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STUDIES OF MIGRATION AND SETTLEMENT

Lecture Series

Subject: *General and Technical Aspects of Jewish Migrations—
Protection of Emigrants on Board Ship*



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Protection of Emigrants.

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GENERAL AND TECHNICAL ASPECTS OF JEWISH MIGRATIONS--
PROTECTION OF EMIGRANTS ON BOARD SHIP

This Address was given by Alexander A. Magidoff, medical social worker in Social Service Department, Israel Zion Hospital; Medical Petty Officer, U.S. Maritime Service Hospital Corps Training School, on April 24, 1944, during the Training Course for Social Workers on Migration Problems under the auspices of the New School for Social Research offered by the Hebrew Immigrant Aid Society (HIAS) and the Hias-Ica-Emigration Association (HICEM).

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Henry Field

CONFIDENTIAL

PROTECTION OF MIGRANTS ON BOARD SHIP

When I saw the outline of lectures for this course, I was very pleased to find that time was to be allotted to a discussion of "Protection of Migrants on Board Ship."

During the last year I have been working on hygiene and sanitation at sea and I feel that it is of great importance to safeguard the health and comfort of those who travel on ships. After all, the sea voyage serves as the connecting link between emigration and immigration. We hear much about the initial phase of the migration movement--that is about departure and its preparation...and much about the final state of the movement, that is reaching the destination...but very little about the voyage itself, without which there could be neither departure nor arrival.

Just as the migrant seeks and needs protection and guidance at the start and finish of the migration process, so does he need it at sea. He has ventured on a voyage that may take a week or a month or even longer. During this time he is in steerage or in a third class compartment which implies close association with fellow migrants who may be total strangers to him.

They may have different customs, may be of different nationalities and religion. If he gets along with them, FINE. If these differences do not upset him, O.K. But if they DO, they make his situation even more aggravating. As is, he is under stress, having left behind those things that are dearest to him...his home and possibly relatives and he is fearful and anxious about the future.

Then there is the language difficulty. He may not understand the passengers, the crew, the signs which give information and directions. It is embarrassing sometimes to have to inquire about the location of the toilet or the bath.

Then there is the physical helplessness of seasickness for most of the voyage. The majority can't take it, and frequently compartments resemble a hospital of seasick people. I still feel bad when I remind myself that coming to this country I had to miss the ice-cream dessert because the food wouldn't stay down.

Also, rarely, if ever, is the immigrant acquainted with the intricate network of laws which govern his transportation. He is usually carried by a foreign-owned ship, which is subject to legislation of several other countries, as we will see later on.

Finally, until recently the migrant was at the mercy of the shipowner. Little did the shipowners care for the health and welfare of the passengers and the crew. It was not so long ago that the steerage of ships was characterized as a "foul smelling dungeon." On many ships the steerage decks were so crowded with bunks that, as one writer put it, "The space between the decks had something of the appearance of dog kennels...the steerage frightful with filth."

Fortunately, the need of regulation and inspection of vessels has long been recognized so that today every country in the world has made some provision for this. The motives behind this legislation were not humanitarian alone. The Governments were privately guided by practical considerations. The immigrant was arriving at his destination to settle down. Therefore, the country desired to receive healthy and vigorous elements into its population; elements that were equipped to obtain employment and be self-supporting.

Then, also, the countries wanted to keep up good health standards on ships in order to avoid receiving carriers of disease among the immigrants who might endanger the health and prosperity of the country. It is an old

nautical axiom that "a foul ship is a carrier of disease" and again and again cholera, diphtheria, typhus and other diseases have been introduced by filthy passenger vessels.

Consequently, there has been ever-increasing legislative activity to improve conditions on ships. For example, in the United States the earliest law applying the principle of sanitary science to ships was passed in 1819. Since then there have been many revisions and supplements continuously improving the standards on ships.

It is true that in many parts of the world the enforcement of these laws is not complied with. In fact, we can all recall instances of either experiencing or reading about ships, so overcrowded that the mere mention of any sanitary regulations would be a travesty. But since these laws do exist, and do set minimum conditions of hygiene and comfort that can be expected, the welfare agency, by its prestige, and the welfare representative, by his contact with the Government and the steamship companies, can use their influence to correct the abuses and direct more effective execution of these laws.

It has been shown that these representatives have been instrumental in bringing about more strict compliance with these laws, by working closely with Government and

steamship owners. Also, as we will see later, knowledge of these regulations may help in solving the individual difficulties which the immigrant encounters.

Now, let's discuss the contents of these laws on a general basis, to have a broad understanding of these provisions. While they vary from country to country, the principle matters dealt with are the following:

Seaworthiness of the Ships.- This is judged by the proper construction and working order of the different parts, such as the boilers and water-tight compartments, by the sufficiency of their equipment, such as life-saving apparatus and fire extinguishers, signals, wireless installations, and by measures for the prevention of accidents by the prohibition of the carrying by passenger ships of explosive substances or noxious gases.

Speed of the Ships.- Some countries require a minimum number of knots per hour for emigrant ships.

Capacity of the Ships.- The number of emigrants to be carried varies from country to country and is generally determined by one of three methods. The most sensible and the most commonly used is by determining the cubic air space of all the habitable compartments, thus arriving at the passenger capacity of the ship. The other methods

are by setting a ratio of steerage floor space to passengers and, finally, in relation to the tonnage of the ship.

I might as well mention another method which was very prevalent until recently, and that is, to carry as many as could be put on board with no regard for the health or comfort of the passengers or crew.

Equipment of the Quarters.- This occupies the major part of these regulations. They are very detailed and exact. They deal with such problems as the size of berths, the composition of bedding, the distance between the berths; with the process of ventilation and the supply of fresh air; with the sanitary equipment, that is wash basins and water closets proportionate to the number of passengers; and with the provision of separate accommodations for women traveling alone and for young children.

Medical Equipment.- Practically every country requires that there should be sick wards on every emigrant ship, furnished with basic medical instruments and medical supplies. Some countries have even made provisions that passenger ships should be equipped with isolation wards for contagious and mental patients.

Other Sanitary Precautions.- These include refrigeration for keeping food, coolers for drinking water, etc.

Protection of Emigrants during the Voyage.- Much space in the statutes is given to this topic.

These laws often contain detailed, exact and extensive requirements. In the first place they deal with treatment on board. They specify the provisions, medications and disinfectants that have to be carried. If a ship passes through a tropical region, there are additional precautions taken to ensure that the emigrant has the necessary exercise, the proper bed clothes, and to see that the room is kept at a certain temperature.

Another regulation concerns meals...their number, composition, and special diets to be provided for young children, nursing mothers, and the sick.

There are also certain constraints imposed on the emigrants themselves. For instance, they are not allowed to carry or drink liquor. Some countries restrain emigrants from gambling on ships and others require that passengers remain in a particular section of the ship at certain times.

Now, how are these regulations supervised? Provision for supervision varies widely from country to country. Some Governments consider that inspection at the port of embarkation of the arrangements made for the voyage is

a sufficient guarantee. Other Governments require subsequent inspection at the transit ports. There they make sure that further passengers are not taken on board and they check on the stores still remaining. Generally it is the Consuls who carry out this inspection.

On the other hand, some countries consider it more satisfactory to organize continuous supervision throughout the voyage. At first this supervision was entrusted to the ship's doctors. The Act of 1870 of Denmark charged ship's doctors with care of emigrants. Recent enactments require the appointment of special officials, entitled EMIGRATION INSPECTORS, to travel on the ships to see that the migrants are properly treated and that the laws are complied with during the voyage.

They are also required to settle any disputes that may arise between emigrants and the ship's officers and to draw up a report of their activities. Often these inspectors are selected from among the naval medical officers and give medical attention to the migrants in addition to their main function. Such is the case in Spain and Italy.

Incidentally, all complaints and disputes are entered in a special log book on the ship.

Another requirement concerning protection on board relates to the special staff which the companies must engage for the special benefit of the emigrants. There must be a special medical staff and in addition to a doctor for the emigrants, very often hospital attendants and nurses have to be carried. Some countries require that interpreters be carried. Provisions are also made by some countries that a special kitchen staff be engaged together with a sufficient number of domestics.

Of course, we can go on generalizing further about the laws of all the countries of the world...or, on the other hand, we can go into all the manifold details of the laws of each country of the world. In either case it would take too long. So I think the practical thing to do is to discuss one country, by way of example. Great Britain would serve this purpose since so many migrants are transported on ships flying the British Union Jack.

Regulation of the transportation of migrants of Britain is governed by the MERCHANTS SHIPPING ACT of 1894, amended by the Act of 1906. For convenience, let us break it up into several phases.

DEFINITION: A ship is considered an emigrant ship¹

1. There is divergence of views and each country defines an emigrant ship differently.

when it carries more than 50 steerage passengers. It also defines such a ship in relation to the tonnage.

PRINCIPLE REQUIREMENTS: An emigrant ship must be surveyed prior to its sailing under the direction of the IMMIGRATION OFFICER appointed by the Government, but at the expense of the owner of the ship. These surveyors are appointed by the Government.

A ship shall not carry passengers, whether cabin or steerage, on more than one deck below the water line.

Each berth shall be conspicuously numbered. There shall not be more than two tiers of berths on any one deck.

There must be an interval of not less than 30 inches between them.

No more than one steerage passenger shall occupy the same berth.

The regulations also deal with the protection of single women and girls and women unaccompanied by their husbands while on board ship. They provide that they shall have sleeping quarters in self-contained compartments, divided off from spaces appropriated to the other passengers and that a matron shall be appointed for every twenty-five women.

Space is to be set apart for the exclusive use of hospital accommodations and separate divisions are to be

provided for male and female passengers. This hospital ward shall be in or above the uppermost passenger deck and shall be fitted with bed places and supplied with beds, bedding and utensils. A full-size bath, with an ample supply of hot and cold running water shall be provided in case of an infectious hospital.

In addition, a dispensary shall be available for the examination of patients. Concerning wash basins, there are to be at least five for every hundred steerage passengers. Every ship should have at least one full sized bathtub for every 100 passengers. There should be at least 4 water closets for every 100 passengers up to 300 passengers, and 2 water closets for each additional 100 passengers. Urinals shall be provided at the rate of 2 for each 100 passengers.

There are also provisions for giving adequate light and air to the passenger decks.

The steerage passenger's luggage is not to be carried on the passenger decks, unless it does not interfere with the comfort of the passengers.

No ship is to sail if there is on board, as cargo, any explosive or any articles which may endanger the health or lives of passengers or the safety of the ship.

A doctor shall be carried where the number of steerage passengers on board exceeds 50 and where the number of persons exceeds 300. The ship cannot sail until the physician has inspected all the steerage passengers and crew and has certified to the emigration officer that they are in good health, mentally and physically, and are likely not to endanger the health or safety of the other persons about to proceed on the ship.

Concerning food, the Master of every ship shall issue to each steerage passenger an allowance of pure water and wholesome food provisions of good quality in accordance with the dietary scales. Any steerage passenger, on request, may peruse a copy of the scale. Proposals to vary this scale, in special cases to suit foreigners, may be made after this request is submitted to the Board of Trade or to the Immigration Inspector. I should mention here that Passover kitchens are commonly accepted. On some ships Kosher kitchens are provided. If there are more than 100 steerage passengers, the special staff must include a steerage passenger steward and another as a cook. If there are more than 300 adults, there must be two cooks.

As far as interpreters are concerned, these are stipulated only for foreign emigration ships on which at least

half of the steerage passengers are British subjects. If the number of steerage passengers is 250, an interpreter must be assigned.

Very meager provisions are made for seeing that these laws are carried out. A ship intended for carrying steerage passengers as an emigrant ship must not proceed to sea until the Immigration Inspector gives a certificate of clearance to the Master, declaring that the requirements of the law have been complied with, that the ship is seaworthy, and that the steerage passengers are in a fit state to proceed. After that, it is up to the discretion of the Master, and no Immigration Inspector is assigned to the ship. In addition, every passenger ship is surveyed at least once a year.

Such is the Maritime Law of Great Britain concerning the transport of emigrants by sea. As I have already mentioned, the laws of the other countries follow this outline, in general. However, there are some ramifications of laws of other countries that I think you would be interested in.

For instance, the Canadian Law governed by the Immigration Act of 1910-1924 has two novel clauses. One, that no immigrant can land in Canada unless he has arrived

from the country of which he is a native or naturalized citizen by continuous journey, and only with a ticket purchased in that country or prepaid in Canada.

The other novel feature is that no person on board a ship, while the vessel is in Canadian waters, entice or admit any female immigrant into his compartment. Neither can he visit or frequent any part of the ship assigned to female passengers except with the permission of the ship's Master. A written or printed notice to this effect in English, French, Swedish, Danish, German, Russian, and Yiddish must be posted. The Immigration Officer at the port of arrival must ascertain if this provision has been duly observed on each ship transporting immigrants. It may be a hygienic measure, or one enacted by pressure.

An Italian Law of 1925, and the Polish Law of 1927, places on the General Emigration Department the responsibility for constructing and administering shelters for emigrants in embarkation ports and transit stations. At these ports and embarkation stations Emigration Inspectors meet the emigrants on arrival at the railway station and make arrangements for sending them to one of the requisitioned lodging houses or hotels. Each emigrant is tagged

with the date of his arrival, the ship on which he expects to sail and the name of his lodging house.

Before embarkation the emigrants are taken in batches to a special building where they are disinfected, bathed, and vaccinated. There is also provision for other bacteriological examinations, if they are indicated. All in perfect health receive health identity papers which they present to the final inspection commission. Before they arrive at this final inspection commission, they are passed through a disinfecting room which disinfects their luggage. This entire disinfection process is begun two days before departure.

The Argentine Law defines an immigrant ship as "any sailing or steamship transporting 40 or more 2nd or 3rd class passengers." This is one of the few countries that includes 2nd class passengers as emigrants. This law is interesting because it is so much more progressive than the British law.

A section of the Immigration Act of 1917, authorizes the Secretary of Labor to negotiate with countries whose ships carry aliens to the U.S. with a view to detailing inspectors and matrons, for duty, who are to observe the passengers and determine the admissibility on its steamers of women beyond the seventh month. According to the

U.S. Law, women who are pregnant in their seventh month could not migrate. This law was enacted possibly to avoid complications as to the citizenship of the offspring.

I hope by this time I have given you some understanding of what the immigration laws deal with. However, that is not the whole story. For one thing, the laws of every country vary. In addition, there is frequently an overlapping of inspection systems. For instance, a ship under an English flag may have to comply with the English regulations, but since it departs from a port in Sweden, it is under the jurisdiction of the Swedish Immigration Inspector.

On its way to America it may stop in Portugal, and for a short time it is responsible to the Portuguese port authorities. Finally, when it arrives in New York, it must satisfy legal conditions different from those demanded in the other ports. It should be obvious, therefore, that a ship may be covered by two or more sets of legislation at once: in all cases, that of the country of origin of the immigrant, and that of the country to which he is going. Also, in many cases, that of the country whose flag the ship flies, and the countries traversed in transit.

This complex situation often leads to conflicts between the provisions issued by each country. Although certain precautions are sometimes taken to avoid such disputes, they are frequently unavoidable. These conflicts may affect the immigrant directly, as he becomes the scapegoat and because of these differences, adequate supervision is frequently not possible.

For this reason, two or more countries which have migration traffic with each other, have tried to standardize the regulations by means of bilateral and multilateral agreements. For example, in 1923 Great Britain assumed the obligation toward Poland to grant to Polish immigrants the same protection as that accorded by existing legislation to British emigrants. There were similar agreements between Spain and Italy. This trend to simplify the administrative formalities connected with ship inspection has inspired the International Labor Office of the League of Nations to send out a questionnaire to Governments in an attempt to discover their attitude.

In 1926 it issued a Report and at its Eighth Session came to a decision concerning this. It found that all Governments agreed that simplification of existing methods by which the inspection of migrants on board ship is assured, is desirable. It felt that inspection on board ship should

be undertaken by not more than one Government, and that the official Inspector should be appointed, as a general rule by the Government of the country whose flag the vessel flies. This Inspector should not in any way be connected with or dependent upon the shipowner or the shipping company.

The official Inspector should insure the observance of the rights which migrants possess under the laws of the country whose flag the vessel flies. He should protect and assist all migrants with the terms of the law and should insure equality of treatment. He should in no way encroach upon the Captain's authority on board and should concern himself solely with enforcement of the laws, regulations, agreements or contracts directly concerning the protection and welfare of the migrants on board.

The International Labor Office also recommended that where 15 or more women or girls, unaccompanied by a responsible person, are carried as emigrants, a properly qualified woman who has no other duty to fulfill on board, should be appointed to give such emigrants any material or moral assistance of which they may be in need.

This is the model plan proposed to avoid duplication and dispute regarding inspection. Although the trend

toward adoption of the ILO recommendations was interrupted by the War, it will be worthwhile watching further developments after the War.

Another post-War trend will probably relate to a renewal of the discussion as to the possibility of obligatory insurance of migrants against the risk of transportation by sea. This subject was studied just prior to the War, and on several occasions the International Shipping Conference has consulted private organizations and agencies for their advice.

Another trend is to enforce the legislation more rigidly and to raise standards.

In a recent communication which I received from the International Labor Office they stated that most of the decrees, laws and treaties relating to migration are still in force. We can expect that after the War, regardless of other factors such as the almost certain increase of aerial passenger traffic, migration by ships will continue, and these laws will continue to be effective.

Until now we only discussed the protection of migrants on board ship from the legal angle. We have seen that these laws are complex, divergent, and many times limited. What rôle do the private agencies play in this setup.

The ILO stated recently that the private agencies have an undoubted influence on the development and preparatory study of migration problems. By means of preliminary study, they have been able to make suggestions which led to solutions; they organized Conferences; and they made concrete proposals on many problems such as protection of women and obligatory insurance. No small function of welfare workers is to assist the migrant in his individual difficulties. These may arise both as a result of the social difficulties as well as a result of the legal complexities. We have mentioned that sometimes the migrant cannot understand his fellow travelers. Neither can he understand the signs. We can suggest to the authorities that signs and directions be printed in several languages. We can also arrange for nationals of one country to be given adjoining accommodations, or provide for a whole deck if there are a sufficient number of passengers. In some cases where there is no provision for an interpreter, we may furnish our own guide.

Frequently the diet on board ship creates many hardships for the migrant families. The ship's menu may offer the best French meal from hors d'oeuvres to demi-tasse. Yet the Polish Jew still craves for his herring and tea.

In fact, he will blame the French cooking for his seasickness. Sometimes the inability to secure kosher food on board ship may cause the family much unhappiness.

Another problem is the one of relaxation. Many vessels have libraries. A French vessel will have a library of French books. An English ship will have a library of English. But the migrant may read only Polish, German, or Yiddish. The companies would be glad to accept such books if they are provided for at the start of the voyage.

Migration implies stress, change, uncertainty. The migrant is usually occupied with thoughts of what he left behind, of what lies ahead, and may not pay too much attention to his rights and privileges as a migrant on shipboard. We can point out these rights and privileges to him so that he may negotiate the voyage more successfully.

Thus, by closer cooperation between the steamship companies, the Governments concerned with migration problems, and the private agencies, the life of the migrant can be much happier.