HINDU IMMIGRATION

HEARINGS

BEFORE THE

COMMITTEE ON IMMIGRATION

HOUSE OF REPRESENTATIVES

SIXTY-THIRD CONGRESS

SECOND SESSION

RELATIVE TO

RESTRICTION OF IMMIGRATION OF HINDU LABORERS

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COMMITTEE ON IMMIGRATION AND NATURALIZATION.

HOUSE OF REPRESENTATIVES.

SIXTY-THIRD CONGRESS.

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HINDU IMMIGRATION.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON IMMIGRATION,
Thursday, February 26, 1914.

The committee met at 11 o'clock a. m., Hon. John L. Burnett (chairman) presiding.

The CHAIRMAN. Mr. O'Donnell, of the Immigration Service, has come down here at the request of Mr. Raker, and we will now hear him.

STATEMENT OF MR. ROGER O'DONNELL, SPECIAL IMMIGRANT INSPECTOR, DEPARTMENT OF LABOR.

Mr. RAKER. What is your name?

Mr. O'DONNELL. Roger O'Donnell, special immigrant inspector.

Mr. RAKER. How long have you been in the service?

Mr. O'DONNELL. Between 15 and 16 years.

Mr. RAKER. I wish you would state to the committee, Mr. O'Donnell, what you know in regard to the smuggling or surreptitiously crossing the line from Canada of aliens.

Mr. O'DONNELL. Well, the amount of smuggling of ordinary European aliens across the Canadian border is in all probability negligible. The control of means of communication and transportation—steamboat service and railway service—is so effective that the chance of smuggling by the regularly designated routes is rather limited. The average immigrant, in my experience, who may get into Canada would hardly seek the devious ways of crossing the border resorted to by the Chinese. In other words, the stake for which they are playing is not so large, for the reason that it is considered worth from $500 to $1,000 for a Chinese laborer to get into this country. In other words, he figures that he can make that much in a comparatively short time, if he can get into this country, and he is willing to invest that much.

Mr. RAKER. Now, confine yourself particularly to the Hindus on the northern coast, from Canada and down along the coast line; are there any numbers of them coming in?

Mr. O'DONNELL. On account of the activity of the Canadian Government in restricting Hindus coming into Canada, my opinion is that there are not great numbers coming over the northern border surreptitiously; in fact, the chance of the Hindus would be about as limited as it would be for the ordinary alien, and our system of control along the Washington-Canada line is, I consider, very effective; but it could be made more so if we had more men.

Mr. SLAYDEN. Would the increased cost be comparatively small considering the good to be accomplished by an enlarged force?

Mr. O'DONNELL. Well, I think it would largely increase the cost.

Mr. JOHNSON. When did this strict Canadian supervision begin?

Mr. O'DONNELL. The strict Canadian supervision began two years ago. If I had known that that would be the subject of your inquiry, I would have brought some files along. I can add the date in the record, if you would like to have it.

Mr. RAKER. Now, in regard to the immigrants from the southern border along California; there have been a great many?

Mr. O'DONNELL. A great many Chinese have come in over that route, particularly since the revolutionary troubles in Mexico. The trans-Pacific steamship lines coming to the port of San Francisco, and, to a smaller extent, those coming to Seattle, were bringing a great many Chinese destined in transit to Mexico. It appears that there is a large agricultural project in the vicinity of Mexicali, just across the line. These people were ostensibly as agricultural laborers who were to be employed in connection with the large vegetable-raising proposition going on there. The fact probably is that most of those people, or at least a large proportion of them, had in mind recrossing of the boundary and entering the United States. The question came up as to whether, in view of the suspicion of that intention, we would be justified in refusing these people the transit privilege, but the futility of such a refusal is plain when attention is called to the fact that there are direct sailings from the Orient to Mexican ports, and consequently if they were refused the transit privilege they would have come in by this direct line to Mexico, and would have come over the border, in all probability, just the same, and we would have lacked the means of identification if we should catch them. In the second place, we would have been put under the entire expense of returning them to China. So, in these cases where the Chinese have been brought to San Francisco or to Seattle and have gone to Mexico, the trans-Pacific steamship companies so bringing them have been taking them back when we arrested them under our warrants, and have not been charging return transportation, but this Government has been put to the expense of conveying them from the point of capture to the port of deportation.

Mr. RAKER. Taking the general number, which is many, of the Hindus in Canada and their similarity of looks and appearance in all, when they get across the border, under the present conditions, without knowledge, it is pretty hard to distinguish them from those that are lawfully here.

Mr. O'DONNELL. I think it would be almost impossible to so distinguish them.

Mr. SLAYDEN. Are they as easy to distinguish apart as the Chinese?

Mr. O'DONNELL. Well, of course, they all dress alike.

Mr. SLAYDEN. They certainly all look alike to me.

Mr. O'DONNELL. Well, officers in the service become trained to distinguish one Hindu from another in physiognomy. I admit however, that I have seen very few of them myself, but I have seen a great many photographs of them, and I can readily see that there would be difficulty in distinguishing a Hindu who had crossed the line from a Hindu who had been here for some time.

Mr. RAKER. Now, under the present condition the department has no information as to those who are legitimately here and those who are surreptitiously here—those that are here without authority?

Mr. O'DONNELL. No, sir; we have no definite knowledge of that.

Mr. RAKER. State whether or not it would be very desirable for the department to have supervision over them in the way of registration, registering those who are coming in later.

Mr. O'DONNELL. I think there would be a very clear advantage if such as are here already were identified, either by the use of the finger-print system or photographs, or both.

The CHAIRMAN. Well, the department could prescribe regulations for such things as finger prints and photographs without a special law.

Mr. O'DONNELL. I think perhaps the department could, if the law authorized it specifically. Several years ago we had a provision of law which gave the department authority to apply the Bertillon system of identification to Chinese arrivals.

The CHAIRMAN. It was an amendment to the Chinese law?

Mr. O'DONNELL. No; it was in an appropriation bill which gave authority for the expenditure of the "immigrant fund" for the application of the Bertillon system to the incoming Chinese. That system was inaugurated immediately following the passage of the law and continued for two years.

About the end of that time, however, it was called to the attention of the Secretary that there was no specific authority of law for continuing the application of the Bertillon system to Chinese, and the Solicitor of the then Department of Commerce and Labor, in an opinion which was apparently well considered, held that there was no general authority of law to continue that practice and that the provision of law contained in the appropriation act was so worded that it appeared to be limited to the year covered by that appropriation act. Consequently the system was discontinued and has never since been in operation. That is why I mention the fact that it would be desirable, if the system is to be used, to have such a provision in the law.

The CHAIRMAN. Do you not have photographs in the service?

Mr. O'DONNELL. Oh, yes; but that is only for special purposes.

Mr. MANAHAN. Was it not good while it was in force?

Mr. O'DONNELL. Well, the time when the system would have been good would be in the future. It was only in operation for about two years, and the number of cases in which it was of practical utility was necessarily limited, but the number of cases would have increased as it went along if it had been continued. Now, Judge Raker was speaking of the registration proposition. If registration of Hindus, for instance, was to be directed by law, then I think the law would be well worded if it provided in terms for such a system of identification in connection with this registration as the Secretary of Labor might deem proper to make the system effective.

Mr. RAKER. In the long run, Mr. O'Donnell, would it not be much cheaper for the Government to have this registration than it is now to have so many officials watching and trying to determine those that are illegally here?

Mr. O'DONNELL. It would not prevent the watching.

Mr. RAKER. That would have to be kept up just the same?

Mr. O'DONNELL. Yes, sir; undoubtedly; because if the way were left open they would take a chance of not being apprehended later on, just as the Chinese do.

Mr. RAKER. What method have you now of determining what oriental coolie labor is here lawfully or unlawfully?

Mr. O'DONNELL. A Chinese laborer in this country found by one of our officers must have a certificate of registration, and that is prima facie evidence of his right to be here. I say prima facie, because he might have been out of the country without a return certificate, and if that should be proven, the certificate of registration would not be worth the paper it is written on.

Mr. RAKER. But to determine those who are here lawfully it would require a force of men to determine whether or not they were lawfully here or not?

Mr. O'DONNELL. Yes, sir.

Mr. RAKER. You would need a force of men in the field for such work?

Mr. O'DONNELL. Yes, sir; exactly so.

Mr. RAKER. Whereas if we had a registration of those who are here, and it was kept up with those who come here legally, then we could determine who was here illegally?

Mr. O'DONNELL. Yes.

Mr. RAKER. That would apply to all Asiatic coolie labor?

Mr. O'DONNELL. Yes, sir; but there should be in addition to that a more summary system of determining those that are here than by the judicial writ system. I mean that it should be provided that the Secretary of Labor should have authority, just as he has with regard to all other aliens, to deport those aliens who are here without certificates.

Mr. RAKER. That is provided in H. R. 102.

The CHAIRMAN. But is that not so in the case of the Chinese now?

Mr. O'DONNELL. He would have to be satisfied of the fact of the man's entry within the statutory period. You see, our right to deport is limited to three years, except in the cases of certain classes of undesirable aliens. Now, after a Chinese person has been in this country three years, even though the department may know that he has come in without inspection, the only way to reach him would be to swear out a warrant before a United States commissioner, and bring the matter into court where it would be subject to all the strict rules of evidence which do not apply so rigidly in enforcing our immigration law. We are not limited to the strict rules followed in court, and consequently there is some evidence which is permitted in our procedure that does not come within the strict rules of evidence.

Mr. MANAHAN. Do you think that is right? Do you think that a man's liberty should be determined on evidence that courts will not recognize?

Mr. O'DONNELL. That is apparently the policy of the law. That procedure is recognized under the law.

Mr. MANAHAN. That is not my question.

Mr. O'DONNELL. The law has recognized it as being——

Mr. MANAHAN (interposing). That is not answering my question. Do you think it is just to determine a man's liberty by evidence that no court of justice would recognize?

Mr. O'DONNELL. Well, this is not exactly determining liberty. It is determining whether or not a man shall be sent back to his home country.

Mr. MANAHAN. Yes; arrested and driven out of the country, and that determines his right to be here; that is determined on evidence that a court would not permit. For instance, put it in another form. If a man is rightly here under our law, do you think it is right to determine that question of his being rightly here or not adversely to him on evidence which no court of justice would recognize as being evidence at all?

Mr. O'DONNELL. Well, the question as to whether it is right or not has been passed upon time and time again by the courts, and the courts have held that it is permissible to do it.

Mr. MANAHAN. No; that question has never been passed upon. I am asking you if you think it is right, and there ought to be put into another law, a provision that would enable your department, your bureau, encumbered as it is by a multiplicity of duties, to enable the men in that bureau to pass upon a man's sacred right of personal freedom on evidence which no court of justice would recognize?

Mr. O'DONNELL. I think that it is a very necessary thing in the interest of preventing this country from having imposed upon it many undesirable foreigners.

Mr. MANAHAN. Do you not think that courts of justice would determine rightly on real evidence and not on hearsay or imaginary evidence?

Mr. O'DONNELL. The courts, in the cases of Chinese who are arrested upon the charge of being here in violation of the Chinese exclusion law, have not leaned very strongly toward removing these people from this country.

Mr. MANAHAN. Have you not got confidence in our courts doing the right thing?

Mr. O'DONNELL. There is a very great divergence of opinion on the part of the gentlemen of the bench as to what the law means. They are very much divided on the question.

Mr. MANAHAN. Have not the courts the right to determine what the law means better than any executive officer? Would you claim that an executive officer in your department is a better judge of the law than our legally constituted courts?

Mr. O'DONNELL. No, sir.

Mr. MANAHAN. Then, you will concede that the courts are better judges of the law than the men in your department?

Mr. O'DONNELL. I think the courts still have the right to pass upon these warrant cases.

Mr. MANAHAN. Will you not concede as a matter of right that the courts of our country are better qualified to judge of what the law means in its application to specific instances than all the executive clerks and officers in your department?

Mr. O'DONNELL. Oh, I think I can afford to admit that a judge is better able to decide those questions than a clerk.

Mr. MANAHAN. Then, would you take from these courts the right to pass upon questions at issue under the administration of this law, questions of fact upon legal evidence, and confer the right upon your clerks to pass upon these questions of fact on evidence that no court would recognize as being worth anything?

Mr. O'DONNELL. Well, if I were enacting the legislation I certainly would do that very thing.

Mr. MANAHAN. You would confer upon a bureaucracy of clerks the right to interpret the law and to pass the rights of human beings on evidence which no court of justice on earth would recognize as being evidence at all, would you?

Mr. O'DONNELL. The evidence that is submitted in these cases involves questions of fact. There are no questions of law that arise in those cases.

Mr. MANAHAN. There are questions of legal evidence. In other words, would you have your clerks clothed with power by Congress to determine questions of fact involving the liberty of human beings and the rights of human beings upon evidence which no court of justice would recognize as being evidence at all—hearsay evidence, and the like—would you? Is that the policy of your department?

Mr. O'DONNELL. That is the policy of the law.

Mr. MANAHAN. No; that is not the law yet, so far as this bill is concerned. I am asking you this question: Is that the policy of your department?

Mr. O'DONNELL. It is the law as laid down in the act of 1907, found in sections 20 and 21, and under that law the rights of the people concerned are passed on by the Secretary of Labor.

Mr. MANAHAN. Say rather by the Acting Secretaries of Labor more than half the time, just as now the rights of other aliens are passed upon by clerks and by Acting Secretaries.

Mr. O'DONNELL. The records in these warrant cases are examined first by the Commissioner General or Assistant Commissioner General of Immigration. They are then reviewed, after the necessary papers have been made out, either in the form of memoranda or in the draft of a proposed warrant, by the Assistant Secretary or the Acting Secretary.

Mr. MANAHAN. And their clerks, young men down in the department?

Mr. O'DONNELL. No; the officials in person look over these records to a greater or less extent before signing the warrants. In cases where the question is close it is gone into in detail.

Mr. MANAHAN. And the records are made up in large part by statements and affidavits and evidence which no court of justice would recognize?

Mr. O'DONNELL. No, sir; they are made up in large part of evidence which would be recognized in a court of justice.

Mr. MANAHAN. I know, but in some parts it is evidence that would not be recognized in a court of justice.

Mr. O'DONNELL. There are cases in which evidence, at least in corroboration of other facts established by legal evidence, must be admitted which would not be admissable——

Mr. MANAHAN (interposing). You want the right in your department to pass upon these questions of fact without regard to the rules of evidence, and to pass upon them yourself without experience or training at all as judges?

Mr. O'DONNELL. It would be very unfortunate so far as the general policy of this law is concerned if the rules of evidence, in all their rigidity, were to be applied to those proceedings, not looking to the imprisonment of anybody, but looking to the exclusion of immigrants that the law declares——

Mr. MANAHAN (interposing). What is the distinction, so far as human rights and happiness are concerned, between sending a man

back into a condition of practical slavery to a benighted country abroad and imprisoning him in our high and first-class penitentiaries, where he is given better food and better treatment than he ever thought of getting in his native country?

Mr. O'DONNELL. Personally, if I were subject to these laws, I would prefer deportation.

Mr. MANAHAN. You might prefer deportation because of the sentimental aspect of the question; but is it not true that, considering the conditions of poverty and tyranny in a country like Russia, is not the sending of a man back to the tyranny of Russia practically as hard a blow to bear as sending him to jail?

Mr. O'DONNELL. It may be in certain cases; I have no doubt of that whatever.

Mr. MANAHAN. And you would have that right passed upon in that case not on evidence as to whether or not the man was lawfully here, but by your department on all sorts of evidence, without the right to have the matter properly examined, but summarily, as you expressed it?

Mr. O'DONNELL. If the Secretary of Labor reaches a finding which is clearly not supported by the record, these immigrants would be very quick to take advantage of it by calling the matter into court on a writ of habeas corpus. That is done every day.

Mr. MANAHAN. Yes; but how many times do you know where the man had not the friends or the resources or the knowledge to do that, where it is not done at all, and they go back and take their medicine?

Mr. O'DONNELL. The department, I might say, endeavors to pass upon these matters justly and humanely and not high-handedly and arbitrarily.

Mr. MANAHAN. How long have you been with the department?

Mr. O'DONNELL. Fifteen years.

Mr. MANAHAN. In what capacity?

Mr. O'DONNELL. Practically all the time the same as at present, special immigrant inspector.

Mr. MANAHAN. Yes; finding out men who are unlawfully here and getting them deported; is that it?

Mr. O'DONNELL. I have personally arrested very few.

Mr. MANAHAN. You have been looking after your department?

Mr. MOORE. You are not a lawyer, are you?

Mr. O'DONNELL. I am, sir.

Mr. MOORE. Oh, you are?

Mr. O'DONNELL. Yes.

Mr. MOORE. Then you are qualified to speak on these legal questions?

The CHAIRMAN. That is a part of your function and duty to pass upon these questions that would be involved in matters of deportation.

Mr. O'DONNELL. Well, I personally do not examine these warrant records. They are primarily looked over and questions of fact considered by the commissioner general or assistant commissioner general; but, of course, he seeks advice either from the solicitor of the department or from lawyers in the bureau as to any question of law that might be involved in the case. I suppose that 99 out of 100 cases present purely questions of fact. There are no questions of law involved in most of them to any extent, but in those scattering

cases he gets the benefit of whatever legal advice he may need right in the department.

Mr. JOHNSON of Washington. About how many aliens are deported annually as a result of your investigations?

Mr. O'DONNELL. The number deported last year on warrant procedure was 3,461; for the first six months of this year it has amounted to 2,359, a pro rata increase of about 25 per cent.

Mr. JOHNSON of Washington. Has not there been an increase in the number coming to this country over last year?

Mr. O'DONNELL. The immigration for the first six months of this fiscal year was 734,869, and for the entire fiscal year 1913, it was 1,197,892. Now, assuming that the immigration continues for this year as it did during the first six months, the total would be 1,469,738, as against 1,197,892, an increase of about 300,000.

Mr. JOHNSON. How do you account for this increase; is there any particular reason?

Mr. O'DONNELL. I do not know that I could give any particular reason that would be worth anything. I think that possibly some of the increase may be due to the fact that the agencies that acquaint immigrants with the situation here might have advised them of the possibility of the enactment of an educational test.

Mr. JOHNSON. That is what I was going to ask, whether or not you thought that this legislation along restriction lines had something to do with it?

Mr. O'DONNELL. Yes, sir; that is a pure inference, of course.

Mr. JOHNSON. Do you know whether the increase in immigration during the past six months contained the same per cent of persons who could read as those who came in before?

Mr. O'DONNELL. No; I have not the figures with me, but I can add them.

Mr. JOHNSON. I was just wondering whether this proposed legislation had anything to do with the increase and whether there was a greater per cent of them coming in who were able to read than those who came in before.

Mr. O'DONNELL. This bulletin that I have here does not show the percentage of illiteracy. It is a publication issued every month.

Mr. MANAHAN. Are the first six months any different from the other months in the tide of immigration, according to your former records?

Mr. O'DONNELL. Well, the exception was the fall of 1912. The falls previous to that there was a falling off in immigration and then it became greater during the spring and summer months, but during the fall of 1912 there was not much decrease.

Mr. MANAHAN. You mean a year ago last fall immigration was heavier than last fall?

Mr. O'DONNELL. No; not heavier, but exceptionally high. As a rule the officers at our stations counted on a lull during the fall months and in many cases the officers were required to so arrange their leaves of absence so that they could be absent when the falling off took place, but that fall there was no dropping off at all. That condition also prevailed during last fall—the fall of 1913.

Mr. MANAHAN. Does your department have anything to do with the matter of determining whether or not these immigrants are

brought in here contrary to the law against inducements to immigrants by steamship companies and others?

Mr. O'DONNELL. Oh, yes.

Mr. MANAHAN. What facilities have you for determining whether or not men are brought over here by the solicitation of steamship companies?

Mr. O'DONNELL. Our facilities along that line are somewhat limited.

Mr. MANAHAN. Do you know that for a long time the railroad companies were giving back a large part of the money they collected for the carrying of the aliens from the port of entry to the interior to the steamship companies to make up a fund for the very purpose of inducing immigration?

Mr. O'DONNELL. I never heard of that. That is news to me. I do know this, however: That railroad companies of this country have paid and are paying a commission for tickets sold over their lines.

Mr. MANAHAN. Now, what does that mean?

Mr. MOORE. Is that confined to any particular railroad company?

Mr. O'DONNELL. It is done by all the companies.

Mr. MOORE. Is it a part of the general arrangement?

Mr. O'DONNELL. Yes, sir; they simply pay a commission on certain business where the business justifies it.

Mr. MANAHAN. Mr. O'Donnell, is not that exactly the point that I make, and is it not the effect? For instance, the New York Central will rebate $4 a ticket for every alien delivered to them by the steamship company for the legal rates of carrying him to Buffalo, for instance, and will give back $4 to the steamship company for the the purpose, as they testified before the Merchant Marine Committee, of enabling the steamship companies to solicit business abroad?

Mr. O'DONNELL. I never knew that they did that. I understand that their commission was $1.50. I think that was for points west of Chicago.

Mr. MANAHAN. The maximum is $4, possibly $1.50 to be clear of the coast, and $1 to Chicago.

Mr. O'DONNELL. I have not been advised of that.

Mr. MANAHAN. Does not your department have to scrutinize and try to follow that commission and to examine the officials to find out how that money was used abroad, and whether it was not used for the very specific purpose of working up trade?

Mr. O'DONNELL. I do not think we have authority to go into the contract arrangements between steamship companies and railroad companies.

Mr. MANAHAN. Do you not ever try to find out whether that money was used for that purpose?

Mr. O'DONNELL. Well, it is very hard for any one outside of railroad circles to find that out. We have had several matters presented to the Interstate Commerce Commission in connection with the activities of railroads respecting immigration matters, but we have no power over these people and we can not make them answer questions.

Mr. MANAHAN. Has your department made any recommendations to the Senate committee now considering the Burnett bill for the purpose of laying before that committee your views as to the effect of permitting these railroads to rebate a part of their fare to give it to

the steamship company to pay it for its work abroad? I understand that now the railroad people are trying to get that amendment struck out which was put in the last bill.

Mr. O'DONNELL. I have no knowledge of that. I take it that the committee will be fully informed, because the Commissioner General has been handling that matter personally.

Mr. MANAHAN. I know this, that one Senator telephoned me last night that the railroads are making representations to have the provision stricken out. I think it was Senator Johnson.

The CHAIRMAN. Was it at the hearing?

Mr. MANAHAN. No; the Senator telephoned me last night that they were making representations to have the provision stricken out on the ground that they had a right to pay it, when obviously its very purpose, as this railroad president testified before the other committee, is to make a common fund to build up immigration.

Mr. OLDFIELD. Then I do not think it will be stricken out.

Mr. MOORE. Mr. Chairman, do you contemplate taking any action at this time?

The CHAIRMAN. The purpose of the meeting was to see if we could reach some conclusion on the Hindu bill.

Mr. MOORE. We are getting away from it, and this is a rather unimportant matter presented by Mr. Manahan.

The CHAIRMAN. Are you through, Mr. Manahan?

Mr. MANAHAN. No, sir.

Mr. HAYES. This gentleman has spoken of Hindus and Chinese coming over the border surreptitiously and unlawfully, and I want to ask him how, generally, the Japanese do the same thing?

Mr. O'DONNELL. Why, I have no reason to believe that the Japanese are any less active in that matter than the Chinese.

Mr. MANAHAN. Well, put it the other way. Have you any reason to believe that they are as active?

Mr. O'DONNELL. Surely.

Mr. MANAHAN. In what way?

Mr. O'DONNELL. The Japanese are just as desirous of coming into the United States as are any other aliens.

Mr. MANAHAN. I do not mean the desire in their own minds. That is obvious. But have you any evidence that they are doing it?

Mr. O'DONNELL. Oh, yes. We are catching them on the Mexican line right along. We apprehend them under departmental warrants and return them to Japan.

Mr. MANAHAN. How many have you apprehended in the last year?

Mr. O'DONNELL. The total number arrested and deported during the first six months of this fiscal year was 96.

Mr. MANAHAN. Now, how complete is your machinery for catching all that come; in other words, do you catch half that come or one-tenth that come, according to your best judgment, with the machinery that you now have?

Mr. O'DONNELL. Why, it would be a wild speculation on my part to try and answer that question.

Mr. MANAHAN. Well, what machinery have you got?

Mr. O'DONNELL. Along the border, along the well-defined arteries of travel on the Mexican border, we have men who are as vigilant as men can be. There are day and night shifts, and all trains and other

means of communication and transportation (even the street cars at El Paso and Eagle Pass) are examined, and freight cars are opened at points some distance in the interior. The officers go about it very systematically and inspect every car in a train.

Mr. MOORE. Is that the only way they would come in, by train or at well-known places?

Mr. O'DONNELL. Well, Nogales——

Mr. MOORE (interposing). Or would they come in surreptitiously over a border line?

Mr. O'DONNELL. Well, they would naturally follow some well-defined routes of travel.

Mr. MOORE. Well, so far as a central depot is concerned, where everybody comes in, of course, you are safeguarded, because you have an inspector there, and apparently you got 96 in six months, enough to terrorize the whole Pacific coast. Think of it, 96 in six months. Now, is not your real trouble that some of these people may come over the border somewhere else than at recognized places of arrival?

Mr. O'DONNELL. Of course, we would catch these at the recognized places of arrival.

Mr. MOORE. Well, then, what have you to recommend? That is the whole story.

Mr. OLDFIELD. How many did you say you caught?

Mr. MOORE. Well, he said they caught 96 in six months, enough to put scare headlines in all the newspapers in California for a year, and I want to know what you have got to recommend.

Mr. HAYES. You asked his recommendation.

Mr. MOORE. Are you here to ask for additional money?

The CHAIRMAN. Mr. Hayes was examining the witness.

Mr. O'DONNELL. I came here to give what information I could. We have already saked for sufficient money to carry us through, and I am not asking for any more here.

Mr. MOORE. If you want to police the border at Vancouver or at Lower California, you would have to have a great many more men?

Mr. O'DONNELL. Yes, sir; to make it absolutely tight—to fully tighten it up.

Mr. MOORE. How many would you require, north and south?

Mr. O'DONNELL. I am just at present preparing something for the Commissioner General, showing how many would be required, but I have not the figures at hand.

Mr. MOORE. Well, if you need more money and more men, I am in favor of giving them to you, because I think it indicates a terrific onslaught when you catch 96 in six months.

Mr. JOHNSON. You mean it is a reflection upon the United States to be able to catch only 96?

Mr. MOORE. The chairman of this committee said that 5,000 came in.

The CHAIRMAN. Those are coming in regularly, Mr. Moore.

Mr. HAYES. Is it not a fact that there are scores of miles along the border between the places where you have these inspectors stationed where there is no inspection whatever?

Mr. O'DONNELL. There are hundreds of miles where there is no inspection whatever because we have not the men to put there.

Mr. HAYES. Now, I am advised by a friend of mine who lives near the border that Japanese come up, for instance, to El Paso and

Juarez, cross the river, and walk a mile or two up the river and wade across the Rio Grande River into the United States in the summer time, and there is nothing to prevent it.

Mr. O'DONNELL. Well, he has exaggerated it, I think. We have men radiating out from El Paso for a considerable distance.

Mr. HAYES. Well, may be it was farther down the river.

Mr. O'DONNELL. You take that "big bend country" from El Paso to Eagle Pass, and you will find that we have only one station in that entire line, and that is at Presidio. Obviously, if these people were desirous of getting in they would go to some place where we had nobody, and I do not see how we could apprehend them unless we came in contact with them casually, or succeeded in apprehending them in connection with this freight-car inspection that we have, which is more particularly directed against the Chinese. Now, to cover that country effectively with an efficient border patrol—to cover that territory from Eagle Pass to El Paso—it would probably require 50 men.

Mr. HAYES. I should think that would be little enough, surely.

Mr. O'DONNELL. And that would cost considerable money, particularly as each and every one of them would have to be mounted men.

Mr. HAYES. Now, could this be possible: An American contractor advises me that he employed 3,000 Japanese last year, and that within four days after they came on the job they quietly disappeared and no one of them remained in his employ after four days, and it was the contention that they simply came to the border of the United States and surreptitiously crossed over. Do you think it would be possible for three or four thousand Japanese, within three weeks or a month, to do that without being apprehended by the inspectors?

Mr. O'DONNELL. I do not think it would be possible if they came in at one locality.

Mr. HAYES. I am not speaking of one locality.

Mr. O'DONNELL. But if they were scattered over a considerable area I can very well see how that number might come in.

The CHAIRMAN. Do you mean if they were contracted for on the other side?

Mr. O'DONNELL. Yes, sir.

Mr. RAKER. Mr. Nolan of California, desires to ask the witness a few questions.

The CHAIRMAN. All right.

Mr. NOLAN. There is a difference between the laws as to the Chinese and as to the Japanese?

Mr. O'DONNELL. Yes, sir.

Mr. NOLAN. And it is pretty hard to determine whether a Japanese has come into this country legally?

Mr. O'DONNELL. Yes, sir; it is, unless you get some statement from him.

Mr. NOLAN. But you have no registration certificate?

Mr. O'DONNELL. No, sir.

The CHAIRMAN. Is it not given to him at the time he enters?

Mr. O'DONNELL. Those certificates you have in mind are for members of the exempt class of Chinese; they have those certificates. The Chinese laborers all have a registration certificate issued to them in 1893 under the Chinese-exclusion act.

Mr. HAYES. Is it not true that there are hundreds of them in almost every part of the country that have no certificate of any kind?

Mr. O'DONNELL. I have known of some in town here. I have known of some of them being arrested here.

Mr. HAYES. I know there were lots of them here awhile ago.

Mr. O'DONNELL. But to go out and apprehend every Chinese laborer who is here without a certificate of registration would involve the same principles as the border patrol; that is, it would require a large sum of money and a large force of men.

Mr. HAYES. Would it not blockade the trains if you started in to do that?

Mr. O'DONNELL. No, sir.

Mr. RAKER. Now, you say there is a regular line of entry from the Orient to the western coast of Mexico?

Mr. O'DONNELL. Yes, sir.

Mr. RAKER. Where Japanese, Chinese, and Hindus of the coolie class can enter?

Mr. O'DONNELL. Yes.

Mr. MANAHAN. What is the name of that line?

Mr. O'DONNELL. It lands at Mazatlan. That is the port in Mexico. I think the name of the line is the Mexican Oriental Steamship Co. However, I will put the correct name in the record.

(NOTE.—The correct name of the company does not seem to be available at present.)

Mr. RAKER. Now, it is stated by you and others, and it has been proved in court, that Chinese pay all the way from $100 to $1,000 to come into the United States surreptitiously.

Mr. O'DONNELL. Yes, sir.

Mr. RAKER. And notwithstanding the certificate, it is very hard to determine how many of the hundreds and thousands that are in California are there legally and how many are there illegally.

Mr. O'DONNELL. Yes, sir.

Mr. RAKER. How could you ascertain it?

Mr. O'DONNELL. You would have to make an individual canvass.

Mr. RAKER. There has been no individual canvass for the past 15 years.

Mr. O'DONNELL. There was a so-called Chinese census made by our officials in 1905 and 1906. It was started about 1905 and continued for almost a year.

Mr. RAKER. Have you a copy of that census as taken?

Mr. O'DONNELL. It was not taken for statistical purposes. It was taken primarily for the purpose of placing in the records of the officers in charge of districts the names and residences of every Chinaman in that district. In connection with that census, of course, many were found that were here in violation of law, and they were arrested under judicial process. It created a great furore and the so-called "Chinese boycott" was said to be one of the results of that agitation.

Mr. RAKER. And then they quit.

Mr. O'DONNELL. The department was prevailed upon to stop the census.

Mr. MOORE. Before we stopped the census did the matter come before the department or before Congress?

Mr. O'DONNELL. It was the policy of the department at that time to stop taking the census.

Mr. MOORE. Why do you not take a census now? You say it is charged here that so many Chinese and Japanese come in surreptitiously. Why is it that you do not have such a census now?

Mr. O'DONNELL. We could readily do it if we had the men and the money.

Mr. MOORE. That is what I want to find out. Is it the fault of the department, because it is not efficient, or is it the fault of Congress, because we do not give you enough money?

Mr. O'DONNELL. I expect the reason is a financial one.

Mr. MOORE. Has any effort been made by the department to have such a census?

Mr. O'DONNELL. No, sir; because the present department has only been in operation for a year.

Mr. MOORE. There has been no census for 15 years. Has there been any effort in the last 15 years on the part of the department or Congress to have any inspection made to determine——

Mr. O'DONNELL (interposing). I did not make the statement about 15 years. That was made by Mr. Raker. The only census made by the department was this census made in 1905 and 1906 by the Department of Commerce and Labor, which was an incomplete census.

Mr. MOORE. Did you submit any recommendation to Congress, either as the old Department of Commerce and Labor or as the new Department of Labor, which provided for a census or inspection of the Japs, Chinese, and Hindus who may be in the United States?

Mr. O'DONNELL. It has been suggested several times that there might be a reregistration of Chinese.

Mr. MOORE. Has it been suggested to Congress?

Mr. O'DONNELL. It has been suggested in annual reports, but no suggestion has been made directly.

Mr. MOORE. I want to say that if the department recommends such an appropriation for that purpose I will be very glad to support it, because we have heard so much about the surreptitious entering of Asiatics I think the time has come when we ought to back up the department and let it do its duty.

Mr. RAKER. Now, take the Mexican border. Is it not a fact that on either side for miles around there is practically the same kind of territory on the Mexican side as on the other side?

Mr. O'DONNELL. I have never been there, but I understand so.

Mr. RAKER. Now, if a large number of Chinese or Japanese were on the Mexican side, it would be very easy for them to get over on the California side?

Mr. O'DONNELL. I suppose so; yes, sir.

Mr. RAKER. And they could come through that desert with automobiles and come over the border with very little trouble?

Mr. O'DONNELL. We have endeavored to check them in this way: The department realized several years ago that with the force at hand and with the men at hand, and with an effective border patrol, we could control the border line.

Mr. RAKER. That is the question.

Mr. O'DONNELL. We set out to handle the situation in one way, but now the automobile has somewhat changed the situation in regard

to smuggling, because the Chinese smugglers, where there is much at stake, use automobiles, and so we have to meet steel with steel, and our officers in southern California now have automobiles, mostly owned by themselves, but we pay a certain sum per day for the supplies to operate those machines. Those men do not attempt to patrol back and forth like soldiers on a beat, but they cover the control points back from the border, so that one man can regulate a territory, in theory at least, that might spread out like a fan so far as the border itself is concerned. That has been the theory and we have gone as far as we could with the officers we have had to prevent smuggling over the line. We have been quite successful, according to the number we have arrested.

Mr. JOHNSON. You said a moment ago that at the time that census was being undertaken by the department that you were prevailed upon to suspend it.

Mr. O'DONNELL. Yes, sir.

Mr. JOHNSON. By whom?

Mr. O'DONNELL. Why, I think, the Chinese minister made some representations to the Department of State, and the Chinese Six Companies made representations to our department and there was a perfect furore about this so-called crusade against the Chinese.

Mr. JOHNSON. And if a registration should be undertaken now with the Japanese now in this country you would be liable to believe that the same representations would be made to this Government?

Mr. O'DONNELL. I am inclined to think that if anything of that kind is attempted hereafter it would be much better to have it done by special act of Congress rather than for the department to take it up.

Mr. MANAHAN. Do you not think that the State Department could do it by treaty?

Mr. O'DONNELL. I do not know how the treaty could reach that proposition.

Mr. MANAHAN. Do you not think that the State Department could negotiate a sort of agreement with these countries under the terms of which a registration would be made and they would cooperate with us in making the registration?

Mr. O'DONNELL. I do not know that we have any authority of law now to make a registration.

Mr. MANAHAN. I mean under the authority of the treaty.

The CHAIRMAN. An agreement between the two Governments is what Mr. Manahan suggests.

Mr. O'DONNELL. Well, I suppose that would be good law if the treaty were ratified.

Mr. MANAHAN. We are not necessarily confined to legislation by Congress, but if the State Department could negotiate a treaty under the terms of which a general registration can be made and in which they will cooperate so that both Governments will know exactly who are here, who are entitled to be here and who are not, it would be satisfactory, in your judgment, would it not?

Mr. O'DONNELL. That would certainly accomplish the same purpose as an act of Congress.

Mr. MOORE. Are you familiar with the Church bill?

Mr. O'DONNELL. No, sir.

Mr. MOORE. Can any gentleman tell me where this bill provides for registration?

Mr. RAKER. It does not provide for registration. That is provided for in H. R. 102.

Mr. MOORE. That is the bill we are considering.

Mr. RAKER. No; we are considering the registration of Asiatics in general and Hindus in particular.

Mr. MOORE. There is no registration provided here.

Mr. RAKER. Now, let us get the matter straight now. This meeting is called for the purpose of considering one feature of the Asiatic exclusion question. First, the Hindus, which is covered by three bills, Mr. Humphrey's, Mr. Church's, and mine, which is H. R. 102. Now, H. R. 102 is being considered in addition to so much of the other bills as relate to deportation and registration. That has been my understanding, and we have been conducting ourselves accordingly, although the main hearing has been covering Hindu registration.

Mr. JOHNSON. H. R. 102 covers all Asiatics.

Mr. RAKER. Yes; but the Church bill does not cover registration.

The CHAIRMAN. There is no limitation in the Church bill particularly, but it is a bill that strikes straight at the Hindus.

Mr. JOHNSON. I would like to ask one question a little bit outside of the hearing, but it is for my own information. When an outbreak occurs, as it did at Wallville, Wash., a couple of weeks ago, resulting in the murder of four or five Japanese and exposing the existence of a Japanese queen and a settlement of a hundred Japanese or so, does such a report come to your department?

Mr. O'DONNELL. I assume that they would report it if anything unusual like that occurred. Of course, it might not come to the department. It would probably be reported, at least, to the commissioner at Seattle and if it was a matter of sufficient importance he would send it to the department.

Mr. JOHNSON. But in the meantime it goes right into the courts when it is exposed?

Mr. O'DONNELL. Yes.

Mr. MOORE. Might I ask you whether the laws of the State of Washington would not cover such a case of flagrant immorality as that?

Mr. JOHNSON. Of course; but only these murders discovered the existence of the "Queen of the Japanese" and an underground railroad, and so forth.

Mr. MOORE. I have in mind the policemen on the beat? What about them?

Mr. JOHNSON. Oh, this was a hundred miles or so away from Seattle.

Mr. MOORE. But would not the constabulary be informed of it so that the Government could be notified? If we put an inspector at every place where the Japanese are to be expected to come over, all around Vancouver and as far as Frazer River, I expect we would have to increase our Army practically two-fold. Ought we not to utilize some of our local forces, our constabulary, for instance?

Mr. JOHNSON. I agree with that thoroughly. I am only asking for information, if when the State officials have such information, do the department officials proceed to take steps?

Mr. MOORE. Of course, if we have not sufficient money to originate such an investigation, then the local authorities should take it up.