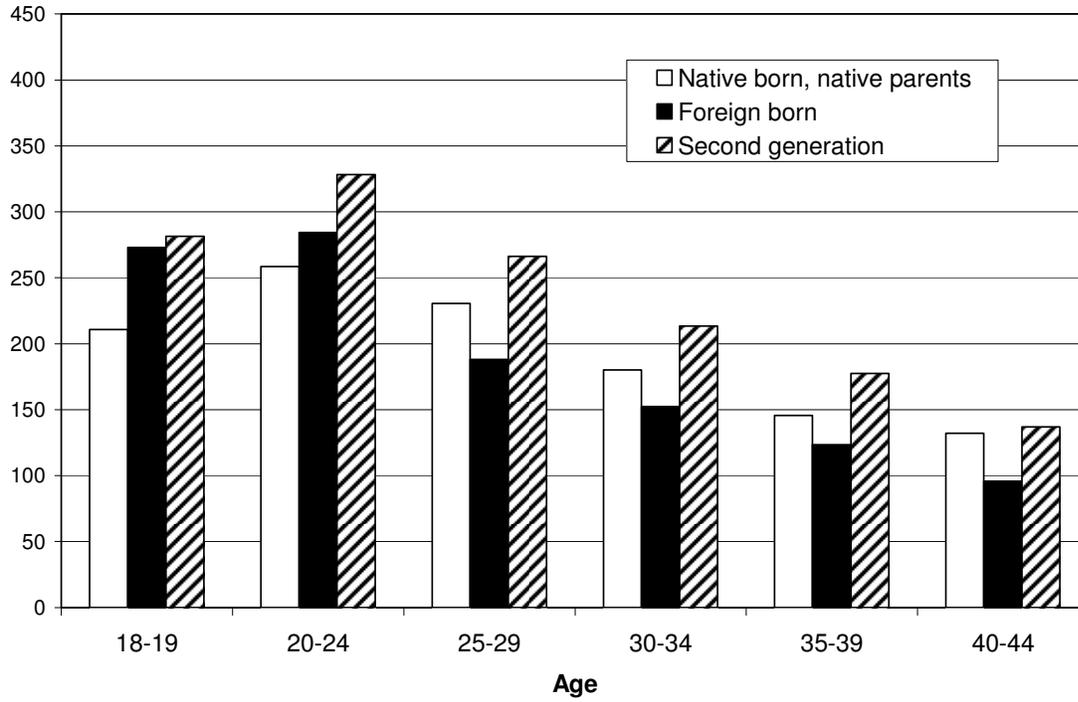
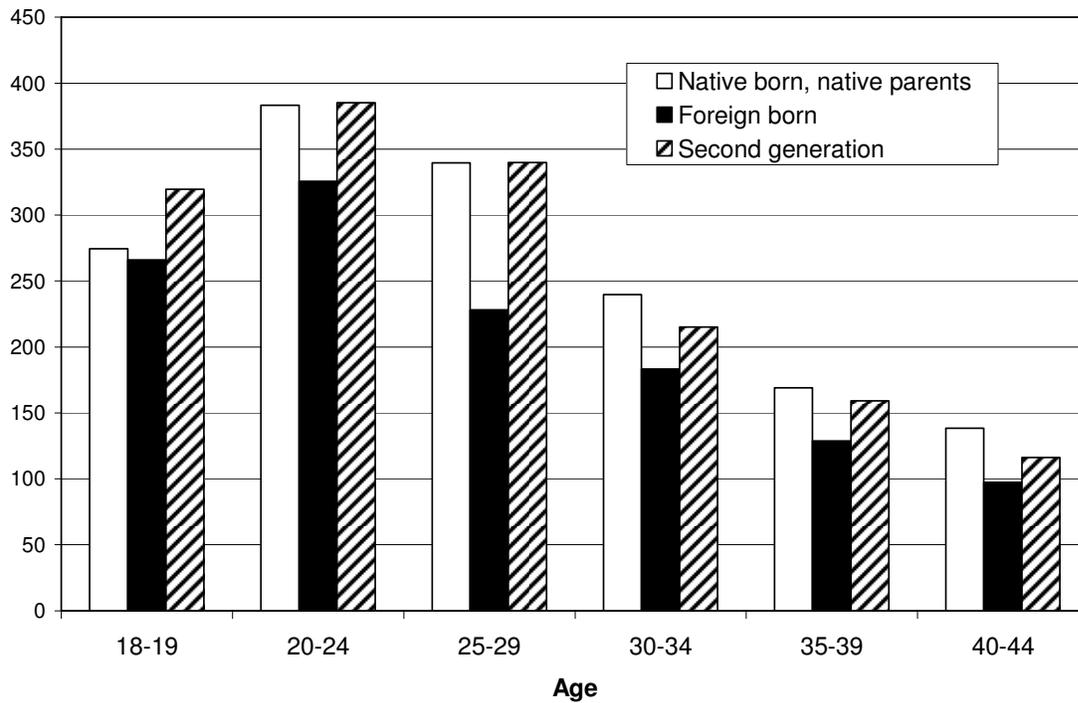


Figure 2.—Incarceration Rates White Males, by Age and Nativity

1910



1930



**Table 1.—Male Inmates in State Prisons and Reformatories in Sample States
Prison Censuses 1904-1930**

	1904	1910	1923	1930
U.S. Total	57,513	65,508	56,119	101,353
Sample states:				
Massachusetts	2,219	1,711	1,732	1,846
Connecticut	540	591	804	946
New York	5,781	6,452	5,709	7,468
New Jersey	1,551	1,798	1,758	2,451
Pennsylvania	3,654	3,449	4,164	3,814
Illinois	2,543	2,455	4,375	7,785
Michigan	1,459	1,596	3,922	7,103
California	2,372	2,787	3,738	6,340
Total in sample states	20,119	20,839	26,202	37,753
Percent of foreign-born male prison population in sample states	64		76	
Percent of foreign-born adult male population (18+) in sample states ^a	58	61	63	69

^aCalculated using the IPUMS samples for the nearest decennial census.

Sources: U.S. Department of Commerce and Labor (1907); U.S. Department of Commerce (1918) U.S. Department of Commerce(1926); U.S. Department of Commerce (1932).

**Table 2.—Incarceration Rates Males 18 to 44, by Nativity and Race
(per 100,000 in population)**

Year	Natives	Foreign born	Whites		All	Blacks	Asian
			Natives	Foreign born			
1900	248	169	215	173	200	1357	292
1910	257	178	216	182	201	1519	203
1920	199	155	165	159	161	949	201
1930	317	175	267	182	243	1178	282

Table 3.—Descriptive Statistics by Nativity, White Males 18 to 44

	Native, native parents	Foreign born	Second generation	Native, native parents	Foreign born	Second generation
		<u>1900</u>			<u>1910</u>	
Percent of population	41.1 (0.2)	30.9 (0.2)	28.0 (0.2)	38.1 (0.2)	36.6 (0.2)	25.3 (0.2)
Age	29.6 (0.05)	31.6 (0.05)	29.1 (0.06)	29.5 (0.04)	30.8 (0.04)	29.3 (0.05)
Percent illiterate	1.65 (0.08)	12.39 (0.24)	1.33 (0.09)	1.16 (0.06)	15.65 (0.21)	0.94 (0.07)
Years in the U.S. ^a		13.0 (0.06)			11.0 (0.05)	
No. of observations	29,815	21,786	20,855	35,782	33,801	24,594
		<u>1920</u>			<u>1930</u>	
Percent of population	40.6 (0.2)	32.0 (0.2)	27.4 (0.2)	43.3 (0.2)	25.3 (0.1)	31.4 (0.1)
Age	29.9 (0.04)	32.7 (0.04)	29.2 (0.05)	30.0 (0.04)	33.8 (0.04)	29.1 (0.04)
Illiterate	0.64 (0.04)	13.29 (0.20)	0.65 (0.05)	0.47 (0.03)	6.64 (0.15)	0.68 (0.05)
Years in the U.S. ^a		14.4 (0.05)			16.4 (0.05)	
No. of observations	41,061	31,795	27,507	56,869	30,752	41,372

^a Approximately 6 percent of foreign born individuals in the dataset have missing data on their year of immigration. These observations have been dropped to calculate the means for years in the U.S.

Notes: Standard errors of population mean estimates in parentheses.

**Table 4.—Incarceration Rates White Males 18 to 44, by State
(per 100,000 in population)**

Year	California	Connecticut	Illinois	Massachusetts
1900	446	157	250	268
1910	344	168	241	185
1920	253	206	208	113
1930	389	224	311	178

Year	Michigan	New Jersey	New York	Pennsylvania
1900	196	164	174	115
1910	191	208	204	133
1920	202	140	137	118
1930	468	185	168	129

Table 5.—Descriptive Statistics for Immigrants from Select Source Countries, 1910

	Italy	Central Europe	Germany	Ireland
Percent of foreign born population	16.7 (0.2)	38.1 (0.3)	10.7 (0.2)	7.6 (0.2)
Age	29.5 (0.10)	29.4 (0.07)	33.5 (0.13)	33.7 (0.14)
Arrival cohort (percent)				
1880 or before	0.7 (0.1)	0.7 (0.1)	8.5 (0.5)	6.4 (0.5)
1881-1890	6.9 (0.4)	8.8 (0.3)	38.3 (0.9)	32.7 (1.0)
1891-1900	22.7 (0.6)	20.9 (0.4)	27.4 (0.8)	29.8 (1.0)
1901-1910	69.7 (0.7)	69.6 (0.4)	25.8 (0.8)	31.1 (1.0)
No. of observations	6,463	12,285	3,647	2,443

Notes: Standard errors of population mean estimates in parentheses. Central Europe includes Austria, Bulgaria, Hungary, Poland, and Russia.

Table 6.—Log Odds Ratios from Logistic Regression Models for the Probability of Incarceration, White Males 18-44

Model	(1)	(2)	(3)	(4)	(5)
Foreign born	0.802 (0.009)	0.853 (0.010)	0.441 (0.012)		
Second generation	1.061 (0.011)	1.040 (0.011)	1.039 (0.011)	1.037 (0.011)	1.035 (0.011)
Age		6.732 (1.316)	6.885 (1.348)	7.056 (1.389)	6.985 (1.376)
Age ²		0.913 (0.009)	0.913 (0.009)	0.912 (0.009)	0.912 (0.009)
Age ³		1.002 (2.3E-4)	1.002 (2.3E-4)	1.002 (2.3E-4)	1.002 (2.3E-4)
Age ⁴		1.000 (1.9E-6)	1.000 (1.9E-6)	1.000 (1.9E-6)	1.000 (1.9E-6)
Illiterate		1.410 (0.031)	1.550 (0.035)	1.290 (0.031)	1.239 (0.031)
Years in the U.S.			1.085 (3.9E-3)	1.087 (4.0E-3)	1.084 (4.1E-3)
(Years in the U.S.) ²			0.998 (1.1E-4)	0.998 (1.2E-4)	0.998 (1.2E-4)
Year of arrival missing			3.167 (0.123)	3.282 (0.133)	2.970 (0.124)
Source countries					
Britain				0.365 (0.015)	0.606 (0.028)
Canada				0.416 (0.017)	0.663 (0.029)
Mexico				1.249 (0.060)	2.401 (0.131)
Scandinavia				0.180 (0.010)	0.284 (0.016)
Ireland				0.335 (0.015)	0.528 (0.025)
Italy				0.777 (0.025)	1.247 (0.046)
Central Europe				0.325 (0.010)	0.520 (0.019)
Germany				0.410 (0.016)	0.660 (0.028)
Elsewhere in Europe				0.308 (0.014)	0.513 (0.026)
Other				0.566 (0.035)	0.945 (0.061)

Table 6.—Continued.

Model	(1)	(2)	(3)	(4)	(5)
Arrival cohort					
1880 or before					0.871 (0.041)
1881-1890					0.634 (0.020)
1891-1900					0.676 (0.016)
1911-1920					0.548 (0.017)
1921-1930					0.369 (0.017)
Number of observations	395,463	395,463	395,463	395,463	395,463
Log pseudo-likelihood	-5738.49	-5698.55	-5691.37	-5671.42	-5665.66

Notes: Robust standard errors in parentheses. All models included dummy variables for state and year. Models weighted to account for different probabilities of entering sample.