

# Deportation of Alien Jews

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ELSEWHERE in this issue appears a review of Dr. Jane Clark's book, "Deportation of Aliens," dealing with deportation in general. It should be of interest to readers of the Quarterly to know the facts in regard to the deportation of alien Jews.

In the decade between 1921 and 1930, 1,756 Jewish aliens were deported out of a total of 92,157. This figure for deported alien Jews is a little over one-half of one per cent in relation to the total Jewish immigration admitted to the United States during the same ten-year period (339,054 Jewish immigrants were admitted from 1921 to 1930). The ratio of general deportation of all the races and nationalities to the total immigration admitted for the same period (92,157 to 4,107,209 immigrants admitted) amounts to over 2.2 per cent.

As can be seen from the figures given below in tabulated form, co-incident with restricted immigration and the passage of stronger deportation measures, there is a marked change in the proportion of deportations to admissions in the second half of the decade as compared with the first half:

## ALIEN JEWS DEPORTED\*

Ten-Year Period  
1921-1930

First Five Years

Year	Alien Jews Admitted	Alien Jews Deported	Total Aliens Admitted	Total Aliens Deported
1921	119,036	134	805,228	4,517
1922	53,524	214	309,556	4,345
1923	49,719	99	522,919	3,661
1924	49,989	170	294,314	6,409
1925	10,292	250	706,896	9,495
Total	282,560	867	2,638,913	28,427

Second Five Years

1926	10,267	175	304,488	10,904
1927	11,483	184	335,175	11,662
1928	11,639	213	307,255	11,625
1929	12,479	153	279,678	12,908
1930	11,526	164	241,700	16,631
Total	57,394	889	1,468,296	63,730
Total for decade	339,954	1,756	4,107,209	92,157

Percent. of Jewish deportations to Jewish admissions .....1.5%      Percent. of total deportations to total admissions .....4.3%

\* Annual Reports of Commissioner General of Immigration, 1921-1930.

While the relation of general deportations to general admissions was a little over one per cent in the five year period, it increased to over four per cent in the second five-year period. For Jewish aliens, the per cent increased from 0.3 per cent to 1.5 per cent, that is to say, a little over five times. It is true the Jews are generally less liable to deportation than the other groups, but it is also true that Jewish aliens have been affected by the change equally, if not a little more, adversely than the other groups.

In connection with the deportation of Jewish aliens, it is interesting to note that whereas an Englishman is generally returned to Great Britain or an Italian as a rule goes back to Italy, Jewish deportees during the second five-year period were deported to more than thirty-four different countries.

As to causes of deportation: With the increased deportation activities on the part of immigration officials in the second half of the decade, we find that of the 889 Jews deported, 72.3 per cent. were sent out for illegal entry as against 57 per cent. for the same reason for all deportations. This per cent, of course, varies considerably with the different nationalities. Seventeen per cent of the Jews deported were ejected from the country either because they had become public charges from conditions arising prior to their entry, or because they were liable to become public charges. On the other hand, the figures show only 9.2 per cent of alien Jews deported for criminal offenses as compared with 14.2 per cent for the total group.

The most marked contrast in the matter of cause is furnished by the illiterate groups deported. Only six Jews (.7 of 1 per cent) were deported for illiteracy, while for the general group, 4,294 aliens or 6.7 per cent were sent out for illiteracy.

Of the total general deportation, 11 per cent were listed as having been deported for "other causes" (not specified) whereas only 0.6 of 1 per cent of Jewish aliens were deported for "other causes," whatever that may mean.

During the past fiscal year, 1930-1931, the United States government has given to aliens who have been here less than three years, the opportunity to return to their native lands at the government's expense if they found they were likely to become public charges here. Very few Jewish aliens have availed themselves of this offer. Thus far not more than a dozen Jewish aliens have been returned to Europe under this special arrangement.

## Book Review Department

MICHAEL FREUND

### The Social and Economic Views of Mr. Justice Brandeis\*

By SIMON E. SOBELOFF

THOSE whose interest centres around the social sciences, as well as students of the law, will find this an edifying volume. The brilliant, kaleidoscopic mind of Mr. Justice Brandeis is mirrored in this book in a way that best illustrates the surge of modern social and economic forces against the structure of our legal institutions. Because of the importance and interest attaching to this collection of opinions and fragments of speeches and magazine articles, the book merits a more thorough discussion than is possible within the limits of this review, and the present reviewer, in undertaking his task, can but regret his own limitations.

For the purpose of the average reader the decisions of Mr. Justice Brandeis on specific legal questions are in importance secondary to the accompanying opinions upon the social and economic problems which he treats.

Mr. Justice Brandeis' most notable contribution to the law, perhaps, is an improved technique in legal argument. It was first presented by him to the Supreme Court about ten years before he ascended the Bench, in his celebrated brief in the Oregon case testing the validity of the law limiting to ten hours the workday for women. It had long been recognized that the validity of legislation of this general character depended on "the relation of such legislation to the protection of the public health, safety and morals, and the general welfare." The novelty in Brandeis' brief lay in the fact that he was not content to stand upon abstract legal principles borrowed from related, though somewhat different, fields of the law. He amassed a wealth of statistical data, scientific opinion and sociological study and experience in support of his contention. He succeeded in having the Court take "judicial notice" of this information, and in consequence he not only prevailed in the instant case, but he firmly established this as an accepted method of testing the alleged relation between a proposed law and the public need. The far reaching effect of this innovation was to be more fully appreciated later when, as a member of the Court, Mr. Brandeis himself and his judicial colleagues

made further practical applications of the method he had so brilliantly exemplified in the Oregon case.

Congress and the legislatures cannot possibly foresee more than the general outlines of the problems likely to arise in the application of the rules of law which they prescribe. Human foresight cannot descry the manifold and intricate details of the cases which are later presented to the courts for adjudication. Litigation, which is not the abstract statement of rules, but a series of concrete problems born of subsequent practical experience, reveals situations undreamed of by the lawmakers who drafted the statutes. There necessarily comes into being a large field in which so-called "judge-made law" prevails.

In this field, despite frequent assertions to the contrary, judges naturally reflect their individual estimates of the wisdom or policy of the law. In applying the test of constitutionality, they inevitably give the impress of their social and economic views to the legislation which comes before them for construction. In our system of jurisprudence, therefore, it is of the highest importance that the courts shall clearly recognize and understand the facts which give rise to legislative reforms.

Such an approach to the task of judging the constitutionality of legislation, particularly in the industrial and sociologic sphere, is now accepted as essential if the law is to function as a dynamic force capable of shaping our institutions to meet ever changing needs. Otherwise our legal rules, once enunciated, might become petrified into final and rigid form, incapable of bending before the force of changed conditions, however compelling. If our judicial system is to endure against the storms of social disquietude and the vicissitudes and conflicts and ever increasing complexities of modern life, which no human mind can clearly foresee, it may be that future generations will look upon the practical expedient perfected, if not devised, in the Oregon case as the safety valve which permitted expansion without explosion.

Mr. Justice Brandeis is thus justly celebrated for giving added impetus to the method whereby social legislation may hope for ever increasing judicial sanction. Yet it is not to be supposed, as is done by some, that the courts, even before

\* The Social and Economic Views of Mr. Justice Brandeis. New York. Vanguard Press. 419 pp. \$4.50.