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AARON MALTIN
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IMMIGRATION JUDGE AT ELLIS ISLAND, 1945-47

[NOTE: Mr. Maltin speaks very fast and often talks over the interviewer, making this difficult to transcribe.]

LEVINE: Today is March 13th, 1997 and I'm here today with former Immigration Judge, Aaron Maltin, who was at Ellis Island—

MALTIN: I was at Ellis Island in the early—well, the first few months of 1996, when I got out of the army.

LEVINE: '46.

MALTIN: '46. [laughs].

LEVINE: Right.

MALTIN: How time flies. '46. I had been with the Immigration Service starting in 1942, January '42. So it's fifty-five years ago and I was there a year and then I went into the army and I was away for three years. When I came back in the early part of '96, as being in the army three years, they—I—I was hired as a lawyer, but I didn't do anything in that field. I was really an Immigrant Inspector for a year, and that was the position they offered me and in view of the Depression, I took it. And then when I came out of the army, they were looking for a lawyer 'cause they had a—on Ellis Island, a Board of Special Inquiry, which decided on the fate of people held then on boats mostly—not planes, who either had the wrong papers, not the 'ficient papers, there was some other claim that they might not be admissible. And so they were referred to Ellis Island and kept there until they had a hearing before a Board of Special Inquiry, and as I a lawyer, I was appointed to that job and I became Chairman of the Board of Special Inquiry. We had two boards operating at that same time, and William Fliegleman [PH] was the other Chairman of the other Board of Special Inquiry and we were busy all day long with hearings. All day long, one after another.

LEVINE: Okay, before we delve into that—and so how long did you actually stay at Ellis Island?

MALTIN: Till it closed, which I think was in '54.

LEVINE: That was in '54.

MALTIN: Yeah.

LEVINE: Okay, so this Janet Levine for the National Park Service and I'm here in the Old Paramount Building.

MALTIN: Yes.

LEVINE: In Mr. Maltin's office on March 13th, 1997. Okay, well, there's so much. Let's—

MALTIN: Yeah. Well, I --- I -- you know, we had—at that point people were coming on boats as refugees in great numbers and a select few of them were—were held at Ellis Island for one reason or another. Held for support claims or some other news had arrived about them at the last moment, strangely enough. We had a lady who was passed on the boat, was on the—on the pier, when they received a telegram that she was a double spy or something or other like that and she illegally was taken back into custody and put on Ellis Island. She was there a year before somebody discovered that she was being held improperly because—but they let her out and then they arrested her as an illegal resident of the United States. She was charged with having something to do between Germany and Russia in some spying thing. Eventually it was cleared and so that was—that was gone with But, Fliegleman [ph]and I had a number of interesting cases. I'll give you just two.

LEVINE: Okay.

MALTIN: One on a—on a refugee boat containing all refugees. There was a lady who looked at a small child, who she hadn't—she had lost her child or been separated from her child three years before and she said, "That's my child," and this other woman who was from Latvia, I think—she was Polish—said, "That's ridiculous. It's my child," you know. And so they—they were both held and like Solomon, I'm to decide whose child is this, which of course was an impossibility, but she did say—the woman who had the child said, "My brother's coming next week and he has pictures of us. I know he has a collection of family pictures and

you will see that this child always lived us [unclear]," and sure enough, they came and I—I of course decided that this—this woman was just unfortunately distraught and thought that that was her child three years older. Well, children, you know, change tremendously from two to five and things of that sort, so that case resolved itself, fortunately. Fortunately.

LEVINE: Wow.

MALTIN: Then another interesting thing that Fliegleman had in his case, they had a man who was on this boat with all refugees who said—and this was true, there were many Latvians and Lithuanians particularly who after the war threw away their identity and went into camps, saying that they were refugees, when they had participated in helping the Germans in the end—in the—during the war in their own country. They were really scoundrels, some of them, and one fellow saw another and said, "He's the fellow that killed my brother," in some town in Latvia. Well, a pretty serious accusation and so Fliegleman thought of the idea—we had the great hall, you know, it had benches all around. He said, "We will,"—he said, "My brother is already—we'll call him and he was closer to the event and I think he will be able to pick him out." So we dressed up a guard in ordinary clothes with a sweater and sat him twenty feet away from the man and we called the brother in and said, "Can you find the man?" He jumped on the guard and said, "This is the man," and of course he had picked the wrong man. He later rectified it and said, "I think it's that," but he was then not so sure of himself. So we could never establish that this man was genuinely the one they thought of. You know, we have discovered, as perhaps the whole world has, that identifying people is not a—not a science.

LEVINE: Did you run into that a lot? I mean, people who had—had so many family members killed that they would find people—

MALTIN: Well, of course, I gave you two instances of it.

LEVINE: Yeah.

MALTIN: These are the most prominent that I can think of at the moment, but we had others of that nature, and I can hardly blame them. But they had been separated, you see, for a number of years and so their memory of what they had seen beforehand, you know, some of them crying out loud, spent years in concentration camps, so they—they—they had these dreams of you know, recovering their child or—or—or you know, or punishing some evil person, you know, and there were. We did find that—and we have it now, where we're trying to denaturalize people who are here thirty years. You know, every day in the week another one. The—the organization, the branch of government that handles this has already denaturalized several hundreds of people and books have been written about it. So we did—we were fooled. A lot of these fellows swore that they had never done anything. They were all innocent bystanders, you know, and then later on they discovered they were cooperating with the Germans in killing Jews and others. And so we have discovered a lot of them, even just one recently. Did you read it in the paper? The fellow was approached by the FBI. They wanted to question him because he had been reported. He shot at them and they shot him back and he died, but he didn't want to be caught, even after the passage of, oh, '46—is this almost fifty years.

LEVINE: Yeah.

MALTIN: They're all old and so the case load has gone down because of age and what have you, but there were a lot of famous cases of people who were—Demjanuk [PH], the famous one that was sent to Israel and had the big trial. These were all people who had hidden their—

LEVINE: Identity.

MALTIN: Their—what they had done in—in—particularly in those countries, Latvia, Lithuania and—and what's the third one?

LEVINE: Um—Estonia?

MALTIN: Estonia. Latvia and Lithuania more so, and that's how a lot of these [phone rings] Nazi supporters and lovers—

LEVINE: We'll pause here.

MALTIN: Yes. [tape off/on] Just passed a rule that he wouldn't give marriage licenses to anybody illegally here. No law, and they're blaming the President. It was in the newspaper today. I had a woman call me hysterically. Her son was an American, wants to marry this young lady from some place and her visiting visa's going to expire next week. They wouldn't give her a marriage license. This is crazy.

LEVINE: Uh-hmm.

MALTIN: They just want to get rid of people because there's too damn many of them.

LEVINE: Right.

MALTIN: All right, so let's go on with [unclear].

LEVINE: Okay, we were talking about the refugees, but I think maybe you said you worked briefly, before you went into the army as an Immigration—

MALTIN: Inspector.

LEVINE: Inspector.

MALTIN: That's right, for one year.

LEVINE: Can you talk anything about that [unclear]?

MALTIN: [interposed] Well, the only thing I can recall of that was I was assigned to inspecting people who came to the United States, particularly on boats. Old freighters and things of that sort. That was, the war was already on.

LEVINE: What year was it? Was it—

MALTIN: 1942.

LEVINE: '42.

MALTIN: I went in the army in 43. So that year we were mostly inspecting boats coming through the harbor in New York to see if there were really seaman on the ship, or who were trying to get in the United States in some other way. That was our principle function in those days.

LEVINE: So did they come off the freighter to Ellis Island?

MALTIN: No, we went out there and climbed up ladders on the side of the boats, which was not my favorite activity, but I was braver than they thought and I did it. So that was—that was—that's what I did for a year.

LEVINE: So you had—you had to check to see that they had the proper papers?

MALTIN: The proper papers, could identify themselves, were not the phonies. That the look on the passports were the same fellow we were talking to and that sort of thing. Yeah, and see if they could go off the boat, they looked trustworthy and would come back or anxious to get off and stay here.

LEVINE: I see.

MALTIN: It's an educated guess. Same thing that—that consulates all over the world are. We had eight million visitors last year. They had twenty million people applying to visit. So they have to look them over. Did they look respectable? Did they look well-dressed? Did they look like they have a job and will come home? He takes an educated guess as to what—because a lot of the visitors come here, never go home.

LEVINE: Wow.

MALTIN: So we -- I figure out if we had eight million visitors and five percent of them stay there, that's four—four hundred thousand people. That's the way a lot of people stay here.

LEVINE: Yeah.

MALTIN: They come here as students and don't go home when they finish their studies, or they come as visitors and don't go home after they finish

their visit. Just stay here. Everybody thinks of the Mexican border as being the only way to get into the United States illegally, or being brought on a ship and—and dumped on the seashore.

LEVINE: Well, they—they can't get a passport or anything then, once they're here.

MALTIN: What do you mean passport? What kind of pass—

LEVINE: In other words, if—if a student comes and—

MALTIN: They can't get anything.

LEVINE: Yeah.

MALTIN: They can't get anything, but a lot of people work off the books, you know, and don't need any identification. We've tried to cure that by the Social Security used to at one time give out a card to anybody. I could go out and get twenty cards, one here and one in Chicago and one in LA. They'd give me another social security card, but then they made strict rules that they didn't give it unless the person could prove that he was legally in the United States. So they didn't give out social security cards. It became then more difficult to get a job. Now they have new rules, that an employer is supposed to look carefully at his identity cards and whatnot and see if he's legally here. A lot of them don't inquire because they need help for these low paying jobs and some of them don't care. They're subject only to fines. They don't go to jail for it, so they're willing to risk it. They have a factory and they have—we had a raid two years ago in Aqueduct Racetrack and found between two and three hundred illegal aliens working at the racetrack. Mostly

from Mexico, some from other places, grooms, you know, doing menial jobs, what have you. That was one of the big raids that they made.

The Immigration Service is in—is not equipped—they're good on the borders. They do a good job there. They picked up a million people on the Mexican border, not all Mexicans. Many from other places in the world and—and sent them back. So that's—if you caught a million, you didn't catch them all, obviously. And so people get in here three ways. They either come across the border or they come as visitors, and we have eight million visitors. That's a lot of people, and some of them don't go home. And students who don't go home after they finish school. I have one now that I'm working on.

LEVINE: Hmm.

MALTIN: So this is how you get into the United States. Then you know about the Chinese ship who all the people landed on the beach. So this is the way people get into the United States, always.

LEVINE: Well, tell me how you happened to work as an Immigration Inspector. You must have [unclear].

MALTIN: [interposed] Well, I'll tell you what happened. I took—I took a—I was a lawyer, young lawyer.

LEVINE: Yeah.

MALTIN: And not making much money and I took a law exam and then they offered me this job at the Immigration Service. Didn't offer me a legal position, which I had hoped for. And Fieldsteel came at that same time and Fliegleman came the same week I did, and I don't know about

Fieldsteel, but he came also in that same time, and we were all looking for work. And so we took these jobs and then it turned out that as we were lawyers and they wanted to have a lawyer on the Board of Special Inquiry, rather than three inspectors. They wanted to have somebody with some legal background. So we got to be part of the Board and then there were Hearing Officers. That was another title, people, deportation cases. Then we became Special Inquiry Officers and finally became Immigration Judges. So the same people. Now, when—when I became an Immigration Judge and these fellows became Immigration Judges, there twenty-nine Immigration Judges in the United States, the whole United States.

LEVINE: Wow, this is in 19—

MALTIN: Now we have hundreds, hundreds of Immigration Judges.

LEVINE: Wow.

MALTIN: Now, I—at timeFli -- Tafford [PH] and I, we covered New Jersey, but they figured we had enough time—there was no Immigration Judge in Buffalo and Upstate New York and so we alternated every week. One of us went there for one day or sometimes two to cover the cases that were being held in Buffalo. I did that for years and so did Tafford.

LEVINE: And did you go to Ellis Island every day when you were going there?

MALTIN: Yes. I went, yes. Yes.

LEVINE: You didn't travel in addition to that?

MALTIN: No, in—well, we sometimes—those days, in the early days we sometimes—we sometimes went to jails to hold deportation hearings.

LEVINE: In the City?

MALTIN: In the—well, in ver—wherever jails are. Now, I covered all the jails in Upstate New York.

LEVINE: Oh, uh-huh.

MALTIN: All the famous jails, Sing Sing and the ones up in the northern part of the country and in the Rochester-Syracuse area up on the border. Went to all sorts of jails.

LEVINE: Were you—were you dealing with deportation cases?

MALTIN: Deportation cases. Only—

LEVINE: Only.

MALTIN: Only deportation cases, at that time when we—when I became an Inquiry, a Special Inquiry Officer and then a judge, they were only deportation cases. Only deportation cases. That's all we handled, nothing else.

LEVINE: Uh-huh.

MALTIN: No—no routine work and crossing those deportation cases, there were applications to remain. They had married Americans or had children and had other rights to stay here. So we heard those. That was—they

were deportable, but they could be turned into legal status, if they had the right—met the right requirements. Mostly marriage.

LEVINE: I see. Uh-huh.

MALTIN: Or had been here great numbers of years. There was a special rule for people who had been here great numbers of years. I had a woman recently who had been here for twenty years undiscovered and the rules allowed me—allowed us to apply to get her permanent residence because she'd been here a great number of years. She had a clean record and it would have been a great hardship for her to go back.

LEVINE: Uh-huh. Uh-huh.

MALTIN: Had to prove there would be a hardship to return.

LEVINE: Uh-huh. So with the deportation cases, were you—did you have anything to do with internees during World War II?

MALTIN: Internees during World War II?

LEVINE: Germans, Italians, Japanese [unclear]?

MALTIN: No, I was—I was on Ellis Island when they were there.

LEVINE: Oh, did—did you have any experiences—

MALTIN: No, the internees they had there, the German ones, were the best cooks in town. They used to cook the food on Ellis Island for the people who were detained there, although they were detained, also, as possible enemies.

LEVINE: Right.

MALTIN: Enemies, yeah. We had nothing to do with them because there was nothing to do. They were just interned. There was no proceeding to either release them or send them any place. We weren't going to send them back to Germany or anything, but they were interned because they might be dangerous to our security.

LEVINE: Did they mix with the—with the people [unclear]?

MALTIN: [interposed] I'm trying to think. I'm trying to think. I believe so. There was no—I don't think they were separated in any way. I don't think they were separated, but they were all very careful to, you know, mind their own business and not interfere with anything. The refugees came after the war.

LEVINE: Right.

MALTIN: See, so before that, the year that I was there on Ellis Island, we handled mostly people that didn't have proper papers or something bad had been found out about them or something of the sort. We deal more with refugees from '46 on, when the war was over and the refugee law was passed which allowed them to come here.

LEVINE: Uh-huh. Now, did you have any contact with the Coast Guard that were stationed at Ellis Island in the '40s?

MALTIN: I don't recall any particular contact with them. They would—we would have nothing really to do with them. Cases were brought to us. We had nothing to do with the institution of—of bringing them to Ellis Island

or charging them or anything. It was all a charge was made and they were brought for us to determine if the charge was correct, and if they could be admitted or if they had good—good papers or were telling the truth. Sometimes difficult to find out, and so we did our best.

LEVINE: Did you—did you come from—from New York City on the ferry?

MALTIN: Yes. Yeah, sure.

LEVINE: In the morning when you went out to work?

MALTIN: Sure, sure. Matter of fact, I had—I lived in New York at that time and then I got married—let's see, '40—I got married in '59, '50, '49 and then when we moved to New Jersey, commuting to Ellis Island was a little—was a little—little bit of a problem, but I lived quite close to the city. Twenty-four miles on the other side of the bridge, so transportation was a little longer than—than I had hoped and the only—so it's one of those things.

LEVINE: See, now you can get there by bridge or boat.

MALTIN: Yeah, yeah. Yeah, yeah. See, New Jersey was at one time a separate district. Not a separate district, it was part of the New York District.

LEVINE: Oh.

MALTIN: When they made New Jersey a separate district, I was still a judge in New York and I was the only Immigration Judge of the limited number—I think there were ten or so in New York—that lived—that moved to New Jersey. They said, "We'll send you to Newark," and

Tafford I think came from Philadelphia, if I'm not mistaken. So we got New Jersey as our jurisdiction just by accident of geography.

LEVINE: I see. Well, now, how about the deportation cases? [sirens in background] Are there any that you—that stand out in your mind that—

MALTIN: Well, yes. I'll tell you what I—I—I don't want to brag, but I—I always made it my business to tell these aliens—a lot of them I had to order deported, they had no rights to be here and they knew it, too. I always made it to explain to them why I couldn't help them. That I was ordering them deported because he didn't meet any of the standards. He had nobody here. He had no claim to be here. He wasn't here long enough to make a claim. You'd have to be here a minimum of seven years and longer, you know, and—and they went away and thanked me when they went out of the room. I always felt sort of proud of that. That at least I—he didn't hate America and he didn't hate me particularly because I told him why. Some judges—we had wonderful people at that time with wonderful educational background. I don't want to brag, but the initial twenty-nine that they picked were good people. Independent, too, who were not over—over awed by what the Commissioner said and who were—I know one of them, Ed—see names—names—names escape me. Guys I knew all my life. He—he once adjourned a case for a year, saying, "Come back in a year and we'll decide your case." I don't remember the special circumstances, but he felt that that case could not be properly adjudicated at that time and he was bold enough. The government attorney who was prosecutor was not very happy about it, but he was not overruled. He said—I don't remember what the special event was, but he felt this case couldn't be decided until next year, until something happened.

Something that was—to make a proper adjudication and he said, “I’m adjourning this case for a year, until we find out.”

LEVINE: Wow.

MALTIN: So I felt that we—there were more—a little more independent than the current crop. Not that they aren’t good judges or anything.

LEVINE: Right.

MALTIN: But just a little more independent and strong in their—in their attitudes. I made it a business of not giving anybody permanent residence, who was entitled to it, unless he paid his taxes. That was a favorite. The lawyer’s representing these people were very angry at me. I said, “The law says he has to have a wife and children or something or other and be here so long, and he has to be of good character.” I said, “If he didn’t pay his taxes, he’s not of good character and I’m not going to give him his green card unless he pays his taxes.” He said, “I don’t want to be involved in this. Go out and bring me back the receipts and I’ll pass him.” I’d adjourn the case for a month and give his lawyer a chance to have him clear up his record.

LEVINE: [Laughs]

MALTIN: I collected a lot of money. Well, the Newark building, the Federal Building, had the Internal Revenue Service on the floor above us. So I says, “Go upstairs and straighten it out. You don’t have to go far.”

LEVINE: Well, now, did you work with interpreters much?

MALTIN: Yes, interpreters were—were vital, absolutely vital and a good interpreter's a valuable thing. We had—we found one interpreter that was pro his own group and tried to—I couldn't understand Swedish, so I didn't know what he was talking about. I could follow some Spanish, you know, or French, but I couldn't follow what he was talking about, and he knew what the proper answers were and he—he was caught eventually. Somebody exposed him, but he was—he didn't do anything terrible, but he would color it so that—

LEVINE: He was trying to get the—

MALTIN: The fellow—the fellow would sound a little better or a look a little better in our eyes. So that could happen. So following an interpreter was—and having a good interpreter. We had one masterful interpreter who was the chief of the interpreter section and when we had cases involving political matters and things of that sort where you had to be an educated person to even frame the question. I remember we had a Polish priest who was a bit of a renegade and he—he translated exactly what he said and all questions. And so if you have an inept or even a less qualified interpreter, you could—you could not get a correct answer. You would get a wrong answer. You would get a wrong answer.

LEVINE: Well, did you—did the interpreters turn over very rapidly? Did you—

MALTIN: No, no, they were most of them—most of them were pretty steady, pretty steady and this fellow who was the chief of that section at that time was—was a brilliant man and when he interpreted, you got every nuance and every little word he said. Some interpreters would talk for four minutes and give you a three minute—three second answer. Well, he summed what went on, you know?

LEVINE: Uh-huh.

MALTIN: But sometimes difficult to get an answer from an alien, too.

LEVINE: It must be difficult to be in your position as an Immigration Judge relying on—

MALTIN: Well, it's not easy. Yeah.

LEVINE: What someone else is telling you.

MALTIN: Well, I got to learn a little—sort of understand a little Spanish, as we went along and I studied French, so I could follow those two languages to some extent, and Spanish was a big item in my more recent years.

LEVINE: Were there—were there a particular—were there particular ethnic groups that were mainly being—coming to you for deportation?

MALTIN: No, not particularly. No, but you see, in those years and even now, we have a special law now that people from certain countries in Europe don't need a visa to enter the United States. They can come here for ninety days without a visa, just by having a British passport or a French passport. Ninety days, no extension, to make it easy for business travelers and things of that sort. And we trust those countries, because they add the least number of illegal aliens to our crowd and we know the countries they come from. Now, in this area, Jamaica. God, South America, Mexico. Well, you—

LEVINE: Cuba.

MALTIN: Cuba, you know. So there are countries we know of that—and the Chinese boats bringing hundreds of people. We stopped that by stopping some on the West Coast and not letting them even approach our shores, because strangely enough, if they set their foot on land, they then become a deportation case. If they gain entry for a day, they are here, and then you have to treat them as a person illegally in the country, serve them with a paper and try to deport them. If you catch him before he—as he lands, then he's an exclusion case, and that's different. You can't apply for things that you can as a deportation. So there's a big distinction and now under the newest law, they're trying to make it one—one thing and they have passed very strict laws now, which go into effect later this year.

LEVINE: Yeah.

MALTIN: Very strict laws.

LEVINE: Are the laws very different now than they were when you were operating?

MALTIN: Well, I –I-----going by the current law, the most recent laws, we're a little bit anti-alien and a little tougher on granting residence. We are much more particular. We've even raised the question of medical exams. Now, they haven't instituted the rule. Now they're talking with everybody coming with vaccination proof and they're making it very—and now there used to be that you had to prove by the person who sponsored you, that you had enough money to be above the poverty level. If I sponsored my—my brother, I had to show that I could support two people. If I had a wife and two children, I had to show that I could support four people, including him, and there was a poverty list comes out every year of what the poverty level is for one person or

four people. It's an official list. Now, they've passed a new rule where you have to prove—they felt that it was a little inadequate. You have to prove a hundred and twenty-five percent of the—of the poverty level. Just now the brand new law. So they're making it a little more difficult. So if I want to bring my brother and I have a wife and two children, four people, I have to be earning sufficient money to support four people. So it's a little more difficult. I have a lady now who's old and just works part time, wants to bring—I have a—she filed for her son some years ago. He's near now the top of her list—our list and can get a visa, but she doesn't have enough money to sponsor anybody. She made six thousand dollars last year, so how's she going to support her son? So this poor sucker is now eligible to enter, but doesn't have enough money. So he's got to find a rich relative or perhaps a job—a guarantee of a job before he gets here.

LEVINE: I was going to ask you about that. When you were working at Ellis Island—

MALTIN: Yes.

LEVINE: People coming in were not supposed to have jobs lined up for them. Was that true in the—with the refugees, as well, do you recall? Do you remember—

MALTIN: Well, no. No, as matter of fact, I don't know how far back this goes—

LEVINE: Contract labor, they're not—

MALTIN: Oh, oh, no. Not—that's a different type, if he was coming to work as a farm worker or—

LEVINE: That already had a job. Supposedly they were supposed to not have a job, but be able to work.

MALTIN: Well, those were—

LEVINE: When they came.

MALTIN: Those were people who were admitted on a temporary—they were not permanent ones. Permanent ones could—could—could be—have—their brother here said, "I'll give them a job in my—in my store." Nothing wrong with that. Or you have a friend to say, "I'm looking for a man to sweep the store, and this guy's willing. I'll hire him."

LEVINE: Uh-huh, so [unclear].

MALTIN: [interposed] Our interest was to make sure that he wouldn't go—wouldn't be on welfare.

LEVINE: Uh-huh.

MALTIN: Now we have a new rule about that. Now the Affidavits of Support, until this day, which have been in existence for fifty, sixty years are worthless pieces of document. You could sign ninety of them. Those papers were a promise and not a contract and unenforceable. They relied it on us. For all—they finally discovered—I don't know why they didn't discover it many years ago, this piece of paper was worth nothing. You couldn't collect from the fellow who signed it.

LEVINE: Oh. Did you get cases to be deported where the sponsor had not been able to show [unclear]—

MALTIN: [interposed] Oh, yes. Yeah, yeah. Well, it's very hard to find them out, but we had cases like that, sure. We had people who came and marriages were not real marriages. You know, same sort of thing. Promised them a job and got there and allegedly the job evaporated, you know, so—but we didn't have a—a good follow up system for that. See, on the marriages, now in the last five, six years you have a rule that you have to come back two years later with the same wife and be re-examined. You don't get a permanent green card when you're just married, unless you're married for two full years. Then you get a full card. If you were just married three months ago, or yesterday and you applied for residence, which you could get—

[END OF SIDE A] [BEGIN SIDE B]

MALTIN: --who paid, were common. Very common and a lot of people got away with it. They got divorced after three months, you know, and nobody checked up on whether they were living with these people after they got the card.

LEVINE: Uh-huh.

MALTIN: I'll tell you an odd, funny story which just comes to mind. Had a deportation case in the Portuguese section of Newark. There's a Portuguese section, very close knit and these fellows were all looking for wives and they paid them to marry them and sign a paper that they were Americans and this was their husband. They were living together. So one of—of these girls was—I don't know how it came about that it was found out, but one of these girls had married somebody and there was an investigation, a whole—this man was arranging marriages, was arrested and they found from him the names of—of his clients. And so they went around to look at all these clients

to see if they were living with the wives that he had provided them. Well, some were, but most of them, the wives had disappeared, you know, into Chicago or some place after they got paid off. Well, this fellow was brought in and the question was, "Did you ever live with her? Did you have establish a residence? Have sexual relations with your wife? It's your wife, you know, you're supposed to be living together and doing the normal things," you know. And so that it happened that the girl he had married was a lesbian and she said, "No, I have no interest in him, anyway. I just married him because they paid me." So he said, "Oh, I slept with her." So she says, "You know what? I used to go and get fifty dollars a week from him. He was paying me off piecemeal." She said, "I did sleep with him once," but she says, "that was the only time. It was just to—just to see how it was." [Laughs] But she said, "I never—I never really lived with him at all, not a day, but I went there one weekend and he—he propositioned me, I said 'all right.'" She says, "That's the end of my wifehood."

LEVINE: [Laughs] Well, you know, I wanted to ask you, too, about war brides. Did you—did you—were you ever—

MALTIN: Oh, yes, war brides. Well, war brides were not a problem. Of course, they could have married—a lot of soldiers married girls of—of not great ---ill repute, as it were. Not that they couldn't love and want their fellow, you know, but they were—a lot of these fellows abroad met girls who they really wanted to marry. They didn't marry them just to bring them to America and it turned that they were not the—the finest young ladies in the world, you know. But a lot of the marriages turned out quite well. It didn't interfere with—with their finding someone they wanted to be with. So—

LEVINE: Yeah. Did you—did you ever have cases about—

MALTIN: Oh, yes, people were charged, you know, and we would try to determine whether they really were husband and wife and living together. Oh, yes. Now, in the old law, if you were married to a woman for two years and lived with her—if it was less than two years, there was a presumption that you had to prove that it was genuine. But after two years it was legally assumed that everything was okay. I had a Greek fellow who appeared before me with his wife, lovely young woman and with her mother and he was living with his wife and in his mother's hou — in her mother's house and two years and one day after that, he left her and went away. Of course, he had a girlfriend back in Greece. Three—because he knew that he could not be accused. He lived with her, just man and wife. She was happy and he appeared to be happy. Supported her, filed taxes. Everything was kosher, but he took off after two years and one day, figuring that you couldn't attack him. He had complied with all of the conditions. He—that was a rarity of course, but he was smart enough to know the rules and the mother and daughter came to see me. I said, "I can do nothing. I'm not an enforcement, but you can go and make a complaint, but I don't think you're going to get anywhere. This fellow was clever enough to look like he was really married to you, living with you, acting properly, supporting you in every way and he's got a right to—half the people in America get divorced. So what's so unusual, the person makes up his mind? The fact that it was two years and a day later is a little fishy, but still he complied with the war.

LEVINE: Right.

MALTIN: So I never forgot that one.

LEVINE: Yeah, were there—were there kinds of cases that came up—did ethnic groups have certain kinds of cases that were coming up at all that—that stick in you mind?

MALTIN: Ah, no, except—of course, all of them cheated on their income tax. Practically everybody. Oh, this is great. Even some of my clients whom I don't like very much, I try to be selective, but I find out from a lot of them that they haven't either filed or are working for cash. It's widespread. I think we could cure our budget if all people who worked on cash—not only illegal aliens, but others, paid their due amount. And I—when they come to me, I tell them, "You're now going to be examined," and the Immigration Service is finally coming around to what I did twenty years ago and asking them about income taxes. Now they've made it a part of it. On the naturalization form, they ask you, "Have you filed income taxes?" but most of the years they never even asked the question. Now they've begun to ask. They don't poke around all the years. You've got your last year's return, you know.

LEVINE: Uh-hmm.

MALTIN: So they make a little halfhearted effort to see that comply to at least part of the way, just that recently, yeah.

LEVINE: Yeah.

MALTIN: So they—they do ask now about that. They're trying to collect and make them honest folk. Yeah, but I wouldn't say that only foreigners cheat on taxes or don't pay.

LEVINE: No.

MALTIN: So that's—they must have learned this from somebody. So they probably learned it from an American, I would assume.

LEVINE: Were these people that—that you were interviewing, did they—did they have any kinds of cases that you took a particular interest in that you can think of?

MALTIN: Well, I'm Jewish and I did have a series of cases where a Jewish organization was bringing people here after—right after the war, before Israel was established, allegedly for conventions or as students, when there was no convention going on and no school in existence. And I took it up with somebody in the rabbinical field whom I knew personally and I said, "I'm suspecting. Now, I can't prove it. I'm suspecting there's something going on and unless this is clarified, I'm going to turn them all in," and I was then on the Board of Special Inquiry and I was the only Jewish member of the board and I felt personally embarrassed by something I had a—I had a feeling was not—not quite right, weren't quite right for religious people to be coming in front of me and not telling the truth. And I was very disturbed and I pushed them for that. Now, after they said, "Well, they're doing it as a charitable thing," which was true. There were meaning to save people from—who, you know, from the hardships of Europe after the war, so but after—that happened shortly before Israel was. When Israel was established, I told them to their face, they don't have to come here to go to school. They can go to Israel, if they want to go to a Hebrew school. They don't have to come here. "You have to show me that there's a regular school in existence," and we caught them. There was no school at the address they gave.

LEVINE: Uh-hmm.

MALTIN: And we had to expose them. So that—that happened, which created embarrassment to me. I—I felt very badly but, you know, I said, "It has to be done. We can't let these people"—I said, "Before Israel is examined, I could—oh, I could forgive them in a way for their zealousness in saving them," as it were. Not that I would admit anybody knowingly if he—if he was fooling me, but I said, "When Israel was established, they have a place in the world where they can go and I'm not going to let you lie and bring people into this country under false pretenses."

LEVINE: Uh-hmm.

MALTIN: And so it stopped.

LEVINE: Oh.

MALTIN: It stopped.

LEVINE: Did you have any other contact with social groups that were working with—

MALTIN: Oh, yes. With every—Catholic Welfare had a person permanently stationed at Ellis Island. HIAS had a person permanently stationed and they—and they represented—they were the lawyers for many of these people, who didn't have lawyers.

LEVINE: Uh-huh.

MALTIN: They had to have a lawyer and so they were the legal—

LEVINE: And how was it balanced, as far as the legal arm for the people who were—[not understood]

MALTIN: [interposed] Well, they represented them. If they wanted to bring witnesses or to find relatives who could make out Affidavits of Support, the HIAS would search them out. These people were incapable even of operating a telephone and communicating with the outer world, you know. They were in Ellis Island, sort of cut off, you know, unless they had, you know, specific names and places, and HIAS itself would then financially sign this Affidavit of Support, which I tell you now, they discovered fifty years later is really worthless. And now the religious organizations are in a spot with this new form which has—is coming out on April 1st. This—which will be a legal form. Some of the religious organizations are fearful that they may be putting themselves into bankruptcy if they're ever called upon to carry out what they had promised to, and support people. So they are very concerned. They say, "We can't put up our name [not understood] Not --- we will for a limited number, but we can't do it for everybody because God forbid we have ---- are called upon to stand behind these things." There's no money—not enough money in the whole world to pay off these people who get hospitalized or lose their minds and go in institutions, or get sick and stay in an institution for a year or two. Bills pile up in enormous amounts, and "We can't sign our name to a contract which is enforceable. We'll have to give up business," go out of business.

LEVINE: Wow.

MALTIN: So it's a—it's prospectively—not right now, but prospectively going to be a dangerous thing. We were imposed upon. We had sons who said in this old form they would support their mothers. They came here and they applied for SSI, which is a part of Social Security. SSI is

federal welfare. It's supplementary social security and they just passed a law in Congress that anybody who is not a citizen of the United States cannot collect SSI, and they're all being notified by the Social Security. I've got a number of calls on this. Now, the children who signed for them are not that poor, and they can support their old mothers, but they all took advantage of this and put in for SSI because all they had to prove that they were old, beyond working age, and they had no money, which was both true. They were old and they had no money, but the son had plenty of money and he had signed a paper saying he was going to take care of her, but that paper not being enforceable, he said, "We'll put in for SSI for my mother," and they all did.

LEVINE: Wow.

MALTIN: They all did. So we would take—there's supposed to be hundreds of thousands of these according to yesterday's paper. Hundreds of thousands of aliens and now if they become a citizen, then of course it's different. They can apply for SSI but a lot of old people can't become citizens because they don't speak English and they have to pass a—es --speak, understanding and also a little civics test and they're incapable. However, we have another law that if you're here fourteen—fifteen years and you're over fifty-five, they will naturalize you, even if you don't speak and write English. So there is a way, but somebody that HIAS brought here with an Affidavit five years ago can't get naturalized. So they're going to take them off SSI, and he'll be dependent on somebody. I don't know who, but somebody.

LEVINE: Maybe their--their wealthy sons.

MALTIN: Yeah. Yes, oh, with a wealthy son, there's no problem because I had one like that as a client.

LEVINE: Yeah.

MALTIN: I said, "Just take her off the SSI and you're probably"—she took a trip. When she came back the inspector examined her and he found out she was on SSI. He said, "I'm not going to admit you again." So the son said, "Okay, cancel the SSI." [Laughs]

LEVINE: Well, now, did you send—when you were doing the deportation hearings—

MALTIN: Yeah.

LEVINE: Did you—were there mental illness cases?

MALTIN: Oh, yes, we had--

LEVINE: Or other health cases?

MALTIN: Yes, we had mental illness and that's the strange part of it. They had some of them that were clearly not in contact and we had --- on Ellis Island there was a hospital. The things that kept you out of the United States was tuberculosis and sex—from sexual diseases like syphilis and things of that sort. And now AIDS. These things would keep you out of the United States. Minor ailments, heart murmurs, that, you know, they were not excluded. You had to have one of these serious things. I had a fellow once who was declared by the doctors there as insane. He spoke rationally when he appeared before me and he didn't have a representative and I had to tell him, "It says you're"—

nobody came forward to represent him and I said, “Well, I must tell you, this is what the doctor on the other side of the island said about you. He said that you’re not mentally in touch and we can’t admit you to the United States.” And he argued quite intelligently. He says, “Of course, I’m capable.” Of course, he saw things on the walls and all that sort of thing, you know, but that wasn’t part of ordinary conversation. He could answer my questions by his own. I said, “You will have to get either a doctor of your own to disprove this or somebody, or else I can’t admit you to the United States. You’ll have to call on your friends and relatives to get, to hire a doctor for you that will contest the determination of the public health doctor.” I’ve had a public health doctor in a long proceeding where they said—there is a provision of the law in those years if somebody was a homosexual, which has now been—I don’t know if it’s officially out of the law, but it’s not enforced. And it’s like the army: don’t ask, don’t—you know. And this fellow had been seen dressed up in lady’s clothes, you know, and all that sort of thing and the public health doctor said, “This man’s undoubtedly a homosexual.” He denied it, which he was. I mean, he’d been arrested a couple of times for marching around in lady’s clothes and some bizarre------ others bizarre behavior and fitting the standards. And he said—I’ll never forget this. I don’t know if it’s true. He swore that he believed that it was medically correct that people who are homosexuals like to display their homosexuality. They—they are not—they are bashful because the jobs they hold or whatnot, they don’t want to, but most of them internally want to have—their tendencies are eager to display it, and so when you see them in other clothing or something, doing something, it’s what they really want to do. And the others, of course, when it’s to their advantage or they want to stay here, will deny it all, you know, and say it was just a—it was just a party, you know.

LEVINE: Now, could you deport somebody for that reason?

MALTIN: Yes, I ordered them deported. I believe—he brought a doctor in who tried to explain it in a way not very well, and I said that I believed the testimony of the public health doctor this man was a homosexual, and he was ordered out of the United States. I never followed it up because then it went to deportation unit. Whether it physically ever took place, I couldn't say, but he was ordered deported.

LEVINE: Uh-huh.

MALTIN: He was ordered deported. Now we don't do it that way.

LEVINE: Right.

MALTIN: We don't pursue that form of—of trying to deport people on that ground.

LEVINE: Yeah, did you have other kinds of expert witnesses?

MALTIN: Oh, yes.

LEVINE: You were dealing with on a regular basis?

MALTIN: Yes. Of course, yes. You would have—well, one was health. Now, we had children—one of those children that their eyes are strange. What the hell is the name?

LEVINE: Mongoloid?

MALTIN: Yeah, mongoloid children. Yeah.

LEVINE: Mentally retarded.

MALTIN: Yeah, mentally retarded, mongoloid children. I had a couple of cases like that. I had a lawyer who strenuously argued the child was—was communicable, you know. We had a couple of them that got into the movies, you know, even people that had this ailment, and he tried to argue it, but the public health said, "No, this child will always be a burden on the establishment." Now, how he got the visa to okay. Man and wife came with three children. This was the third, and they must have, either whoever examined them—consulates supposed to have medical exams before they give a visa. Small children, they maybe didn't—didn't really go into it, you know. Took a glance and, you know, and when they got to the—to the airport, somebody noticed the strange behavior of this child and sent them all to Ellis Island. Because if the child couldn't be admitted, one of the parents couldn't be admitted. We can't deport a child without a parent, so one of the parents had to be excluded, if the child was excluded. Whichever one was their choice, but we couldn't send a child out of the United States without a parent accompanying them. So that's what happened.

Another one, I think they—some Congressman intervened and, you know, and they got the child paroled into the United States and what happened eventually, I never found out. There was a lot of these cases moved elsewhere and we never had opportunity to really follow it down to the ultimate end, but we had cases like that, people were kept out of the United States.

LEVINE: Uh-huh. It must have been—did you—did you find out what happened in a lot of cases or there were a lot of them that you just never knew?

MALTIN: No, most of them I didn't know. There's no way. You know, the country's a big place and they go elsewhere and their files go elsewhere. How do you find out, you know? Except that if the case was ever re-opened again, it would come back to the same judge who had it. So then you would see what happened in between.

LEVINE: Right.

MALTIN: But in those days there were private—what are called private bills. They're very rare now because of one Congressman in New Jersey who caused a scandal because he was taking money for introducing private bills to help people who couldn't be admitted legally. And put in a bill claiming some sort of hardship and saying "This man should be given special consideration," but he didn't do it because of the circumstances. He did it for money and when that happened, all the other Congressmen got very embarrassed and now to introduce a private bill to help one person is very rare. Very rare. It's too open to claims of specialty—special help. So—not that it can't be done. A Congressman can, but Congress doesn't pass many of them and the President doesn't sign many of them.

LEVINE: But they were being passed at that time, when you—

MALTIN: In those days there were some—well, they were all—they were not—they were worth-while. They were sympathetic cases, you know.

LEVINE: Right.

MALTIN: Like this child. I mean it was a sympathetic. This family of four would be—would be ruined, you know. They're already giving up their home abroad and, you know, their whole life would—so then they had to—

they had to establish that they had the finances to take care of the child. The child wouldn't—wouldn't be a burden to—to—he would be brought up at home and they would—they were young and he was a professor then. So they would—they would make—they would provide for this child. That's mainly one reason for the illness is that either it's communicable or that somebody's going to take care of him. Either one or the other.

LEVINE: Right.

MALTIN: Communicable, that's something else again.

LEVINE: Right.

MALTIN: But so when it comes to support—so there were some sympathetic cases that did get by. Congress did pass some of those. Not many, but some. But some. That went on.

LEVINE: Yeah.

MALTIN: And now it's a rarity. In recent years I haven't seen many private bills. Very rare.

LEVINE: Do you have any sense of where the files are?

MALTIN: Well, a person who is an alien has a file and it remains his one and only file forever until he becomes a citizen. That's the only—if he moves to Chicago, the file follows him.

LEVINE: Oh.

MALTIN: That's one file with one number and if they want to look up his name or number, they find out where it's located.

LEVINE: But like the cases you handled.

MALTIN: Yeah.

LEVINE: At Ellis Island. Would they all be somewhere?

MALTIN: Oh, yes. Well, either in the dead files, the completed files. We have a—

LEVINE: You mean here in New York they'd be in—

MALTIN: Well, I don't know where—there's some warehouse that, there's millions of them. Oh, God. Even the live files in the—in New York now I understand, I've never followed it up, I think if the file is so many years old, they send it to the archives.

LEVINE: Uh-hmm. Uh-hmm.

MALTIN: So it's in the file of some immigration office or in the archives. Those are the two places, and they can be located. They're all numbered — they started out in my day with A-12. Eight numbers, A-12. We're now up to A-75. That's eight numbers. So from twelve million to seventy-five million. We're up to seventy-five million now. So that's a lot of people.

LEVINE: Yeah.

MALTIN: A lot of people in those years.

LEVINE: How do you think about that time now? The time that you spent at Ellis Island—

MALTIN: Well, it was—I—I felt that I—I was helpful to people who deserved help and I was fair and kindly to those who could legally, you know, meet the requirements of staying here, and those, a lot of them didn't have any claims. I just had a case yesterday in jail of a young man came here when he was three years old. Three years old. He's now twenty-six. He's Korean. He participated in a robbery and stupidly and got involved. He tried to explain it away, but he did a bad thing and he got—he had a gun. Inoperable. A bee-bee gun. Couldn't hurt a fly, but it was—under New Jersey law it was classifiable as a weapon. Classifiable as a weapon and so he's been convicted of a weapon and he was convicted of kidnapping because the woman had been confined in the bathroom, and her hands were tied. There were three people. He was one of three and they were only in the house fifteen minutes. I said, "How could it be kidnapping? They were only in the house fifteen minutes." Well, the definition of the statute was if you're restrained and, you know, they tied her hands and kept her there and they said under, --according to --- New Jersey, that's kidnapping. He wasn't taken to a special place and hidden, but he was in the—I—I—but I couldn't win the case anyway, because any—the two worst things to be convicted of these days is anything to do with narcotics and possessing a gun.

Now, I had one fellow who possessed a gun. It was found in his car. It wasn't his. His wife who hated him said "There's a gun in his car." She may have planted it, and he got arrested and got convicted of possession of a gun and he's not entitled to anything. Possession of

a gun next to narcotics are the two worst crimes under the present statute.

LEVINE: What were the two worst crimes that could be [unclear]—

MALTIN: [interposed] Oh, these were the—oh, anything what they call [ringing] a crime involving moral turpitude was the words they used. A crime involving moral turpitude. Now, not every crime is a crime involving moral turpitude. Spitting on the sidewalk, you know, begging on the street, speeding or, you know, approaching a lady in a manner, you know, wrongly. These are minor things, you know. I even had a doctor once who was convicted of shoplifting. Now, shoplifting was considered a minor crime because the punishment could not exceed one year. Could not exceed one year. She only got a fine, and if it had – if it's a crime of less than one year, it could be considered—and the only one crime—it could be considered a crime not involving moral turpitude and she was admitted anyway. A Filipino doctor, a lady doctor. She got caught for shop-lifting in Westchester.

LEVINE: Wow.

MALTIN: And there's a question on the form which says, "Have you ever been arrested?" and most of the time in the early years I never even bothered to ask the client. I—

LEVINE: You would think they [unclear].

MALTIN: [interposed] Female doctor, have you been arrested? So I put down no. The long thing is have you ever been a gambler? Have you ever been a drunkard? You know, all that sort of thing.

LEVINE: Yeah.

MALTIN: Since that time I ask everybody. They could be any nobility, "Have you ever been arrested?" I ask that question of everybody now. That one experience taught me not to skip over it because you never know who's been arrested. Because that didn't mean you were convicted of a crime. The question is "Have you been arrested?"

LEVINE: Arrested. Right.

MALTIN: You have to show them, that's all.

LEVINE: Uh-huh.

MALTIN: So when you answer a question incorrectly on a naturalization form, you know, they disqualify you.

LEVINE: Yeah.

MALTIN: And you have to wait five years to show you've been of good character for five years. So you're stuck for five years without—they don't do anything to you because it's not a serious enough crime, but you lied. You lied. A lie is serious, even if it doesn't—isn't a bad lie, but it's a lie.

LEVINE: Well, it sounds like you—you saw quite a wave of humanity.

MALTIN: Oh, yes, indeed.

LEVINE: During those years [unclear].

MALTIN: [interposed] Oh, God, yes.

LEVINE: Is there anything that you—like you think you learned by having been in that situation?

MALTIN: Well, I will tell you my experience privately and as a lawyer. Income tax evasion is a universal thing. A universal thing. I think that probably everybody in the United States cheats in some way, sad to say. Sad to say. And not that I'm better, but having seen this for so many years, I'm very, very, very careful. I'm very careful with my own and if somebody gives me fifty dollars I mark it in the book. You know, I—it's just ingrained now in me. It's not that I'm better than anybody else. It's just a lifelong habit, you know, now. But that's—that's one thing I've found. And people think that lying to the Immigration Service is not a great sin. He's not doing anything evil. He's not doing anything evil. He just wants to stay in dear old America. He doesn't think in his mind that he's doing anything wrong by lying to get into this country. My God, what could be better? He's putting America above all the other countries in the world. He loves America and he may be an honest man, you know, a hard working man and he loves America, but telling a few lies to get in or to stay here is hardly a sin in his eyes. He doesn't consider this evil. He doesn't. He knows if it's a crime, it's evil. Everybody knows that. If it's a sufficiently high class crime, a larger one, but they, to stay in America, will do anything. Will do anything.

LEVINE: Did you think you had a lot of people lying?

MALTIN: Yes, immigration—on the immigration part.

LEVINE: Yeah.

MALTIN: And of course many of them lied about the validity of their marriages, which I was seriously in doubt. And many of them lied on how they got into the United States. Didn't want to admit that they were smuggled in and said they just walked across the border, when they had paid somebody to take them. Didn't want to give away names and places and dates. So there's a lot of lying going on. How you got in.

LEVINE: Were there a lot of people at Ellis Island when you were working there as an Immigration Judge? I mean, did—[not understood]

MALTIN: [interposed] Oh, sure, there was a post office. There was a—there was a—there was a restaurant. Employees ate there. A restaurant, a post office, a doctor's. There was a hospital there. There was social workers of all sorts, and HIAS had a special job of bringing over kosher food for some people who wouldn't eat the food we served at Ellis Island, which was pretty good.

LEVINE: Uh-hmm.

MALTIN: Because we had the services of cooks that were being detained there. [Laughs] For free.

LEVINE: Oh, really?

MALTIN: So they—and everybody want --- doesn't want to sit around all day, you know, for months at a time, so if he—if he has a skill and they ask them to do it, they're happy to do it just to kill—kill a few hours. So it wasn't hard to get volunteers.

LEVINE: Do you think people were detained there for long periods?

MALTIN: Oh, yes. People—I told you about that one case that was there, the lady was there a year. Now, we have Cubans in jail in America for many years, many years because they were not deportation cases. They were caught as they got off the boat, so they were exclusion cases.

LEVINE: Right.

MALTIN: And when they were ordered excluded and deported, when we discovered they came here with criminal records from Cuba and we weren't going to take them in, we have down in Atlanta still the remnants of this great crowd, still sitting there. Now, at one time, Castro was taking them back on a limited basis, fifty a month or something like that. Then we offended him. Reagan made a mistake when they had the—in my estimate—

[END OF INTERVIEW – TAPE ENDS]