EI-863
IRA FIELDSTEEL
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INTERVIEWER: JANET LEVINE, PH.D.
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IMMIGRATION JUDGE AT ELLIS ISLAND 1953-54

LEVINE: Today is March 13th, 1997, and this is Janet Levine for the National Park Service. I have here today with me in the Ellis Island Oral History Studio Mr. Ira Fieldsteel, who was in the Immigration Service beginning in 1941, when he was a Naturalization Examiner, and he remained in the Immigration Service until 1943, when he went into the army, and we can talk about that later, and came back to the Immigration Service in 1946 and remained in it until 1979. The—in 1953 the title was Special Inquiry Officer, which was changed in around 1970 to Immigration Judge, and Mr. Fieldsteel served here at Ellis Island and so I'm sure there—there's a lot of interest. Maybe if we could start at the beginning, Mr. Fieldsteel. If you would say your birth date and the years that you were actually working here at Ellis Island.

FIELDSTEEL: Well, as I mentioned before off the record, I had—I had two different functions at Ellis Island. One of them was a—was a—a file—you might say a file excavation type of thing, where the government

had—had put a lot of old files in storage here in—in Ellis Island, and they had, oh, I don't know, maybe a hundred—a hundred three-drawer file cabinets filled with these files, and they were cases that had been put there because they didn't know what else to do with them at that point. There was no—there was no further action that they could take, and so they wanted them reviewed to see whether the change in law might have—might have affected a change or some suggestion as to what might be done.

LEVINE: Now, this was 1941, when you were—

FIELDSTEEL: No, this was—this was—this was after the war.

LEVINE: Oh.

FIELDSTEEL: This was in '40—'48, '49 something like that, and I worked here with a—with another officer, Joe Durnetz [PH], who later became a District Director in Baltimore. But we worked there for, I don't know, seems to me it was probably six months doing this kind of work, which was very tedious and tiring, and with inadequate light, but we got rid of quite a few cases and we—also, there was some element of whether the law—whether the courts had made decisions which would overrule what had been previously done in a—in a particular case. So it was very interesting and of course very educational, in a sense.

LEVINE: Are there any cases that you—that you remember after all this time?

FIELDSTEEL: Oh, no, no!

LEVINE: Oh. [Laughs] Sorry.

FIELDSTEEL: Not of that category, anyway.

LEVINE: Okay.

FIELDSTEEL: [Laughing] I remember cases, but not those.

LEVINE: Well, if we could just back up a minute. First, if you'd say your birth date.

FIELDSTEEL: March 2nd, 1914.

LEVINE: Okay, and when you went into the Immigration Service first, how did that happen? How did you happen to go into the Immigration Service, to begin with?

FIELDSTEEL: I'm not quite sure what this has to do with Ellis Island, but I'm glad to—be glad to tell you. I was—I went—I was working with—with a law firm in Manhattan and I had been with them for about four years, and I was doing high class corporate work, and—involving commercial law and corporate finance and things of that sort, and I was about—I was about to be drafted. I knew I was going to be drafted. I mean, the war was on already and I was going to be drafted, so I wanted to see if I could do something that would give me some certainty after I returned from the army. So this—there was a—there was an announcement of—of a—of a—of a federal examination or something and I took it, and finally there was a job offer, and when the job offer came through, I went to my then employer and I said, "Look, this job offers me twice the salary that you're paying me." I was then getting twenty dollars a week, so—

so he said, “Oh, it will be a long time before you get that here.” So I said, “Well, I’m sorry. I have to—I have to make the change,” because I was then—I was then married and so I made the change. In other words, it resulted—it resulted simply from a—a general—I think there was some general examination like, I don’t know, Junior Professional Assistant or something—some anonymous type of thing.

LEVINE: Uh-huh.

FIELDSTEEL: Which happened to end up in—in the Immigration Service.

LEVINE: And then did you—in 1941 did you—did you work at Ellis Island at all?

FIELDSTEEL: No.

LEVINE: Where were you working then in—

FIELDSTEEL: I was working at—we started at 641—641 Washington Street, which was downtown sort of in—in the village, an old—also, a very old building. And I think—I think I continued there until—until I went into the army and then I think when I came out, they had gone up to the Lincoln Center area. What do they call it?

LEVINE: Columbus Circle?

FIELDSTEEL: Columbus Avenue. Yeah, Columbus Avenue.

LEVINE: Well, now—

FIELDSTEEL: 70 Columbus Avenue.

LEVINE: What were you doing for the Immigration Service when you were there on Washington Street?

FIELDSTEEL: I wasn't with the Immigration Service.

LEVINE: Oh.

FIELDSTEEL: I was with the Office of Strategic Services.

LEVINE: Oh, the Office—oh, okay.

FIELDSTEEL: I was a—a—a code and cipher expert.

LEVINE: Oh.

FIELDSTEEL: And I was—I was in charge of—of training all the new code clerks that came into the Message Center and supervising the—the—the security of the Message Center.

LEVINE: I see.

FIELDSTEEL: Yeah, so—

LEVINE: And then how—when you were in the army, what were you doing?

FIELDSTEEL: Well, I was—that was the way the OSS worked. In other words, you were inducted into the army and then the OSS would ask you—would ask—ask the army for you and they had priority because—you know, because of the nature of the—of the

organization. And so they could get anybody that they wanted and I had—I had taken some advanced courses in cryptanalysis and the man who was in charge of —who taught that course recommended me to the—to the OSS, and they interviewed me and then when I was drafted, they—they asked for me and that was it.

LEVINE: I see. I see. So it wasn't until you were out of the army that you—that you—you were working with the Naturalization—

FIELDSTEEL: No, I worked with Naturalization from 1941 to '43.

LEVINE: Okay, but you were working as a code—I'm—I'm—I'm missing something.

FIELDSTEEL: No, let's get the sequence first.

LEVINE: I'm sorry.

FIELDSTEEL: Sequence.

LEVINE: Yeah.

FIELDSTEEL: I started in '41 with the Immigration Service. In '43 I was drafted. From '43 to '46 I was involved with codes.

LEVINE: Codes, okay.

FIELDSTEEL: And then I was discharged in '46 and—and came back to the Immigration Service. Reluctantly, but I came back.

LEVINE: Why do you say that?

FIELDSTEEL: Well, you know, I wasn't sure that this was a viable future. That's all. So—but I've never regretted it really. So—but that's—that's what I did.

LEVINE: Now, did you come to Ellis Island—

FIELDSTEEL: No.

LEVINE: Soon after you started?

FIELDSTEEL: No, I didn't get to Ellis Island until we started this—this project about reviewing files and then for a short time—for a short time I was a—what they—what they call living—a trial attorney. In other words—well, let's go back a little bit.

LEVINE: Okay.

FIELDSTEEL: The function on Ellis Island—there were two functions on Ellis Island. One was the traditional one, the Board of Special Inquiry, and the function of that body was always to examine aliens who were attempting to enter the United States who had—they might have had visas, didn't have visas. Whatever it was, they were trying to enter and they had to determine whether they were admissible. If they were not admissible to the United States, then they would enter an order excluding and deporting them. But that—that was a function which was limited to people who were seeking admission. Then there was another function. The other function was deportation, and these were people who had entered the United States one way or another and were encountered by the

Immigration Service and deemed to be illegally here and subject to deportation. But they couldn't be deported until they had had a hearing before—before a Special Inquiry Officer or—or an Immigration Judge, and that was a completely separate function. Since—since a lot of these people were detained on Ellis Island, it was—it was easier to have some judges stationed at Ellis Island to do that function. So they wouldn't—they wouldn't—you wouldn't have to bring the alien from Ellis Island up to Columbus Avenue or wherever—wherever the hearings were being held. So that's where that—but that function was separate and distinct from the BSI.

LEVINE: Uh-hmm.

FIELDSTEEL: And they were held in different—there was a different section of the building that was devoted to them.

LEVINE: Uh-hmm, and that's what—and that is exclusively what you dealt with, the deportation?

FIELDSTEEL: That's right, either—either as a trial attorney at the very beginning or when I was appointed as an Immigration Judge, which was early in 1953, then I sat as a—as an Immigration Judge there. And I had one—I also had one case there that dragged on for a long time that I was—I was especially assigned to it. It was a case involving a man who was authorized to practice before the Immigration Service, but there had been accusations of—of neglect, of theft or wrong—wrong type of representation and the Immigration Service wanted him, you might say disbarred. Although he wasn't—he actually wasn't a lawyer. He was a—he was a man who was allowed to practice, like under a grandfather clause.

LEVINE: Uh-hmm.

FIELDSTEEL: So we had—we had a protracted hearing in which I was the judge, to determine what the facts were and to recommend what should be done with him. So the record in that case was about—ran about five hundred pages. So it was a long, long hearing. I had that hearing here at Ellis Island.

LEVINE: Uh-hmm.

FIELDSTEEL: And the result of the hearing was that I recommended that he be suspended for a year. They took an appeal to the—the government took an appeal to the Board of Immigration Appeals and the Board of Immigration Appeals decided that he should be expelled and something went on, which I was unaware about. But he was—his wife worked for a Congressman. [Laughs] And somehow or other the Board of Immigration Appeals was convinced to come back to my original decision. So they—they adhered to my decision and he was suspended for a year. But it was a long hearing.

LEVINE: Uh-huh. Well, what would we—how—what were kind—some of the typical kinds of cases that you were hearing when you were—when you were working here at Ellis—

FIELDSTEEL: Well—the—the—the—the immigration law, the act—what we call the 1952 Act, had many, many sections that—that said if this happens or if this occurs, the man is deportable from the United States. So the most—the most frequent type would be a man who came as a visitor and who over stayed the length of time that he

was admitted for. That's the simplest—simplest type of case. Another type of case might be a man who—who entered without inspection. In other words, he came across the Mexican border or crossing the river, and he was never inspected. Another type of case would be a man who came as a visitor and was admitted, let's say for three months or six months, and two weeks after he arrives, he's found working. That was a violation of his status and he was subject to deportation. And then you go onto other—other types of—of violation, which get more complicated. A man enters into a fraudulent marriage and—and tries to get permanent residence through that and they discover that it's a fraudulent marriage. Or at that time there were—there were—there were deportation charges based on ideological—ideological beliefs. Was he a member of the Communist Party? Was he an anarchist? Did he advocate the overthrow of the government by force? I mean, a lot of that type—type of thing went on.

LEVINE: How would you get that information, besides, you know, asking somebody?

FIELDSTEEL: Well, it could happen in many—it could happen in many different ways. I mean, the FBI was in existence at that time, so they—they—maybe they got access to membership lists or he was arrested on some other criminal charge and they found his membership card in his pocket, you know. Another type of case, which I had—of which I had several, the law said in general that a person who entered the United States and was—and you find out later that he was excludable at the time that he entered, he was—he would then be deportable. So one—one type of case that came up were people who were discovered to be homosexuals after—after they had been in the United States for some time, and they

were questioned and they said, “Well, yeah, I was always a homosexual. I was a homosexual at the time I came into the country.” He was excludable under the law at that time. He couldn’t enter the United States. So that made him deportable and I had—I had a couple of those cases. One of them went to the Supreme Court. I sustained—I sustained the law and it went to the Supreme Court and the Supreme Court sustained it, also. They said this was—this was a valid deportation proceeding. Of course, that again had nothing to do with Ellis Island.

LEVINE: Uh-hmm. Uh-hmm.

FIELDSTEEL: But that’s—I’m giving you some background.

LEVINE: Yeah. , good.

FIELDSTEEL: Another one—another one involved a similar type of case where the government claimed he would—he had been a homosexual at the time of entry and we had a protracted hearing. The man was then married. His wife was a registered nurse. She came in and testified on his behalf and said “He’s not a homosexual.” The Immigration Service did an investigation outside and found out that she was in fact a lesbian and that they weren’t living together. So this went on, as I say, for a number of hearings and then finally the—the—the attorney came in and said, “Judge, I have some new evidence for you.” So I said, “What’s that?” He said, “My client has just had a complete transsexual operation.” [Laughs] So I was faced with—with making a decision in that case to decide whether or not this man who was—now had a transsexual operation was deportable because he had been gay at the time of his entry.

[Laughs] So anyway, you asked about the type of cases we might have had.

LEVINE: Yeah, sure.

FIELDSTEEL: Well, that gives you some panorama of the kind. Now, the—only people—the only people, of course, on Ellis Island were ones that the Immigration Service felt were likely to flee and—or couldn't post bond. So they would be detained on Ellis Island and that's where the hearing would be held.

LEVINE: Now, just about—we're talking about 1953 or so.

FIELDSTEEL: Yeah.

LEVINE: It was not—about a year before Ellis Island closed.

FIELDSTEEL: Yeah. Yeah.

LEVINE: About what kind of numbers were here then? I mean, how many people were detained here? Do you have just a—just a—

FIELDSTEEL: I really can't give you—I can't give you that figure, but—

LEVINE: It wasn't—was it crowded? Do you—do you recall it that way or—

FIELDSTEEL: Not—not particularly, no. No. Detention has always been a problem with the Immigration Service because it cost money. I re—I just had a—a—a situation where I had a feeling of deja-vous. It involved the—the Chinese aliens who had come on the Golden Venture. They—they, of course, were all illegal aliens and they

jumped off the boat and some of then drowned and some of them—some of them were captured afterwards, and those who were captured afterwards were put in detention. Not at Ellis Island, of course, anymore, but they—they were—they were detained. Now, you can't—you can't deport anybody unless you have a country that's willing to accept them. So if you can't find a country that's willing to accept them, you're stuck. So you're caught between a hard place and a—and a rock. If you—if you—if you don't want to release them, you have to detain them. Detention costs money. So these Golden Venture people were detained for, I don't know, probably two years or three years, something like that, on that order, and the Immigration Service got tired of paying for their detention. So they finally made a decision to release them on parole because there was nothing else they could do with them, but the—the deja-vous aspect came from somebody who was in Ellis Island in 1952 and '53, and that was Mr. Mezei, M-E-Z-E-I.

Mr. Mezei had been in the United States for, oh, I don't know, twenty-five years, something like that, before and he had the misfortune to go up to Canada and try to come back. Unfortunately, he had been a member of the Communist Party, so he was excludable, but Canada wouldn't take him back. They said, "He has no contact here. He never lived here. He just came up for a visit. We're not going to take him back." So the Immigration Service took him and put him on Ellis Island and he was on Ellis Island for three years. [Laughs] And he was one of the guys who was there, and I wouldn't say he was happy here, but he used to walk around in the—in the—in the parade ground or wherever it was and one of the things that he did all the time—I don't know if you're familiar with the little toy that kids have for knitting, sort of a—you hold it in your hand and—and you sort of wound—

LEVINE: You wrap it around, uh-huh.

FIELDSTEEL: Yeah, I forget what it's called, but he used to make yards and yards of that stuff. That was his occupation.

LEVINE: Now, was this a man who immigrated through Ellis Island from some place else originally?

FIELDSTEEL: I'm not sure. He—I assume—I assume that he must have. I think he came from—from—I think he came from Russia, but the Immigration Service couldn't get rid of him. They—because nobody would accept him. He had been here for twenty-five years. He was excludable, probably, you know, deportable even if he was admitted, and nobody would accept him. So after three years, they wanted out. Also—Immigration wanted out and so the only way they could think of—of working it was they—they impaneled a special panel of three lawyers. One of the lawyers was a lawyer who had taught at Columbia Law School. Elliot Cheetham [PH] was his name, I remember that. Anyway, that board decided that he should be paroled. So—so he was paroled, but you can see the similarity between--

LEVINE: Yeah.

FIELDSTEEL: Between Mezei and these Chinese now. As I say, the dilemma is that if you can't get rid of them, there's no point in holding them, really.

LEVINE: Uh-hmm.

FIELDSTEEL: I mean, you can hold them for—for a while, sometimes. Sometimes you'll get somebody who gets tired of being detained. He's been—been in detention for a year and he makes some special effort with the country that he comes from, in other words. Italy has refused him, but he goes to—or he gets in touch with the Italian consulate and says, "Look, I'm not going to be a burden on the country. I have relatives there." They're asking. They apply pressure in the country. "Get me back to Italy," and so sometimes the country will relent and then you can get rid of him. But that's a whole separate problem, the problem of—of deporting people and there was a whole section on Ellis Island that dealt with deportation.

LEVINE: Uh-hmm. So in other words, if someone was paroled after some period of time they would simply be free.

FIELDSTEEL: They'd be at large.

LEVINE: At large.

FIELDSTEEL: Yeah, but they—they, you know, they wouldn't have the ability that a lawful resident has. You couldn't—they couldn't travel because they'd be excluded again on the way back. So—

LEVINE: Uh-hmm.

FIELDSTEEL: But that's a—that's a remedy that has been used.

LEVINE: Wow. So then after some period of time, though, the parole would be reviewed again and then another decision perhaps.

FIELDSTEEL: The odds—the odds were that it would just be continued indefinitely because there was nothing more that the Immigration Service could do. He wasn't eligible to be naturalized. He wasn't eligible—he may have had permanent residence originally, but that's what happened. That was—that's what some of those old cases were that we were reviewing, that kind of thing.

LEVINE: Uh-hmm. Uh-hmm. What did you like best about—about working here at Ellis Island?

FIELDSTEEL: Well, about Ellis Island itself?

LEVINE: Well, the work you were doing.

FIELDSTEEL: Well, the work—that—I mean it's distinct. I mean, Ellis Island itself was—was a pleasant—a pleasant place to carry on my function in the sense that—well, for exampled, the hearing room that I—that I worked in was in a section that had been used for the—for the quarters of naval officers during the war. So they were nice, individual separate rooms and one of the things that I remember, which is indicative of the attitude of the Immigration Service, each one of these hearing rooms or quarters had a small private bathroom attached to it with a shower. So the Immigration Service was worried that maybe the judges would want to take a shower, so they removed all the showerheads. [Laughs] Now, when you think of the pettiness that that particular action, that has never—I have never forgotten that one.

LEVINE: [Laughs]

FIELDSTEEL: But another aspect was that my—my room had French doors that opened out onto lawn, trees and there were birds outside that would sing. And I took the hearings—the hearings were all recorded. We had—we had a machine made by Dictaphone which had a plastic belt and sometimes I would have to review the—the text of the—of the hearing and I could hear the birds on the belt, and that was something that was appealing. That was nice of them, being in New York with the smoke and the noise and the horns.

LEVINE: Right, right. Ambulance sirens.

FIELDSTEEL: Yeah. Also, it was—it was—it had a certain convenience because if you were dealing with a case of a—of a detained alien who was detained on Ellis Island and—[coughs]—let's say you called for him and he was brought in and he said, "My lawyer hasn't come yet." Well, all right, so I told the guard, "Take him back and when the lawyer comes in, we'll resume." So that was a convenience. I mean, otherwise—otherwise if you were in some other locality and he had to be brought from Ellis Island—

LEVINE: Oh.

FIELDSTEEL: Then you have a problem, how do you detain him at the quarters where you're—where you're working. Do you send him back to Ellis Island or do you—do you keep him there? It got very cumbersome sometimes.

LEVINE: Uh-hmm.

FIELDSTEEL: So that was a convenience.

LEVINE: I see, and you usually worked with two other Immigration Judges, at—at one—

FIELDSTEEL: No.

LEVINE: No.

FIELDSTEEL: That was the—the was the BSI. The BSI, the standard composition of the Board of Special Inquiry, which dealt only with exclusion cases, were two officers and one stenographer and the—the stenographer didn't participate in the decision unless there was a—a two—you know, an opposing vote.

LEVINE: I see.

FIELDSTEEL: Then she might cast the—the—

LEVINE: The deciding vote.

FIELDSTEEL: The deciding vote, yeah.

LEVINE: Uh-huh.

FIELDSTEEL: But, they—you know, after a while they got to know as much as the—as much as the officers, probably more. One of the—one of the women who used to be a stenographer at the BSI was a—was a woman, Shirley Gaidey [PH], who later became an Immigration Judge, worked as an Immigration Judge.

LEVINE: Hmm. Oh. But when—when you were working, you were working strictly with—

FIELDSTEEL: Just by myself.

LEVINE: By yourself.

FIELDSTEEL: And then—but the government was represented by a trial attorney, who was like a—like a prosecutor.

LEVINE: Uh-huh.

FIELDSTEEL: So he would present—he would present the government's case and the—the—the rule was—the rule was that the Immigration Judge did not have the file. In other word, all he got was a—was a—a paper which was called an Order to Show Cause, and the Order to Show Cause had the allegations, which—which the government claimed made the person deportable, and it gave the section of law under which he was deportable, and then the case developed. It developed from the—from the testimony of the agent, if he was going to testify, plus whatever documents the government had. The government might have taken a statement from him. The—they might have documents to show that as a visitor he had been working, things of that sort. Well, you know, actual documentary evidence, but the procedure was a fairly—a fairly formalized procedure. The—the Board of Special Inquiry worked in a—in a—in a different way. They had the file and they could use—they could use practically, you know, anything that—that came along because the Supreme Court had held that while—while a person who was in the United States and then arrested by Immigration was entitled to due process, the exclusion case was

only entitled to whatever rights the law—the statute gave him. So the statute could say "You have the burden or proving that—that you're entitled to enter the United States." Put the whole burden of proof on the—on the applicant for admission, whereas in a deportation case, it said the government has the burden of proving by clear and convincing evidence that the person is deportable.

LEVINE: Uh-hmm.

FIELDSTEEL: So it was a completely different picture, you might say.

LEVINE: Right. We're going to pause here—

FIELDSTEEL: Yeah.

LEVINE: And turn the tape over.

FIELDSTEEL: Okay.

[END OF SIDE A] [BEGIN SIDE B]

LEVINE: Okay, we're starting now on Side B of my interview with Ira Fieldsteel, and you were saying the—the—the real difference between the Board of Special Inquiry—

FIELDSTEEL: Oh, yes.

LEVINE: And the—and the deportation—

FIELDSTEEL: Yes, yeah. That was a—as I say, it was a different—different procedure.

LEVINE: Uh-huh.

FIELDSTEEL: It was less formal and the burden of proof was entirely on the alien.

LEVINE: Now, did the alien have often a lawyer?

FIELDSTEEL: Well, he cer — in --in the deportation proceedings he was entitled to a lawyer. That was a—the statute gave him—give him that right. In the exclusion proceeding, he was usually—he was entitled to it, but it—it rarely happened because, first of all, the man didn't know any lawyers in the United States.

LEVINE: Right.

FIELDSTEEL: The only—the only time—well, it's a little hard to—when a man was detained on Ellis Island, it almost never got a lawyer, that's all. He was entitled to one and—and if he—if a lawyer showed up, he was given a function in the—in the proceeding, but it was—it was a very rare thing. In—after the—after the new law came into effect, the 1952 Act came into effect, this function, this exclusion-deportation function was combined in the Special Inquiry Officer. So there was no—and even your name, of course, comes from the Board of Special Inquiry. That's probably where they got it from. He was called a Special Inquiry Officer, so—but he was a—a—he no longer was a board. He was an individual, but he carried on both functions, but exclusion and deportation. But the procedures were somewhat different.

LEVINE: Uh-hmm. Well, when you were acting as an Immigration Judge for deportation, were—did most of the people you dealt with have lawyers? The aliens or the deportees?

FIELDSTEEL: Well, when you say 'most', that's a statistical evaluation.

LEVINE: Right.

FIELDSTEEL: I—I would say that most of them did not.

LEVINE: Uh-hmm.

FIELDSTEEL: Simply because they knew—they knew from experience, from rumor or something like that, that the—the—the majority of cases were cases that really didn't contest deportability. They knew they had stayed too long. They were ready to go. They wanted to go. They had the money to go. They had no criminal record, so that the Immigration Judge could give them voluntary departure. Voluntary departure meant you're deportable from the United States, but we're going to require you to leave and since you have the money, are you willing to pay your way out? And they would say, "Yes, judge." So they—they would, I —we would give them thirty days, sixty days, ninety days to leave.

LEVINE: I see.

FIELDSTEEL: With the alternative that if they didn't leave, they would be deported and the order would automatically become an Order of Deportation, if they didn't leave. And as I say, most of them left and for that kind of remedy, they didn't need a lawyer, really. They didn't want a lawyer. They didn't want to pay a lawyer and—and—and they

would just concede that they were deportable, and I would say that that probably constituted the majority of the cases that came before us. But where cases—when the case got difficult, let's say, when the case was complicated, then they would get a lawyer, and they could get their own lawyer or they could get a lawyer from a—from one of the—one of the social agencies, of which there were a number. There was Catholic—Catholic—

LEVINE: Charities?

FIELDSTEEL: Catholic—was it Catholic Conference, or something like that, had a—had a staff of people who, they weren't even lawyers. They were—they represented people and were authorized to practice before the—before the service.

LEVINE: Any—anything else about those social—or agencies is of interest. Is there anything else you can think of regarding them?

FIELDSTEEL: Well, it was just that, I mean some of them—some of them gave—some of them gave very good representation and could—and could handle a complicated case. There was somebody—there was a man, Julius Berevly [PH] who—I think he was from the Legal Aid Society, and he had a number of cases that—that later went to court and which he won. I mean he—he was a good lawyer and he—he—he represented the people fairly and—and you could always—you could always—you could talk to him. You could deal with him. You could, you know, make—make some decision as to—as to which way it should—case should go and he was a valuable one. There were others that were not so—not so valuable, simply because they didn't have the knowledge. There was a woman, who is now an Immigration Judge, or at least last—

the last I heard, she was an Immigration Judge, who had also worked with one of the social agencies. So she was a competent, she was a lawyer; so she was a competent person. So they varied.

LEVINE: Uh-hmm.

FIELDSTEEL: They—

LEVINE: How about the judges on the other side, representing the government, were they varied, too? Did you —

FIELDSTEEL: The trial attorneys?

LEVINE: Yeah.

FIELDSTEEL: Well, they were all lawyers and they were human beings, so naturally they varied. Some were very tough; some were, you know, stubborn; some would take an appeal from a decision. In other words, I would render a decision which I considered eminently fair and reasonable. All my decisions were fair and reasonable. [Laughs]

LLL lLaughs}

FIELDSTEEL: And they would take an appeal. It was an unnecessary appeal, but they felt aggrieved by it for some reason or other. But in general they were—they were—they were competent people and of course, as—as they got more experience, they would—they would realize that not every case has to be fought to the—to the bitter end, in other words. That if you can reach some kind of arrangement with the lawyer for the other side, that that—they agree that the man

might be deportable, but they'll take voluntary departure, rather. In other words, instead of urging that the man be deported, the government would agree to letting him go voluntarily.

LEVINE: Uh-hmm.

FIELDSTEEL: The—the purpose—the—I mean the—the—the end or the aim of getting a Deportation Order was that if the man was deported, he couldn't return to the United States within five years unless he got special permission from the Attorney General. You had to apply for permission to return, and it was rarely given unless there was an exceptional case. So—but if he went voluntarily and—and the grounds of deportation was not one which made him excludable from the United States, then he could apply for a visa and come back.

LEVINE: Uh-hmm.

FIELDSTEEL: So, that's—that's—the was the general picture, but the Immigration Service itself was—was basically, I don't know whether you want to call it stupid or impractical. I remember one instance where a man who was in charge of—the trial attorney, certainly, on an administrative level, said "What do—what do the trial attorneys do while the judge is rendering his decision?" [Laughs] Well, if you can think of a more stupid question. Anyway, but that—that will give you some indication.

LEVINE: Huh. Wow.

FIELDSTEEL: Oh, let me say this. At a—at a—at a later point, I think it was in the—in the—in the—in the eighties, they decided that the—the—

the Immigration Judges should be part of a larger separate organization and that would—that organization was called the Executive Office of Immigration Review, and that was set up under the Attorney General, but not under the Immigration Service, and all of the functions of the Immigration Judges, the appoint—the appointment, the designation for particular areas, the allotment, the increase of the—of the—of the number of judges, all of that was taking place under the EOIR, and the Board of Immigration—the Board of Immigration Appeals was part of the same organization. So the structure went, the Immigration Judges and the Board of Immigration Appeals, and the Attorney General. So it was a separate, set aside, which was a good thing. It should—should have been done long before.

LEVINE: Uh-hmm.

FIELDSTEEL: Because if you—when I was working as an Immigration Judge, even though you were theoretically independent, particularly in the small offices. In other words, if I would—I would go to hold hearings, let's say, in Hartford or—or the Maine—up along the Maine border. You were dependent on the—on the district director of that particular office for your clerical help, for your material. Let's say you needed disks for your machine, or you needed a machine itself or you needed transportation to—to a prison to go—thing, that all depended on—on him. Now, if he had that power, that was a powerful—and if he said, "You know, I think this guy ought to be deported," it was very hard to resist. Only certain judges like me would resist. So, I mean when I came—when I came to Hartford, the district director used to sit in on all my hearings. So I stood it for a couple of days, then I got in touch with the Chief Immigration

Judge, and I said, “Look, the district director sits in on my hearings. I don’t really mind it, but I don’t like the implication of it.”

LEVINE: Uh-hmm.

FIELDSTEEL: So the high muck-a-mucks in Washington got in touch with him and told him to stay out and he stayed out.

LEVINE: So in 1953 and ’54, were you traveling out from Ellis Island to these places like Hartford and—

FIELDSTEEL: Not—

LEVINE: Maine and—

FIELDSTEEL: Not so much then. In—in ’56 I was transferred to Boston, to the Boston office.

LEVINE: Ah.

FIELDSTEEL: And I was there for two years and out of the Boston office, we—we covered a large area. For exclusion purposes, I used to have to go up to Maine and I traveled the whole Maine-New Brunswick border from—from Calais, Maine to Madawaska, which is two hundred—a two hundred mile stretch of water and they knew when I was coming, so they would hold—they would hold aliens that they suspected of being illegally, you know, in the United States or seeking [unclear] illegally, and when I got there, I would have the hearing. So I would—I would conduct those hearings and those were all—almost all exclusion hearings. Occasionally there’d be a deportation case, but not very many. But other offices were

handled out of Boston on a regular basis. We'd go to Hartford every—let's say every other week, and we'd stay there for maybe a week and handle all their deportation cases.

LEVINE: And they'd be pretty much the same as you handled here?

FIELDSTEEL: Same type of case. Yeah, there—there wasn't much different between them.

LEVINE: Well, you were here then when Ellis Island closed.

FIELDSTEEL: What's that?

LEVINE: You were here when Ellis Island closed.

FIELDSTEEL: Yes.

LEVINE: Did—could you talk about that at all? Just anything about the closing of Ellis Island or—

FIELDSTEEL: Well, only—only that I—when it closed, I said that the Immigration Service had lost its—its most powerful weapon. That detention—detention was a po ---—a more powerful weapon than anything else. In other words, I—I gave a talk once to the immigration lawyers. This was, I don't know, around 1970 in Chicago and I said to them, I said, "You know, you talk about fine points of law. You talk about—about briefs. You talk about your representation. Everybody's kidding themselves. The name of the game is time." With immigration, the—the—the main element in the case is time. Time to get a job that might get you a visa. Time to get married to a citizen. Time to, let's say if you were—if you were convicted—

had been convicted of a crime, there was a period of five years during which you could be put under deportation proceedings. If you could wait out the wait out the five years, then you wouldn't be deportable. So all of those elements of time. So it was to the interest—also there was a suspension of deportation, which required seven years of residence. If you—if you could get seven years of residence, you could apply for that as a form of relief from deportation. But all this required time. If you were detained, nobody would wait out the time. In other words, the pressure of detention and the unpleasantness of detention made it almost imperative to do something to get out. So once you gave up Ellis Island, which could --- I, I -----seems to me that that could hold fifteen hundred people at its peak, as I recall, and once you gave that up, then you were stuck with—with putting people in local jails. Well, jails might—might take them, might not take them. You were stuck with the problem of—of transportation from the jail to the hearing room. It became very difficult to detain people. If you couldn't detain 'em, they had little motivation to—to—to leave on their own or to—or not to litigate. They got—they would get a lawyer. The lawyer would litigate. He'd go to court. Hopefully, by the time he finished all litigation, he would have acquired the seven years for suspension or he would have acquired some other means of—of getting regularized.

LEVINE: I see. So your opinion was that Ellis Island was a good solution.

FIELDSTEEL: Oh, yes.

LEVINE: Uh-huh.

FIELDSTEEL: Yeah, for that. Because of that, it was a good solution. Detention—detention facilities are—are—are not always ideal, let's put it that way. There's one that—there was one that was functioning—I think it's still functioning—in—in Louisiana. It's not in—not near—it's about three hours north of—of Louisiana and it's way out in the sticks. I—I—[Laughs, Coughs]—and a person would be arrested here in New York and they'd send them to Louisiana. Well, in Louisiana he has no contact with his—with his relatives or friends that are here. It's almost impossible to get a lawyer in that section of Louisiana, I mean, unless you've got a lot of money. If you can pay for the transportation from New Orleans up, that—there were one or two lawyers I think that—that have opened offices near that detention facility, but it's not a—it's not a good location. It's conducive to mass hearings. In other words, the—instead of holding one—one—you know, one case at a time, the judge will call in half a dozen cases and hold them all simultaneously. You know, "You guys all entered across the Rio Grande," you know. [Laughs] So—and the—the—the attitude of—of the judges and the attitude of the people that are involved with a detention facility tends to change with detention—with the power of detention. In other words, it's—it's the old saying that—that power corrupts. Absolute power corrupts absolutely.

LEVINE: Uh-hmm.

FIELDSTEEL: That's the thing. So it was a mixed blessing. It was good—I think it was good for the Immigration Service. It was good for the enforcement of the—of the immigration laws. It aided the enforcement, but as far as the aliens were concerned, well, I don't know. Most of the time they asked for it. [Laughs] So what can we say?

LEVINE: Yeah. Yeah. Well, when you look back on that period of your life, that 1953, I guess and ’54, how—how do you think about it now? That—that—that period of time when you were working here and—

FIELDSTEEL: Well, it was—it was a pleasant interlude, let’s say. In other words, I liked the ferry—ferry ride in the morning. It was a pleasant ferry and we’d meet everybody, you know, from the—from the—from Ellis Island and we’d chat and talk. There was a nice coffee place there. We could get coffee and—and rolls or whatever you wanted to eat, and we’d get there and then, of course, they had a lunchroom and—[Coughs]

LEVINE: Uh-huh.

FIELDSTEEL: I forget. I think it was a—a four or five course lunch that they served for fifty cents. I mean, you can’t—you can’t fault that very much. The food was good. As I mentioned bef-- off the record, the only disconcerting part was that you would have a hearing involving a—an alien and you’d order him deported and there’d be a lot of, you know, maybe a lot of rancor and then he’d go back to his job in the cafeteria, and you’d be going through the line and you’d see him. He’d be standing there. God knows what he did to the food, but other than that, I—I look back at it fondly.

LEVINE: [Laughs] Uh-huh.

FIELDSTEEL: Yes.

LEVINE: Was it—was it considered like in the legal profession, was it considered a good—a good kind of place to—to do—to do time? To work for some period of time?

FIELDSTEEL: You mean—you—well, the legal profession? You mean the people who worked with the Immigration Service, you mean?

LEVINE: Yeah, or as a lawyer working with the Immigration Service, was Ellis Island considered a good kind of a stint or not?

FIELDSTEEL: Nobody—nobody really objected to it. No. I mean Immigration Judges do travel a lot, in other words, because there are a lot of offices that can't sustain a single Immigration Judge, even a single Immigration Judge. So, for example, we would handle—we would handle Puerto Rico on a—on a—on a regular basis, but there was no judge stationed there, so a judge would go down for a week and he would handle all the cases in Puerto Rico and in the Virgin Islands. So he would travel from Puerto Rico. After three days in Puerto Rico, he'd go one day to St. Thomas and one day—one day to the other one, whatever it is there. St.—St. Croix.

LEVINE: Right.

FIELDSTEEL: Ah, and—but most—most of the people liked the—the change from the routine of the regular office to another office.

LEVINE: Uh-hmm. Uh-hmm. Uh-hmm.

FIELDSTEEL: And Ellis Island tended to be somewhat more relaxed. That's—all you could—you know, you could take your—take your time and

there was no one sort of pushing you all the time and—and-and you had the aliens available. That was the important part.

LEVINE: Uh-huh. And how about physically, Ellis Island, during those two years before it closed? Do you remember what kind of shape it was in? I mean was it—was—was the building in good form or not or—

FIELDSTEEL: Well, the areas that we—that we worked in, of course, had been recently used by the—this—as officer quarters. So they were—they were pretty good. I—I seem to remember the—the main—the main hall, the big hall, that—that—that there was a lot of sort of white mineral deposits on the ceiling. That there had been leaks and stuff like that.

LEVINE: UH-hmm.

FIELDSTEEL: So it certainly was not in good condition.

LEVINE: Hmm.

FIELDSTEEL: But they gave it up—they gave it up because they couldn't afford to run the ferry. They said it cost two hundred and fifty thousand dollars a year to run the ferry. Well—[Laughs]—that seems like a small amount, looking at the way it is now. There must have been millions that went into rehabilitating the building now. So, that two hundred fifty thousand was nothing, really. But that's why they did it. Of course, sometimes it was exciting because the bay would sometimes be fog bound, and the boat had to go very slowly or it didn't go at all, occasionally. Or the boat would break down. It was

an old—it was an old ferry and they would substitute a—one of these excursion boats from -- and we'd go on the excursion boat.

LEVINE: Huh.

FIELDSTEEL: But, as I say, it was pleasant. I—I liked working here, except my chore—my—my file chore. That was in a—in an unpleasant room which it just, you know, it barely had a table or a chair where you could sit down and look at a file.

LEVINE: Hmm. Do you know by any chance where those files are at this point?

FIELDSTEEL: I don't have the slightest idea.

LEVINE: Yeah.

FIELDSTEEL: Ah, I—I—I suspect that they might have been destroyed or—or maybe they were sent to—to the archives in Washington. I don't know. I don't—that you could find out, I'm sure.

LEVINE: Yeah, right. Right. Okay, is there anything else that maybe we haven't—we haven't touched on that has to do with—with your work here? Did—did aliens try to escape much? Do you remember any instances of that?

FIELDSTEEL: From Ellis Island?

LEVINE: Yeah.

FIELDSTEEL: There were very few. I—I vaguely remember a few who, you know, jumped off and tried to swim. I think some of them—some of them had drowned. You certainly can't swim to New York, but the back—the back was very vulnerable because it's just a narrow patch of water. So there may have been some that escaped there, but I—I couldn't really—I couldn't really tell you that. But, you know, there wasn't a constant—there wasn't a constant rumor about "This guy escaped," or "That guy escaped," because it was pretty well fenced. You know, you couldn't—the aliens couldn't—couldn't get around very easily.

LEVINE: Uh-hmm. And how did—do you recall, like was it an unhappy place to be, I mean for an alien who was—who was—who was being detained or interned here? Do you—do you—would—do you remember anything about that, what it was like to be—

FIELDSTEEL: Let's put it, I never had any complaints from aliens, in other words. In—in other offices—in other offices, in the Boston office, for example, they used to do their detention in the Charles Street Jail. Charles Street Jail was, you know, a hundred year old jail and I've had—I had aliens come before me and said, "Judge, I can't—I can't stand the detention anymore. Just deport me. Get rid of me. That place is—is a hell hole," you know, that kind of thing. But I never had that from—from Ellis Island.

LEVINE: Uh-hmm. Uh-hmm, and do you have any sense of like how long just on average a person would be detained here before they would have some kind of a—

FIELDSTEEL: Well, he would—he—he would get his hearing—he would get his hearing promptly. In other words, certainly within, you know—

certainly within a week, maybe—maybe—probably less. Thereafter, it might take some time because let's say an alien's picked up today. He's—he was taken—he was processed maybe a day or so and then taken to Ellis Island for detention. Then the hearing would take place, let's say within the next week and he's ordered deported. During that time, they may be trying to get—let's say he's from Italy. The deportation people have to wait until the end of the—end of the decision—the decision to deport. Then they go to through the Italian Consulate and try to get a document for him. Well, that might take some time. It's hard to estimate it, but somewheres there must be figures on that.

LEVINE: Uh-hmm.

FIELDSTEEL: There was a—there was a bulletin that was put out by the Immigration Service on a monthly basis. That might be still around somewheres in somebody's files. I—I didn't keep them. The only one I kept was the one that had an article with—that I wrote. [Laughs]

LEVINE: Uh-huh.

FIELDSTEEL: But that had—used to have statistics of various kinds. There was an annual report of the Immigration Service. Now, that probably—

LEVINE: Is now.

FIELDSTEEL: That probably is in existence somewheres to show—when Ellis Island was fun — was functioning, as to how many people they had and maybe even figures on how long they were detained, the average time of detention.

LEVINE: Uh-huh. Okay, we're just about at the end of the tape. Is there anything you can think of that you want to say in closing?

FIELDSTEEL: Not—not—not really with rela — I mean, I have—I'm all full of stories about my experience. I mean, you don't—you don't—you don't act as an Immigration Judge for twenty-six years without a large number of stories, but they have nothing to do with Ellis Island. [Laughs]

LEVINE: Okay. [Laughs] Okay, well, I want to thank you for a most interesting interview. It's really been a pleasure. I'm here with a former Immigration Judge here at Ellis Island, Ira Fieldsteel and today is March 13th, 1997 and this is Janet Levine for the National Park Service and I'm signing off.

[END OF INTERVIEW]