











AMERICANS BY CHOICE

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## *Americanization Studies*

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SCHOOLING OF THE IMMIGRANT.

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AMERICA VIA THE NEIGHBORHOOD.

John Daniels

OLD WORLD TRAITS TRANSPLANTED.

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SUMMARY. (In preparation)

Allen T. Burns, Director, Studies in Methods of Americanization

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*Harper & Brothers Publishers*

AMERICANIZATION STUDIES  
ALLEN T. BURNS, DIRECTOR

# AMERICANS BY CHOICE

BY  
JOHN PALMER GAVIT



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AMERICANS BY CHOICE

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## PUBLISHER'S NOTE

The material in this volume was gathered by the Division of Health Standards and Care of Studies in Methods of Americanization.

Americanization in this study has been considered as the union of native and foreign born in all the most fundamental relationships and activities of our national life. For Americanization is the uniting of new with native-born Americans in fuller common understanding and appreciation to secure by means of self-government the highest welfare of all. Such Americanization should perpetuate no unchangeable political, domestic, and economic regime delivered once for all to the fathers, but a growing and broadening national life, inclusive of the best wherever found. With all our rich heritages, Americanism will develop best through a mutual giving and taking of contributions from both newer and older Americans in the interest of the commonweal. This study has followed such an understanding of Americanization.





## FOREWORD

THIS volume is the result of studies in methods of Americanization prepared through funds furnished by the Carnegie Corporation of New York. It arose out of the fact that constant applications were being made to the Corporation for contributions to the work of numerous agencies engaged in various forms of social activity intended to extend among the people of the United States the knowledge of their government and their obligations to it. The trustees felt that a study which should set forth, not theories of social betterment, but a description of the methods of the various agencies engaged in such work, would be of distinct value to the cause itself and to the public.

The outcome of the study is contained in eleven volumes on the following subjects: Schooling of the Immigrant; The Press; Adjustment of Homes and Family Life; Legal Protection and Correction; Health Standards and Care; Naturalization and Political Life; Industrial and Economic Amalgamation; Treatment of Immigrant Heritages; Neighborhood Agencies and Organization; Rural Developments; and Summary. The entire study has been carried out under the general direction of Mr. Allen T. Burns. Each volume appears in the

## FOREWORD

name of the author who had immediate charge of the particular field it is intended to cover.

Upon the invitation of the Carnegie Corporation a committee consisting of the late Theodore Roosevelt, Prof. John Graham Brooks, Dr. John M. Glenn, and Mr. John A. Voll has acted in an advisory capacity to the director. An editorial committee consisting of Dr. Talcott Williams, Dr. Raymond B. Fosdick, and Dr. Edwin F. Gay has read and criticized the manuscripts. To both of these committees the trustees of the Carnegie Corporation are much indebted.

The purpose of the report is to give as clear a notion as possible of the methods of the agencies actually at work in this field and not to propose theories for dealing with the complicated questions involved.

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## INTRODUCTION

It would require a very long list of names to give specific mention of all those who have rendered substantial aid in gathering the information on which this volume is based. The Commissioner of Naturalization, Mr. Richard K. Campbell; the former Director of Citizenship, Mr. Raymond F. Crist, and the chief examiners under their direction, have done all in their power to afford information and other assistance. Several hundred judges of naturalization courts in all parts of the country, took pains to answer our questionnaire and personal letters on special questions. Students of immigration and naturalization problems have been ungrudging in their co-operation.

The tedious and painstaking work of compiling the information contained in more than 26,000 petitions for naturalization, analyzed in the statistical chapters of this book, was done more especially under the direction of Professor Raymond Moley, then at Western Reserve University, Cleveland; Hornell Hart, of Cincinnati; Professor S. C. Kohs, of Reed College, for Portland, Oregon; Professor T. T. Waterman, of the University of the state of Washington, for Seattle, and Professor L. H. Hawkins, of Clark University, for Worcester, Mass. Aside from the service of these volunteer assistants, thanks are due in more than perfunctory manner to the members of the staff of the Americanization Study who devoted long hours to this exacting task.

## INTRODUCTION

Professor Moley compiled most of the material used in the chapter on the legal aspects of citizenship, and afforded information of the utmost value woven into other parts of this volume.

The thanks of the author are due in particular to his personal associates in the work, Mr. Paul Lee Ellerbe, formerly Chief Naturalization Examiner at Denver, and Miss Elizabeth Miner King, then of the staff of the New York Evening Post, now Mrs. Harold Phelps Stokes, of Washington, D. C.

JOHN PALMER GAVIT



**AMERICANS BY CHOICE**



# AMERICANS BY CHOICE

## I

### OF THEIR OWN FREE WILL

FROM the point of view of citizenship there are two kinds of Americans—those who are American involuntarily by birth, and those who are *American by choice*.

This book devotes itself to those who have become Americans not by birth, but of their own free will and accord, by that process of voluntarily adopting a fatherland known as Naturalization. It endeavors to tell generally what happens to them in that process, and something of what they do and contribute to our *political* life after they have been admitted to active membership in our body politic.

The subject is one much talked about—especially since the beginning of the World War—and little understood save by those who administer, or who in some way profit by, the operation, the shortcomings, and confusions of the existing law and the system which has grown up under it. That system is handicapped and beclouded by public indifference and by the survival of ancient attitudes and limitations, and bedeviled by the theories and prejudices of persons and interests who, innocently or willfully—often with impeccable intentions—stand in the way of progress or adhere for various

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reasons to ideas and methods long since outgrown, or in the light of to-day actively mischievous.

### THESE ARE OUR VOTERS!

It is a current fashion of unthinking persons, contemplating the seething masses of immigrants congested in our cities and in certain rural sections, beholding the polyglot store signs and newspapers, sensing the existence of languages, manners, and customs unfamiliar and perhaps grotesque and even outrageous to their own habits and ideas of propriety, and reflecting vaguely upon the real and supposed evils of our political methods and machinery, to exclaim:

“And these are the people who corrupt our politics! These are the voters who elect our presidents!”

Many who should know better indulge in such absurdities, and even cite statistics to support them. A characteristic manner of reasoning would read something like this:

“In 1910 there were 13,000,000 foreign-born persons in the United States, and only a little more than 3,000,000 of them were naturalized!”

Leaving the unreflecting hearer to forget that of the 13,000,000 only about half (6,646,817) were males of twenty-one years and over; that more than half a million (570,772) had declared their intention to become citizens; that there was no report as to the citizenship of more than 775,000; so that the alien population of voting age, and of the then voting sex, known to be unnaturalized, was only about one-sixth of the total foreign born, or 2,266,535. This was bad enough in all conscience, and the Woman-Suffrage Amendment to the Constitution of the United States certainly has aggravated it, since through it married immigrant women were made possible voters

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through the naturalization of their husbands. But nothing can be gained by exaggerating the facts, or constructing mere nests by inferences from false assumptions. It is worth while to examine the conditions, to observe the extent to which the foreign born actually do participate in our political processes, and on the basis of such facts as are available, to judge the effect that foreign birth does tend to have upon the quality of that participation.

There is no disposition here to overlook or minimize the menace to our social and civic life involved in the presence of vast masses of undigested, unassimilated population of whatever race or kind—even of our own people, herded in colonies, dominating large communities, illiterate as regards our history and ideals, ignorant of our language, traditions, and customs. It constitutes a social problem of great magnitude and intricacy—though probably by no means so menacing as it is our fashion to believe. But it is not one directly affecting our political life or the operation of our political machinery to any such degree as it is the custom to declaim. There is little substantial evidence in these days that the foreign-born voter, as such, is a source of corruption or other evil influence in our politics.

### PRIMITIVE ATTITUDES TOWARD IMMIGRANTS

Whether it is called an instinct, native in animal psychology, or an inheritance of mental habit and tradition handed down from remote times of family and tribal necessity, the fact is that we all regard the stranger with a suspicion, diminishing perhaps as we broaden with years, experience, and culture, but never entirely lost. Exceedingly few are those great souls who have no trace of it. Especially if the stranger

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wears a differently colored skin, expresses his thought by unfamiliar vocal sounds and inflections, practices customs of clothing, eating, marriage, religion, different from our own; lives in houses of peculiar shape and use—these things all partake, for the average person, of the outrageous and the dangerous, and usually subtly offend those habits of group taste which we somehow feel to have their roots in essential morality and the nature of things.

From time immemorial, all states and communities have laid special disabilities and limitations upon the alien—all based ultimately upon this habitual suspicion of those who belong to another tribe or clan. As Edwin M. Borchard says:<sup>1</sup>

The legal position of the alien has in the progress of time advanced from that of complete outlawry, in the days of early Rome and the Germanic tribes, to that of practical assimilation with nationals, at the present time. In the Twelve Tables of Rome, the alien and enemy were classed together, the word "hostis" being used interchangeably to designate both. Only the Roman citizen had rights recognized in law. . . . The Germanic tribes, in the early period, were hardly more hospitable to the alien than were the Twelve Tables of the Romans.

With the extension of trade and travel, and especially with the upgrowth of the feudal system, however, the utility of intercourse with peaceable strangers, and the advantage of adding their personal prowess, capacity, and assets to the resources of the community, came to be more and more recognized, and the stranger within the gates was accorded an increasing measure of tolerance, not to say welcome. But this tolerance was at best of a very limited character; practically, it was not much more than a rigid systematizing of the

<sup>1</sup> Edwin M. Borchard, *The Diplomatic Protection of Citizens Abroad*, p. 33 *et seq.*



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ways of making the immigrant useful and contributory. It is not the province of this report to dilate upon this branch of the subject. Suffice it to say that to this day, over nearly the whole earth, the alien is still subject to marked limitations, and that the exploitation of him is neither a modern nor an American invention.

As for political rights, let alone any degree of participation in the functions of government, no nation ever has contemplated the possibility of such a thing—until a few of the American states, clamoring for population from any corner of humanity, offered virtually full political participation to the alien immediately upon his mere declaration of intention to apply for citizenship—some day! Until the excitement of the World War brought public attention to the whole question of the position and influence of the foreign born in America, this anomaly remained in force in at least a dozen states: Alabama, Arkansas, Arizona, Indiana, Kansas, Michigan, Missouri, Nebraska, North Dakota, South Dakota, Texas, and Oregon. Since then it has been abolished by constitutional amendment or other legislation in all but two—Arkansas and Missouri.<sup>1</sup>

### LEGAL POSITION OF THE ALIEN

Thus far, from the point of view of international law and custom, it has been left to each nation to regu-

<sup>1</sup> Letters from Attorneys-General of Arkansas and Missouri, as late as October, 1921, state that no change has been made. The Attorney-General of Alabama points out that a careful reading of the state constitution "discloses that only foreigners who had declared their intention of becoming citizens prior to the adoption of the constitution of 1901 were entitled to register and vote, and that such person lost this right if he did not become a citizen at the time that he was entitled to become such under the laws of the United States."



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late the privileges of, and the restrictions upon, the alien, with the exception that certain nations strong enough to enforce it have established in certain countries held by them to be less than fully "civilized," the principle of *extra-territoriality*, by virtue of which their nationals must be tried before special tribunals supervised by representatives of their own nation. Generally speaking, and subject to the rule that aliens of all races must be treated alike under processes of law, a nation may deprive the alien of liberty of action, may prohibit or restrict his ownership of property, may forbid or delimit his employment in certain kinds of work or enterprises, and may expel and deport him, at its pleasure. In other words, the status and rights of an alien are determined almost absolutely by the municipal law in the country in which he is domiciled. The only limitations upon this power are those established by treaties, and by the general spread of humane ideas, and the growing feeling—discouraged, perhaps, but by no means halted, by the World War—of the solidarity of the human race.

In the United States, the rights of the alien include personal protection, protection of property already acquired, and the use of all means of redress and judicial protection enjoyed by citizens.<sup>1</sup>

The alien's plight in this country has been complicated by the peculiar relation subsisting between the Federal government and that of the individual states. For it has frequently happened that the government of the United States has been practically unable to enforce the rights of aliens created by treaty when traversed by state law. On more than one occasion

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<sup>1</sup> This is subject, of course, to the universal exceptions regarding alien enemies in time of war; also to such other exceptions as special statutes in certain states regarding the holding of real property and other matters.

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threatening diplomatic situations have been created by the existence of this condition.

This ancient feeling toward the alien, and the treatment, legal, extra-legal, and illegal, to which he has been subjected in respect of his person, his family, and his property, undoubtedly have affected substantially his sentiments toward this country. Disillusionment about the atmosphere and ways of the "Land of the Free" is responsible for our loss of the citizenship of many desirable immigrants. The man who will not submit quietly to injustice is of the material of which our best citizens from the beginning have been made. The kind of aliens who can accept without resentment some of the things to which those of foreign birth and speech have been subjected within our borders during very recent times, are not fit to be Americans! <sup>1</sup>

### WHAT IS AN "AMERICAN"?

We are concerned just now, however, with the alien, not in his general legal or social relations, but as material for active membership in our community as an American citizen, as a voting participant in the sovereignty held in this country by the people. As such, he comes to a position unique in all the world. It is not yet true—perhaps it will be very long before it can be true—that there is absolutely no bar to any person on account of race; for the law and its interpretations exclude from citizenship Chinese, Japanese, and certain people of India not regarded as "white"—although the blacks of Africa are expressly admitted. Nevertheless it may be said broadly that, regardless of race, the immigrant can come to America and win his

<sup>1</sup> See Kate Holladay Claghorn, *The Immigrant's Day in Court (in preparation)*.

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way upon his own merits into the fellowship of what all the world calls "Americans."

Now, what is "an American"? What is it that makes a nation of us if not a distinctive race? What is it that the immigrant joins, body and soul, when he becomes "an American"?

Every little while somebody arises with ashes upon his head and bemoans the threatened disappearance of what he is pleased to call "the American type." He never describes it—it is exceedingly difficult to learn what may be meant by the phrase. This is not strange, for there is no such thing if a racial type is meant. There never has been any such thing.

Perhaps we know what the expression might mean in New England—a combination of English, Scotch, or Welsh, who in turn would be bred of Dane, Pict, and Scot, Saxon and Norman and Kelt, with perhaps a strain of French, or maybe of Dutch. In Pennsylvania very likely it would be English Quaker—or Plattdeutsch. The French-Spanish combination in the Gulf region, the Scandinavian or German in the Middle West and Northwest, the Spanish-Mexican along the Rio Grande and in southern California, and so on, are "American" by a title as good as that of those who trace their descent from the Pilgrim Fathers.

John Graham Brooks<sup>1</sup> remarks that "our piebald millions" are now so interwoven with all that we are "that to silhouette the American becomes yearly more baffling." Says he:

The early writers have no such misgivings. . . . In 1889 I met a German correspondent who had been four times to the United States. . . . He said he brought back from his first journey a clearly conceived image of the American. He was

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<sup>1</sup> John Graham Brooks, *As Others See Us*, 1909.

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“sharp-visaged, nervous, lank, and restless.” After the second trip this group of adjectives was abandoned. He saw so many people who were not lank or nervous; so many were rotund and leisurely, that he rearranged his classification, but still with confidence. After a third trip he insisted that he could still describe our countrymen, but not by external signs. He was driven to express them in terms of character. The American was resourceful, inventive, and supreme in the pursuit of material ends. “My fourth trip,” he said, “has knocked out the final attempt with the others. I have thrown them all over like a lot of rubbish. I don’t know what the American is, and I don’t believe anyone else knows.”

Prof. Franklin H. Giddings, in an informal address at Columbia University, undertook, albeit somewhat casually, to point out the characteristics which should mark a good American. He must be loyal, must “play the game”; must have a local pride not only in the quality of his country but in his home community, feeling and exemplifying a moral and civic responsibility for the betterment of conditions actuated by a wise and constructive idealism. Recognizing, no doubt, in the very saying of this, that these things would mark the good citizen of *any* nation, he protested that after all was said, and despite the difficulty of precise definition, there was something distinctive, perceptible, and, in fact, perceived by the discerning; real, however subtle and elusive, distinguishing the true American from all other folk—“a certain sensitiveness to the finer values of life; an admiration for these things.”

Well, certainly the ideal American is, and has, and does all of this; certainly all Americans ought to be, and have, and do all of it! But in all candor and fairness it must be acknowledged that it would be invidious and altogether insupportable to claim it or



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*any* of it as in any proper sense racially distinctive of America.

### THE AMERICAN HAS NO RACIAL MARKS

We cannot isolate any physical characteristics; we cannot segregate any particular racial descent; one may search in vain for any definable hereditary mental or spiritual characteristic that will fit or typify all, or even many, of the "piebald millions" who inhabit and vote, attain success and honor, and, at need, enlist or be conscripted for war, in the varied jurisdictions of our tremendous stretch of territory between the ancient French-Canadian colonies of Maine and the Philippines; between the Virgin Islands and Alaska. Even local adherence to our slogans of liberty, democracy, consent-of-the-governed, and all the rest of our ecstatic vocabulary, no longer insulates or distinguishes us in the world. The upspringing democracies of the Old World, to which we have given example and inspiration as well as emancipation from old autocracies, swear by all these phrases as exuberantly as we, and may even outstrip us in the political incarnation of the ideals which hitherto we have regarded as so peculiarly our own!

If, then, we can distinguish "the American" neither by any physical attribute of race nor by adherence to political forms and formulæ, what is there left for us to conserve and to boast about—as our very own?

Let us come straight to the fact that this absence of exclusive racial marks is the distinguishing physical characteristic of the American. True of him as of no other now or ever in the past, is the fact that he is, broadly speaking, the product of *all* races. It is of our fundamental history and tradition from the beginning that in America all peoples may find destination,

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if not refuge, and upon a basis of virtual race equality mingle, and for good or ill, send down to posterity in a common stream their racial values—and their racial defects. Whether we like it or not, this is the fact. We are not a race, in any ethnic sense. At most, we are in the very early stages of becoming one.

Prof. Ulysses G. Weatherly, of Indiana University, said:<sup>1</sup>

Every great historical race is a composite of originally separate elements merged into a unity whose ruling characteristic is an increasing integration of culture rather than of blood. This process of merging is believed by Gumpłowicz to constitute the very essence of world history.

And he quotes Gumpłowicz, in *Der Rassencampf*, to this effect:

Throughout the whole history of men stretches a continuous process of amalgamation which, beginning with the smallest primitive synthetic groups and following a race-building law to us unknown, binds together and amalgamates small, heterogenous groups into even larger unities, into peoples, races, and nations, perpetually bringing them into conflict against other similarly constituted and amalgamated peoples, nations, and races, and through this conflict into ever new fields of conquest and culture, which again consolidates and amalgamates the heterogenous elements.

The American people has been and is being made by exactly this process. We are in the midst of the making of the "American." It does not yet appear what he shall be, but one thing is certain, he is not to be of any particular racial type now distinguishable. Saxon, Teuton, and Kelt, Latin and Slav—to say nothing of any appreciable contribution by yellow and brown races as yet negligible in this aspect of the

<sup>1</sup> *Proceedings of the American Sociological Society*, vol. v, p. 57, etc., paper on "The Racial Element in Social Assimilation."

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question—each of the races that we now know on this soil will have its share of “ancestral” responsibility for the “typical American” that is to be.

### NOT RACIAL, BUT CULTURAL

Leaving for the long future, then, the evolution of the hereditary type, is there so soon something “home grown,” some “integration of culture,” that is peculiarly our own? Every American knows in his heart that however subtle and elusive, however difficult of definition, there is something real that distinguishes “America.”

In the attempt to fix the boundaries for the new Poland, the Peace Conference sought in vain for some limits of language or of political unity on which to base their demarcation. It came down at last to a simple question:

“*Do you want to be Poles?*”

And the question was enough.

Who doubts the answer to the question: *Do you want to be American?* There is something more than love of home, something higher than the liking of a cat for the warm place under the familiar stove, that stirs the heart of every normal American when he sees the Stars and Stripes. The alien who declares it his intention to become a citizen of the United States may not be able to put it in words, but he means, and he knows that he means, something real and vital, recognizes a substantial distinction, when he says that *he wants to be an American!*

There must be, there is, there has been always, in the midst of the racial chaos which to-day constitutes perhaps our greatest social problem, something that may be called nationally even if not yet racially *American*; something indigenous on this soil as on no



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other. It belongs to us. Up to a time beginning a quarter of a century ago, when the so-called "new immigration" from southeastern Europe and southern Russia set in in full flood, and now anew in the experiences of the World War, it was and has again become, a thing shared by all of our racial groups and elements—*peculiarly American*. It answers the test set forth by Professor Weatherly in the paper already quoted, of the completion of the nationalizing process: ". . . when the things of the spirit are held in common and cherished by all, even if some specific ethnic or linguistic differences survive." Or, in the words which he attributes to Renan:

To have a common glory in the past, a common will in the present; to have done great things together, to desire to do still greater—these are the essential conditions for being a *People*.

Professor Weatherly repeatedly emphasizes the great point—that "it is not sufficient that peoples should merely have undergone similar experiences" in order to be knit into a nation; "they must have undergone them *together*." Most of the great modern nations, as he says, have passed through the same processes of social change, "but in actual adjustment to such change each has had its own separate career."

Twenty-five years ago it was true that the term "American" meant one who, of whatever racial descent, represented something very definite, of tradition, experience, and achievement—and of promise, too—"a common glory in the past, a common will in the present"; "great things done together, and a desire to do still greater"; unity determined not by external facts alone, but by sentiment.

Now, dimly as we yet realize it, it is true again. A baptism of blood and suffering, of sacrifice and self-

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denial, and of common experience in a vast world emergency, and out of it a vision of better understanding and a great work before us to be done, have gone far to restore that unity of appreciation of "great things done *together*" and of will to do still greater which was our common glory—and was getting lost. We had, we have now, a right to be both proud and jealous of the heritage left us by our fathers of many races, and now watered by the blood of our own generation, and to look with concern, if not with dismay, upon what might portend a swallowing up of this moral, this sentimental unity, in a great inundation of newcomers, who, however well intending as individuals, have not shared our tradition and experience, and who seem not to have been fitted by any experience of their own to assimilate either the tradition of our past or our aspiration for the future.

### ESSENTIALS OF "AMERICANISM"

There are essentials distinctively American upon which we can base our definition of "America" and typify her in the human being who by spirit, vision, and vigilance best represents our tradition and our aspiration. Such a definition will hold against the world—even against those of our own household who neither exemplify nor understand it. The sum total of these essentials is not paralleled now, nor in history, anywhere else on earth. For of America alone it may be said:

That however lamely and insufficiently we have lived up to it, *our country is traditionally the refuge for the oppressed of every land.*

That here the individual has found a fuller freedom to seek his happiness in his own way. More than any other nation, America has never recognized a political

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autocracy, has reckoned Man above every consideration of property, class, or dynasty.

That here only has *the individual male from the beginning been deemed the ultimate political unit*—"one man, one vote." The country-wide adoption of Woman Suffrage extends this concept to include women.

That however crudely we have practiced it, we have aspired to *estimate essential justice and the common sense of right relationship—fair play between man and man—as the final standard and appeal of human conduct, over against every claim of precedent and authority.*

That from the outset of this nation, the distinguishing spirit of America has been *a protest against Militarism and the domination of the professional soldier, against compulsory military service in time of peace.* Our army and navy, always thought of as instrumentalities of last resort, reserved almost wholly for defense against aggression from without, have on principle been always under the control and direction of *civilians as such*, and in peace time have been recruited by voluntary enlistment. This one fact of freedom from military conscription has been the distinction of America which, more than any other thing, has attracted Europeans to our fellowship. They have fought for us and with us, but always with the American motive, embodied in the final great fact, which is America's alone:

That when *we have gone to war, our civilians armed and fighting with the devotion, courage, and effectiveness inspired only by the sense of a righteous cause, it has always been for liberty.* At the beginning, in 1776, and again in 1812, we fought England to free ourselves. In 1845, despite the motive of the Slave Power to extend the area of slavery, so far as the motive of the people in general was concerned we were fighting Mexico to free our fellows in Texas. In 1861 we fought a great civil war to maintain our free Union and to

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liberate the negro slaves. In 1898 we fought Spain to free the Cubans, and notwithstanding this, our sole sin of imperialism, in the long run we shall have freed also the Filipinos. In 1917 we participated, no doubt decisively, in the struggle to free Europe from the threat of domination by the military autocracy of Germany. "To make the world safe for democracy"—that was the appeal which brought the hearts of the American people into the war. Of no other great nation can it be said that *it never went to war except for liberty*.

This is "America." This ensemble of tradition and significance is what makes native and newcomer alike want to be an American. This is what stirs our hearts when we see the Stars and Stripes. We prize these things not alone because they are ours, not alone because in their power and glory they are peculiarly, exclusively American; but still more because they are worthy to be prized, and because they promise the ultimate incarnation of the dreams of men of good will since ever man first lifted his eyes from the ground and visioned Brotherhood.



## II

### NEW MEMBERS AND AN OLD GAME

It would be too much to say that the average immigrant from any country visions when he leaves his home the "America" outlined in the previous chapter, or even that he perceives it when, at some time after he arrives, he files his declaration of intention to seek citizenship. Doubtless in the ordinary case he comes merely to improve his personal, social, and economic condition; to put it bluntly, to get a better job. Nevertheless, we should do ourselves and our long-standing reputation in the world a great injustice if we did not recognize and take pride in the fact that the people of all races turn their faces hither not only with hope of opportunity to better their condition, but with a stirring of soul at the thought of what they believe awaits them in a land of wider liberty. That they do not always find us living up to our boast, so far as they are concerned, is the defect not of our tradition or, in the long run, of our intention, but of our practice.

At the outset the immigrant does not think about citizenship at all. The statistics gathered by this Study show conclusively that the average alien waits more than ten years before applying for citizenship. That even if he comes as early as sixteen he waits until he is twenty-eight before he files his final petition. And the vast majority of the men come between the ages of sixteen and thirty—just at the time of life when, it

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would seem, active participation in the political life of the country ought to be most appealing.

### FACTORS IN IMMIGRATION

The alien does not come with any direct interest in citizenship. He comes to improve his status. And this motive has two aspects; the impulse is twofold—a push from behind and a pull from in front, sometimes one, usually both. The statistics displaying the fluctuations of what Prof. Frank J. Warne calls “The Tide of Immigration” are luminous in their reflection of this purely human fact. In order to see it stand forth, one must keep it vividly in mind that these tables of statistics are not mere exhibits of mathematical digits, but lists of human beings, inspired by motives precisely like our own. The 148,093 subjects of His Britannic Majesty—mostly Irish—who came to America in 1848 were, *each* of them, a specific individual human soul, impelled by the fact that the potato famine, or what-not else at home, interfered with the adequacy of his meals; and attracted by the belief that he would find things better in America. The one lone Russian recorded in that year presumably represented precisely the same interplay of motives. The heavy German immigration in 1852, 1853, and 1854 was made up of men, women, and children who found conditions intolerable because of the repressions ensuing upon the revolutionary movement of '48. And so on. On the other hand, the shrinkages in the figures in various later periods, in a general way, coincide with the times of industrial depression, unemployment, etc., in this country; things were not so attractive here as to offer substantial improvement upon the situation at home.

The six sources whence we have derived the bulk of our new population are Great Britain and Ireland;



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the three Scandinavian countries of Norway, Sweden, and Denmark; Germany, Austria-Hungary, Italy, and Russia—in the seventy-eight years from 1840 down to and including 1918, when immigration virtually stopped owing to the conditions created by the World War. Immigration since then has been subject to influences so different from those prevailing before, and as yet so little understood, that intelligent comparisons would be perilous.<sup>1</sup>

Students of immigration have usually built their generalizations upon totals of inflow, frequently overlooking the striking disparity of time and numbers among the various racial groups. Yet there is much significance in this disparity. Professor Warne, for example, in the *Annals of the American Academy of Political Science* (1920), in an analysis generally of the upward and downward curves of immigration from all countries during the century since 1820, says:

By studying the yearly figures . . . and relating them to events of industrial or economic history, we are able to understand what is probably the most significant of all the operating forces or influences at work behind this great movement of population across the Atlantic. For illustration, the number of immigrant arrivals strikingly decreased from nearly 482,000 in 1854 to 200,877 the following year, a decrease of more than one-half. This falling off reflected the effects of the greatest financial panic ever experienced in the United States up to that time.

Well enough for a generalization based on totals; but it is not to be overlooked that at that very point the then comparatively small immigration from Italy more than doubled between 1853 and 1854, jumping from 535 to 1,263, and remained above 1,000 with the exception of one year, until 1860. Again Professor Warne:

<sup>1</sup> See report of Commissioner-General of Immigration, 1920.

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The ensuing industrial depression was followed closely by the Civil War, and it was not until 1873 that the yearly inflow again reached as large a volume, the number being nearly 460,000.

But it was precisely during the hottest and most critical years of the Civil War that German immigration increased. It had been relatively low between 1854 and 1865 (in which latter year it was 58,153), but jumped in 1866 to 120,218, and (with the exception of 1871, when it fell to 82,554) remained high until and including 1873, when it almost touched 150,000. It would seem that something must have been going on in Germany to drive these people out against the adverse economic conditions prevailing here.

The year 1873 [continues Professor Warne] marks another panic, and a striking decrease the following years in the number of alien arrivals is again recorded.

But the Austrian, Italian, and Russian immigration, which had been relatively insignificant up to 1869 and 1870, was higher in 1870-75 than ever before, and with minor ups and downs increased more or less steadily up to the very high figures of the past two decades, which gave rise to the widely believed legend entitled, "The New Immigration."

The question of means of livelihood, of a better job, is doubtless the chief factor, but it is not the only factor. Any job at all in a free country is better, for any man worth his salt, than a far better-paid job under conditions of oppression. The man who leaves his homeland to adventure even under adverse conditions, because he cannot tolerate political tyranny, used to be regarded *per se* as fit for American citizenship. He is still fit, even though he belong to the

## NEW MEMBERS AND AN OLD GAME

traditional "New Immigration"; even though of late we have tended rather to discourage the idea that personal liberty is valuable in and of itself. It is still true that along with our fame as a land where economic opportunity is to be found, the men and women of other lands are attracted by what they still believe to be our atmosphere of liberty.

### POLITICS WELCOMES THE IRISH

The Irish immigration was earliest in the field, and first to profit by the hit-or-miss methods of naturalization which prevailed in the old shiftless days. They occupied socially at the outset very much the same position that the "New Immigration" has occupied during the past twenty years; but the American politician, to whose mill any kind of a biped who might vote was grist, welcomed it, and quickly taught the Irishman the methods of the game.

How solidly the Irish were installed before the Germans began to arrive in large numbers appears in Table I, showing the two streams of immigration between 1820 and 1840. Prior to 1840 there was no appreciable inflow from any other countries. It should be added that it was not until 1854, and then only for that one year, that the German immigration overtook the Irish. It did not again equal it until 1867.

### THEY ALWAYS HAVE BEEN DEMOCRATS

The traditional fidelity of the Irish to the Democratic party began forthwith. The elements in the population which were Whigs, and afterward became Republicans tended, on the whole, to be the more prosperous folk of the community; also they were largely of the Protestant faith. Very early in our political

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history, therefore, there came to be, to some extent, a division in which both social standing and religion played a part. Most of the Irish were poor, and nearly all of them were Roman Catholics. The Democratic

TABLE I

IMMIGRATION FROM IRELAND AND GERMANY EACH YEAR  
FROM 1820 TO 1840

YEAR	IRELAND	GERMANY
1820.....	3,614	968
1821.....	1,518	383
1822.....	2,267	148
1823.....	1,908	183
1824.....	2,345	230
1825.....	4,888	450
1826.....	5,408	511
1827.....	9,766	432
1828.....	12,488	1,851
1829.....	7,415	597
1830.....	2,721	1,976
1831.....	5,772	2,413
1832.....	12,436	10,194
1833.....	8,648	6,988
1834.....	24,474	17,686
1835.....	20,927	8,311
1836.....	30,578	20,707
1837.....	28,508	23,740
1838.....	12,645	11,683
1839.....	23,963	21,028
1840.....	39,430	29,704

party was rather the party of the poor and the foreign born, and when the great influx of Roman Catholic Irish injected also the religious issue, it was only natural that a kind of racial allegiance should attach the Irish to the Democratic party. The Know-Nothing and Native American agitations of the middle of the



## NEW MEMBERS AND AN OLD GAME

last century deepened the rift, and confirmed the Irish in their political faith.

Gustavus Myers says, in his *History of Tammany Hall*:<sup>1</sup>

About the year 1840 . . . Tammany began to be ruled from the bottom of the social stratum. . . . The policy of encouraging foreigners, at first mildly started in 1823, was now developed into a system. The Whigs antagonized the entrance of foreign-born citizens into politics, and the Native American Party was organized expressly to bar them almost entirely from the enjoyment of political rights. The immigrant had no place to turn but Tammany Hall. In part to assure itself this vote, the organization opened a bureau, a modest beginning of what became a colossal department. An office established in the Wigwam, to which specially paid agents or organization runners brought the immigrant, drilled into him the advantages of joining Tammany, and furnished him the means and legal machinery needed to take out his naturalization papers. . . . Tammany took the immigrant in charge, cared for him, made him feel that he was a human being with distinct political rights, and converted him into a citizen. How sagacious this was, each year revealed. Immigration soon poured in heavily, and there came a time when the foreign vote outnumbered that of the native-born citizens.

It is true, but irrelevant, that in an earlier day Tammany had been as anti-foreign as anybody—originally it was decidedly aristocratic in tone. Myers recites how, on the night of April 24, 1817, two hundred Irishmen marched to the Wigwam “to impress upon the Committee the wisdom of nominating (for Congress) Thomas Addis Emmett, as well as other Irish Catholics on the Tammany ticket in the future.”

All this had long since become ancient history by 1840. Long before that time the Irish devotion to

<sup>1</sup> Gustavus Myers, *History of Tammany Hall*, p. 128 *et seq.*

## AMERICANS BY CHOICE

the Democratic party in general, and to Tammany Hall in particular, had become deeply rooted.

### EARLY GERMANS BECAME REPUBLICANS

The Germans, who, as has been shown, formed the second great wave in the "tide of immigration," began to come in formidable numbers about 1836, passing the 30,000 mark in 1845. While they were, on the whole, better educated and possibly more intelligent than the Irish, they were handicapped, as the Irish were not, by difference of language; so that for the practical purposes of the native American politician they were equally ignorant. And the mass of the immigrants of both races were peasants without experience in relation to political participation.

Very many of the Germans, however, had fled from the repressions at home preceding, accompanying, and following the revolutionary movements about 1848; they were to a great extent Protestants, and they were naturally opposed to slavery—though this is not to say that the Irish ever favored it. Generally speaking, Germans reacted favorably to the Republican party.

Both races took American politics as they found it. Let it not be supposed that corruption was the exclusive invention or hall mark of Tammany Hall! Even in England, at this time, politics was a dirty business. The Whigs did their best to beat Tammany at the game in which it had become expert. Myers says:<sup>1</sup>

In the fall election of 1838 the Whig frauds were enormous and indisputable. The Whigs raised large sums of money, which were handed to ward workers for the procuring of votes. About two hundred roughs were brought from Philadelphia, in different divisions, each man receiving \$22. . . . Ex-convicts distributed Whig tickets and busily auctioneered.

<sup>1</sup> Gustavus Myers, *History of Tammany Hall*, p. 118.



## NEW MEMBERS AND AN OLD GAME

The cabins of all the vessels along the wharves were ransacked, and every man, whether or not a citizen or resident of New York, who could be wheedled into voting a Whig ballot, was rushed to the polls and his vote smuggled in.

This was the election which made William H. Seward Governor of the state of New York!

### EFFECTS OF THE GOLD CRAZE

The whole situation was intensified during the years when corruption reached its greatest heights by the conditions ensuing upon the discovery of gold in California. The port of New York welcomed ships from the west coast bringing gold, and ships from across the Atlantic bringing immigrants. The "bulge" in the curve of immigration from Great Britain and Ireland, Germany, and Scandinavia in the period 1849-54 undoubtedly represents preponderantly the reaction abroad to the tales of gold to be found on the street corners of America.

And the immigrant stepped into an atmosphere of corruption in every field—including politics. The whole country was more or less money mad. The effect of the gold craze, as Myers (page 154) says, "was a still further lowering of the public tone; standards were generally lost sight of, and all means of 'getting ahead' came to be considered legitimate. Politics, trafficking in nominations and political influence, found it a most auspicious time."

### VAST NATURALIZATION FRAUDS

It is hard to realize now the public attitude of those old days on the subject of naturalization. There was a fabulous amount of virgin territory to be opened; new communities needed population, and especially muscle labor; lavish inducements, including the right to vote,

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were held out to anything in the form of a man who could be brought to help in the task. It was many years before citizenship came to be regarded as a precious thing, to be guarded with scrupulous vigilance. And as both of the great political parties were guilty of crimes against the ballot box, it was taken for granted that they were inevitable in politics.

The vexatious technicalities which now seem so unjust to many an applicant for citizenship are, after all, only reaction at the other extreme to the incredible laxity which characterized the process in the early years. The population of what was then New York City was only 515,547 in 1850; 813,669 in 1860; and 942,292 in 1870; but in the eight years, 1860-67, inclusive, more than 67,000 aliens were naturalized in that city alone. The naturalizations in New York City in each year from 1856 to 1867, inclusive, in only two courts—the Superior Court and the Court of Common Pleas—an average of more than 9,000 a year is shown in the following table:

TABLE II

NUMBER OF ALIENS NATURALIZED EACH YEAR FROM  
1856 TO 1867 IN TWO COURTS IN NEW YORK CITY <sup>1</sup>

YEAR	NUMBER
1856 (Presidential election).....	16,493
1857.....	8,991
1858.....	6,769
1859.....	7,636
1860 (Presidential election).....	13,556
1861.....	3,903
1862.....	2,414
1863.....	2,633
1864 (Presidential election).....	12,171
1865.....	7,428
1866.....	13,023
1867.....	15,476

<sup>1</sup> John I. Davenport, *The Wig and the Jimmy*, p. 12.

## NEW MEMBERS AND AN OLD GAME

These figures are taken from a curious pamphlet, published in 1869 by John I. Davenport, who was United States Commissioner and Chief Supervisor of Elections for the Southern District of New York, under the cryptic title, *The Wig and the Jimmy*, which tells in detail the story of the debauching of naturalization by these two courts. The year 1868, however, saw the scandal reach unprecedented heights. Says Mr. Davenport: <sup>1</sup>

. . . Notwithstanding that the yearly average of naturalizations had been but about 9,000; that the greatest number naturalized in a single year never reached 16,500; that three years had elapsed since the close of the war in which 35,927 aliens had been made citizens, a yearly average of 11,975, or an excess of 3,000 per year above the annual average for twelve years; that the addition of such excess to the diminished numbers naturalized in 1862, 1863, and 1864 would preserve the ratio, and account for those who from fear of being drafted had refrained from applying during those years of the war; that the rebellion had reduced the alien population of New York City, many of whom enlisted, were killed, died from disease, or after the war found homes elsewhere; and, finally, that the yearly average of emigration (*sic*) from and including 1847 to 1860—a period of 13 years—had been 197,435, while for the four years from 1860 to 1863 inclusive—and none who arrived subsequently could be legally naturalized in 1868—the yearly average of alien arrivals had been but 100,962, or an annual loss of one-half, yet orders were early in September passed along the Democratic line to prepare on a gigantic scale for the naturalization of aliens during the coming month. The Supreme Court also determined for the first time to engage in the work of making citizens. In accordance with this known determination, there were printed for the use of the courts . . . a total of 30,000 applications and 30,000 certificates for the Superior Court, and 75,000 applications and 39,000 certificates for the amateur court [Supreme].

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<sup>1</sup> John I. Davenport, *The Wig and the Jimmy*, pp. 12-13.

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The Court of Common Pleas, which save for a year or two previous had done the larger share of the work of naturalization, did but little in 1868, its total for the year being 3,145, of which 1,645 were in October. Justice requires the further statement that there was no evidence whatever of any fraud in this court, although all its judges were elected as Democrats, while proof was abundant that the duty entrusted to it of making citizens of the United States was discharged throughout with marked propriety and dignity.

In the Supreme and Superior Courts only were frauds proven. To what extent we will now consider. The following table was sworn to as being the daily number of applications for naturalization on file in the Supreme Court Clerk's office for 1868:

TABLE III

APPLICANTS FOR NATURALIZATION IN SUPREME  
COURT, NEW YORK CITY, IN OCTOBER, 1868

October	6.....	6
“	7.....	8
“	8.....	379
“	9.....	668
“	10.....	717
“	12.....	723
“	13.....	901
“	14.....	523
“	15.....	857
“	16.....	721
“	17.....	633
“	19.....	955
“	20.....	944
“	21.....	773
“	22.....	675
“	23.....	587
Total.....		10,070

The significance of these great totals of applications for naturalization within a few days before election



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appears in Mr. Davenport's summary of the behavior of the judges: <sup>1</sup>

But the essential aid rendered by these judges need not be further detailed. It was mainly comprised of one or more of the following derelictions of duty:

I. Hasty and incomplete examination of applicants and witnesses.

II. Total neglect at times to examine the one class or the other.

III. Through negligence, imposition, which might easily have been guarded against, or direct complicity, the issue of certificates in the names of persons who never appeared in Court, applied therefor, produced a witness, or took an oath.

IV. Similar issue of certificates to applicants, persons of assumed or fictitious names and others, upon the oath of residence and moral character of persons of assumed and fictitious names, or of known criminals and persons of immoral character.

V. Similar issue of certificates upon "minor applications" when the persons to whom such certificates issued were known, or could readily have been ascertained to be, unentitled thereto on such applications.

VI. Total neglect or refusal to commit known disreputable persons and others whose business it was for pecuniary or other consideration to act as witnesses, and who in such capacity repeatedly appeared before them.

VII. The conducting of naturalization proceedings in a secret manner, by causing citizens and others to be denied admission to the court-room, or ejected therefrom when observed.

The Judiciary Committee of the New York State Assembly, in a report upon the first notorious election frauds made to that House of the state legislature thirty years before, or on April 6, 1838, already had registered the fact that this was no post-war

<sup>1</sup> John I. Davenport, *The Wig and the Jimmy*, pp. 17-18.

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state of affairs, and depicted the situation of which the frauds of 1868 were only one year's fruit:

Men vote who do not reside in the ward, often not in the state; aliens are frequently brought to the polls and their vote imposed upon the inspectors, although many of them have not been a week in the country; and voters are not infrequently taken from poll to poll, voting in three or four different wards at the same election. These are the frauds constantly practiced at our elections, to the disgrace of the state, and to the manifest wrong of the country.

It was partly the sense of the great public danger lying in such conditions, partly the growing anti-foreign feeling, and altogether an improving public morality, that beginning about 1870 and increasing as the years passed, brought about the cleansing of public elections and the reform embodied in the naturalization law of 1906 which has totally abolished the situation into which the immigrants of the mid-century and earlier stepped as into a swamp. Still survives in some quarters the notion that the alien is hurried from the ship to the ballot box, and that he pours therein some corrupting influence brought with him from abroad. The latter never was true; he has accepted and taken advantage of the situation which we ourselves created and suffered for generations to exist. The former was true during three-quarters of a century, but it is true no longer, and has not been true for nearly two decades.

### FIRST CHOICE IN POLITICS

Bear it in mind that the chief motive of the new-comer is the same as that which usually leads men to go anywhere—the desire to “better himself.” It is notable that a very large number of immigrants arrive with the notion that the Republican party is the “party



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of prosperity," of the "full dinner pail," high wages, and the other advantages which have been the widely advertised slogans of that party. Without passing upon the question of the truth of these slogans, one may note that what actually happens is that the immigrant's real search is for that connection, political or industrial, which involves employment and other advantages of a material kind. As soon as the conditions permit, he joins the penumbra of the political organization which has jobs to distribute, which controls public contracts and the wages that go with them. That means Tammany and the Democratic party in New York City; in Philadelphia it means the Republican organization, which in its day has followed and in some respects surpassed Tammany in all the ways of political corruption and machinism. In other cities it has been to this party or that, as the dominant color shifted, that the immigrant has swung.

As long as the naturalization process was the sport of corrupt politics, the political organizations gave early attention to the alien. With the institution of the present stringent law and practice, however, and also with the vast magnitude of the flood—swamping all the machinery which had been devised to absorb the immigrants—the politicians up to a recent time ceased to pay any attention to them. One of the results of this has been a considerable increase in the lapse of time between the arrival of the immigrant and his first steps in the direction of citizenship. One of the most enterprising of the younger leaders of Tammany Hall said to the present writer some months ago:

We don't pay any attention to the alien until he comes to us for some favor—a job, a peddling license, some help when his boy is arrested, or assistance in getting out his naturalization papers. There's too many of 'em. When they do come, we do what we can for them, and naturally

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we say: "Well, how about it? Are you going to see the Democratic organization only when you want something? Why aren't you a citizen? Get yourself naturalized and then come along with us."

All of which is very natural and human, and a good illustration of the way in which the politician gets his hold upon the individual voter—newcomer or native.

The war created a new interest in the alien, brought new pressure upon him to become a citizen. Private concerns demanded at least "first papers" as a condition for employment; labor organizations intensified their insistence upon citizenship, or at least declaration of intention, as a prerequisite to membership; laws were passed in many states increasing the disabilities of aliens. And the political organizations generally have returned, but in a far better spirit, to the former search for voters among the foreign born; creating committees and bureaus to assist the alien in getting naturalization, and resuming the old "hand-picking" methods of getting the foreign born into active participation.

Little attention has been paid to the extent to which the politicians use private jobs as a part of their patronage. Not only the petty employments in saloons and even brothels have been at the disposal of the local leaders; but places for unskilled labor with street-railroad corporations and other public utilities needing the franchises and privileges in the public streets, have been utilized as the coin-current of local political traffic. Not infrequently a merchant finds that the stringency of the enforcement of ordinances regarding his buildings, blocking sidewalks with his merchandise, etc., is considerably mitigated after he has acted upon the suggestion of a district leader as to the employment of some person as truck hand or watchman. And the writer well remembers one occasion, many

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years ago in Chicago, when the street-railroad companies were keenly interested in an aldermanic election, wherein the polling places in certain doubtful wards were blocked by long lines of obviously foreign-born laborers, few if any of them voters, who did not attempt to vote, but monopolized the line for blocks, effectively slowing down the voting so as to prevent the real voters from getting to the polls at all!

### THE POLITICIAN CLOSE TO HUMANITY

The secret of the whole business lies in the fact that political machines, and the political bosses of all sizes and grades who make up their staffs, are powerful and long-lived in just the measure to which they grow out of and identify their activities with the rank and file of the community—clear down to the bottom. The vote of a new-made citizen born in Galicia or Syria or Portugal is just as good for his purpose as that of a Son of the American Revolution—vastly more so if (as sometimes happens) the new voter will follow his “advice” and the old one will not! Furthermore, their vitality, especially in the poorer sections, is commensurate with the *constancy* of their activities; that is, their practical utility to the people all the time, for all purposes. As William Bennet Munro says:<sup>1</sup>

The work which the party organizations lay out to do, and in large measure actually perform, is extensive and exacting. It does not, as in Europe, all fall within the few weeks which precede an election; it is spread over the whole year.

And he goes on to describe, aptly, why this work is “spread over the whole year,” and how it comes about that the boss, little or big, acquires so great an influ-

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<sup>1</sup> William Bennet Munro, *Government of American Cities*, Macmillan, 1912, p. 167 *et seq.*

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ence in his bailiwick. What he says applies most aptly to the so-called "poorer districts," where the foreign-born voters live in the greatest numbers:

It seems usually to be forgotten that the evolution of the boss follows the law of natural selection, which in this case secures the survival of the man who is most resourceful in using to full advantage the conditions that he finds about him. To gain even a ward leadership and to hold this post requires industry, perseverance, and no end of shrewd tactfulness. He must not be content with doing the work that comes to him; he must look for things to do. As his work consists mainly in doing favors for voters, he must inspire requests as well as grant them. Therefore he encourages voters to come to him for help when they are out of work, or in any other sort of trouble. When a voter is arrested, the ward or district leader will lend his services to secure bail or to provide counsel, or will arrange to have the offender's fine paid for him. Then there are the day-to-day favors which the local boss stands ready to do for all who come to him, provided they are voters or can influence voters.

Picturing the boss thus as the district philanthropist, the description goes on to enlarge upon the more sinister uses to which the power thus gained is devoted, in punishing disloyalty. And this is even more effective upon those relatively unfamiliar with the niceties, the ins-and-outs, of public administration:

If a word from the boss will get one man employment, a word will also, very often, procure another employee's dismissal. At a hint from him, the small shopkeeper, the peddler, the pawnbroker, the hackman, can be worried daily by the police or by the health and sanitary officials of the city on baseless or imaginary pretexts—tactics in which, as the history of almost every larger city shows, the machinery is unrelenting and vindictive.

The affirmative side of the district leader's activity is the one that makes most impression upon the neigh-



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borhood. Almost every sort of reformer, who would bring to the foreign-speaking district a sense of the need for voting for a different sort of alderman, for example, lives in another part of town, represents another stratum of society, comes into no sort of natural touch with his foreign-born fellow citizen. But the latter knows the district leader—last winter he got a job, a little coal, a bed in a hospital for his wife; his boy was let off by the police after a piece of reckless mischief; or there was some other human favor; and all the return he is asked to make—cheap enough, to be sure—is that on election day he shall vote as the district leader who helped him in his need asks him to vote. What difference does it make to him? Show him a difference, convince him that something real, something that he can understand, is involved, and he will respond. But nobody shows him. “Uptown,” whence comes the reformer whom he does not know, and whose motives he has no substantial reason to respect, does not understand his life or its problems; does not even live in the ward. The district leader does. He is his neighbor, and he sees him almost every day.

Then, too, the political organization meets him on the social side, provides a club, which in the intervals between elections gives entertainments, has pool tables, provides cigars; used to provide liquor. A spirit of fellowship grows up; the new foreign-born voter gains acquaintance at the natural point of contact between his daily life and the politics into which he is being introduced. The result is obvious.

### POLITICAL ASPECTS OF SOCIAL CLUBS

The spontaneous groups of foreign-speaking people of nearly every race, which have sprung up everywhere in response to the varied needs of the strangers within

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our gates—social, insurance, musical, athletic, etc.—necessarily and naturally take on political aspects. As President Wilson said once, “politics is human nature”; there is nothing sinister about this fact. It is wholesome that groups of folk, coming together spontaneously about a nucleus of common interest, should consider together and act together, in regard to such public matters as they think concern them. The only thing that is really dangerous in a republic is stolid indifference; it is on *that* that corruption and injustice feed.

In the matter of helping their fellow countrymen to secure naturalization, these organizations perform a service of value and importance both to the alien and to the country. Many of these racial societies devote much attention to old-country politics, and form nests of propaganda and even more concrete activity whose effects are felt not so much in this country as “back home.” And when, as in the case of Ireland, Poland, Italy, and so on, the issues of foreign politics are made the bone of contention in American political contests, these German-American, Italian-American, Polish-American societies may become exceedingly active in our own affairs, and project lines of division which may greatly complicate the politician’s task, and sometimes stand him upon his head:<sup>1</sup>

It is not too much to say that the power of Tammany Hall in politics, and that of every other important political organization in Philadelphia, Chicago, San Francisco, Boston, or elsewhere—including those dominant in rural districts—grows out of intimate association with the people *in their daily lives*, and could grow out of nothing else. “Power and patronage,” says

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<sup>1</sup> These activities are well summarized by John Daniels in his Americanization Study volume entitled *America via the Neighborhood*, New York, Harper & Brothers, 1920, p. 383 *et seq.*



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Professor Munro, "provide a cycle hard to break." True; but "power and patronage" is only a phrase. Behind it lies the fact that the politician gains and holds his power because he deserves it; through his organization of the machinery, always "on the job," through which human beings, with wives and children to feed, clothe and shelter, get the means to do it. The small, unskilled job in the employ of the city, or of business which can be helped or harmed by political or official action, is the coin-current through which the politician controls—so far as he does control—the rank and file of the foreign-born voters. This, and the small and larger personal human favors that he is in a position to render.

Here, with the first economic "toe-hold" that the immigrant gets in America, begins his introduction to our life and to our politics.

### POLITICS A GREAT AMERICANIZING FORCE

Politics, local politics—the ordinary interest of the ordinary citizen; the day's work and the day's life, are great Americanizing forces, and they are working every minute. The immigrant generally, especially he of the so-called "new immigration," comes here without much if any experience in public affairs. All the life of all the generations from which he comes has been passed without real participation; government in the old country went on over his head, in a rarefied stratum which he never entered and of which he knew little. That is one reason why, on the average, it takes more than ten years for him to come to the point of asking for citizenship.

Of late some of the very people who declared that the immigrant comes here with only "sordid motives" have favored pressure upon him to become a citizen

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by means of refusing him employment unless he does become one. The great increase in declarations of intention during the past three or four years has been due almost entirely to the restrictions adopted formally or informally all over the country confining employment, even in privately owned industries, to those who have at least taken out "first papers." Even in the Bureau of Naturalization there was for a time more than a tendency to pursue this policy of forcing citizenship upon aliens. It was abandoned because no government can kidnap the subjects or citizens of another without getting into difficulty. There is still a good deal of confusion of thought about this matter.

The importance of it lies in the fact—obvious to any right thought about it—that we want for our new citizens *only those who come of their own accord and free will*. We want, moreover, only those who are right-minded. The effort to stamp out the use of every mother tongue but one, to obliterate all affection for the old home in Scandinavia, Bavaria, Dalmatia, Bohemia, not only is futile; we do not want for our fellow citizens the kind of people who can turn their back without a qualm upon the memories of childhood.

Breathes there the man with soul so dead  
Who never to himself hath said,  
    This is my own, my native land!  
Whose heart hath ne'er within him burned  
As home his footsteps he hath turned  
    From wandering on a foreign strand?

What sort of an American could be made out of one able in any circumstances—worst of all under repressive compulsion—to turn his back upon the tongue, the traditions, and the associations of his fathers? We are not such ourselves, and in our sane minds we do not want those who join us to be such. The process of

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real assimilation is a process slow in its nature, reaching not forms and words, but sentiments of the highest and most subtle kind.

You cannot beat love of country into any worthwhile person with a club—or with a law.

### III

#### CITIZENSHIP: UNDER THIS FLAG, AND OTHERS

THERE is, indeed, such a thing as a "man without a country," and it is only a few years since the United States, even if inadvertently, legislated so that there may easily be now a woman without one. But the laws of nations make no provisions for the existence voluntarily of anyone who may regard himself as "a citizen of the world." With the vanishment of *terra incognita* in the final achievement of human exploration at the two poles of the earth, virtually every foot of the surface of the globe has come, at least constructively, under the dominion of some government. And with it every man, woman, and child on earth has acquired or had thrust upon him a legal nationality of some sort, from which, generally speaking, he can escape only by choosing or having thrust upon him another—however feeble or tenuous its grasp, however slight or contemptuous his perception and recognition of it.

The Great War emphatically registered this fact, with its ruthless inclusion of friend, neutral, and foe within some category of practicable citizenship. In the United States the Selective Service Act, and other legislation as well—to say nothing of the extra-legal practices indulged in under cover of the popular state of mind—permitted no human being to regard himself as immune to effective classification under some sovereignty. The "conscientious objector," the "phil-

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osophical anarchist," and every sort of philosopher, however much he previously may have imagined himself free to abjure allegiance to government, found that his property, his food, his sons, his own very personal flesh-and-blood, were, after all, not his own, but were subject to conscription by the state. However much his spirit might be of fellowship with the saints of his cult or religion, in all material respects he must render unto Cæsar the things that Cæsar said were Cæsar's.

From the most primitive times this has been so, even if in the America of the happy-go-lucky times of peace it has been lightly regarded or scarcely realized at all. The "gang spirit," under the sway of which men always have held loyalty to the local clan to be one of the chief of obligatory virtues, is of the essence and fabric of group life, and is the tap-root of patriotism. It embodies an allegiance both to blood and to locality. Through the warp of all political history are woven two kindred threads representing these two allegiances; sometimes one, sometimes the other—in later development something of both. The lawyers speak of them as the *Jus Sanguinis*, the Law of the Blood, and the *Jus Solis*, the Law of the Soil, and distinguish between them; but both represent the claim of the community upon the loyalty and, if need be, the sacrifice and bodily service of the individual.

A classic illustration of the deeply embedded feeling that man cannot separate himself from the virtues, the sins, and the limitations of his clan, his country, is the tragedy in the valley of Achor, related in the Old Testament Book of Joshua,<sup>1</sup> wherein it was held that the sin of Achan the son of Zerah was *ipso facto* the sin of all Israel. And for the offense of one man,

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<sup>1</sup> Joshua vi, vii.



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. . . Joshua, and all Israel with him, took Achan the son of Zerah, and the silver, and the garment, and the wedge of gold, and his sons, and his daughters, and his oxen, and his asses, and his sheep, and his tent, and all that he had; . . . and all Israel stoned him with stones, and burned them with fire, after they had stoned them with stones.<sup>1</sup>

This, with a vengeance, was a dramatization of the *Jus Sanguinis*, the Law of the Blood, by virtue of which an individual acquires nationality and civic responsibility through the blood of his ancestry, regardless of the place of his birth!

### ROOTS OF POLITICAL SOCIETY

The principle was a natural consequence upon the nomadic life of families and tribes, of primitive groups wandering often in strange and even hostile territory, to whom in absence of fixed abode and boundaries locality was of little importance, but tribal solidarity and unity of purpose and allegiance were vital to defense, to group survival. The family, and after it the clan or group of blood-related families, were the beginnings of political society.

Throughout ancient times the Law of the Blood persisted; the law of citizenship in early Greece and Rome was based upon the idea of family inheritance. But with the dissolution of the Roman Empire and the rise of feudalism, the *Jus Sanguinis* gradually gave way to a standard of citizenship based upon locality—to *Jus Solis*, under which a child became *ipso facto* a citizen or subject of the jurisdiction within which he was born, more or less regardless of the nationality or allegiance of his parents. This was a natural concomitant of feudalism; as the conflicts between military chieftains and groups divided the land into relatively

<sup>1</sup> Joshua vii: 24, 25.



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definite jurisdictions, and the tenure of territory and the stability of boundaries and peace in the realm depended almost wholly upon military strength, it was to the interest of both lord and vassal to maintain the largest possible forces for defense, and conservation of population depended chiefly upon birth. Even to the peasant subject, maintenance of almost any *status quo* was comparatively worth while for the sake of the peaceful enjoyment of such home and happiness as were his lot.

### INFLUENCE OF EMIGRATION TO AMERICA

Beginning with the period immediately following the French Revolution—which, it should be remembered, was only the most violent and impressive of the upheavals of that general epoch in many parts of Europe—a distinct reaction toward the *Jus Sanguinis* appeared. This is variously accounted for; but most historians attribute it to a desire on the part of the older countries of Europe to offset the serious loss of subjects threatened by emigration to America, which had begun to tempt adventurous souls by the opportunity for individual liberty and initiative and escape from the tyrannies of feudalism and religious autocracy.

Whatever the reason, the nineteenth century witnessed on the one hand the return of the nations of the Old World to the Law of the Blood, and on the other the development in the New World of the Law of the Soil.

This is a theoretical statement. In point of fact, in the designation of the mode of acquisition or loss of citizenship, no two of the nations of the world are exactly in accord; the most hopeless confusion exists; but with a constant and increasing effort to harmonize the procedure, and now with a good hope that in the

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coming days some measure of uniformity may become practicable. In matters of secondary importance, such as the international postal regulations, telegraphic communication and sanitary co-operation, it has been virtually impossible thus far to bring about a common policy. How much more difficult must it be to harmonize the principles of citizenship, involving, as that does, intricate historical and political considerations—immensely complicated by the shifts of boundary due to the war—and the very bases of national existence in the control by the community of the allegiance and the industrial and military service of subjects and citizens?

### THE RIGHT TO EMIGRATE

Nevertheless, all countries have in some measure practically recognized the right of the human individual to emigrate, though there have persisted laws and decrees expressing the attempt to retain legal jurisdiction and allegiance. The strength of these efforts depends largely upon whether the basic theory of citizenship has its roots in the *Jus Sanguinis* or the *Jus Solis*. For it may be said generally that the nations of the world are divided roughly in this regard by their adherence to the one theory or the other, though we look almost in vain for a pure example of either; in some countries there are interwoven lines of both, and in many it is almost impossible to determine which prevails. For practical purposes, and subject to such modifications as may be made in the era of readjustment upon which the World War has launched us, we may depend upon the following general classification:

*The Jus Sanguinis* dominates in Austria, China, Finland, France, Germany, Hungary, Japan, Monaco, Norway, Persia, Rumania, Serbia.

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*The Jus Solis* prevails in the canton of Geneva, Switzerland, and in Argentina.

*The Jus Sanguinis* combined with the *Jus Solis* is found in Belgium, Greece, Italy, Luxemburg, Russia, Spain, Turkey.

*The Jus Solis* modified by the *Jus Sanguinis* prevails in most of the states of the Americas, and in Bulgaria, Denmark, Egypt, Great Britain, Portugal, Sweden, Switzerland.

### THE SUBJECT *vs.* THE ACTIVE MEMBER

In thought and writing on the subject of citizenship, two concepts of the word "citizen" persist, and usually are treated as to such an extent interchangeable as to produce a fatal confusion. For they are not interchangeable. They differ in essence, and it is of the utmost importance that they should be clearly distinguished. In the distinction lies all the difference between Liberty and Autocracy. Something, if not all, of this difference lies in the distinction between the Law of the Blood and the Law of the Soil.

The first and commonest of these concepts is that which must have colored the thought of the feudal lord as he looked upon "his" people, belonging to him because they belonged to the soil which his sword controlled. This concept contemplates the citizen or subject as invested with the character of a national body politic, bound by an obligatory allegiance to it and its political institutions because he is there, born there, or led there by the circumstances of his life.

The other concept, which we like to think constitutes the basis of what we call "America," for it is of the essence of anything worthy of the name of Democracy, contemplates the citizen as a *participant* in the fact of sovereignty, one who owns an undivided and indi-

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visible share in the community title, and whose right and duty it is to take a definite part and acknowledge a definite responsibility in the business of government. In this study of naturalization and political life of the foreign-born citizen it is with this second concept that we have most to do.

### ESSENTIALS OF CITIZENSHIP: ANCIENT—AND AMERICAN

What, then, are the essentials of that citizenship to which an alien aspires and addresses himself when he seeks to become an active member in the American community whose members are something more than mere chattels of the sovereign?

“There is nothing that more characterizes a complete citizen,” says Aristotle, “than having a share in the judicial and executive part of the government. . . . He, and he only, is a citizen who enjoys a due share in the government of that community of which he is a member.” But Aristotle was speaking from the point of view of a community in which not all individuals there resident were the sort of citizens he was talking about. According to that great Greek the best-ordered states did not include in the term “citizen” mechanics or others who worked for wages, and utterly unmentionable in any such connection was the great mass of slaves who had virtually no human rights at all. Aristotle’s “citizen” was one of the relatively few endowed with political rights and responsibilities. In the Greek city-states and in the early Roman Republic, citizenship was at first restricted to certain of the older houses (*phylos, gentes*), but with the development of economic intercourse the few dominant families gradually lost their exclusive power, and other free inhabitants were included in participation in the affairs of state.



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In Rome the right of citizenship was conferred at first upon the leading families in allied cities, and later upon whole communities. By the year 100 B.C., nearly all Italians were citizens. But the Empire brought about great restrictions in this matter; a gradual narrowing of the limitations took place; along with a great extension of the name "citizen" came a great decrease in the actual participation of the "citizen" in the business of government; so that by the time the Emperor Caracalla was extending something called "citizenship" to all Roman subjects, he actually was doing little more than to make certain intolerable taxes universal.

So the old Greek and Roman idea of "citizenship" will not answer our purpose. We have, however imperfect our realization of the fact, something quite different to offer, something vastly greater to demand.

In the modern world citizenship has come to mean membership in a political community. It involves the status of an individual with reference to a particular state. And that status is determined by the laws of the individual states, for everywhere it is stoutly maintained that the right to determine how and when a person may become and remain a citizen is one of the first prerogatives of sovereignty. In a number of recent works on citizenship the question has been raised whether the bond of citizenship is by nature contractual. The affirmative is held by Prof. Andrew Weiss of the University of Paris; he declares it to be "generally recognized that the bond of nationality is a contractual one; and that the bond uniting to the state each of its citizens is formed by an agreement of their wills, express or implied." This view is rejected as unsound by various English and American publicists.<sup>1</sup>

<sup>1</sup> F. T. Piggott, *Nationality*, London, 1906, and E. M. Borchard, *Diplomatic Protection of Citizens Abroad*, New York, 1916.



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These writers assert that whatever may be the theory of the origin of the state, the fact is that the relation of the citizen to the state is a relation *sui generis*, and that the admission of a person to membership in a state is an act of sovereignty. The law of the state is supreme.

The reasonable fact is that there is an element of truth in both of these contentions. The great increase in facilities for international communication and travel has made emigration a common thing, and the law in practice, whatever it may be in letter, has recognized in varying ways the fact that the human individual can, does abjure his "contract" with the state where he has lived, and seek admission to one which for this reason and that he thinks likely to be more salubrious for the pursuit of what he regards as his happiness. For, after all is said, the fact remains that men stay here or go there in that pursuit. A crowd goes home when it begins to rain not because the crowd is getting wet, but because each individual of it, in his separate personal eachness, so to speak, has water running down his neck and desires to find a place where he can get dry. Waves of emigration represent countless individuals each of whom believes that elsewhere, or in some particular place, he can be more comfortable in the practices and activities which constitute his life by day and by night, and maybe find a broader and richer field in which to grow and raise his family.

The offer of just this kind of opportunity has induced many hundreds of thousands of human beings from all parts of the earth to dissolve the bond, contractual or what you will, between themselves and the land of their birth or previous habitation, and come to these shores. We have invited them, and devised elaborate machinery by which to welcome them into our fellowship. Not only has the invitation been definitely ex-

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pressed; we have opened wide gates in our bars, and placed premiums upon entrance therein.

### BASES OF AMERICAN CITIZENSHIP

The bases of citizenship in this country are two, established in the Constitution of the United States and the legislation and decisions explanatory thereof:

I. Every person, of whatever race descended, born in the United States and subject to its jurisdiction, including children of American fathers born abroad, is *ipso facto* a citizen of the United States.

II. All other persons eligible for citizenship in the United States must acquire that citizenship through the legal process known as Naturalization.

It was in the great case of Wong Kim Ark<sup>1</sup> that the Supreme Court, in 1897, established the right of *citizenship by birth on this soil, regardless of race or descent*. The question in this case involved a child born in California, of Chinese parents who, because of their race, could not themselves become citizens. In this decision, a classic in the law of American citizenship, the court set forth the following fundamental principles to be observed in determining citizenship by birth in the United States:

1. The Constitution of the United States must be interpreted in the light of the Common Law, under which every child born in England, even though of alien parents, was a natural-born citizen.

2. The qualifying words in the Fourteenth Amendment, "and subject to the jurisdiction thereof," exclude two classes of persons—children born of alien enemies in hostile occupation, and children of diplomatic representatives of a foreign state. (The latter, from

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<sup>1</sup> United States *vs.* Wong Kim Ark, 169 U. S., 649.

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the earliest times, both under the laws of England and in decisions of American courts, had been recognized to be exceptions to the fundamental rule of citizenship by birth within the national jurisdiction.)

The Fourteenth Amendment to the Constitution,<sup>1</sup> adopted in 1868, incorporated no new rule or principle into American law. Neither did the Civil Rights Act, passed in 1866 as a Reconstruction measure, although it was the first statutory definition in the United States of citizenship by birth. That Act says:

All persons born in the United States, and not subject to any foreign power, excluding Indians not taxed, are citizens of the United States and of the States where they reside.

### COMMON-LAW DEFINITION TAKEN FOR GRANTED

The English Common Law, then, is the original source of our definition. That definition, taken over with the formation of the American Republic out of the English colonies, was so familiar, so much a part of the nature of things political, that nobody thought it necessary to formulate it—or a new one.

By the Common Law of England, every person born within the dominions of the Crown, no matter whether of English or of foreign parents—and in the latter case whether the parents were settled or merely temporarily sojourning in the country, was an English subject; save only children of foreign

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<sup>1</sup> Fourteenth Amendment—1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

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ambassadors . . . or a child born in hostile occupation of any part of the territories of England.<sup>1</sup>

When the Constitution of the United States was made, a "citizenship of the United States" was recognized but nowhere defined, and it was nearly a century before it found specific statutory expression in the Civil Rights Act and the Fourteenth Amendment. Meanwhile, not only the courts, but the Executive, invariably recognized the validity of the Common Law Rule, and the Wong Kim Ark decision of 1897 merely restated it once for all.<sup>2</sup>

### CONCERNING AMERICANS BORN ABROAD

There are certain elaborations and modifications of the two great principles mentioned above, serving both to confirm and circumscribe them. Children born abroad of American citizens in the foreign service of the United States government are citizens of the United States, and like citizenship comes by birth to children "born out of the limits and jurisdiction, whose fathers were or may be at the time of their birth citizens thereof."<sup>3</sup> But the father must have been a citizen at the time of the birth of the child, and must have resided actually in the United States; that is, it will not do for him merely to have acquired citizenship abroad by the fact of the citizenship of his father without ever having resided in this country.

If the father loses his citizenship after the birth

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<sup>1</sup> Cockburn, *Nationality*, p. 7.

<sup>2</sup> See *Murray vs. The Charming Betsey*, 2 Cranch, 64; *Inglis vs. Sailors' Snug Harbor*, 3 Pet, 99; *M'Creery vs. Somerville*, 9 Wheat, 354; see also Instruction of Marcy, Secretary of State, to Mason (1854), quoted in *Moor's Digest of International Law*, iii, p. 276.

<sup>3</sup> Revised Statutes, sec. 1993. See House Document 326, Fifty-ninth Congress, Second Session.



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of the child, it has been held that such child upon attaining his majority may revive his right to citizenship by establishing residence here. And by virtue of legislation enacted in 1907, these foreign-born children of American parentage are required, upon reaching the age of eighteen, to register their intention to become residents, and to remain citizens, of the United States, and upon attaining majority to take the Oath of Allegiance to the United States.

The Department of State has been very liberal in interpreting this provision, allowing the declaration of intention to be made at any time after the person concerned has reached the age of eighteen, and before he has taken the oath, which may be at any reasonable time after his majority. The main question raised is that of good faith. Arises here the principle of "election of nationality"; many countries accord to a person thus in danger of what might be called "dual nationality" the right to choose. This is the case in France, Spain, Belgium, Greece, Italy, Portugal, Mexico, Chile, and Costa Rica. In Portugal, Italy, and France, failure to exercise this choice operates as a choice of citizenship there; in Spain, on the other hand, silence is construed as a choice of the foreign nationality. This is the purport of the American practice.<sup>1</sup>

### CHILDREN BORN AT SEA

It is commonly believed that children of foreign parents born on the high seas under the American flag are as a matter of law "born in the United States and subject to the jurisdiction thereof," but this is not clearly the case. As Borchard puts it, the child "is

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<sup>1</sup> See discussion of this question by Borchard—*The Diplomatic Protection of Citizens Abroad*, p. 533 et seq., and footnotes.



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probably an American citizen under our law and may also be a foreign subject *jure sanguinis*. Hence he would, upon attaining majority, have a right of election.

### QUESTION OF DUAL NATIONALITY

Can a person gain a new citizenship without losing the old? The aspirant for American citizenship is required in both his declaration of intention and his final petition for naturalization to abjure in most specific fashion not merely all other allegiances, but most particularly that from which he has come. But the sovereignty thus repudiated is not always willing to be abjured, and international diplomacy has been in the past much occupied with the tangles growing out of the question of "dual nationality." For one not uncommon example, the child of alien parents born in the United States and thereby under our law a citizen of this country, may be taken in childhood back to his father's native land, and upon reaching military age may be summoned to military service. The United States has not been prone to defend such persons when their actual residence in the old country was clear, but it has been maintained that upon the attainment of his majority such a person has the right to elect and re-establish his American citizenship.

The most common difficulties arise practically, however, from the fact that under the terms of his declaration to become a citizen of the United States, the alien repudiates his allegiance to his fatherland and its sovereignty, but does not gain, and cannot gain, for at least two years in any circumstances, a new citizenship. He has in most specific fashion flouted the government he had, but the government he desires to have will not protect him. For his practical uses, it is a

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question whether he has now *two* nationalities or *none!* Moreover, there have been countries and times in which the right to change allegiance was altogether denied.

In their attitude on the subject of voluntary expatriation the nations differ widely, and are divisible in this matter under three heads: those which deny the right altogether, those which permit it under certain conditions, and those which place no bar in the way.

### COUNTRIES DENYING THE RIGHT OF EXPATRIATION

Under the old regime, the Russian imperial government laid a heavy penalty upon the Russian subject who returned to Russia after having been naturalized abroad without the imperial consent.<sup>1</sup>

Turkey, under a law proclaimed in 1869, prohibited the naturalization of its subjects abroad without the permission of the Turkish government. The penalty provided was imprisonment or expulsion.<sup>2</sup> In practice, however, expulsion has been the only penalty inflicted, and the United States has contented itself with an occasional protest.

The practice of Greece is not entirely clear-cut or consistent. A law enacted in 1914 requires the permission of the government before naturalization abroad; in practice this is not given to those who have not discharged their legal obligations as to military service.<sup>3</sup> The practical effect of this attitude on the part of Greece has been shown chiefly in the failure

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<sup>1</sup> See Department of State, Circular notice, January 9, 1914.

<sup>2</sup> In former times, even the American-born child of parents of Turkish birth has gone to that country at his peril. This was under the old conditions; what the postwar reconstruction will effect in this regard remains to be seen.

<sup>3</sup> See Hall, *International Law*, 7th ed., p. 247.

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of Greeks in this country quite generally to seek naturalization.

### CONDITIONAL RECOGNITION

The obligation which these countries commonly require as a prerequisite to permission is that of military service for the required period. Perhaps the best example of this group is France, which has provided by law that its nationals may divest themselves of their French citizenship provided they are thirty-one years of age, and thus may be presumed to have complied with the conditions of military service.<sup>1</sup> The other countries requiring similar conditions are Italy, the Netherlands, Serbia, and Switzerland; the usual penalty being liability to arrest upon return, and the compulsory fulfillment of the military requirements. But Switzerland provides for an annual tax in lieu of the military requirement.

The United States government has repeatedly sought through diplomatic channels to secure mitigation of penalties inflicted by these countries on its naturalized citizens; in many cases with a greater or less measure of success; but it has been unable to secure by treaty with any of these countries an unconditional recognition of the right of expatriation.

### NATURALIZATION TREATIES WITH THE UNITED STATES

The first naturalization treaties which this government negotiated embodying recognition of the right of expatriation were the so-called "Bancroft Treaties" of 1869, with the states of the North German Confederation—Bavaria, Hesse, Baden, and Württemberg. In

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<sup>1</sup> See Hall, *International Law*, p. 246.

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the four years following similar treaties were concluded with Belgium, Great Britain, Sweden, and Norway, Austria-Hungary, Denmark, and Ecuador. Since then treaties of like import have been effected with Haiti, Portugal, Peru, Honduras, Salvador, Nicaragua, Uruguay, Brazil, and Costa Rica.<sup>1</sup> These treaties provide, in substance, for expatriation at will, but stipulate that subjects liable for offenses committed prior to emigration shall continue liable for the same, and that two years' continuous resumption of residence in the country of origin shall be presumptive evidence of renewed citizenship in the old country. Under our own law, this loss of acquired citizenship by two years' continuous residence in the country of origin is specifically recognized. And it is also generally provided that upon return to his former country a naturalized American shall be liable to punishment for the "evasion of an existing or accrued liability to military service"; but he is protected against the exaction of what was at the time of emigration merely (by reason of youth) a *future* liability to serve.<sup>2</sup>

### GREAT BRITAIN

Until the year 1870, England held tenaciously to the doctrine of the indelibility of national allegiance. Everyone was free to emigrate at will and live where he pleased, but wherever he went, and whatsoever he might do in the attempt to acquire another citizenship, he was an Englishman still, in the eyes of the British law inalienably a subject of the British crown. Al-

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<sup>1</sup> These treaties may be found in Malloy's *Treaties*, 1910-13; also see Edwin M. Borchard, *The Diplomatic Protection of Citizens Abroad*, p. 548 *et seq.*

<sup>2</sup> Edwin M. Borchard, *The Diplomatic Protection of Citizens Abroad*, p. 549.



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though the author probably did not realize it, there was a certain grimness underlying the lines in "Pinafore":

But, in spite of all temptations  
To belong to other nations,  
He is an Englishman!

And although the War of 1812 between the United States and Great Britain was chiefly provoked by the insistence of England upon her slogan, "Once an Englishman always an Englishman," and her refusal to mitigate her policy with regard to British-born sailors naturalized by the United States, the theory continued to be stoutly declared as a matter of principle, though perhaps with diminishing emphasis. Hall says, however,<sup>1</sup> that by 1876 it "had become an anachronism." And after the report of a British royal commission on the subject, Parliament enacted a statute providing that a British subject might lose his British nationality by naturalization in another country. This long-maintained attitude of Great Britain undoubtedly goes far to account for the failure of many persons of English birth, long resident in this country, and for all practical purposes except political participation Americans, to seek formal adoption into our body politic.

### GERMANY

Most of the discussion of our citizenship relations with Germany has centered latterly about the German Citizenship and Nationality Law, better known as the "Delbrück Law," enacted in July, 1913—a year before the outbreak of the Great War. Attention has focused especially on Section 25 of the statute, which reads as follows:

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<sup>1</sup> Hall, *International Law*, 7th ed., p. 241.



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A German who has neither his residence nor permanent abode in Germany loses his citizenship upon acquiring foreign citizenship, provided the foreign citizenship is acquired as a result of his own application therefor or the application of the husband or legal representative; but in the case of a wife of one having a legal representative, only when the conditions exist under which expatriation may be applied for according to Sections 18 and 19.

Citizenship is not lost by one who, before acquiring foreign citizenship, has secured on application the written consent of the competent authorities of his home state to retain his citizenship. Before this consent is given the German consul is to be heard.

The Imperial Chancellor may order, with the consent of the Federal Council, that persons who desire to acquire citizenship in a specified foreign country may not be granted the consent applied for in paragraph 2.

It was charged, and widely believed in this and other countries at war with Germany, that this law was a device, deliberately conceived by the German autocracy with the war in view, to enable Germans living in other countries malevolently, or with ulterior motives and mental reservations, to acquire naturalization there and go through the forms of allegiance, without in fact ever losing, or being able to lose, their German citizenship. The text of the statute certainly gives more than plausible color to such an interpretation.

It may well be doubted whether in normal conditions, and apart from the suspicion of Germany's every motive, which is justified by her conduct prior to and during the war, this statute would have received any such interpretation in the eyes of the rest of the world; it is difficult to divorce thought of things German from the world's state of mind for which Germany has only herself to thank. Nevertheless, it is probable that the law was of normal origin, and apologists for it assert that its design was to meet conditions existing

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with reference to Russia, Italy, and France, all of which in some measure denied the right of expatriation in absence of specific treaty. Section 36 of the Delbrück Law definitely declares that "existing treaties are not affected by this Act." And when the law was under consideration in the Reichstag, the representative of the German government, upon being interrogated as to the effect of Sections 25 and 26 upon the Bancroft treaty between the United States and Germany, replied, in so many words, that the German government was obliged to look upon every German naturalized in the United States as an American and nothing else.<sup>1</sup> Space is not available here for further discussion of the real significance of the Delbrück Law; suffice it to say that it is the subject of considerable difference of opinion among the authorities.<sup>2</sup> But it may be said, in general, that the best American authorities seem to be of the opinion that the specific renunciation of each and every former allegiance required by our naturalization process makes it substantially impossible for the disputed section or any other enactment to operate as creating a dual allegiance. Such allegiance could exist only in theory at most; in no practical way could any foreign government enforce it as against any person living in America. The United States, under the Bancroft treaty and its own naturalization law, would not tolerate such an interpretation, and

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<sup>1</sup> See *Dr. jur. A. Romen, Reichs und Staatsangehörigkeitsgesetz, Güttentag Sammlung*, No. 111.

<sup>2</sup> A notable discussion of the Delbrück Law is to be found in an article by T. H. Thiesing, "Dual Allegiance in the German Law of Nationality and American Citizenship." *Yale Review*, 27:4 (February, 1919). See also R. Flournoy in *American Journal of International Law*, 8:480 (July, 1914), and the *Meyer Reichs-und-Staatsangehörigkeitsgesetz vom 22 Juli, 1913*. Berlin, 1913, p. 168-E.; also Edwin M. Borchard, *The Diplomatic Protection of Citizens Abroad*, p. 576; also Hall, *International Law*, revision by A. Pearce Higgins, pp. 245-246.

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as the "War Encyclopedia" of the American Committee on Public Information said, "it would be impossible for a German applicant for citizenship in the United States to avail himself of this section [Section 25 of the Delbrück Law] without committing perjury."

So far as the "declarant" of any nationality is concerned, it should be added that our Department of State has always sought to maintain that a declarant is in a position different from that of the ordinary alien, has extended a limited degree of protection, and now issues passports under the authority of an Act passed March 2, 1907—provided he has resided in the United States for three years; at the same time protecting itself from imposition by such persons by limiting the validity of such passports to a term of six months, and providing that an extended residence or domicile abroad shall be construed as an abandonment of the declared intention. Moreover, the naturalizing judges and the Bureau of Naturalization examine with great strictness the reasons for any absence whatever from the country after the declaration, and usually construe "intention" with regard to continuous residence with emphasis against the applicant. Many judges permit no absence, however brief, some going so far as to rule against any absence from the very county in which the applicant resides. And during the European War the issuance of such passports to natives of the belligerent countries was altogether suspended.<sup>1</sup>

The United States was early committed not only by specific utterances and practices, but by the whole psychology and tradition of its being, to the principle

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<sup>1</sup> The status of declarants in this and other relationships is fully discussed by Edwin M. Borchard, in *The Diplomatic Protection of Citizens Abroad*, pp. 501 *et seq.* and 568 *et seq.*, with elaborate footnotes citing authorities and precedents.

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of free expatriation; nevertheless, great confusion existed in the interpretation of the right as it related to efforts of American citizens to become citizens or subjects of other countries. The policy was finally crystallized in the Act of March 2, 1907, which provides definitely that "any American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign state in conformity with its laws, or when he has taken an oath of allegiance to any foreign state." This is the Act which, in the same section, provides for the extension of naturalization by presumption upon two years' residence in "the country from which he came," or upon five years' residence "in any foreign state." But it is provided that "such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States, under such regulations as the Department of State may prescribe." It is stipulated, however, that "no American citizen shall be allowed to expatriate himself when the country is at war."

During the Great War many American citizens imperiled, and in fact technically lost, their American citizenship by entering the military service of the various belligerent nations. After the entry of the United States into the conflict this was remedied by the enactment of Section 12 of the Act of May 9, 1918, in which it is provided that

. . . any person who, while a citizen of the United States and during the existing war in Europe, entered the military or naval service of any country at war with a country with which the United States is now at war, who shall be deemed to have lost his citizenship by reason of any oath or obligation taken by him for the purpose of entering such service, may resume his citizenship by taking the oath of allegiance to the United States prescribed by the naturalization law and regulations; . . .



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such oath to be taken here or abroad, before any state or Federal court authorized to naturalize aliens, or before any United States consul.

### CITIZENSHIP TAKES NO ACCOUNT OF SEX

Basic citizenship in the United States takes no account of sex. *Every* child, male or female, white, black, brown, red, or yellow, "born in the United States and subject to the jurisdiction thereof," is *ipso facto* a citizen. And every unmarried woman of that nativity is, and continues to be such, as long as she remains unmarried. Upon marriage she takes forthwith, whether she will or no, so far as our law is concerned, the nationality of her husband—even if he be an alien. It is the unbroken tradition of our law, and of the laws of nearly all other nations—in so far as they recognize women as being individual citizens at all—that the nationality of a wife follows that of her husband. Of that tradition was born a section of the law of 1907 which seeks to confer upon any American woman marrying a foreigner the nationality of her husband. When an alien man becomes a citizen of the United States by naturalization, his wife, in ordinary circumstances, becomes a citizen with him; the law says specifically that "a woman who is now, or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, may be deemed a citizen." But, generally speaking, she must, unless herself American born, be resident in this country. The practice in this regard has not been wholly consistent; the State Department has held repeatedly that the naturalization of a husband does not reach the wife if she continue to reside in the old country; but a very uniform line of decisions is to the effect that her husband's naturalization makes her a citizen wherever she may be, and



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that she remains a citizen even after his death unless she takes action to repatriate herself. The Act of 1907 makes it necessary for such a foreign-born widow resident abroad to register with a United States consul within a year after the termination of her marriage; otherwise her citizenship lapses.

The phrase, "who might herself be lawfully naturalized," has given rise to much controversy, and its significance has not been definitively declared. Some authorities hold it to apply only to the Oriental races excluded as such from citizenship; others hold that it should be interpreted to call for an examination of the wife as to her views on the subject of anarchism, polygamy, etc. But the general tendency seems still to hold that the family is one, *and the husband that one*; that, therefore, *any* sort of wife comes into citizenship automatically with the naturalization of her husband.

### "A WOMAN WITHOUT A COUNTRY"

The nonresident American-born wife of a foreigner may, upon his death or the termination of the marriage in any other legal manner, resume her American citizenship by registration with a United States consul. But what of the woman, born an American citizen, married to an alien who continues to live? The United States statute of 1907 undertakes to expatriate her—"any American woman who marries a foreigner shall take the nationality of her husband." But, in absence of specific treaty, or of legislation in the husband's country to that effect, that pronouncement is without force or validity outside of the United States; Congress has no power to confer or inflict the citizenship of any other nation upon anybody. "The operation of this statute might easily deprive a woman of her American citizenship—even if she had it by right of

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birth—and leave her with none.”<sup>1</sup> It seems rather extraordinary that of all the judges of American naturalization courts replying to the questionnaire of the Americanization Study, whose results are discussed elsewhere in this volume,<sup>2</sup> not one referred directly to this aspect of the citizenship of the American woman.

The person without a country is an alien everywhere his foot may fall—no matter under what roof or flag he may seek shelter. He is subject to the local laws and limitations governing aliens; but he has no homeland whose flag he may call his own; no government anywhere to which he may appeal for protection; he is dependent without recourse upon the hospitality, grace, and mercy of the public authorities and the people of the land where he chances to make his habitation.

### THE AMERICAN UNDER THREE JURISDICTIONS

In notable contrast with this dismal prospect, the American citizen, native or naturalized, is quite otherwise. He is subject to *three* concurrent jurisdictions. This fact is a source of great puzzlement to many an applicant for citizenship, and constitutes one of the stumbling-blocks which beset him in his initial understanding of our system of government.

First, the nature of his relation to the United States. In the case of *Minor vs. Happerstett*,<sup>3</sup> decided in 1875, the Supreme Court of the United States said:

Before its adoption, the Constitution of the United States did not in terms prescribe who should be citizens of the United States, yet there were necessarily such citizens with-

<sup>1</sup> See Edwin M. Borchard, *The Diplomatic Protection of Citizens Abroad*, pp. 19, 591.

<sup>2</sup> See chap. vi, p. 148 *et seq.*

<sup>3</sup> 21 Wallace, 162.

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out such provision. There cannot be a nation without a people. The very idea of a political community, such as a nation is, implies an association of persons for the promotion of their general welfare. Each one of the persons associated becomes a member of the nation formed by the association. He owes it allegiance and is entitled to its protection. Allegiance and protection are, in this connection, reciprocal obligations. The one is a compensation for the other; allegiance for protection and protection for allegiance.

For convenience it has been found necessary to give a name to this membership. The object is to designate by a title the person and the relation he bears to the nation. For this purpose the words "subject," "inhabitant," and "citizen" have been used, and the choice between them is sometimes made to depend upon the form of government. "Citizen" is now more commonly employed, however, and as it has been considered better suited to the description of one living under a republican government, it was adopted by nearly all of the states upon their separation from Great Britain, and was afterward adopted in the Articles of Confederation and in the Constitution of the United States. When used in that sense it is understood as conveying the idea of membership of a nation, and nothing more.

To determine, then, who were the citizens of the United States before the adoption of the [Fourteenth] amendment it is necessary to ascertain what persons originally associated themselves together to form the nation, and what were afterward admitted to membership.

The effect of this decision, and of the Fourteenth Amendment whose meaning it declared, was to determine definitively that National Citizenship is paramount to State Citizenship. But it did not entirely absorb the latter into the former. In the famous "Slaughter House Cases"<sup>2</sup> the Supreme Court three years before had held that there might be citizens

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<sup>1</sup> Butchers' Benevolent Association *vs.* Crescent City Live Stock Company, 16 Wallace, 36.

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of the United States who were not citizens of any state, and that the Fourteenth Amendment applied particularly, if not solely, to the privileges and immunities of citizens of the United States, *as such*, and did not necessarily limit the right of a state to inflict disabilities upon its own citizens.

The distinction between the two citizenships was thus stated in the Slaughter House cases:<sup>1</sup>

The distinction between citizenship of the United States and citizenship of a State is clearly recognized and established. Not only may a man be a citizen of the United States without being a citizen of a State, but an important element is necessary to convert the former into the latter. He must reside within the State to make him a citizen of it, but it is only necessary that he should be born or naturalized in the United States to be a citizen of the Union. It is quite clear, then, that there is a citizenship of the United States, and a citizenship of a State, which are distinct from each other, and which depend upon different characteristics or circumstances in the individual.

It is therefore decided that while a State may no longer decide the question of who shall be or become its citizens, the citizen of the United States must, before becoming a citizen of a State, take up his residence within the State. The term of residence is nowhere fixed, but a permanent residence or domicile is understood, "with intent that it shall continue until subsequent removal with the intent of abandoning such residence and acquiring another."

These momentous adjudications did not, however, address themselves to the matter of political participation. Although a state might not determine who should constitute its citizen body, there was no curtailment of its full authority to determine what political privileges should exist, or who should enjoy them. Neither Federal nor state citizenship, *per se*, entitles

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<sup>1</sup> McClain, *Constitutional Law in the United States*, p. 276.



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a man or woman to vote or to hold office; these are matters of state legislation and a number of states have accorded, and two still accord, to aliens who have merely declared their intention to seek citizenship, the right to vote. Moreover, respected authorities<sup>1</sup> hold the opinion that, while no state can prevent a citizen of the United States from becoming a citizen of the state, a state may grant its own citizenship to one who is not—perhaps to one who cannot become—a citizen of the United States.<sup>2</sup> But the Act of Congress, May 6, 1882, expressly prohibits the naturalization of any Chinese person.

The courts from the beginning have recognized the existence of two concurrent, if not more or less separable, citizenships. In the Cruikshank case in 1875,<sup>3</sup> the Supreme Court said:

The people of the United States resident within any State are subject to two governments; one State and the other national; but there need be no conflict between the two. The powers which one possesses the other does not. They are established for different purposes, and have different jurisdictions. Together they make one whole, and furnish the people of the United States with one government, ample for the protection of all their rights at home and abroad. True, it may sometimes happen that a person is amenable to both jurisdictions for one and the same act. . . . This does not, however, necessarily imply that the two governments possess powers in common, or bring them into conflict with each other. It is the natural consequence of a citizenship which owes allegiance to two sovereignties and claims protection from both. The citizen cannot complain because he has voluntarily submitted himself to such a form of government. He owes allegiance to the two departments, so to speak,

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<sup>1</sup> See Willoughby on the Constitution, i, p. 272.

<sup>2</sup> See *in re Wehlitz*, 16 Wisconsin, 443.

<sup>3</sup> *United States vs. Cruikshank*, 92 U. S., 542.



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and within their respective spheres must pay the penalty which each exacts for disobedience to its laws. In return he can demand protection from each within its own jurisdiction.

There is still another jurisdiction to which citizens must give attention, and to the foreigner it is an added perplexity in the understanding of our system: the purely local laws, ordinances, and rulings of city, health, police; of country, town, and village; and sometimes these seem to run counter to one another, and leave him in a maze of fear and uncertainty—to say nothing of those mysterious exceptions, exemptions, and immunities which seem to be accorded for the benefit of those who, by political loyalty or subserviency, favoritism—and even cash payments upon occasion—have got themselves “in right,” as the saying goes.

The problems of national solidarity and loyalty raised so acutely all over the country by the exigencies and conflicts of the war have made the mass of the people of the United States keen as never before about the standards and technical tests of citizenship. The tendency, very marked now, is to establish and uphold the uniformity of conditions which beyond a doubt shall represent the spirit, if not the letter, of the law. We are now to consider the machinery and the process which the aspirant for citizenship confronts as he knocks at our wicket.

## IV

### DEVELOPMENT OF THE NATURALIZATION LAW

NATURALIZATION, the legal ceremony by which the native or adopted citizen of one country acquires citizenship in another, is in its significance and essentials very ancient—it goes back to the blood transfusion and other primitive ceremonials by which those of other kin were admitted as brothers to full standing in family, clan, or tribal membership. It registers and effectuates two distinct things—a divorce and a new marriage, so to say. There are two parties to the two-fold process: the petitioner, who on his own account renounces the old allegiance and professes his desire and his intention to assume the new; and the adopting government which, on its part, accepts the applicant and upon him confers the standing and privileges and imposes the responsibilities and obligations attaching to citizenship under its protection and authority. This is precisely the nature of the process through which must go every foreign-born person who becomes an active member of the United States.

#### OUR "CHARTER MEMBERS"

As in the case of other new organizations, we had at the beginning what might be called "Charter Members." We were not fussy about it. There was no prejudice then against the newcomer—we "needed him in our business!" The Constitution of the United

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States in its inception took in as a matter of course everybody then resident here who by any color of law could be construed to be entitled to membership. Even the provision requiring native birth for the Presidency limited it only to one natural born, "or a citizen of the United States at the time of the adoption of this Constitution."<sup>1</sup> Martin van Buren was actually the first President born an American citizen. The seven who preceded him all were born subjects of the British crown.

Prior to 1700, few immigrants who were not British subjects had sought homes in the American colonies; the few of other nationality found no difficulty in being accepted as fellow citizens with those who preceded them. For obvious reasons, the Colonial governments were liberal in granting civil rights to newcomers of almost every sort. It was absolutely vital to the preservation of the new civilization here that there should be an increasing number of men to assist in conquering the wilderness and in defending the fringe of settlements against attack. How could the pioneer nation have maintained itself, much less have advanced and spread westward until its feet were stopped by the Pacific, without these adventurous souls of every race?

So the sieve was of coarse mesh.

### FIRST NATURALIZATION LAWS

Generally speaking, except where a colony had legislated independently in the matter, the British law was in effect. Under this, an alien might be natural-

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<sup>1</sup> This exception is said to have been included principally to allow eligibility to Alexander Hamilton, who was born in the West Indies, under the British flag.

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ized by the Act of Parliament, or given partial rights by grant of the king, in "Letters of Denization."

Prior to 1740, a number of naturalization laws were passed by Colonial legislatures. General laws were passed by New York and Pennsylvania in 1683, South Carolina in 1696, and Virginia somewhat later. The use of the private Act of Naturalization was very common, especially in Pennsylvania and New York. The general Act of Pennsylvania was in fact revoked by Queen Anne, and from that time until 1840 all naturalizations in that colony were by private or special legislation.

Probably the first naturalization of aliens in the New World was the collective acceptance of the Dutch inhabitants of New Amsterdam (New York) by the articles of capitulation in 1664, by which they with their territory passed under the British flag. Two years later Augustine Herman of Prague, with his family, was naturalized by Act of the Maryland Assembly. This appears to have been the first naturalization law enacted in America.

The rights conferred by all of these Colonial Acts were limited strictly to the colony in which each was passed. Political rights varied in the different colonies, chiefly according to voting qualifications in force in each. But since most of them provided for a property qualification, the permission to foreigners to own land usually carried with it the right of suffrage. However, in some of the colonies the naturalized citizen was not eligible to public office. For all practical purposes of social standing, the ownership of land sufficed, and since that could be passed down by inheritance, and it was always admitted that a child born on this soil was a citizen regardless of his racial descent, the restrictions were hardly irksome at that time.

In 1740 the English Parliament passed an Act for



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providing for naturalization in the American colonies<sup>1</sup> of "foreign Protestants." Persons naturalized under this statute might enjoy all civil rights except that of holding certain offices. A residence of seven years was required, and certain oaths and rites were imposed, including partaking of the sacrament of the Holy Communion in accordance with the ritual of the Church of England. Quakers and Jews, however, were the subject of exemption; Quakers were permitted to affirm, rather than to swear, and Jews were permitted to omit the words, "on the faith of a Christian." This Act remained the basic law of the American provinces until the Revolution, when all British statutes were, at least constructively, superseded by Acts of the Congress of the United States of America.<sup>2</sup>

Among the grievances recited against the government of George III was the treatment of this subject of naturalization. It is thus set forth in the Declaration of Independence:

He has endeavored to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriation of Lands.

Under the Articles of Confederation, which served the new republic until the adoption of the Constitution, no specific action was taken by the Congress to provide for the naturalization, although certain provision was made for an oath of allegiance for office-holders, and to facilitate desertion from the British ranks by offers of land and of citizenship. After the Revolution

<sup>1</sup> 13 George II, chap. 7—Ruffhead's *Statutes-at-Large*, vi, p. 384.

<sup>2</sup> See Channing's *History of the United States*, vol. ii, pp. 413-416; also A. H. Carpenter, "Naturalization in England and the Colonies," *American Historical Review*, vol. ix, p. 288.



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a number of individual states enacted naturalization statutes: Massachusetts, 1783-89; Delaware, 1788; Maryland, 1779; New York, 1789; South Carolina, 1784; Virginia, 1779-85. These Acts generally provided very easy methods for the acquisition of citizenship—usually requiring only an oath of allegiance, without any specific length of residence; though Virginia required a formal declaration of intention to remain here, and South Carolina insisted upon a previous residence of at least one year.

### EFFORTS TOWARD UNIFORMITY

The obvious and constant embarrassment arising from different requirements under diverse jurisdictions was recognized and discussed before the making of the Federal Constitution. James Madison, for example, in 1782, urged the necessity of a uniform practice. So general was the recognition of this need that the Constitutional Convention took it for granted, and almost without discussion adopted the provision which still stands, and under which all subsequent legislation has gained its authority:<sup>1</sup>

Congress shall have power . . . to establish an uniform rule of naturalization . . .

And almost immediately (1790), President Washington having urged it in his message in January of that year, Congress enacted a general Naturalization Act.<sup>2</sup>

The considerable debate in Congress concerning this measure not only throws an interesting light upon the policies prevailing at that time, but shows that while the new government realized the importance of desirable immigration, there was full realization of the

<sup>1</sup> *Constitution of the United States*, art. i, sec. 8, 4.

<sup>2</sup> *United States Statutes-at-Large*, vol. i, pp. 103-104.

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difficulty of so adjusting the process of naturalization as to facilitate this while at the same time protecting the essentials of the American spirit and institutions from the insidious influences feared from certain types of newcomers. The conflicting attitudes of the highly liberal Quakers in Pennsylvania and the austere Puritans of New England—visible in many ways in all the legislation of the early years in the contrasting jurisdictions of the northern Atlantic colonies, appears clearly in the debates, from which emerged the Act of 1790, whose essentials were as follows:

- I. Naturalization to be conferred by any court of record.
- II. A requirement of two years' residence in the United States, and one year within the State.
- III. Proof required of good moral character, and oath to support the Constitution of the United States.

This Act was repealed in 1795 by another<sup>1</sup> introducing the declaration of intention to become a citizen, and extending the period of required residence from two years to five. This Act has been the basis of our naturalization system ever since. Its main provisions were these:

- I. A preliminary declaration of intention to become a citizen of the United States, to be made at least three years [the present law specifies two years] before final application for citizenship.
- II. Naturalization jurisdiction was vested in any "supreme, superior, district or circuit court" of the states or of the territories northwest or south of the River Ohio, or a circuit or district court of the United States.
- III. Five years' residence in the United States, and one year's residence in the state in which the application was made.
- IV. An oath of allegiance.

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<sup>1</sup> *United States Statutes-at-Large*, vol. i, pp. 414-441.

## THE NATURALIZATION LAW

Aliens then residing in the United States might be naturalized after *two* years' residence.

This Act was fathered by James Madison, then a member of Congress.

President Jefferson, in his first message to Congress, advocated a revision of the Naturalization Law, to the end that "the general character and capabilities of a citizen be safely communicated to everyone manifesting a bona fide purpose of embarking his life and fortunes permanently with us."

Accordingly the Jeffersonian Congress of 1802 repealed the Act of 1795, and enacted one<sup>1</sup> which remained substantially in force for more than a century. Its provisions, in the main, were as follows:

I. Naturalization jurisdiction was vested in the supreme, superior, district and circuit courts (a district court meaning any court of record having common-law jurisdiction) in the states and territorial districts and in the circuit and district courts of the United States.

II. The Declaration of Intention was still required, with the three years' interval before final application.

III. Five years' residence in the United States and one in the State was still required.

IV. Oath of allegiance to the United States, with specific renunciation of former allegiance.

V. Proof of good moral character and attachment to the principles of the United States.

Under this Act the children of persons duly naturalized were, if resident in the United States, to be considered citizens, and those born elsewhere were to enjoy the same status, provided that the citizenship should not descend to children whose fathers never resided in the United States.

An Act passed in 1804 slightly modified the regula-

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<sup>1</sup> *United States Statutes-at-Large*, vol. ii, pp. 153-155.

## AMERICANS BY CHOICE

tion in favor of aliens residing in the United States between 1798 and 1802, and provided also that in case a "declarant" should die before his naturalization had been consummated, his widow and minor children should be deemed citizens upon taking the prescribed oath.<sup>1</sup>

During the second war with England, in 1813, an Act was passed requiring the five years' residence to be absolutely unbroken by any absence whatever from the United States, and prescribing penalties for forgery or sale of naturalization certificates.<sup>2</sup> Later in the same year another law was passed to permit the naturalization of alien enemies (then Englishmen) who had declared intention prior to June 18, 1812.<sup>3</sup> Another important amendment was made in 1816.<sup>4</sup>

In 1824, following a period of agitation for earlier naturalization, Congress passed an Act, the most important provision of which<sup>5</sup> reduced from three to two years the minimum interval between the declaration of intention and final naturalization. It is interesting to note that this agitation for more liberal conditions came, as might be expected, at the time of the initial influx of aliens to the Eastern cities, and the beginnings of the political exploitation of the "foreign vote."

Further slight changes were made in 1828,<sup>6</sup> and after twenty years more, in 1848, Congress abolished the restriction of 1813 which forbade any absence whatever from the country during the five years' period of "continuous residence."<sup>7</sup> But during all of the period between 1820 and the Civil War there was an increasing "Native American" agitation for narrower, rather than more liberal, restrictions, even to the point of abolishing naturalization altogether. Innumerable bills

<sup>1</sup> *United States Statutes-at-Large*, vol. ii, pp. 292-293.

<sup>2</sup> *Ibid.*, p. 811.    <sup>3</sup> *Ibid.*, vol. iii, p. 53.    <sup>4</sup> *Ibid.*, vol. iii, p. 259.

<sup>5</sup> *Ibid.*, vol. iv, p. 69.    <sup>6</sup> *Ibid.*, vol. iv, p. 310.    <sup>7</sup> *Ibid.*, vol. ix, p. 240.



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were introduced reflecting this agitation; but, owing both to the increasing importance of the foreign-born element in politics, and to the underlying realization that the nation must have a constant accretion of population, no such legislation reached the statute books. The three minor amendments enacted during and immediately after the Civil War were designed to meet conditions arising out of the state of war.<sup>1</sup>

In 1876 the Act of 1802 was amended so that the declaration of intention could be made, as it is now, before the clerk of any of the courts having naturalization jurisdiction.<sup>2</sup> And in 1872 and 1894 provision was made for the easier naturalization of the United States soldiers, sailors, marines, and merchant seamen, about whose permanency of residence there was embarrassment.<sup>3</sup>

### BARS UP AGAINST ALIEN ANARCHISTS

The assassination of President McKinley, in 1901, by a professed anarchist brought to a head the feeling against foreign ultra-radicals, and resulted in the enactment in 1903<sup>4</sup> of the restriction against the admission to this country of persons believing in the abolition of organized government or the removal of public officers by violence. This test is widely applied now by judges and by the Naturalization Service in the examination of applicants for citizenship.

### VARIOUS PRESIDENTS DISCUSSED NATURALIZATION

The importance of the subject of the absorption of foreign-born persons into our life is reflected all through

<sup>1</sup> *United States Statutes-at-Large*, vol. xii, p. 597.

<sup>2</sup> *Ibid.*, vol. xix, p. 2.

<sup>3</sup> *Ibid.*, vol. xvii, p. 268, and vol. xxviii, p. 124.

<sup>4</sup> *Ibid.*, vol. xxxii, pt. 1, p. 1222.



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the records of the government; allusions to it may be found in a large proportion of the messages of the Presidents to Congress. John Adams found occasion to express abhorrence of "intrigues of foreign agents to alienate the affections of the Indians and to arouse them to acts of hostility."

The liberal sentiments of Thomas Jefferson appeared in his early recommendation of a revision of the law requiring fourteen years' residence: "Shall we refuse the refuge extended to our fathers," said he, in substance, "to the unhappy fugitives from distress arriving in this land? Shall oppressed humanity find no asylum on this globe?" But at the same time he remarked that for admission to certain offices of trust, a residence should be required sufficient to develop character and an appreciation of the design of our institutions.

James Madison's interest in the subject was exhibited throughout his administration, and especially in his activities on the floor of Congress.

President Buchanan insisted upon the full status for naturalized citizens.

Our Government is bound [said he] to protect the rights of our naturalized citizens everywhere to the same extent as though they had drawn their first breath in this country. We can recognize no distinction between our native and naturalized citizens.

Abraham Lincoln and Andrew Johnson touched upon the question of the French and Russian claims upon immigrants who came here merely to escape military service; Lincoln pointing out that there should be a time limit beyond which the United States would not attempt to protect persons who came here for that reason and then returned to their native countries claiming to be American citizens; Johnson, on the

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other hand, emphasizing the effect of naturalization in absolving the individual from all former allegiance. President Grant urged Congress to define the conditions of expatriation, and to regulate by law the status of children of aliens becoming naturalized, and that of American women marrying noncitizens. He also drew attention to the growing evil of fraudulent naturalization, and urged the establishment of a system of uniform certificates and records.

President Arthur also called for a central bureau of registry, and for a general revision of the naturalization law, pointing out that much of it now had only historical interest, that the provisions regarding children of naturalized parents were ambiguous, and that the constitutional authority to establish "an uniform rule" called for a clear definition of the status of "persons born within the United States subject to a foreign power, and minor children of fathers who have declared their intention but have failed to perfect their naturalization."

President Cleveland devoted a good deal of attention to the subject. He, too, emphasized the need of centralized Federal control over the records, and repeatedly called for a general revision of the law, insisting that the "privilege and franchise of American citizenship" should be granted with scrupulous care. He gave warning against "the easy and unguarded manner in which certificates of naturalization can now be obtained," and the growth of a class of persons who availed themselves of it for political purposes.

Benjamin Harrison emphasized the need of an investigation of the moral character of the applicant for citizenship, to make more certain the existence of a "good disposition toward our government"; calling also for a more particular system of court hearings, with

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proper opportunity for representatives of the government to appear. He declared that "avowed enemies of social order" should be denied not only citizenship, but even domicile here. He also adverted to the evils of fraudulent naturalization.

### DEFINITE REFORM AT LAST

It was the growing realization of this general condition, of the notorious ease with which naturalization could be acquired; the wholesale issue and sale of fraudulent certificates; the debauching of elections through the manipulation of the "foreign vote," and the general cheapening of the franchise, that brought the subject to a head. It was common knowledge that these frauds were prevalent wherever there were large numbers of foreign-born people, and that both of the great political parties vied with each other in exhausting ingenuity to devise methods for the exploitation of the alien population. Which party excelled in the business depended almost entirely upon which was dominant in any particular community. The situation was a scandal in any event, and the sober sentiment of the nation realized increasingly that something must be done about it.

### NATURALIZATION COMMISSION APPOINTED

It was not until the administration of President Roosevelt, however, that definite steps were taken. During the years 1903-05 the Department of Justice became very active in unearthing and prosecuting violations of the naturalization laws. Hundreds of cases of fraudulent naturalization were discovered, and nearly seven hundred convictions were obtained. A special examiner of the Department of Justice, A. C. van

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Deusen, made an extensive report on the subject in 1905.<sup>1</sup>

By Executive Order, March 1, 1905, President Roosevelt created a special commission, consisting of Milton D. Purdy, Assistant Attorney-General representing the Department of Justice, chairman; Gaillard Hung, chief of the Bureau of Citizenship in the Department of State, representing that department, and Richard K. Campbell, attorney for the Immigration Bureau in the Department of Commerce and Labor (now Commissioner of Naturalization in the Department of Labor), "to investigate and report on the subject of naturalization in the United States," and to recommend changes in the naturalization laws.<sup>2</sup> The commission's report is invaluable in any study of the subject of Naturalization Law and Procedure.

The average citizen scarcely realizes how completely the Naturalization Law of 1906, which was the fruit of the labors of this commission, has revolutionized the whole business. Whatever may be the defects of the law, or of the practice which has grown up under it, they are in the main due to "leaning over backward" in the honest effort to clean and keep clean the flow of new blood into our citizenship. Generally speaking, it is to be said that the enforcement of this statute has abolished most of the evils of fraud and exploitation which before that were a scandal and a menace in American political life.

By this act the Naturalization Service was established and an absolutely new era initiated. As Mr. Campbell, who forthwith became chief of the Division

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<sup>1</sup> Extracts from this report may be found in the *Report of the President's Commission on Naturalization*, Fifty-ninth Congress, First Session, House Document 46.

<sup>2</sup> The report of this commission is available as House Document 46, Fifty-ninth Congress, First Session.



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of Naturalization in the Bureau of Immigration,<sup>1</sup> said in his report for the fiscal year ending June 30, 1908, the process of becoming naturalized as an American citizen . . . has acquired (even after so short an operation of the new system) a formality and dignity which is in some measure commensurate with the importance of the Act and the gravity of its consequences; it is no longer possible to "railroad" aliens in groups to the naturalization courts, in defiance of the law and in disregard of even an appearance of propriety; the courts which have jurisdiction are no longer such as are "devoted largely to the trifling and indecent affairs of the community," and the conferring of citizenship is, in this respect, no longer "ranked with disturbing the peace or keeping an unlicensed dog," as it was expressed by a judge of a court in describing the conditions under the old law.

And in his seventh report, for 1913-14, to the Secretary of Labor, Mr. Campbell remarked that

To those who will take the trouble to compare the chaotic and disorderly conditions which characterized the procedure for more than a century of our national existence with the dignity, uniformity, and regularity of the present system, it must appear to be a matter of inexplicable carelessness that the reform should so long have been delayed.

In the same report, the Commissioner of Naturalization points to one reform embodied at least potentially in the present system, which alone would have justified it:

There is, too, for the person naturalized, a security of title to his political or national status never before enjoyed by him. The title to citizenship is the recorded order of the

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<sup>1</sup> With the creation of the Department of Labor, in 1913, out of the former Department of Commerce and Labor—Commerce becoming a separate department—the Naturalization Service became a Bureau of that department, headed by a Commissioner responsible to the Secretary of Labor.



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court. The certificate is simply the conclusive evidence of such order. If there was no written record made, as was often the case, or if that record was destroyed, as happened not infrequently, the title to citizenship hung by the slender thread of a piece of paper carried by the owner and subject to all the risks attendant upon such possessions. If lost, to all practical intents his citizenship was also lost. Now the duplicate written record, one in the court and one in the Bureau [of Naturalization], is an ample defense against all such accidents.

It *would* be, indeed; but what if in course of time these records in the Bureau should have come into such condition, owing to inadequate clerical force and increasing absorption of the Bureau in other activities, that the record there could not be traced!

However, any criticism or consideration of the present system, to be intelligent or fair, must take into account, first, the incredibly chaotic conditions which formerly prevailed, and second, the fact that never—not even now—has the naturalization system, as a problem in public administration, received even superficial attention of the public.

### WHAT THE LAW REQUIRES

Before we proceed to consider the naturalization process as in action it has affected annually upward of one hundred thousand human beings seeking admission to citizenship in the United States, let us see the principal provisions of the law with which they come into contact. Section 4 of the Naturalization Law<sup>1</sup> pro-

<sup>1</sup> Act of June 29, 1906 (34 *United States Statutes-at-Large*, pt. i, p. 596), as amended by Act of March 4, 1909 (35 *Stat.*, pt. i, p. 1102), as further amended by Act of June 25, 1910 (36 *Stat.*, pt. i, p. 830), as further amended by Act of March 4, 1913 (37 *Stat.*, pt. i, p. 736), as further amended by Act of May 9, 1918 (Public No. 144, Sixty-fifth Congress, Second Session).

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vides that an alien may be admitted to become a citizen of the United States in the following manner "and not otherwise."

First. He shall declare on oath before the clerk of any court authorized by this Act to naturalize aliens, or his authorized deputy, in the district in which such alien resides, two years at least prior to his admission, and after he has reached the age of eighteen years, that it is his bona fide intention to become a citizen of the United States and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject. And such declaration shall set forth the name, age, occupation, personal description, place of birth, last foreign residence and allegiance, the date of arrival, the name of the vessel, if any, in which he came to the United States, and the present place of residence in the United States of said alien: *Provided*, however, that no alien who, in conformity with the law in force at the date of his declaration, has declared his intention to become a citizen of the United States, shall be required to renew such declaration.

Second. Not less than two years, nor more than seven years, after he has made such declaration of intention he shall make and file, in duplicate, a petition in writing, signed by the applicant in his own handwriting and duly verified, in which petition such applicant shall state his full name, his place of residence (by street and number, if possible), his occupation, and, if possible, the date and place of his birth; the place from which he emigrated, and the date and place of his arrival in the United States, and, if he entered through a port, the name of the vessel on which he arrived; the time when, and the place and name of the court where he declared his intention to become a citizen of the United States; if he is married he shall state the name of his wife and, if possible, the country of her nativity and her place of residence at the time of filing his petition; and if he has children, the name, date, and place of birth and place of residence of

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each child living at the time of the filing of his petition: *Provided*, That if he has filed his declaration before the passage of this Act he shall not be required to sign the petition in his own handwriting.

The petition shall set forth that he is not a disbeliever in, or opposed to, organized government, or a member of or affiliated with any organization or body of persons teaching disbelief in, or opposed to, organized government; a polygamist or believer in the practice of polygamy; and that it is his intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he at the time of filing of his petition may be a citizen or subject; and that it is his intention to reside permanently within the United States; and whether or not he has been denied admission as a citizen of the United States, and, if denied, the ground or grounds of such denial, the court or courts in which such decision was rendered, and that the cause for such denial has since been cured or removed; and every fact material to his naturalization and required to be proved upon the final hearing of his application.

The petition shall also be verified by the affidavits of at least two credible witnesses, who are citizens of the United States, and who shall state in their affidavits that they have personally known the applicant to be a resident of the United States for a period of at least five years continuously, and of the State, Territory, or the District of Columbia, in which the application is made, for a period of at least one year immediately preceding the date of the filing of his petition, and that they each have personal knowledge that the petitioner is a person of good moral character, and that he is in every way qualified, in their opinion, to be admitted as a citizen of the United States.

At the time of filing his petition there shall be filed with the clerk of the court a certificate from the Department of Labor, if the petitioner arrives in the United States after the passage of this Act, stating the date, place, and manner of his arrival in the United States, and the declaration of inten-

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tion of such petitioner, which certificate and declaration shall be attached to and be made a part of said petition.

Third. He shall, before he is admitted to citizenship, declare on oath in open court that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; that he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same.<sup>1</sup>

Fourth. It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application he has resided continuously within the United States five years at least, and within the State or Territory where such court is at the time held one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. In addition to the oath of the applicant, the testimony of at least two witnesses, citizens of the United States, as to the facts of residence, moral character, and attachment to the principles of the Constitution shall be required, and the name, place of residence, and occupation of each witness shall be set forth in the record.

Fifth. In case the alien applying to be admitted to citizenship has borne any hereditary title, or has been of any of the orders of nobility in the kingdom or state from which

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<sup>1</sup>The Oath of Allegiance usually imposed in these proceedings reads as follows:

*I hereby declare on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to [name of sovereign of country] of whom I have heretofore been a subject; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic, and that I will bear true faith and allegiance to the same.*



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he came, he shall, in addition to the above requisite, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Sixth. When any alien who has declared his intention to become a citizen of the United States dies before he is actually naturalized the widow and minor children of such alien may, by complying with the other provisions of this Act, be naturalized without making any declaration of intention.

Section 8 of the Naturalization Law gives still further requirements:

That no alien shall hereafter be naturalized or admitted as a citizen of the United States who cannot speak the English language: *Provided*, That this requirement shall not apply to aliens who are physically unable to comply therewith, if they are otherwise qualified to become citizens of the United States: *And provided further*, That the requirements of this section shall not apply to any alien who has, prior to the passage of this Act, declared his intention to become a citizen of the United States in conformity with the law in force at the date of making such declaration: *Provided further*, That the requirements of section eight shall not apply to aliens who shall hereafter declare their intention to become citizens and who shall make homestead entries upon the public lands of the United States and comply in all respects with the laws providing for homestead entries on such lands.

The final hearing must be public, in open court, and the judge must pass upon the petition personally:

Section 9. That every final hearing upon such petition shall be had in open court before a judge or judges thereof, and every final order which may be made upon such petition shall be under the hand of the court and entered in full upon a record kept for that purpose, and upon such final hearing of such petition the applicant and witnesses shall be examined under oath before the court and in the presence of the court.

Attention needs to be drawn especially to the following section, which, however innocuous in appear-



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ance, has given rise to a vast deal of vexation and injustice, and has caused the exclusion from citizenship of a large number of persons otherwise perfectly qualified and desirable:

Section 10. That in case the petitioner has not resided in the State, Territory, or the District of Columbia for a period of five years immediately preceding the filing of his petition he may establish by two witnesses, both in his petition and at the hearing, the time of his residence within the State, provided that it has been for more than one year, and the remaining portion of his five years' residence within the United States required by law to be established may be proved by the depositions of two or more witnesses who are citizens of the United States, upon notice to the Bureau of Naturalization.

It will become evident as we proceed that the interpretation which has been placed by the courts and the Naturalization Service upon the distinction between the phrases, "two witnesses," "at least two witnesses," and "two or more witnesses," has in practice caused a palpable absurdity from the point of view of common sense, and inflicted crying hardships and wrongs from the point of view of bare justice. Upon the humanity and good sense of the court, interacting with the same on the part of the representatives of the government, has depended to a very great degree the sensible interpretation of these and other provisions of the law; but in general both are bound by its letter, and in many instances they have been forced to reject petitions which, on the sane merits of the case, should have been accepted.

## V

### THE LAW IN OPERATION

COMMISSIONER CAMPBELL, in his annual report for the fiscal year ending June 30, 1914, described in some detail the operations of the field service of his Bureau in the handling of the applicant for citizenship:

The headquarters of the various districts are located in the large cities, where the greatest number of aliens apply for naturalization, and in the public buildings or in close proximity to the courts.<sup>1</sup> In many of the cities where the examiners are in the same building with the court, it is the practice of the alien to appear with his witnesses first in the office of the chief examiner. Here an examination is made in advance of any work in the office of the clerk of court. The examiners, specially trained in the work, first ascertain whether the alien arrived in the United States prior to the passage of the Act of 1906. If he arrived prior to the passage of the Act, the examiner then ascertains, before assisting him in taking the second step in the process of naturalization, whether the alien has a declaration of intention that has matured.<sup>2</sup> If he has arrived subsequent

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<sup>1</sup>The division offices are located in Boston, New York, Philadelphia, Pittsburgh, Chicago, St. Louis, St. Paul, Denver, San Francisco, Seattle, and Washington, D. C., the last named being a division field headquarters, with a chief examiner in charge, as well as the site of the general headquarters of the Naturalization Bureau itself.

<sup>2</sup>That is to say, has been extant for at least two years, and, presumably, whether it has not expired by reason of having been extant for more than seven years—in which event it would be invalid by expiration.

## AMERICANS BY CHOICE

to the passage of the Act, he ascertains whether the alien has been notified by the Bureau that the certificate of arrival required by law to be filed with the clerk of court at the time of filing the petition for naturalization has been placed there by the Bureau. It may be stated here that when an alien applies for a certificate of arrival, the Bureau notifies him when it has been obtained and forwarded to the clerk of the court selected by the alien in which to file his petition for naturalization, and he is directed to proceed with the filing of his petition at the earliest practicable moment.

Upon learning that the certificate of arrival has been obtained, the examiner interrogates the candidate to learn his qualifications for citizenship and records the results of his examination. He then examines the witnesses to be reasonably certain that they are American citizens, that they are credible and of good character, that they have personally known the applicant for the statutory period, and can intelligently testify both as to his residence and good behavior during the period required by the statute to be ascertained and shown to the satisfaction of the court.

The examiner also sees that the blank form furnished by the Bureau for setting forth the statements required to be embodied in the petition for naturalization is correctly prepared. When the examiner finds affirmatively in all of these respects, he marks the filled-out blank with his initials and sends it with the petitioner and his witnesses to the office of the clerk of the court, where nothing further is to be done than the simple clerical work of filling in the petition, original and duplicate, from the blank, securing the signatures and affidavits of the petitioner and his witnesses, filing the triplicate copy of the declaration of intention and the certificate of arrival with the petition, and notifying them as nearly as may be of the date of the hearing.

This method prevails in large cities where the examiners are located in the buildings with the courts. The advantage to the residents of these large cities, in the saving of time and money to the petitioners and their witnesses, is readily discerned when it is considered that probably fifty thousand applicants for citizenship annually might follow this course

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if the conditions in each large center admitted of its being done. The advantage to be derived from having the candidate and his witnesses appear before the naturalization examiner in advance of his appearance before the clerk of court were early recognized by one of the United States district courts, where a large number of petitions for naturalization are filed annually, and an order of court was entered accordingly. In other courts, while the practice has not received this formal recognition, the consistency with which it is observed is none the less definite. This practice prevails in at least one city where the office of the chief examiner is not located in the building with the court.

Further emphasizing the advantages of this practice, the Commissioner remarks that it enables the examiner to dispose of a large number of cases, and tends to obviate denials on such grounds as "that the petitioner is already a citizen"; "incompetent witnesses," "insufficient residence," "no certificate of arrival," "declaration invalid," "premature petition," etc.—"unless, as is sometimes the case, a petitioner is obstinate and insists on taking his chance of admission by the court against the advice of the examiner." The Commissioner goes on to say:

In some cities, by reason of the lack of proximity of the office of the examiner to that of the clerk of the court, the system does not prevail of having the candidate appear first before the examiner, . . . but efforts have constantly been made to augment the prevalence of the practice, and since the great bulk of the naturalization work is in the large centers . . . the plan described, with the restricted means provided therefor, admirably accomplishes the effective disposal of the mass of work arising under the operation of the law wherever it has been adopted.

Referring to the work in regions apart from the great cities, the Commissioner said, in his report for 1912-13:



## AMERICANS BY CHOICE

In a few of the districts there are what may be called sub-stations, where an examiner is located by his chief to attend to work in the vicinity of such sub-station, . . . to reduce the travel expense and to bring the service in actual personal contact with the public and the courts as intimately as possible.


For the rest, and the far-outlying, sparsely-settled regions, where a person desiring citizenship must travel with his witnesses perhaps even hundreds of miles not once, but twice in any event, and in some cases several times, to and from the court having jurisdiction over the territory in which he lives, the situation is not so simple. To persons completing by the essential of American Citizenship their title to a homestead on the public lands—necessarily and characteristically in such sparsely settled regions—this item of travel, expense in both money and time for three persons, to say nothing of other hardships and exasperations involved in the meticulous technicalities of the law and practice, not infrequently is a raw tragedy. Neither provision by Congress nor administrative arrangement or concession in enforcement by the Naturalization Bureau or the courts has materially mitigated the hardships involved in such cases.

### RESTRICTIONS OF RACE

Not every alien, whatever his character or good disposition toward the “good order and happiness” of the United States, or his willingness to “support and defend the Constitution and bear true faith and allegiance to the same,” can become a citizen of the United States. He, or she, must be either white, or black—or, in the case of the American Indian, red. And if black, he, or she, must be of *African* descent. A long series of decisions has been necessary to define



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exactly what races are excluded; with the result that it is now, for practical purposes, well established that naturalization cannot, under existing laws, be granted to Chinese, Japanese, Hawaiians, Burmese, or the black or brown natives of India. 

It is not our province here to discuss the merits either of the racial limitation or of the somewhat vague definition that has been arrived at; it must suffice to outline the situation. The Naturalization Law of 1870 limited naturalization to "aliens being free white persons; and to aliens of African nativity and to persons of African descent." This was enacted in the tense days of Reconstruction after the Civil War, and was a natural but wholly unnecessary fling at the South. All American negroes are citizens of the United States by virtue of their birth in this country, and those who come here from Africa are likely to be incapable of passing the naturalization tests. Congress never has enacted a clear definition of the term, "white person," and endless confusion has existed. Hawaiians, Afghans, Chinese, Syrians, Turks, and Fiji Islanders, all have been admitted by some courts and excluded by others. The Commissioner of Naturalization at one time directed the field force to oppose vigorously the admission of any Asiatic. A non-Mongolian Turk, married to a white woman literally Caucasian, would be surprised to have his son excluded as not a white person; but such folk, and many others white by any common-sense definition, were excluded, the courts usually accepting as the judgment of experts the contention of the naturalization examiners; until finally the ruling was rescinded, and the matter has since then been left largely to the discretion of the courts, which have substantially settled the question so far as it may be settled in absence of a clear constitutional or legislative definition, such as exists

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specifically in the Act of 1882 excluding the Chinese by name. As the law and decisions stand now, the same definition which will admit an African deck-hand or cook excludes a Japanese prince or a Hindu university graduate.<sup>1</sup>

As for the Filipinos, it was held, in 1915, by the Supreme Court of the District of Columbia, that a Filipino is neither an alien nor an African, and that, therefore, he did not come within the provisions of the law limiting naturalization to white aliens, or black ones of African descent; that the Filipino then before the court could and would be naturalized under the section providing:

That all the applicable provisions of the naturalization laws of the United States shall apply to and be held to authorize the admission to citizenship of all persons not citizens who owe permanent allegiance to the United States, and who may become residents of any State or organized Territory of the United States.

In another case (not, however, involving clearly the question of racial color) a native of the Philippine Islands, of full Spanish paternity, but of half-breed blood on his mother's side, was admitted by the same court.<sup>2</sup>

There was a dubious situation regarding Porto Ricans; for it was held at first that, when the United States acquired Porto Rico and the Philippines by the Spanish War, these peoples came under the "protection" of the United States, but did not thereby acquire status as citizens. The Act of Congress, March

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<sup>1</sup> See Van Dyne, *Naturalization*, pp. 42-50; Moore, *Digest of International Law*, vol. iii, p. 329.

<sup>2</sup> *In re Lopez*, unreported; Supreme Court, District of Columbia, December 13, 1915. *In re Fernandez*, unreported; same court, September 24, 1913.

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2, 1917, cleared up this situation, however, declaring permanently resident Porto Ricans to be citizens, unless they owed allegiance to a foreign country, or within six months after the passage of the Act specifically refused American citizenship. This Act created the judicial "district of Porto Rico," and definitely vested naturalization jurisdiction in the United States District Court for that district, declaring residence in Porto Rico to be tantamount, for naturalization purposes, to residence anywhere else in the United States.

The Act of May 9, 1918, which swept into eligibility for immediate citizenship upward of two hundred thousand aliens serving in the army, navy, marine corps, and merchant marine, definitely extended the privilege to several classes, including Filipinos and Porto Ricans, regardless of every consideration other than military service, and it has been interpreted in favor of even Chinese and Japanese in those branches of the national war employ.<sup>1</sup>

### LIMITATIONS REGARDING AGE

The present law says clearly that an alien may not make a declaration of intention until he is eighteen years old. The old law contained a provision to the effect that anyone who arrived in the United States before the age of eighteen could, after he had been here the required five years, become naturalized by virtue of one proceeding, which was held to constitute both declaration and final petition. Otherwise, nothing was said in the old law regarding the age required for declaration; an alien must be twenty-one, however, in order to be naturalized. There was a good deal of uncertainty and confusion on this point, both the

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<sup>1</sup> See chapter ix, on Military Naturalization.

## AMERICANS BY CHOICE

Naturalization Service and the courts taking varying and inconsistent positions from time to time and in various jurisdictions. This is of only academic interest now; but the situation is still somewhat dubious, because an alien can file his declaration at the age of eighteen, and in a strict construction of the law he can file his petition two years later at the age of twenty. Some courts have so construed it. It is generally customary, however, for the courts to insist upon the age of twenty-one before granting citizenship; although one should bear in mind that citizenship does not necessarily involve the suffrage, and all states of the United States require attainment of twenty-one years before the citizen can vote.

### THE DECLARATION OF INTENTION

So far as anything in the law goes to prevent, the immigrant can make his way immediately from the vessel that brings him, after the immigration authorities have admitted him to these shores, or across the Canadian or the Mexican border, to the clerk's office in "any court having a clerk, a seal, and jurisdiction over actions at law or equity, or law and equity, without limit as to amount," and within an hour of arrival file his declaration of intention to become an American citizen. Of course, he doesn't do that—unless in very rare instances. The available statistics go to show that, in the average case, he waits nearly seven (6.8) years.<sup>1</sup> But whenever he files it, it will be good (unless some blunder of the clerk, or some technical defect which the clerk overlooks, makes it invalid from the outset) for seven years. It cannot be made the basis of a petition for citizenship until two years after its

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<sup>1</sup> See p. 237, this volume.



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date, and there must have been, before or after its date, at least three years' additional residence in the United States to make up the required five years, and the last year of the five must have been passed "continuously" within the state or territory in which the final petition is filed.

Mr. Alien would better be very careful that his declaration is properly made out, on the identical printed form furnished by the Bureau of Naturalization; he must file it in the office of the clerk, and not deliver it to him at his house or on the street corner. He may not hear anything about this at the time; but seven years afterward he may be brought up standing by the fact that it is invalid because of just such a defect. In the case *in re* Brefo (217 Fed., 131-134) it was held, in 1914, that a declaration otherwise correct, but in typewriting, not on "the form furnished for that purpose by the government," was a "legal nullity." Were such an enormity permitted, the court said, there would be "an end to uniformity"; government control and supervision could not exist! And in the case *in re* Langtry (31 Fed., 879), as long ago as 1887 the court declared that the clerk had no authority to take acknowledgment of declaration of intention at the home of an alien. Numerous other cases in Pennsylvania, Illinois, Kentucky, North Carolina, Florida, have settled the fact that the clerk's office, or open court, is the only place where a valid declaration can be filed.

If the clerk is without the proper blank forms, because he neglects to keep himself supplied, or because the Naturalization Bureau at Washington fails to heed his request for them, there is nothing for the would-be declarant to do but go home—perhaps many, or in some cases as much as two hundred and fifty miles—and subsequently try again.



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As has been said, he must be very particular about the words that he or anyone else writes on the blank when he does get it. If he files his declaration in a court which has much naturalization business, it is likely that the clerk or his deputy will see that it is letter-perfect; but if it is his fortune to reside in a district where naturalizations are few, or where the clerk regards the whole transaction as a nuisance, he may be permitted to make a fatal mistake or omission and remain in blissful ignorance of that fact for anywhere from two to seven years—until he goes before the court with his final petition and finds that because his declaration was from the beginning technically defective he must file a new one and wait at least two years more.

### “DECLARATION INVALID”

This, in fact, has been a very common occurrence. During the period 1908–18, 8.5 per cent of all denials of naturalization petitions in the United States were on the ground of “declaration invalid”; that this percentage is made up of figures<sup>1</sup> tragically high in some districts may be recognized in the fact that in Nebraska it was 23.8, in Indiana 21.3, in Oregon 18.7, in Kansas 18.6, in Massachusetts 14.4, in Montana 13.2, in Iowa 12.5, in Arkansas and Idaho 11.3, in Washington 10.9, in Oklahoma 10.4. The petition of an Englishman applying for citizenship in Colorado was denied upon motion of the government’s representative, because in his declaration seven years before he had renounced “King Albert,” when, in fact, the name of the then potentate of Great Britain was “Albert Edward”!<sup>2</sup> As the court in that case truly said:

<sup>1</sup> Compiled from the reports of the Commissioner of Immigration.

<sup>2</sup> District Court for Washington County, Colorado: *In re William Wallace Mackey* (1914). Unreported.

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The act of renouncing the allegiance which one owes to a government or sovereign, and taking upon himself a new allegiance, is too solemn and important an act to be loosely performed, or to be surrounded by any uncertainty or doubt. No presumptions are indulged with respect to it. . . . The declaration of intention must in all material matters comply with the strict letter of the Act.

The court may not rectify *nunc pro tunc*, as in most other kinds of litigation, technical blunders made in good faith or inadvertently by the declarant, or even by the clerk of the court in which the declaration was filed. All the responsibility lies upon the alien.

In the unreported case of John Pollock, in the Philadelphia Court of Quarter Sessions, in 1915, the petitioner had honestly believed himself to have acquired German nationality from the flag of the German ship on which he was born, en route to the United States, of Russian parents coming here with intent to abandon their Russian nationality, and in his declaration had forsworn the German sovereignty; but the court held that the honesty of his mistake could not avail him—"Unfortunately it is impossible to amend his declaration; . . . the application must be denied." Through a misunderstanding of the intricacies of political geography in the then Austria-Hungary, a petitioner who actually was born under that sovereignty erroneously renounced the German Emperor. In that case, when, three years later, upon his final petition for naturalization, the court undertook to amend the declaration, its power to do this was denied upon the government's appeal.<sup>1</sup>

Five Austrians went in a body to the office of the clerk of the Court of Common Pleas in Hudson County, New Jersey, to file declarations of intention. Doubt-

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<sup>1</sup> *In re Friedl*, 202 Fed., 300.

## AMERICANS BY CHOICE

less they were very glad, and very grateful, to have the clerk on duty fill out the required blanks for them! Two years or more later, when they marched proudly and anxiously into court to complete their citizenship, their petitions were denied—"declaration invalid," because, forsooth, as the court in its decision explained:

. . . The clerk who filled out their papers *assumed them all to be German*, and noted this in the declaration accordingly. The applicants contend that the error was a clerical error on the part of the clerk, and that their renunciation also included other sovereigns, rulers, or potentates. This, however, is not sufficient under the statute.

There are many other cases, in widely separated jurisdictions, to similar effect, showing, in general, that the courts sustain the contention of the Naturalization Service that the law does not permit the rectification of even innocent blunders in the declaration, no matter by whom or in what circumstances they are made.

Who, then, is to see that the technicalities thus insisted upon in the enforcement of the law as it reads are duly and truly observed? Surely not the alien! His care of his own interests is, in the nature of the case, ill-informed, and under the existing conditions, improved as they are in comparison with those prevailing in former times, he is at the mercy not only of the sometimes careless, begrudging, or perhaps well-intending, but better-informed clerk of court, but of many kinds of extra-legal assistants who, whether with good or with sordid motives, undertake to give, or maybe to sell, advice or instruction—to say nothing of pretended "influence" which, anywhere up to seven years later, when the mischief cannot be remedied, may turn out to have been worse than worthless.

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Of vital importance and significance, far beyond what would be gleaned from a superficial reading of the words, becomes in this connection what the Commissioner of Naturalization said in his annual report of July 1, 1912:

The great bulk of the work of the Division [now the Bureau of Naturalization] consists of the examination of the naturalization papers filed in or issued out of the courts. It has never been possible, with the clerical aid supplied, to keep abreast of this work. Concluding the first year with a large number of papers not examined, that condition has grown more and more serious. . . . At the present time it must be stated that no examination of declarations of intention has been made since October, 1910, and not more than 30,000 certificates have even been examined. Correction of errors in the latter papers, [final] certificates of naturalization, are perhaps less necessary, but the declarations are used as the basis of petitions for naturalization, and defects in them may result in the denial of such petitions and a further delay of two years to the applicants for citizenship. Beginning with October, 1912, declarations which have not been examined will mature, and these aggregate 298,000 in number.<sup>1</sup>

That the Bureau of Naturalization is aware of the desperate importance of this matter to the aliens appears not only in so many words in the Commissioner's own utterances, but in legislation proposed by the Bureau which would tend to remedy it. In the same report (1912), after describing the strenuous efforts of the clerical force to catch up in particular cases with the dates of final hearings, Commissioner Campbell said:

To any easy assumption that errors in a declaration may be corrected at the hearing of the petition, the answer is

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<sup>1</sup> By July 1, 1919, this total number of declarations unexamined had grown to 1,011,676. (See *Commissioner's Annual Report* for fiscal year ending June 30, 1919, p. 25.)



## AMERICANS BY CHOICE

plain—that no change can be made if the declaration was filed, as it frequently is, in a court other than that in which such hearing is held. It has also been decided judicially that a declaration, complete in every respect, cannot be changed because of even conceded error in its averments. It is therefore important that the discovery by prompt administrative examination, of a defect, either in the way of omission or error, be brought to the attention of a declarant and the clerk of the court in which his declaration is filed, so that either the paper may be corrected or the declarant may file a new declaration, and thus save time, expense, and ultimate disappointment.

All of which has the color of mockery in the light of the fact that at the date of that report there lay in the files of the Bureau nearly three hundred thousand unexamined declarations, all of which would mature within the ensuing three months!

The legislative proposals to remedy conditions so far as inadvertent errors in the declaration are concerned, include, for instance, a proposed amendment<sup>1</sup> to Section 4 of the Naturalization Law, providing that

any averment required to be made in the declaration of intention that may be shown to have been made erroneously, but with no intention to violate or evade the requirements of the naturalization law, may be corrected by order of the court in which the declaration was filed, or by the court in which it is presented as a basis for a petition for naturalization.

### SHOULD DECLARATION BE ABOLISHED?

Some belated survival of Commissioner Campbell's earlier belief, as a member of the Naturalization Commission of 1905, that the declaration of intention should be abolished as superfluous and as a prolific source of

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<sup>1</sup> See bill (H. R. 9949) of Representative Johnson of Washington, Sixty-sixth Congress, First Session. October 15, 1919.



## THE LAW IN OPERATION

errors, appears in his concluding paragraph under this head, wherein, after alluding to the increasingly urgent appeals for more clerical assistance, which had characterized virtually every one of his reports since the establishment of the Naturalization Service, he adds:

If the object to be obtained does not justify the additional expenditure that it involves, then the declaration, as a matter of common justice to applicants for citizenship, if not for the practical reasons stated . . . in the Report of the Commission of Naturalization to the President, dated November 8, 1905, should be stricken from the law. It may be suggested that the effect of such action upon the exercise by alien declarants of the elective franchise in certain states would be merely to cut off future supplies of such voters.

It is indeed true that many careful, experienced, and judicious students of the naturalization problem have on many grounds favored the abandonment of the declaration of intention. The arguments in this behalf are plausible while there are states in which aliens holding "first papers" (declarations of intention) are entitled to vote. As for the others, the reasons to the contrary seem to the present writer to outweigh them. Regardless of the suffrage, in many states the declaration entitles the holder to certain property rights; many employers, and even municipalities, require at least the declaration before they will permit employment. The best reason of all, regarded by a majority of the naturalizing judges as of vital importance, is that the declaration, and the interval of at least two years which must elapse before the declarant can file his final appeal for admission to citizenship, afford a period of probation, not only of substantial psychological value as affecting the alien himself, but giving the government opportunity to observe the conduct of the individual and to investigate his ante-

## AMERICANS BY CHOICE

cedents, and the person's neighbors and the public generally due notice that he is an aspirant for active membership in the community.

On more than one occasion Mr. Campbell, who more than perhaps anyone else might be regarded as an expert on the subject of naturalization, favored the abolition of the declaration of intention. As late as 1910, testifying before the Committee on Immigration and Naturalization of the House of Representatives, he said:

I think I am on record as advocating the abolition of the declaration of intention, anyhow.

That this is no longer his view, or that of the Bureau, appears somewhat emphatically in the following excerpt of the annual report bearing his signature, for the fiscal year ending June 30, 1917:<sup>1</sup>

Many theorists in the United States, when there was no Federal supervision of the naturalization law, conceived the idea that the declaration of intention was a purely superfluous act; that the certificate of the declaration of intention was a superfluous document. Many of them still retain that idea, having made no advance in their studies, or being unacquainted with the experience of the Federal administrative force. There is nothing that has arisen in the experience of the Bureau of Naturalization, in the ten years of Federal supervision, that justifies this idea that the declaration of intention should be abolished.

The Americanization work of the Bureau, based as it is upon the declaration of intention, is the only point of contact the Federal Government has with the individual alien from the time he lands upon our soil. The use of the declaration of intention by the Bureau in sending the names to the public schools and bringing the aliens of every community into close relationship with them has forever settled the question of the value of the declaration of intention.

<sup>1</sup> *Report of Commissioner of Naturalization, 1917, p. 75.*

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This is only a new use to which this "first paper" (an instrument which is peculiarly an American institution)<sup>1</sup> has been put. If this were the only use to be made of it, it would justify its continued existence. As it is, it is used and interwoven into the administrative fabric of the Government in its contact with aliens throughout the United States. It is a means of identification by which the alien makes known his right to take up Government land; by which he may secure employment in municipalities and in State improvement work; by which membership in many organizations may alone be secured. It is the indication of the announced purpose of the alien to forswear his allegiance to his sovereign and to choose the Constitution of the United States as his new allegiance. It is woven throughout the warp and woof of our national laws and our social and economic organizations.

### NATURALIZATION JUDGES FAVOR ITS RETENTION

Of 323 judges of naturalizing courts all over the United States who answered definitely on this point the questionnaire of the Americanization Study, 241 opposed, more or less emphatically, the abolition of the declaration of intention, only 82 favoring its abolition on one ground or another, but principally because they were aware of no good purpose served by it.

One United States district judge rather picturesquely described its function:

This country cannot afford to have it said that we are urging citizens of other countries to renounce their allegiance and take up citizenship with us. That would be wrong from every standpoint. On the other hand, if they do want to become American citizens, it is our duty . . . to help them fit themselves. If you take away the declaration of intention you will destroy our opportunity in that regard. The young lady who meets a young man and likes him, would be

<sup>1</sup> Mexico appears to be the only other country in which any such preliminary declaration and extended period of probation is required.

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very much out of place if, without any other tie between them, she began to tell him what she wanted him to do, what she wanted him to study, and how she wanted him to study, what she wanted him to drink, and how she wanted him to dress. It would be very immodest and impolite, to say the least. If that young man had made her a proposal of marriage, and she were considering it, these suggestions from her would be entirely proper, and she would be performing her duty to the young man and to herself. This illustrates, I believe, the proper limits within which our country can guide, advise, and direct aliens who through the declaration of intention have made, as it were, a proposal of marriage, with reference to preparation for citizenship.

Sound objections to abolition of the declaration appear also in connection with the property rights as regards homestead entry and other matters under both Federal and state laws—a complicated matter in addition to the great confusion existing by reason of the laws of those states which conferred the right to vote upon holders of so-called “first papers.” With the removal of this right, much of the objection to the declaration of intention disappears. As it was, under such laws, an alien might file a declaration of intention every seven years as they expired *seriatim*, and, without any proper inquiry, judicial approval, or supervision whatever, retain his right to vote—citizenship for all practical purposes.

Many of the judges would permit no renewal of a declaration after the expiration of the first; some would substitute registration upon entry, annual, or even more frequent reports by the alien regarding his whereabouts and behavior, and constant governmental *espionage*.

The declaration of intention, particularly if it be properly guarded and solemnized, puts everybody, at least constructively, upon notice that a new member is applying, and requires the declarant himself to keep that application in mind for two years. He cannot



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suddenly decide, by reason of some special condition or inconvenience, to apply for citizenship and consummate the process in three months, as he could do if the declaration were abolished without extending the interval between petition and certificate. The defects in the present system are found in the fact that he can file his declaration anywhere at will, in a form so defective that two years or more later it nullifies his petition; he can be grafted upon and bled *ad libitum* by all manner of exploiters claiming to be able to assist him. However valuable in theory, in practice it is far too hit-or-miss.

The declaration should be surrounded by a very much greater degree of care and solemnity than at present. Not only should it be made under oath and on properly guarded printed forms; when it is filed it should be scrutinized and accepted as to substance, and by no means be subject long afterward to rejection because of clerical or other technical errors which ought to have been detected at the outset.

The St. Louis office of the Naturalization Service has taken a long step in this direction, by securing the co-operation of many of the courts in that district in the establishment of a custom by which the declaration is accepted for filing only after it has been viséd by the naturalization officers. This has no authority in law, but it nevertheless is a wholesome practice, chiefly in the interest of the alien declarant; incidentally it goes far to put out of business the various kinds of parasites who exploit the ignorance and helplessness of the aspirant for citizenship.

### THE SEVEN-YEAR LIMITATION

The law of 1906 limited the life of a declaration of intention to seven years. Prior to that there was no

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limit, and even after the passage of that Act it was held in practice that it did not apply to declarations made previously. But in 1913 the question was raised, in the United States Court in New York City, whether it was not the intent of Congress to apply the seven-year limitation to *all* declarations. In 1914 the court ruled that it was. The effect of that decision was to invalidate all declarations made prior to September 27, 1906, notwithstanding the express provision in the law that "no alien who, in conformity with the law in force at the date of his declaration, has declared his intention to become a citizen of the United States, shall be required to renew such declaration."

This decision was soon affirmed by the United States Circuit Court of Appeals; but even then it was not uniformly observed, until January, 1919, when the United States Supreme Court put an abrupt stop to the practice of accepting "old-law declarations" by affirming the decision of the District Court at New York.

The effect of this final ruling by the highest court in the land was tragic. Hundreds, if not thousands, of pending petitions, of aliens altogether fit from every other point of view, forthwith became invalid simply because based upon "old-law declarations" blighted by the newly applied seven-year restriction. In one session of the State Supreme Court in New York County a batch of more than seventy otherwise acceptable petitions was denied for this reason alone. The question of the effect of the decision upon certificates of naturalization granted theretofore between its date and September 27, 1913, was met by Congress in the Act of May 9, 1918, by the following provision:

Section 3. That all certificates of naturalization granted by courts of competent jurisdiction prior to December 31, 1918, upon petitions for naturalization filed prior to January

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31, 1918, upon declaration of intention filed prior to September, 27, 1906, are hereby declared to be valid in so far as the declaration of intention is concerned, but shall not be by this Act further validated or legalized.

### THE CERTIFICATE OF LAWFUL ENTRY

Assuming, now, that our alien is of the proper racial descent, the accepted age, and that his declaration of intention will pass muster; that he has lived in the United States for at least two years since the declaration was filed, and at least three years besides that—a total of not less than five years in all, including the final fifth year in the state—what must he do, and what may be done to him, when he comes up at last with his request for admission to Active Membership?

If he arrived in this country since June 29, 1906, he must produce a Certificate of Arrival. In theory, at least, all arriving aliens are registered at the port of entry by the Immigration Service of the Department of Labor. Under existing law they cannot get in at all if they are of certain excluded races and classes; if they are under contract to get a particular job; if they are insane or afflicted with certain diseases; if they are recognizable as anarchists, polygamists (or believers in either anarchy or polygamy), criminals, or, in the opinion of the immigration authorities, likely to become a public charge—a burden upon the community. They must, with certain exceptions for age and family relationship, be able to read and write in some language.

Aliens may properly enter the United States only through some officially designated port of entry, designated by the Commissioner of Immigration; if an alien enters elsewhere along our enormous border line he is deemed to be "unlawfully present," is subject

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to deportation, and when he tries to become a citizen he must give a very good excuse for having "climbed up some other way." A good many Canadians and Mexicans have found very embarrassing, eventually, the fact of their ignorance or evasion of this requirement.

The Act of Congress, approved June 29, 1906, went into effect in most respects on the 27th of September following, but this provision was to take effect immediately:

That it shall be the duty of the Bureau of Immigration to provide, for use at the various immigration stations throughout the United States, books of record, wherein the Commissioner of Immigration shall cause an entry to be made in the case of each alien arriving in the United States from and after the passage of this Act of the name, age, occupation, . . . and the date of arrival of said alien, etc.

Unfortunately for the aliens subsequently embarrassed by the fact, the books for record of entries were not promptly installed, and in some instances since they were installed the immigration officials at the ports of entry have not always been scrupulous in the making of the required entries.

No certificate is given to the alien at the time of his arrival, even if he is properly registered; nothing of the sort is required of him anywhere; he does not have to show it when he makes his declaration of intention to become a citizen, nor at any other time or for any other purpose—until after he has been here at least five years and comes to the point of filing his petition for final naturalization. Then he must have it—unless he arrived before June 29th, 1906; in that event it is not required of him.

He is not to go for it to the Immigration Service. He must get it in the most roundabout fashion. He must address a written application, through the clerk



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of the court in which his petition for naturalization is to be filed, to the Commissioner of Naturalization, who in turn requests it of the Immigration Service. The Immigration Service, if it can find the original entry (and sometimes—quite frequently in fact—it cannot), sends the certificate to the Commissioner of Naturalization, who sends it to the clerk of the court, at the same time notifying the alien that now he may proceed to file his petition.

But what if the arrival entry cannot be found? What if the alien cannot remember the name of the vessel, or other important facts relating to his entry, and thus give the necessary clues for the search? What if it was his misfortune to arrive at a port after the law took effect and before the registry system was in operation? Both the Immigration and the Naturalization Service take a good deal of pains to care for such situations; but frequently without success. All this involves delay, not only vexatious and discouraging, but likely to prove fatal in the case of an alien whose declaration is at the edge of expiration. Not infrequently an application for certificate of arrival is bandied back and forth between the two Bureaus for months.

There was a case in 1919 in which the alien described himself as having arrived on a certain date and vessel at New York; the immigration records showed no such arrival, and, what was worse, no such vessel entering New York at that time. After long delay it turned out that the alien did arrive on that date and vessel, but at *Boston*, whence, upon admission, he came by a domestic coastwise vessel from Boston to New York. Many other cases are by no means so simple.

A petition accepted for filing without the requisite certificate of arrival is regarded as incomplete, and may not be completed subsequently by attachment of

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the certificate, but must be marked "spoiled"; the four dollars paid as fee may be returned to the petitioner by the clerk, or can be applied to the filing of a new and sufficient petition. It has been the practice of the Bureau of Naturalization, after it appears impossible to find record of the applicant's admission to the country, to refer him to the nearest immigration inspector for what is known as a *nunc pro tunc* inspection, for the purpose of satisfying the inspector that the alien should not be deported as "unlawfully present." If the inspector is satisfied, he issues what is known as a "provisional certificate of arrival," whose acceptance as sufficient for purposes of naturalization is subject to the discretion of the court. This would appear a reasonable way out; but in the case of petitioners living a very long distance from the office of an immigration inspector, it involves an extra, and perhaps prohibitively expensive, journey to the distant city for that purpose alone, and this difficulty has in fact been to some extent relieved by permission to handle such cases by correspondence and affidavits.

### THE VEXATIOUS QUESTION OF NAMES

Another obstruction goes to the question of our treatment of the foreign-born laborer in industry—especially if he bear what we choose to regard as a "queer" name, difficult for us to spell or pronounce. The courts have, properly, no doubt, no patience with assumed names—particularly in a case where the alien cannot remember the name under which he entered the country. But it is a very common practice, in concerns employing a large number of immigrants, for the minor officials of the company, superintendents and foremen, to attach a name to a job, and insist upon calling the man who occupies it, "Mike Murphy," or what not

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else, because that was the name of the first incumbent, and it is easier to pronounce than "Bahaoud," "Behrensmayer," or "Przybylski." This, and the even more common practice of calling a man by a number, rather than a name, results in a vast deal of confusion, in a substantial discouragement of self-respect, and in the ultimate establishment of the neighborhood identity of a polysyllabic Greek or Armenian, perhaps, with a fine old Irish name. This will not do in the naturalization court. The petitioner must come in under at least the same name that he bore when he entered the country, and there must be no suspicion as to its not being his own.

But he does not have to keep that name. It is prescribed as lawful for the court in its discretion, "at the time and as a part of the naturalization of any aliens, . . . upon the petition of such alien, to make a decree changing the name of said alien." The fact of which the court must be convinced is that the petitioner is not attempting to conceal his real identity for the purpose of escaping payment of just debts or punishment for crime. Many aliens do thus change their names, and there have been cases in which the judge virtually compelled them to do so.

A naturalization judge said to the writer:

I have heard of a high-handed old judge, somewhere in the Northwest, who was in the habit of "suggesting" to every alien who came before him with a complicated mouthful of name that he change it to "Abraham Lincoln," "Benjamin Franklin," "George Washington," or "Grover Cleveland." No doubt you could find many a Pole or Swede naturalized as "Thomas Jefferson" or "Alexander Hamilton," whose father, living in the same town, was known as "Konrad Kowalewski," or "Ole Johanssen."

Each nationality has in this country name-complications of this character peculiarly its own. The

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Swedes, for an example, have a habit of taking for their own surname the Christian name of a favorite aunt, uncle, or other relative, upon reaching the age of twenty-one years. Sven Svensen—which means “Sven, the son of Sven”—may undertake to compliment his uncle Olaf by calling himself Sven Olafsen. Suppose he came to this country under the name of Sven Svensen, before he was eighteen; but for several years before filing his declaration came to be known to everybody—including himself—as Sven Olafsen, and regarded his old name as a “childish thing” of no consequence to anybody. He applies as Sven Olafsen for his certificate of arrival, the immigration and naturalization bureaus have great difficulty in finding it, and when it does come along it is in the name of Sven Svensen. Often names are adopted in affectionate memory of the town from which the alien comes. Many Italians, for convenience, drop off a couple of syllables of awkwardly long names. Among the Greeks a typical case would be that of one, “Harris,” whose old-country name was Harralabopoulos.

Another kind of complication appears in the case of an alien whose true name was Isaac Brody; but he came on a steamship ticket issued to, and in the name of, his uncle, Isaac Boovris, and was recorded under that name by the immigration authorities. When he filed his declaration of intention he was advised to file under the name Boovris, to facilitate his certificate of arrival when that should be required. When he filed his final petition, after living and doing business for several years in this country under his true name of Brody, he asked to be naturalized under that name. The court refused, requiring him to file a new declaration as Isaac Brody and wait two years longer, calling attention to the penal statute which makes it an offense to apply for naturalization under an assumed or fictitious



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name; remarking that the court might have changed the name or amended the petition "if the error in the original declaration had been clerical, or had been innocent."<sup>1</sup>

A Pennsylvania court said in the case of one Wicenty Pilipos, who after arrival informally changed his name to William Phillips:

We may concede that any person may change his name, and be naturalized under his new name; yet, if he does so, he must petition the court for that purpose, so that the record will show the whole transaction, and identify him as the person who has discarded his original name, under which he landed in this country. This is especially necessary to prevent any other person from perpetrating a fraud, by being naturalized under the discarded name.<sup>2</sup>

### THE PETITION FOR NATURALIZATION

There are other technicalities with which the alien occasionally collides—such, for example, as the question of jurisdiction where there is a difference of definition in the term "judicial district," or where boundaries may conflict between states, counties, or other distinct municipalities, with reference to the alien's place of residence; or where the court to which he could naturally and conveniently repair by the shortest line of travel is in another jurisdiction, and he and his witnesses must journey perhaps even hundreds of miles to the court to which the letter of the law compels him to go. Such cases are numerous, but comparatively uncommon. Let us assume that he has reached the right court, has successfully unearthed, through the clerk, the Naturalization Bureau and the Immigration Serv-

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<sup>1</sup> *In re Boovris*, 205 Fed., 401.

<sup>2</sup> *In re William Phillips* (1913), Court of Common Pleas for Schuylkill County, Pennsylvania. Unreported.

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ice, his proper certificate of arrival, and has a valid declaration of intention. What next?

In large cities or other places reasonably convenient in respect of distance, the clerk is likely, as the Commissioner of Naturalization says in his report already quoted, to send the alien to the office of the Naturalization Service; there is filled out the "Facts Form," as it is called, on which the final petition for naturalization is to be based. The petitioner is closely interrogated as to his general eligibility, and the principal business is under way. If the naturalization office is far distant, the petition is filled out by or in the presence of the clerk.

As required by the law quoted at the beginning of this chapter, the petition must set forth the full name, residence, occupation; date and place of birth; port of emigration; name of vessel, if any; port of arrival; date and court of declaration of intention; whether married, single, or widowed; wife's name, nativity, and present residence; number, names, birthplaces, and residences of minor children; assurances that the applicant is not a practicing or believing anarchist or polygamist; intention to renounce former national allegiance and make permanent residence in the United States; attachment to the principles of the Constitution; ability to speak the English language; dates upon which began residence in the United States and in this state or territory; assertion that this is his first petition for citizenship, or, if a former petition was denied, the reasons for denial and the fact that these reasons have since been cured or removed.

In addition there must be the affidavit of two witnesses (each of whom must swear that he is himself a citizen of the United States), who must declare on his oath that he knows the petitioner to have been a resident of the United States at least since a certain speci-

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fied date five years ago, and of the particular state at least since a certain specified date not less than a year ago; and that he personally knows the petitioner to be a person of good moral character, attached to the principles of the Constitution, well disposed toward the good order and happiness of the same, and generally qualified in every way to be admitted as a citizen of the United States.

To the petition *at the time of filing* (that is rigidly required by the law and the decisions of many courts) must be physically attached the declaration of intention made at least two years before, and the certificate of arrival.

For filing the declaration of intention the alien will have paid to the clerk a fee of one dollar; upon filing his final petition he has to pay another fee of four dollars. There are strict penal provisions in the law for the punishment of clerks who charge or collect any more. Under the law, one-half of each fee is retained by the clerk, ostensibly for the purpose of reimbursing him for such additional clerical assistance as the naturalization business may necessitate, but not always used for that purpose. This subject is discussed elsewhere.

The petitioner, with certain exceptions noted below, must sign his petition in his own handwriting. It is, however, usually permitted him to sign it by "his mark," properly witnessed, and even this was not required of those who filed their declarations of intention before the passage of the Act; but lapse of time has made that no longer a practical exception. It has usually been held that a signature, even in another language, such as Arabic, is sufficient. There has often been controversy as to whether the extraordinary arrangement of marks constructed by the petitioner is in fact a signature, the author insisting that he has achieved one when it is utterly illegible to both judge

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and naturalization examiner. In this, as in a host of other details, the fate of the petitioner hangs upon the intelligence and humanity of the judge, who has to choose between a strict insistence upon the technicality and a more generous adjudication—in a case, for example, in which a poor old deaf woman homesteader might lose all she has in the world simply because he cannot see an intelligible “signature” in the conglomeration of hieroglyphics which she intends to represent her name.

The law requires the petitioner to state the name, nativity, and residence of his wife, if any, and each of his minor children. The wife, if she herself can lawfully be naturalized, becomes *ipso facto* a citizen of this country by virtue of the naturalization of her husband. It is the practice of many naturalizing courts to decline to admit to citizenship men whose wives are still in the old country, seeing danger in conferring the status upon women who may never come to the United States, or who, coming, may turn out to be undesirable.

The petition must disavow belief in the so-called principles of anarchism; under the law no one can be naturalized who himself believes in or teaches or belongs to any organization or groups believing in or teaching “the duty, necessity, or propriety” of abolishing organized government, or “the lawful assaulting or killing of any officers, either of individuals or officers generally, of the government of the United States, or of any other organized government, because of his or their official character.” Some judges of naturalizing courts recognize little distinction between “anarchy” and “Socialism.” The United States Circuit Court of Appeals, however, was more discriminating, reversing the naturalizing court in the somewhat famous case of Leonard Olsen at Seattle, who was rejected, ostensibly, on the ground that he was not “attached to the principles of



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the Constitution," but really because he avowed himself a Socialist. There had been a somewhat similar case in Texas, in 1891, but the Olsen decision settled the question of the lawfulness of Socialist views as affecting naturalization.<sup>1</sup>

Both the declaration of intention and the petition for naturalization are made out in duplicate; the original becomes a part of the record of the court in the clerk's office; the duplicate is sent to the Naturalization Bureau at Washington.

### NINETY DAYS' INTERVAL BEFORE HEARING

Notice of each petition must be posted in a public and conspicuous place in the office of the clerk for at least ninety days before the hearing is had in open court. The Naturalization Bureau will have been informed directly by the clerk; the purpose of the posting is, of course, to give the public notice, so that anyone who desires to do so may appear with objections. In actual effect, the posting is without much value, because the public does not visit the clerk's office except upon business of its own, and there is no other publication of the petition, save in such rare cases as local newspapers make it a matter of news. It may be injurious to the petitioner, because a good many hearings have been postponed simply because the clerk forgot to post the notice at all!

### THE FINAL HEARING IN COURT

Petitions may be heard only upon stated days, fixed by rule of the court, so that the government and the public

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<sup>1</sup>See *ex parte* Sauer, in note to 81 Fed., 355 (District Court, Uvalde County, Texas, 1891). See also *United States vs. Olsen* 196 Fed., 562.

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may attend the open hearings which are required by the law. This works smoothly and well enough in the great cities, where most naturalizations take place; but there are districts, in sparsely settled regions, where there is but one term of the court in a year; which, in practice, means that the judge cannot be sure of being at any given point on any days determinable in advance, except the opening day. In such cases a great many courts will have but one hearing period in a year—usually on the first, and perhaps the second, day of the term. Two hardships may arise from such a situation; the alien and his witnesses may be uncertain as to the length of time they must wait after a long journey to the county seat, and if the clerk is careless and fails to notify the petitioners that their cases are to be heard (a thing which happens all too often) the judge and examiner are on hand, but no one appears to be naturalized, and another year is lost before the cases can be disposed of. That this can be a matter of very serious import to the alien may be illustrated by the fact that a group of Poles were classed as “nonresident aliens,” and subjected to the very heavy income tax collected of such, simply because the clerk of the court in which their petitions for naturalization were pending failed to notify them of the hearing day.

### MUST “SPEAK” THE ENGLISH LANGUAGE

The applicant must be able to “speak the English language”—this is required by the law. It is enforced with a great variety of degrees of strictness. Many an alien can understand what is said to him in English long before he has gained facility in speech. Also, in the majority of cases, especially where he is confronted by a stern and perhaps hostile judge, or one disposed to treat immigrants with contempt or ridicule, and a

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fiercely zealous naturalization examiner bent upon having the petition denied if possible, he is promptly tongue-tied by stage fright. It is common for the petitioner to tell the court, through his witnesses or the interpreter, that he knows what a certain question means and the answer to it, but cannot express it in English. Many of the questions call for a simple "Yes" or "No," but a frightened or unintelligent applicant, who has learned certain things by rote, may glibly answer "Yes" to the questions which ought to be answered by "No," and vice versa. There was a fellow in Leadville, Colorado, who for a long time occupied the status of witness for nearly all the Austrians who applied in that place for naturalization, and who to a large degree superintended their training for the examinations. After a while it was discovered that he had a system by which he dictated the answers to the questions, kicking the petitioner in the ankle when the answer should be "Yes," and nudging him with his elbow when it should be "No."

Both judges and examiners vary greatly in their interpretation of what constitutes ability to "speak English." Some give the petitioner the benefit of doubt and make large allowance for natural embarrassment and fright. Others, as one judge frankly says, "construe everything against the applicant," on the ground that citizenship is a precious privilege which should be accorded to as few as possible, and only to those about whom there can be no question. The court may accept a grunt, a shrug, a gesture, a shake of the head, as indicating a sufficient understanding of the question.

Generally the judge is humane. There was a case in Arizona in which a mild-looking Mexican insisted that he was both an anarchist and a polygamist—plainly showing that he imagined the terms, about which he was sharply asked, to represent qualities which he must

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possess. The judge knew the man; that he was of good conduct, conventional ideas, and married to one wife.

"How many women are you married to?" he asked.

"Oh, only one!" cried the man, adding for good measure, "maybe one is too many!"

"Would you kill a man you didn't like? Would you blow up a house, or shoot a sheriff?"

"No, no, no! Me never kill nobody! Me never blow up nobody's house! Me never hurt nobody!"

Between the morning and afternoon sessions of the court the Mexican was quietly interrogated and readjusted, and the court admitted him. In thousands of cases, not so picturesque, the applicant called upon for relatively elaborate views about theories of government, and even more abstruse matters, is either bewildered or on general principles deems it safer to remain silent; in which case the impression of the court, and his action upon it, depend very much on the personal equation, the humanity, and common sense of the judge.

A deaf-mute is exempt from the requirement of ability to "speak" English; so is an alien who has made entry for a homestead on the public lands. The latter can make his entry immediately upon filing his declaration of intention; but he cannot complete his title until he is fully naturalized. A few courts virtually ignore this exemption, and require the homesteader to speak English and pass the other educational tests. Generally the judges are lenient with such people.

The law does not require the applicant to be able to *read* English; but there is an increasing tendency in the courts to require it regardless of the law. After all, the judge is the final arbiter; he must be satisfied that the applicant is "in all respects qualified to be a citizen," and, if he chooses to regard a person who cannot make sense out of a current newspaper as not thus qualified, he can deny the application on general principles. The



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whole matter of educational qualifications varies widely in different jurisdictions, largely because of the absence of a definite standard of knowledge, intelligence, and general ability established either by Act of Congress or by the Naturalization Service.

### ATTACHED TO THE CONSTITUTION

The applicant must be "attached to the principles of the Constitution," and "well disposed toward the good order and happiness of the United States." Can a man be "attached to the principles of the Constitution" without having read it? If not, then the vast majority of the native-born citizens of the United States are not so "attached," for it is a matter of the most notorious fact that very few Americans, not professional lawyers, ever have read it or could pass the most rudimentary examination upon its substance. There is, however, a widely prevalent tendency on the part of the courts to require petitioners not only to swear that they have read the document, but to pass a pretty stiff examination, either before the naturalization examiner who may certify the fact, or even in open court. And it is upon the phrase "attached to the principles of the Constitution" that the Naturalization Bureau has erected its whole elaborate and ambitious campaign of education for citizenship. But its interpretation is so vague and unsettled, so subject to the whims, theories, prejudices, and intellectual limitations of the individuals upon whom its enforcement devolves, that it seems highly desirable for Congress to establish by law definite and simple requirements embodying the minimum qualification to be demanded of applicants for citizenship to demonstrate both their understanding of our form of government and their "attachment to the principles of the Constitution."

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One of the classic anecdotes of the Naturalization Service has to do with this matter of attachment to and understanding of the Constitution. In the court of a judge who insisted upon every petitioner having at least read it, an Irish petitioner at the morning session of court was ordered to read the Constitution, or have it read to him, and to come back in the afternoon for further hearing.

"Well, did you read the Constitution to him?" demanded the judge of the citizen who was acting as mentor of the petitioner.

"I did, your Honor; I read it to him—all of it."

"Is he ready to swear that he is attached to the principles of it?"

"He is, your Honor; when I got through readin' it to him he said he thought it was a blame fine Constitution."

What more could be asked—even of a native?

An Italian petitioner in one of the Southern courts exhibited a good knowledge of current political history, and at the same time a realization of his own limitations.

"Who is the President of the United States?" asked the judge.

"Mist' Wilson."

"Who is the Vice-President?"

"Mist' Marsh'."

"If the President should die, who would take his place?"

"Mist' Marsh'—he's ready for that job."

"Very good, Tony, and quite correct. Now, let me ask you something else. Could you be President of the United States?"

"Oh, no! no! Judge, please!" cried the dismayed petitioner, "you have to excuse me! I'm too busy!"

### IN THE MATTER OF "CONTINUOUS RESIDENCE"

The fact of continuous residence within the United States for five years, and within the particular state for

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one year next preceding the filing of the petition, must be established to the satisfaction of the court. To the layman this would seem simple enough; but there is hardly anything connected with the process of naturalization about which there has been so much variety of interpretation. What constitutes "continuous residence"? It is said that a court in Utah disqualified an applicant because once during the five years he stepped across the Canadian border far enough and long enough to buy a sandwich! Shall a man lose his "residence" because of a walk across the International Bridge at Niagara Falls? Suppose he is a carpenter, or a farm hand, and goes over into Canada, or Mexico, for the summer months, or long enough to build a house? Suppose there is an estate to be settled up in the old country, or that the alien's aged mother is dying in Copenhagen or Buda-Pesth, and yearns to see her son once before she goes. Shall that invalidate his residence? There are many judges who will not tolerate any absence whatever from the country, on any pretext.

In the great bulk of practice, however, it has simmered down to the question of "intention." Reasonably carried out, as in other matters, it meets the average case. If the petitioner always, and everywhere, during the five years maintained his intention in good faith to become a citizen, and especially if he preserved a specific residence, both the courts and the Naturalization Service on the whole have waived the literal words of the requirement. But within that general situation there are degrees. There are judges who will permit an absence as long as two years, if "intention" is clear; some set a limit of one year, others of six months. Generally speaking, any absence in excess of six months is viewed with suspicion.

There are two reasons, as the law stands, for insistence upon residence virtually continuous. In the first place

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there is the wording and evident intention of the law, which must be obeyed in spirit, anyway. In the second place, in case of any protracted absence, the witnesses hardly can know what he has been about, and certainly cannot swear, as they must under the statute, to the fact of continuous residence. If the petitioner has been out of the ken of his witnesses in some other part of the United States, he can prove good conduct and American residence by depositions; but the law does not contemplate depositions regarding his conduct on any foreign soil, however legitimate his reason for being there. And if he has been in other parts of *the same state*, he cannot prove anything about it, by witnesses, depositions, or otherwise.

### THE ABSURDITY OF THE "INCOMPETENT WITNESS"

This brings us to one of the most extraordinary provisions of the law—that regarding the proof of eligibility by witnesses and depositions—a provision responsible for the exclusion of thousands of perfectly fit persons, and for a vast deal of wholly unnecessary hardship and injustice.

During the eleven years 1908–1918 inclusive, according to the statistics given in the annual reports of the Commissioner of Naturalization, of 107,484 petitions for naturalization denied, more than one in four—28,262, or 26.3 per cent—were denied on the ground of "incompetent witnesses." The percentage in many states is very much larger than that: Illinois, 38.3; New Jersey, 37.2; Michigan, 36.5; Iowa, 36.4; Nebraska, 36.0; Kansas, 35.9; Colorado, 32.8; Arkansas, 32.4; Oregon, 32.2; North Carolina, 31.9; Indiana, 31.1; Wisconsin, 31.0; Missouri, 29.5; New Mexico, 29.3; Kentucky, 28.8; Montana, 28.4; Utah, 27.0. The low states in this respect are few—Rhode Island,



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5.9; New Hampshire, 8.0; Connecticut, 9.0; Vermont, 9.1; Massachusetts, 9.2; South Carolina, 11.4; Florida, 11.5.

Now, what does this mean in human terms? To begin with, a petitioner for naturalization may not prove his eligibility, as he would prove any other set of facts in court, by such an exhibit of evidence of various kinds as would satisfy a reasonable judge or jury. He cannot bring a group of neighbors who have known him; his employer, his priest or pastor; the village school-teacher who teaches his children; a sheaf of affidavits from people who have known him in various places where he has lived in the state. His exhibit of evidence is rigidly and most absurdly restricted, and the restriction is of no benefit to anybody—except, perhaps, the Naturalization Service in somewhat simplifying their work of investigation.

His petition must be accompanied by the affidavits of precisely *two* witnesses, who must accompany him personally when he files his petition, and must accompany him again, ninety days or more later, when his case comes before the court for hearing. *Two, only two, and the same two.* Only in case one of them dies, or moves out of the jurisdiction of the court, is he allowed to substitute. Each witness must be a native or naturalized citizen of the United States, and must swear to that fact. And each must swear that he has known the petitioner during the whole period of five years of residence within the state, or of one year in the state if he lived previously in other states, and satisfy the court that he has seen the petitioner frequently enough to know that his residence has been continuous and his conduct such as to warrant his admission to citizenship. Some judges require the witnesses to have seen the petitioner virtually every day, “constantly, as a neighbor”; “at least once a week,” for five years. The

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examination of the witnesses is frequently more severe, if possible, than that of the petitioner himself; for the law requires them to be "credible." If a witness can be shown by the naturalization examiner to be of dubious moral character, the court probably will deny the petition verified by him, and leave the petitioner with only one witness. He must have two, and he cannot substitute a better one!

In a state which has allowed aliens to vote upon their declaration of intention, innumerable foreign-born persons have in good faith believed themselves to be citizens. If such a person appears as a witness for a petitioner, the petition is denied—properly enough, except that the petitioner might easily produce a substitute who could not be objected to; but no, he must have not only exactly two, but *the same* two, throughout the proceeding. Or, if one or both of these particular witnesses turn out to be honestly mistaken in thinking they have known the petitioner for the whole five years; if, for example, it turns out that they could not have known him more than four years and nine months—the petition is denied; "incompetent witnesses." In the fiscal year ending June 30, 1918, more than 2,300 petitions were denied for this cause, and it is safe to say that, in a very large majority of the cases, the witnesses were acting in perfect good faith.

The practice cuts very close. *In re Welch* (159 Fed., 1014), decided in 1908, reports a case in which it was shown that a witness had not known the petitioner for five years at the time of the filing of the petition, but had known him for five years by the time the hearing was had. In that case the court permitted amendment of the date of the petition, but required a fresh posting.

Congress took note of the difficulty an alien might labor under if he were obliged to move about from

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state to state during the five years' period, and provided that four years of the time, in the event of inability to bring witnesses who could swear to knowledge of the whole period, the applicant might prove residence, etc., *in other states* by deposition. This helps a good deal, as far as it goes; but in any event the last year, the year of residence required to be within the state where the petition is filed, must be covered by "two witnesses"—*two, only two, and the same two*. Suppose the case (and there have been many such) of a Methodist minister, an Englishman if you please, who, during the five years preceding his petition, has been assigned to two or more pastorates within the same state at points more or less distant from each other. He could produce almost any desired array of witnesses to cover his residence in each of the several places, and affidavits galore; but he must not. There is virtually no chance at all of his being able to find two, only two, and the same two, who can testify to personal, neighborly knowledge of his residence in all places. What, then, of an average immigrant who has been obliged to shift about in search of employment, resident all through the year in the state, but never staying long enough in one place to establish intimate relations with possible witnesses under such restrictions?

### JUDGES DENOUNCE THE ABSURDITY

The judges are all but unanimous in their denunciation of this system. The comment of a United States district judge in the Middle West represents the sentiments of most:

I do not think it tends to raise the standard of citizenship or to do anyone any good to have the requirements such that, if a petitioner has lived in the state for the full five-year period, he must prove that entire residence and his good

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character and reputation during that entire period by the two petitioning witnesses. The two petitioning witnesses should have known him for at least a year, and be able to make a showing for at least the last year of the period. I know of nothing so sacred about a state line that this great difference should be made between the petitioner who moves here from another state and the petitioner who moves here from a distant part of the same state.

A Michigan judge gives a striking example of the injustice of the discrimination:

The greatest copper mines in the world are in the Upper Peninsula of Michigan. The greatest automobile factories in the world are in the city of Detroit in the same state. These sturdy miners of Houghton and Keweenaw counties in the Upper Peninsula hear of the automobile industry in the city of Detroit, and after three or four years' residence up there, move to Detroit and take up residence there. Under the present law, they must find two witnesses who have known them for the entire five years. You will recognize how difficult it will be for them to find two witnesses who knew them in the Upper Peninsula, moved to Detroit when they did, and have known them ever since. The copper mines of the Upper Peninsula are five or six hundred miles from Detroit. Can anyone suggest any good reasons why these petitioners in Detroit should not be permitted to prove their Detroit residence by two witnesses who sign their petitions, and their Upper Peninsula residence by depositions or other witnesses? Why punish so unnecessarily the man who continues to reside for the full five years in the same state, while we justly permit another man, who moves here from another state, perhaps a distance of fifty or a hundred miles, to make his proof as to that state by deposition?

Mind you, I would make them prove their residence in the particular city or county . . . for the full period of their residence there, by the two witnesses who signed the petition; and, of course, I would require them to have resided in such municipality for at least a year.



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Says one judge:

In the far West, where the distances are so great and the expense of travel such a hardship, the matter might readily be handled on a mileage basis, so that the petitioner would prove a year's residence by the witnesses who attest his petition, and a previous residence within the same state more than, say fifty miles, from the place of holding court, by depositions.

Of 334 judges of naturalizing courts in all parts of the country who specifically addressed themselves to this question in reply to a questionnaire of the Americanization Study in the summer of 1919, only 34 were content with the present system; 289 specifically favored amendment of the law for the reasons, and to the effect, substantially as suggested above.

A clerk of court in Arizona who handles the naturalization business, and in his letter displays a keen and intelligent interest in the human aspects of the question, says:

I have had numerous petitioners who, for ordinary purposes, could prove every day of their residence in this state; but for naturalization purposes were unable to prove their residence, even though the entire five years may have been—and in some instances has been—in this one county! I consider it inequitable for the reason that the man who travels from mining camp to mining camp may reside four or more years in any number of states, and at any number of camps in each state; but, if he then removes to another state and resides in that state one year, he may obtain citizenship. Yet the rancher who resides five years in one state, or even in one county, but during the five years resides in two different localities of the state, or even on two different ranches in one county, may be (and under the present law frequently is) deprived of citizenship for the reason that two witnesses, only two, and each of these two, must prove the continuous five years' residence.

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I some time ago became convinced that this provision of the law was not equitable, and in January, 1919, wrote to our Congressman in the hope of convincing him and getting a bill introduced to remedy it. He thought it too late in the session to attempt it, and that it would be useless to attempt it without the approval of the Department of Labor, which approval was withheld.

Nevertheless, it is to be presumed that the Bureau of Naturalization did approve (since the proposal was embodied in the same bill containing one of its attempts to secure a notable extension of its powers)<sup>1</sup> a measure of concession in the matter of witnesses.<sup>2</sup> A proposed amendment to Section 10 of the Naturalization Law would provide:

That in case the petitioner has resided in two or more parts of the county in which he resides at the time he files his petition, and for this cause is unable to procure two witnesses, who are citizens of the United States, who are qualified and competent to establish the entire period of his residence in such county, he may establish his residence at each of the places in such county by the affidavits and testimony of at least two witnesses, citizens of the United States, to each place of residence, both in his petition and at the hearing.

The same bill would have mitigated and, so far as it went, humanized the restriction upon substitution of witnesses by adding to Section 4 a subdivision providing that

Where either or both of the original subscribing witnesses to a petition for naturalization, or those giving evidence by deposition in support thereof, shall be found to be incompetent or not qualified to establish the proof of residence, good moral

<sup>1</sup> These efforts of the Bureau to augment its scope and authority are discussed in this volume, p. 180 *et seq.*

<sup>2</sup> See H. R. 9949, introduced by Mr. Johnson of Washington, Sixty-sixth Congress, First Session.

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character, or other evidence required by law, the petitioner may substitute other qualified and competent witnesses at, or prior to, the final hearing. The hearing of the petition may be continued for this purpose and the names of the substituted witnesses may be ordered publicly posted, in the discretion of the court, if such posting shall be deemed necessary. Any petition for naturalization may be amended to correct manifest errors appearing therein and made in good faith.

### DEPOSITIONS OF WITNESSES

Mr. Raymond F. Crist, then Deputy Commissioner of Naturalization, in testimony before the House Committee on Immigration and Naturalization, prior to the enactment of the Act of May 9, 1918, stated that the Naturalization Service was habitually represented at the taking of the depositions by which a petitioner is permitted to prove his residence in states other than that in which the petition is filed. This must have been a slip of the tongue, for it is very far from being in accordance with the facts. Such a course would be a physical impossibility, especially in the present and past short-handed condition of the field service. As a rule the notaries public who attest these depositions are designated by the several chief examiners; but many of them are in small places, to which examiners never go. In point of fact, in most cases, the depositions are not viséd in any way whatever, so far as the naturalization machinery is concerned, or examined at all until the judge reaches the particular case. They go direct from the notary to the court in which the petition is to be heard, in a sealed envelope which is not expected to be opened until the day of the hearing—unless the court has, by specific order, authorized the naturalization officer to open and examine them. A very considerable number of them—one person familiar with the practice estimated the percentage as high as 75 per

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cent—are defective in some particular; the same authority thought at least 40 per cent of them would be so defective as to render them, under strict construction, inadmissible as evidence. For example, they will fail to assert that the deposing person has known the petitioner during the required period of time; or will not say, categorically, that the affiant is himself a citizen of the United States. As a rule, it is not until the affidavits are examined in open court by the judge or examiner that their insufficiency is disclosed, for the first time, to the petitioner. He may not be admitted until the papers have gone back for correction, or a new set prepared. That sometimes means a delay of six months, a year, or even longer—a very serious matter to a petitioner upon whose naturalization may depend his title to a homestead. There is nothing in the law prescribing the method of handling this matter; it is subject to regulation by the Bureau of Naturalization in its discretion; and inasmuch as the Naturalization Service declares itself, and ought indeed to be, the friend of the petitioner, guarding him against errors which may invalidate his whole effort and lead to the cancellation of his certificate even after he gets it, it ought to devise some procedure for examining every deposition. No petitioner should be allowed to come into court until his papers have been scrutinized, at least for technical defects. In certain districts of the Naturalization Service this has indeed been the practice in an informal way and to a limited extent. It would seem that it ought to be invariable. The Service has done excellent work in shutting out all manner of runners, professional witnesses, and other kinds of pseudo-assistants to the alien; this has left him in the matter of depositions, as a general rule, without well-informed, disinterested, or intelligent guidance, with the result that he has no adequate warning against



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defects, either important or trivial, which may vitiate his application. When he comes into court, all of his papers should be perfect, and all the facts cleared of technicalities, so that the judge may pass exclusively upon the merits of the case.

An applicant for naturalization must state in his petition whether or not he ever has filed a previous petition, and if so, what became of it. There have been instances in which a former petition was granted, but for some reason the record of it cannot now be found. In such a case the petitioner would have the greatest difficulty in getting proofs of his citizenship. His new petition may be denied on the ground that he is "already a citizen," but it leaves the record in an unsatisfactory condition; although his copy of the order of denial, stating that he is a citizen, serves fairly well for most purposes to certify his citizenship.

### "GOOD MORAL CHARACTER"

It is customary for naturalizing courts, in denying petitions, to add some phrase governing a later renewal; such as "without prejudice to renewal"; or "with prejudice to renewal before the expiration of five years from the date of this order of denial." In absence of such a phrase the court passing upon the second petition—especially if the former denial was on the ground of "immoral character"—requires the lapse of at least five years and exceedingly good proof of reform. The law requires that the petitioner must show affirmatively not only that during the whole period of five years immediately preceding the date of his petition he has behaved as a person of good moral character, attached to the principles of the Constitution, etc., but that he *is* at the time of the petition such a person. Courts have been known to deny petitions for acts committed

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before the beginning of the five-year period, on the ground that they involved ineradicable moral turpitude. Judges have shown much liberality on this point, however; there was a case of an old homesteader who had spent several years in the penitentiary; but the judge inquired far enough into the history of the matter to learn that the man was convicted as the result of a conspiracy on the part of certain neighbors who wished to get his homestead.

The latitude of the courts in this respect is very wide, and interesting slants are to be found in the decisions. There was a saloonkeeper in Chicago who participated in the then general custom of keeping liquor saloons open on Sunday in violation of the law, the policy of the city administration at that time being that of non-enforcement. There came a time when public sentiment required enforcement of the Sunday-closing law, and thereupon this man promptly obeyed the orders of the police to that effect. When his petition for naturalization came up, it was held that the consent of the authorities to his disobedience of the law was no excuse; a person who would accept the benefit of an evasion of the law could not be of "good moral character."

Said the court:

If a rule were laid down that it is immoral to knowingly and willfully violate the law in a community where public sentiment approves the law, but not immoral in a community where public sentiment does not approve the law, it would be most disastrous to the good order and well-being of society. . . . That public officers charged with enforcement of the law do not do so cannot change the effect upon the moral character of a man who willfully and habitually violates it. <sup>1</sup>

This was a case in which the government succeeded in canceling a certificate already granted, and it shows,

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<sup>1</sup> United States *vs.* Gerstein.

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as do many others, what a severe gantlet the petitioner must run, and how his past is combed over before he can show that he is altogether qualified. Gerstein was required to wait before filing a second petition; the court said:

The order and decree of naturalization of the Superior Court [of Cook County, Illinois] is reversed and the application of appellee for citizenship denied, without prejudice to his right to file another application *when time has removed the disqualification.*

### THE FINAL CEREMONY—OATH OF ALLEGIANCE

The law requires that the Oath of Allegiance shall be taken in open court as the final act of the petitioner before being formally admitted to citizenship; thereupon the decree is entered and certificate issued; but the Naturalization Service is forbidden by its regulations to issue the certificate until the judge's signature is upon the order. Sometimes the clerk rattles off or mumbles the oath very indistinctly, and the petitioners, often a large number of them, hardly understand a word of the solemn ritual. It is becoming more common for the judge to require everyone in court to stand while he delivers the text of the oath loudly and clearly. In some courts where there are many applicants, and all concerned are pressed for time, the persons to be naturalized are kept in one part of the room until the docket is cleared, whereupon the oath is administered to them in groups of nationality; each nationality group standing with upraised right hands while the clerk or judge reads the words, and names the particular "prince, potentate, state, or sovereignty," allegiance to whom, or to which, is to be abjured. Sometimes this ceremony is a very hurried, perfunctory, and undignified performance; sometimes a very solemn

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and impressive one. During the high-pressure process of naturalizing great numbers of soldiers in the army encampments during the war, it was sometimes the custom to have all nationalities stand at once, the clerk naming all the sovereignties concerned in one series, with the presumption that each individual would mentally isolate the one which he was supposed to have in mind. There were occasions when this helter-skelter method was pursued for the benefit of as many as 1,200 petitioners together.

### CEREMONIES OF INITIATION

There is a growing movement in favor of having public ceremonies of "initiation," in which the whole community is represented, to welcome the new citizens; to impress upon both the newcomers and the people to whose fellowship they are being welcomed, the importance and solemnity of the occasion. An increasing number of judges are carrying out this idea in their naturalization proceedings; adding to the formalities required by the law a speech either by the judge himself or by some representative citizen, or both, in which the momentous significance of the act in which the alien and the court have joined is emphasized. Some judges make a practice of giving to each new citizen a small flag, a special certificate, a leaflet or brochure setting forth the sentiments appropriate to the occasion. Much more common is it becoming for public-spirited citizens to organize a meeting of the same import. Here, for example, is the program of such a meeting, held in the Music Hall at Fall River, Massachusetts, on May 7, 1919, following a naturalization session of the local court, designated as "Reception and Welcome to Fall River's Newly Naturalized Citizens":



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## PROGRAM

HON. HENRY F. NICKERSON, Presiding

- Music . . . . . *Orchestra*
- Singing—"America" . . . . . *Audience*
- Address of Welcome . . . . . *Hon. Henry F. Nickerson*
- Response by a naturalized citizen. *James B. Kerr*
- Selection . . . . . *Orchestra*
- Address . . . . . *Rev. Everett C. Herrick*
- Pledge of Allegiance—*Led by Boy Scouts:*
- "I pledge allegiance to my flag and to the  
country for which it stands; one nation,  
indivisible, with liberty and justice for all."
- Presentation of Certificates of Naturalization  
*M. B. Irish, Sec. Fall River Immigrant Committee*
- Prayer . . . . . *Rev. Vincent Marchildon*
- Singing—"Star-spangled Banner". *Audience*
- Informal Reception

Here is another program—of the "Americanization Meeting in honor of those who were admitted to citizenship April 19, 21, 22, 1920," held in the Union High School at Grand Rapids, Michigan, April 30, 1920, under the auspices of the Grand Rapids Board of Education and the Americanization Society:

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## PROGRAM

HENRY E. CROW, President of the Board of Education,  
Presiding

JOHN W. BEATTIE, Supervisor of Music,  
Song Leader

Song—"America" . . . . . Audience

Address . . . . . *Christian Gallmeyer, Mayor of Grand Rapids*

Folk Games . . . . . *Pupils Sibley School*  
Directed by *Miss Ila Krumheuer*

Address . . . . . *Fred J. Schlotfeldt,*  
*Chief Naturalization Examiner, Chicago, Ill.*

Songs . . . . . Audience

Presentation of Citizenship Certificates.

*Judge Willis B. Perkins, Circuit Court*

Pledge of Allegiance to Flag—*Audience, led by Boy Scouts:*

"I pledge allegiance to my flag and to  
the country for which it stands; one nation,  
indivisible, with liberty and justice for all."

Address to New Citizens . . . . . *A. P. Johnson,*  
*Publisher Grand Rapids "News"*

Songs . . . . . Audience

Address . . . . . *Raymond F. Crist,*  
*Director of Citizenship, Bureau of Naturalization,*  
*Washington, D. C.*

"Star-spangled Banner" . . . . . Audience

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Mrs. Henrietta Briggs-Wall of Washington, D. C., has presented admirably the spirit of this movement in a pamphlet proposing a general "New Patriot Plan," to utilize the Fourth of July throughout the country for the celebration of the "civic birthday," alike of the native born who, during the past year, have attained the voting age of 21 years, and the newly naturalized foreign born. "In other countries," says Mrs. Briggs-Wall, "much ado is made over the crowning of kings and queens who attempt to rule over others; there is much more occasion for general rejoicing when newly enfranchised citizens attain their share in the honors and duties of self-government." The plan proposes in general a Fourth-of-July celebration in every community in America to which the newly enfranchised shall be invited as guests of honor. The author says, among other things:

The natural birthday is remembered by the family; the "civic birthday" should be honored by the community.

Inauguration ceremonies should accompany this newly acquired power. These exercises may consist of addresses to them [the newly enfranchised], music, a variety of activities for their entertainment and instruction; all of which, as an object lesson, will promote the patriotism of all the people.

Prizes may be offered to those who bring the greatest number to register in the "Record Book of New Patriots"; also to those who may try, if they choose, to write the best essays on "true patriotism." . . . The customs and convenience of different localities will suggest varying methods.

It is appropriate that the birthday of freedom, the civic birthday of our country, should be chosen to celebrate the civic birthday of the citizen. It is the best possible holiday for patriotic purposes; the audience is already furnished, and the minds of the people are in a receptive mood. It occurs at the time of year when picnics, excursions, and out-of-door celebrations of all sorts can be easily arranged in honor, and for the pleasure, of the new patriots.

## AMERICANS BY CHOICE

Criticism, commendation and reform alike, to be either fair or judicious, must bear in mind that the naturalization system which has been built up—and such parts, absurdities, inhumanities, and bureaucratic excrescences as have grown up—under the Naturalization Act of 1906 represents when all is said an honest, diligent, and wholly patriotic effort to make impossible the now almost incredible scandals of former times; to establish and vigilantly maintain proper standards of character and intelligence by which to test those of other nativity who desire to join our fellowship and participate in our sovereignty; and to fit and educate those who are admitted for the better appreciation and performance of the unique privileges and responsibilities of American citizenship. The remediable evils, some of the more conspicuous of which have been indicated, seem to be due in part to survival among us of general race and anti-foreign prejudices, despite our historic professions and democratic traditions; in part to the mere inertia of custom and habit characterizing all governmental institutions; in part to the “personal equation” of those upon whom, in various parts of the country, falls the duty of administering the law.

The experience of these fifteen years has demonstrated that the law, as it stands, is on the whole just and effective for its purposes. Its defects can be remedied; its sound features strengthened and clarified. It is time to modify it in some respects; to standardize the tests and conditions enforced under its provisions, to the end of removing, or anyway diminishing, the opportunity for the erratic operation of “personal equation” and the theories, whims, negligences, together with the illegal and extra-legal practices, in both the executive departments and the courts, of which the aspirant for citizenship is the hapless victim.



## VI

### PERSONAL EQUATION IN NATURALIZATION

WHEN we speak of the "personal equation" as an important factor in the adoption or rejection of an alien applicant for citizenship, we are likely to be thinking chiefly of the personality of the petitioner; of his character, intelligence, education, social training and experience; of his general fitness and capacity for assimilation of our language, customs, traditions, institutional relations—what we are pleased to call our "fundamental principles." But this is only a part, and not always or necessarily the most significant and controlling part, of the situation. There are other "personal equations" to be considered. For while it is true in one sense that the applicant does pass into the maw of a machine, constructed "of law rather than of men," and governed by more or less precise and automatically operating regulations from whose technic the individuals on either side of the process may not materially depart, the fact is that there is hardly any other legal process in our governmental system in which personality—individual ideas, prejudices, idiosyncrasies—plays so large a part. In no other activity of the courts is the individual petitioner so entirely at the mercy of the court, so completely without recourse in the event of a decision against him.

Strictly speaking, the proceeding is judicial; an *ex parte* case in an important court, in which a petition is filed with the clerk, comes in due course before the judge

## AMERICANS BY CHOICE

in person; evidence is received for and against the granting of the privilege requested, and the judge decides in a formal order and decree, pro or contra; the petition is granted or denied, as the case may be. For every petition is decided and disposed of in some final way, even though it may be continued or postponed once or more. It is doubtful, however, whether anywhere in our judicial procedure—even in the minor courts where so often farcically unjust “law” is inflicted upon defenseless persons—may be found a class of cases departing so far in practice from the apparent simplicity of the theory; where the petitioner is subject to so heavy handicaps of technicality; to so great an extent at the mercy of personal whims and mental limitations, of blunders and negligences—and “red tape”—of persons over whose activities he has not the slightest control, with very little right or opportunity to have beside him anyone to protect him from encroachment upon his rights.

The Constitution of the United States gave to Congress exclusive authority “to establish a uniform rule of naturalization.”<sup>1</sup> It might have been inferred that the intention was to make the process strictly an affair of Federal administration; but Congress did not so construe or utilize the authority. It established, by the original statute and subsequent legislation, uniform standards of requirement as to racial restriction, preliminary period of residence, literacy, and moral qualifications; but in effect it gave the jurisdiction and administration of the law back to the states—not in so many words, to be sure, but by committing the naturalization function to local as well as to Federal judges in every state and territory. Nothing could have been devised more surely to subject the operation of the law

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<sup>1</sup> Art. I, sec. 8, par. 4.

## PERSONAL SIDE OF NATURALIZATION

to the peculiarities of local conditions and feeling, and to the warps and twists of personal notion.

From the beginning, in the first general naturalization law enacted after the new republic got under way, the function of admitting new members of the nation has been vested in the courts—a *judicial* power and activity. So it remains to-day. And with the sole exception of Canada, the United States is unique in respect of this method of naturalization. England, France, and virtually all of the other nations vest the power in some ministerial agency.<sup>1</sup>

### A FUNCTION OF LOCAL COURTS

At first glance it might seem fitting and wise to confine the function (if to the courts at all) to the *Federal* tribunals, in the interest of freedom from local political influence, uniformity of interpretation and practice, and recognition of the fact that citizenship is chiefly a relationship to the nation as a whole. Always, indeed, there has been a considerable body of sentiment in favor of such a change in the practice. Many of the state judges would favor it; some for reasons of principle, but most because they would gladly get rid of a body of duty which to many is irksome and a distasteful interference with their ordinary matters of litigation by duties which they regard as properly more administrative than judicial. No Federal judge will hear of any such addition to their already great burden of work.

The reasons to the contrary are weighty and thus far have been controlling. In the first place, after all is said, an individual, however national his citizenship in the large sense, is politically a unit of the state in which he resides. He does not vote for any strictly Federal

<sup>1</sup> See *Report of the President's Commission on Naturalization, 1905*, Fifty-first Congress, First Session, House Document 46.

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officer; the only civic relationships which he bears to the nation as such are those of direct taxation and national military service—and both of those are of comparatively recent establishment. He does not vote for President of the United States, but for a group of Presidential electors who will cast the vote of his state in the Electoral College. When he votes for two Senators and one Representative in Congress, he votes for them as representatives of his own state and Congressional district. The states, as a rule, have been very jealous of every effort to take the direct control of the selection of their citizens out of the hands of officials amenable to local sentiment.

There is another and even better reason, in the fact that the United States courts are relatively few and far between, and the expense of time and travel which would be imposed upon applicants, living elsewhere than in large cities, for having to go (as they do now twice and often more than twice) to the nearest Federal courts would be prohibitive upon all aliens but the most prosperous or those whom some one might have a motive, political or other, for subsidizing in this way. In not a few sparsely settled regions, even as it is now, a petitioner must travel, and take his two witnesses, a total of many hundred miles before he can consummate the process of naturalization and obtain the precious certificate without which he cannot complete his title to his homestead.

The existing law, modified in its allusions to territories which since have become states by the various kinds of legislation relative to their statehood, thus describes the courts which are to have the power to pass upon applications for citizenship:

United States Circuit and District Courts now existing, or which may hereafter be established by Congress, in any State; United States District Courts for the Territories of Arizona,



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New Mexico, Oklahoma, Hawaii, and Alaska; the Supreme Court of the District of Columbia, and the United States Courts for the Indian Territory; also all courts of record in any State or Territory now existing, or which may hereafter be created, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited.

### “PERSONAL EQUATION” OF THE JUDGES

According to the report of the Commissioner of Naturalization for the fiscal year ending June 30, 1919, a total of 2,306 courts of all these kinds have exercised naturalization jurisdiction during that year, and a list of judges, compiled by the Americanization Study from information obtained from the Naturalization Service and from other sources, shows that about 1,450 individual judges, Federal, state, and local, preside in these courts. A grand total of approximately 100,000 cases a year—the figure roughly used in estimating the naturalization business of recent years—would give to each judge an average of about 70 cases a year; but since in the great majority of rural districts this business is exceedingly small—in some cases not more than two or three in a year—and since the bulk of it is in the large cities and in particular regions, such as the mining districts of Pennsylvania, West Virginia, Illinois, etc., certain courts have a very large number of cases, in some instances running into thousands.

In the last analysis, the individual judge is, subject to certain noteworthy restrictions and interferences, the final arbiter in every case. Upon his “personal equation,” his opinions and prejudices, to a great extent depends the reception which the petitioner experiences when he comes into court for the final stage of his initiation as an American citizen.

Obviously, then, it becomes important to ascertain

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the general attitude of the naturalizing judges throughout the country toward the law as it stands, toward the naturalization process in general, toward the petitioner for citizenship. In the last analysis the judge is a human being, moved by human motives, warped by human prejudices, subject to the same personal, local, and general influences that condition the emotions and actions of the rest of us toward our fellow men.

With this in view, the Americanization Study addressed a questionnaire to each of the approximately 1,400 judges throughout the country entitled<sup>1</sup> to jurisdiction in naturalization proceedings in the 2,300 courts over which from time to time they preside for this purpose. Somewhat less than one-third (423, or about 31 per cent) of the judges thus addressed replied or were accounted for in some manner more or less complete. Any exact or conclusive tabulation of the replies would be impracticable because the questions called for expression of opinions rather than categorical or statistical answers; a large proportion of the judges left one or more of the questions unanswered or qualified their answers in such a way as to preclude the possibility of precise classification. Nevertheless, the results as a whole are highly significant and informing—almost as much so in their negative aspects as in the definite replies evoked.

For example, it is interesting to observe the difference not only in the ratio of replies received to the number of judges questioned, but in the character of the replies as regards general strictness or liberality of attitude, in the various parts of the country. The first point is to be seen in the following list of naturalization districts, with the

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<sup>1</sup> The words "approximately" and "entitled" are appropriate here, because by no means all of the judges empowered to naturalize exercise the function, and the list is constantly changing by reason of death, retirement, readjustment of work in large courts, etc.

## PERSONAL SIDE OF NATURALIZATION

approximate number of judges in each and the number of them heard from:

### TABLE IV

NUMBER OF REPLIES FROM JUDGES IN EACH DISTRICT

*Boston District.*—Comprising the states of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island.

STATE	JUDGES	REPLIES FROM
Maine.....	9	3
New Hampshire.....	6	1
Vermont.....	7	4
Massachusetts.....	29	3
Connecticut.....	18	4
Rhode Island.....	8	2
Total.....	77	17

*New York District.*—Comprising Northern, Eastern, and Southern New York, and Hudson County, New Jersey.

STATE	JUDGES	REPLIES FROM
New York.....	74	19
New Jersey.....	3	0
Total.....	77	19

*Philadelphia District.*—Comprising the Eastern and Middle Districts, Pennsylvania, Delaware, and New Jersey (except Hudson County).

STATE	JUDGES	REPLIES FROM
Pennsylvania.....	46	11
Delaware.....	4	2
New Jersey.....	24	10
Total.....	74	23

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*Denver District.*—Comprising Colorado, New Mexico, Wyoming, Utah, and the counties of Bannock, Bear Lake, Bingham, Bonneville, Custer, Franklin, Fremont, Jefferson, Lemhi, Madison, Oneida, and Power, Idaho.

STATE	JUDGES	REPLIES FROM
Colorado . . . . .	17	7
New Mexico . . . . .	9	5
Utah . . . . .	9	3
Wyoming . . . . .	8	2
Idaho . . . . .	5	3
Total . . . . .	48	20

*San Francisco District.*—Comprising California, Arizona, and Nevada.

STATE	JUDGES	REPLIES FROM
California . . . . .	95	34
Arizona . . . . .	16	8
Nevada . . . . .	12	2
Total . . . . .	123	44

*Seattle District.*—Comprising Washington, Oregon, Montana, and Idaho (except as assigned to Denver).

STATE	JUDGES	REPLIES FROM
Washington . . . . .	47	15
Oregon . . . . .	27	11
Montana . . . . .	26	7
Idaho . . . . .	11	1
Total . . . . .	111	34

### RECAPITULATION

Total number of judges addressed . . . . .	1,410
Replies received from . . . . .	423



# PERSONAL SIDE OF NATURALIZATION

## PERCENTAGE OF REPLIES

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St. Paul District.....	46.0
Denver District.....	41.7
San Francisco District.....	37.4
St. Louis District.....	33.3
Philadelphia District.....	31.0
Seattle District.....	30.6
Chicago District.....	28.2
Pittsburgh District.....	26.8
New York District.....	24.6
Boston District.....	22.0
Washington District.....	18.5
Average.....	30.9

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It would be perilous to generalize from these figures as to the interest of judges in various parts of the country in the study of the problems involved in naturalization. Silence does not necessarily imply indifference; moreover, the courts in large centers of population are overburdened with ordinary litigation, and it is not surprising that there should be procrastination or entire failure in responding to a more or less elaborate questionnaire. Nevertheless, there is food for reflection in the fact that the lowest percentages of exhibited interest are in the East and South—the highest west of the Mississippi River.

The judges who did reply to the questionnaire represent on the whole both wide experience and substantial interest in the subject. Of those who state the number of naturalization cases coming before them in an average year, more than 100 passed upon 100 cases or more—not including the very large numbers passed by a few in acceptance of soldiers under the “military naturalization law”; at least as many more had from 50 to 100 cases a year (160 between 10 and 100); only 67 reported less than 10. Upward of 400 judges, each answering for himself, undoubtedly afford a reasonably

## AMERICANS BY CHOICE

reliable cross-section of the opinion of the naturalizing agency of the government.

### BIRD'S-EYE VIEW OF THE QUESTIONNAIRE

The questions which were asked, and the general nature of the replies to each, give a bird's-eye view of the principal phases of the problem, and a fair notion of the degree to which the judges may be regarded as liberal or conservative and alive to the situation. The questions and the figures given after each speak for themselves:

*Do you regard the present requirements for naturalization as too strict, or not strict enough?*

Answers: About right now . . . . .	185
Too strict . . . . .	26
Not strict enough . . . . .	97
Noncommittal . . . . .	20
	328

*What is your policy as to "continuous residence"—how long, if at all, do you permit a petitioner to have been absent from this country during the five years immediately preceding his petition?*

The answers to this question may be roughly classified to show the general attitude of the judge, as follows:

No absence whatever permitted . . . . .	72
A fixed time limit (three to six months very general) . . . . .	32
"Entirely a question of <i>intention</i> " . . .	210
Noncommittal . . . . .	26
	340

*How frequently do you require the petitioner's witnesses actually to have seen him during the five years' period?*

Very strict ("daily"; "constantly, as a neighbor"; "I insist upon a real personal intimacy," etc.) . . . . .	53
Reasonable ("enough to satisfy me as to the petitioner's character and	

## PERSONAL SIDE OF NATURALIZATION

residence"; "a bona-fide acquaintance," etc.).....	287
	340

*Do you require applicants for naturalization to prove that they can read as well as speak the English language? The law does not require ability to read.*

Yes.....	179
No.....	155
	334

*Would you favor amending the law so as to permit the substitution of a witness where, in evident good faith, one of the original two appears, in the judgment of the court, to be honestly mistaken in believing that he has adequately known the petitioner for the whole five years? (Under the present practice the petition is denied, and a new one must be filed and a new fee paid.)*

Yes ("The present practice imposes a great hardship and injustice").....	311
No.....	36
Noncommittal.....	6
	353

*Would you favor amendment of the law so as to mitigate the present requirement that two, only two, and the same two, witnesses must swear to personal knowledge of all of the petitioner's residence up to five years, within the state in which the petition was filed, and thus permit him to cover a part of this residence by depositions, or additional witnesses, when witnesses possessing the qualifications now required cannot be procured?*

Yes.....	289
No.....	34
Noncommittal.....	11
	334

*Would you write into the Naturalization Law a specific educational or intellectual test for admission to citizenship?*

Yes.....	167
No.....	157
Noncommittal.....	25
	359

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*Do you favor a uniform required course of instruction for applicants for citizenship?*

Yes.....	208
No.....	134
Noncommittal.....	33
	375

*Would you favor acceptance, as prima-facie evidence of intellectual fitness, of a suitable certificate from schools or class, of the successful completion of such a course?*

Yes ("I would"; "I do accept school certificates now," etc.).....	209
No ("The judge must satisfy himself by his own inquiry"; "it is character, not learning, that counts"; "too many Socialists are teaching school," etc.).....	110
Noncommittal.....	31
	350

*Would you favor the abolition of the present Declaration of Intention (first papers)? If not, what good purpose do you think it serves?*

Yes ("It serves no good purpose")...	82
No ("It is an essential of the proceeding"; "it serves notice to all concerned"; "it tends to keep the applicant in mind of his desire to be a citizen," etc.).....	241
Noncommittal.....	33
	356

*What have you observed to be the special difficulties in the way of desirable foreigners, hindering them from seeking naturalization?*

Know of none deterring desirable foreigners.....	107
Ignorance and indifference.....	104
Deterring attitude of natives.....	60
Technicalities in law and examinations	42
No opinions.....	58
	371



## PERSONAL SIDE OF NATURALIZATION

*Would you favor legislation to permit the naturalization of a married woman in her own name, if personally acceptable, regardless of the alienage of her husband, or his failure to obtain or refusal to seek naturalization?*

Yes.....	204
No.....	104
Noncommittal.....	25
	333

*Would you favor reserving to a native-born American woman, if she desires it, the American citizenship which under the present law she sacrifices by marriage to a foreigner?*

Yes .....	220
No.....	127
Noncommittal.....	17
	364

*Would you favor modification of the law so as to admit to citizenship any individual personally fit, regardless of race or color?*

Yes.....	100
No.....	225
Noncommittal.....	34
	359

*Do you believe that the admission of large numbers of aliens under the Act of May 9, 1918, solely on the ground of military or naval service, without the usual requirements of residence, etc., operated on the whole to the advantage of the United States?*

Yes.....	111
No.....	113
Doubtful.....	28
No opinion.....	58
	310

*Would you favor applying the same standards and tests to all prospective voters, native and foreign born alike, before endowing them with the suffrage; with suitable ceremonies of induction into "active voting membership," so to speak, in our society?*

Yes.....	180
No.....	102
Noncommittal.....	44
	326

## AMERICANS BY CHOICE

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No.....	134
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No.....	102
Noncommittal.....	44
	<u>326</u>

## AMERICANS BY CHOICE

*Would you favor removal of naturalization from all state courts, so as to make it exclusively a function of the Federal courts?*

Yes.....	112
No.....	208
	320

*Would you favor placing naturalization in the hands of traveling naturalization commissioners, appointed by and responsible to the courts?*

Yes.....	76
No.....	202
	278

*Would you favor making naturalization a purely administrative function, exercised by the Naturalization Bureau, or other appropriate organ of the Department of Labor, or other department?*

Yes.....	48
No.....	222
	270

### GENERAL TREND OF JUDGES' OPINIONS

The returns of this questionnaire, from a sufficiently representative cross-section of the naturalizing agency of the government, self-selected by the operation of substantial personal interest in the problems embodied in the situation (as evidenced by taking the pains to express opinion), make clear the opinion of the judges on several important points, and may be summarized substantially as follows:

(1) The judges on the whole believe that the present law requires no drastic amendment in principle; they believe that the naturalizing function should remain with the courts; should not be confined to the Federal courts, and should be exercised in the open courtrooms as it is at present. And this, notwithstanding the fact that the function adds materially to the burden of ordinary litigation.



## PERSONAL SIDE OF NATURALIZATION

(2) In the matter of attitude toward both petitioners and their witnesses, the judges are in the main liberal and humane, judging of absence during the five years' probationary period chiefly with regard to the occasion for the absence and the continuing *intention* to become an American citizen, and the witnesses' knowledge of the petitioner by the practical facts in the case.

(3) An overwhelming majority of the judges favor mitigation of the technicalities now surrounding the proceeding by permitting the substitution of witnesses and the supplying of evidence to convince the court, by means of depositions covering portions of the period of residence within the state in which the petition is filed. It may be added that very many of the judges would accept testimony of the same character as that which they would receive in any other sort of proceeding before the court to establish any fact.

(4) A majority of the judges require of petitioners proof of ability to *read* the English language; some require also ability to write it—although the law requires only ability to *speak* it. There is a marked weight of opinion in favor of requiring reading; some also advocate writing—even among the judges who do not now require it because the present law does not. The judges are about evenly divided as to the desirability of a uniform educational test. Most of those who oppose it emphasize the fact that, in the selection of citizens, character and general reputation are more important than book learning; that a bad man is made only the more dangerous by education. A majority of the judges would favor a required course of instruction, and would accept as *prima-facie* evidence of intellectual fitness a school certificate of the successful completion of such a course. Increasingly, such certificates are in fact accepted by courts all over the country.

## AMERICANS BY CHOICE

(5) The judges are emphatically opposed to the abolition of the declaration of intention, the ratio of expressions in the negative being approximately three to one. The declaration is regarded by the judges of the widest experience as having a moral value of great importance, and as affording indispensable notice to the government and the public of the alien's intention to apply for "active membership."

(6) With regard to married women, the judges are two to one in favor of permitting their naturalization as individuals, regardless of the action of their husbands, and nearly as much so in favor of reserving to American-born women their citizenship, notwithstanding their marriage to aliens. As regards the latter point, most of those expressing themselves in the affirmative insert the proviso that the woman must continue her domicile in this country.

(7) Opinion is in the negative as regards naturalization of "any individual personally fit, regardless of race or color." Most of the judges interpret the question as applying to Chinese and Japanese. A Southern judge holds that "since citizenship has been granted to the African race, there is no reason for withholding it from any other." Those who vote in the affirmative do so on the ground that even membership in the Mongolian racial groups should not exclude persons who can show personal fitness for citizenship; nevertheless, the vote in the negative is more than two to one.

(8) The judges are not clear with regard to the suggestion of a standard test for all prospective voters, native or foreign born, by which even native Americans at the age of twenty-one years should pass at least the same examination as an alien applicant before being armed with the ballot. Nevertheless, nearly two to one of those who spoke on that point favor the establishment of such a test.

## PERSONAL SIDE OF NATURALIZATION

(9) Military naturalization is the subject of grave doubt. The vote is about evenly divided—a shade toward the negative—but nearly as many judges are doubtful or noncommittal as are either favorable or opposed to the measure. It should be said, however, that those most emphatically satisfied with what was done in this regard are those who had the most experience with it.

### THE CLERKS OF THE COURTS

The clerks of the courts in many ways are not less important in the experience of the petitioning alien than either the judges or the naturalization examiner. Upon the clerk, more than upon anyone else, in the vast majority of cases, depends scrutiny of the declaration of intention; usually he actually makes out the declaration for the alien; if he is careful and familiar with the routine of form and fact he makes it out, or sees that it is made out, correctly; if he regards the whole business as a nuisance, has a prejudice against immigrants as such or against the particular race represented by this particular alien, or doesn't like this individual, if he has had a controversy with the Naturalization Service or is, for some other reason, in an unfriendly mood, or if, as is more likely to be the case, he is simply careless or unfamiliar with the technic of the business—having very little of it to do—the interests of the alien may suffer accordingly. The courts do not give the alien the benefit of any allowance for clerical or other errors made or permitted by the clerk if they relate in the slightest degree to any material fact; the alien must guard himself against any such error, or bear the consequences alone. In fact, the courts have repeatedly held, as it is expressed in a brief in the case of *Mulcrevy vs. San Francisco*, in the United States Supreme

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Court, that the duties in connection with naturalization performed by clerks of courts "are not appurtenant to the office of clerk of court. . . . All of their transactions with the Bureau of Naturalization, and these include almost all of their service, are performed without any reference to the court."<sup>1</sup> In many instances, the clerks are greatly annoyed by having this citizenship work thrust upon them; they take no pleasure in having been "freely designated by Congress to serve the purposes of the Federal government," or in being thus "instrumentalities or agencies of the Federal government," as the Mulcrevy brief puts it, and perform their duties in a careless, grudging, and ill-natured spirit.

In most of the rural districts, naturalization business is very light; sometimes there will be only two or three cases a year; there are even courts in which a year or two might pass without any at all. In such instances the labor is trivial; but for that very reason the clerk is not alive to the importance of details, and the ratio of mistakes may be the greater for that reason.

In the large cities, where the naturalization business is heavy, there are usually deputy clerks devoting virtually all of their attention to it; they keep in practice, and avoid errors. But it is to be remembered that because this work is not "appurtenant to the office of clerk of court," neither the United States nor the state contributes anything whatever to the remuneration of the clerk. The alien pays for that, in a manner well calculated to create an undesirable relationship all the way round. The clerk is put in this regard largely at the mercy of the Naturalization Service, and

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<sup>1</sup> See *United States vs. Hill*, 120 U. S., 169; *Hill vs. United States*, 40 Fed., 441; *United States vs. McMillan*, 165 U. S., 504; *in re Halladjian*, 174 Fed., 834.



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the result is not a happy one—as might very well be expected.

### THE QUESTION OF ADEQUATE CLERICAL FORCE

The report of the New York State Commission of Immigration, transmitted to the Legislature April 5, 1909, after the present system had been in operation about two years, dealt with this matter in connection with its comment upon delays in the naturalization business in the courts, especially of New York City, which is attributed chiefly to insufficiency of clerical force, due, in its finding, to the operation of the following provision of the naturalization law:

That the clerks of courts exercising jurisdiction in naturalization proceedings shall be permitted to retain one-half of the fees in any fiscal year, up to the sum of three thousand dollars, and that all fees received by such clerks in naturalization proceedings in excess of such amount shall be accounted for, and paid over to said [Naturalization] Bureau, as in case of other fees to which the United States may be entitled under the provisions of this Act. The clerks of the various courts exercising jurisdiction in naturalization proceedings shall pay all additional clerical force that may be required in performing the duties imposed by this Act upon the clerks of courts from fees received by such clerks in naturalization proceedings.

And in case the clerk of any court exercising naturalization jurisdiction collects fees in excess of the sum of six thousand dollars in any fiscal year, the Secretary of Labor may allow salaries, for naturalization purposes only, to pay for clerical assistance, to be selected and employed by that clerk, additional to the clerical force, for which clerks of courts are required by this section to pay from fees received by such clerks in naturalization proceedings, if in the opinion of said Secretary the naturalization business of such clerk warrants further additional assistance: *Provided*, That in

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no event shall the whole amount allowed the clerk of a court and his assistants exceed the one-half of the gross receipts of the office of said clerk from naturalization fees during such fiscal year.<sup>1</sup>

### WHEN THE CLERK POCKETS THE FEES

The clerk is not required to spend for additional clerical force the portion of the fees *under three thousand dollars* retained by him. In some states he is required to surrender it as part of the income of his office; but generally speaking he can put it in his pocket if he chooses to do so, and allow the naturalization business to become clogged and delayed. Sometimes he does just that. The Naturalization Service has no redress, although it usually is blamed by the uninformed for the ensuing situation. Of course the alien has none, although he is the principal victim of it. The possibilities of the arrangement are well illustrated in one great Middle Western city, where there are two courts, one state and one Federal, performing naturalization functions. The clerk of the state court is very efficient and interested in the work; he spends more than \$3,000 on naturalization business, employing a deputy at \$1,800 and a stenographer at about \$1,000 a year, and in rush periods having extra force. The service to aliens in that court is courteous, accurate, and expeditious. The clerk of the Federal court does otherwise. He retains his \$3,000, but employs an assistant at only \$1,200 without any stenographer, and the work is badly delayed. A letter of complaint about this court mentions the fact that "I have been advised by . . .

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<sup>1</sup>The text here quoted is from the law as it now stands; it differs very slightly in verbiage, but not in meaning, from the law as it read when quoted in the New York Immigration Commission's report.

## PERSONAL SIDE OF NATURALIZATION

that the United States District Court will be closed all day to-day." Day after day, during 1918-19, the office of the naturalization deputy clerk in that court was entirely closed, so far as the aliens were concerned, owing to the insufficiency of the clerical force. Generally, an overworked condition of a clerk's office leads, naturally, to hurry, discourtesy, and inevitable delays, during which applicants and their witnesses will lose day after day of working time in waiting for attention.

### FORMS OF PETTY GRAFT

This sort of thing leads also to another evil, inevitable in such an atmosphere. Petty officers of the court, policemen and others having the run of the building, will tyrannize over the crowds of aliens awaiting attention, and will pretend to have, or actually will exercise, the power to put one person ahead of another or otherwise effect an unfair discrimination in favor of those who will pay something for the advantage. In one court there was found a definite arrangement with a neighboring saloonkeeper, who collected the bribes for a guard in the Federal building. The Naturalization Service has been assiduous in its discouragement of this sort of thing, and has had a good measure of success upon the minor grafters; but as the law reads at present it can use only moral suasion upon the clerks of courts to induce them to spend the retained share of the fees for the purpose for which the retention obviously was authorized—the *bona-fide* employment of the extra clerical force needed to handle the naturalization business.

The "moral suasion" business, however, has its limitations. While the chief naturalization examiners, in charge of the districts in the field, usually are on cordial terms with the clerks of their various courts,

## AMERICANS BY CHOICE

the relations between the clerks and the office of the bureau at Washington, maintained almost exclusively by correspondence, with that correspondence almost invariably growing out of some complaint or dereliction on the part of the clerk, are not always so happy. The clerk has to send to Washington for all his supplies of blanks and other stationery used in the naturalization business. In one of the largest cities in the country there was a delay of weeks in getting certain supplies from Washington, and the petitioners suffered accordingly. The whole naturalization service is habitually short-handed and correspondingly overworked; but the penalty for the delays falls upon the head of the petitioner for naturalization. When a clerk of a small court, or a large one, has not on hand the blank forms upon which his declaration or petition must be written in order to be valid, the alien, who may have traveled with his witnesses scores of miles to file his paper, must return to his home and wait some more. This is an occurrence by no means infrequent.

Penalties are provided by law against clerks who fail to send punctually to Washington the required periodical reports and duplicates of papers. The Naturalization Bureau has been reluctant to attempt enforcement of these penalties—it is a bit drastic to fine a clerk \$25 for a little delay in transmitting papers—and usually has been content to send an examiner to the court to get the material. But the correspondence growing out of such delays, and out of the effort to induce clerks to spend their retained share of the fees for clerical assistance, has added acerbity in many instances to the irksomeness of a task “not appurtenant to the office of clerk of court.”

Small irritations also add friction. For example, the clerk is required to send his reports and papers by registered mail; there is no provision to reimburse him



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for this; he can put in an expense bill—and maybe get it after a long delay. This is exasperating, whether one's annual share of fees in a small office amounts to \$10 or \$3,000. There was a clerk in California who declined to answer letters or have anything further to do with the Bureau after he thought he had been badly treated in some such matter; he induced the judge of his court to relinquish naturalization jurisdiction, and then wrote to the Bureau that it could have the records in his custody if it would send for them. The Bureau has a highly detached, impersonal style of correspondence, admirably adapted to alienate human sentiment and blight human interest.

### “PERSONAL EQUATION” IN THE NATURALIZATION SERVICE

The executive arm of the government has the right to appear before courts exercising naturalization jurisdiction, for the purpose, as the law says:

of cross-examining the petitioner and the witnesses produced in support of his petition concerning any matter touching, or in any way affecting, his right of admission to citizenship, and shall have the right to call witnesses, produce evidence, and be heard in opposition to the granting of any petition in naturalization proceedings.

This perfectly breathes the spirit exhibited as a general rule by the representatives of the Naturalization Service. The alien petitioner, having passed muster in respect of the clerk's office, confronts the representative of the government, presumably familiar with every detail of technicality, in far too many cases bent upon preventing his naturalization if by any possibility it can be done. Judge after judge, in all parts of the country, answering the questionnaire of the American-

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ization Study, describes the naturalization examiner as a zealous young man, intent upon straining every technical point to its utmost—against the petitioner.

In the original instructions issued by the Commissioner of Naturalization on June 30, 1909, when the field service was taken over by the Department of Commerce and Labor—of which the Naturalization Bureau then became a part—he said to the division chiefs:

There is one point which I desire especially to call to your attention, and through you to the attention of those under your charge and direction, and it is a point upon which I must insist. The service is largely one not alone of an investigating nature, but of an advisory and instructive character as well; it furnishes the courts, the clerks of the courts, and the general public with information—especially that part of the general public directly interested in acquiring citizenship, or indirectly interested, as witnesses to those who are seeking naturalization.

Referring particularly to applicants, he said, also:

They should further be made to understand that the substantial effect of such exactions [requirements of the law] upon your part is to protect them, after they once secure naturalization, from the disappointment, embarrassment, and distress which must ensue in case they secure naturalization without having complied with the law.

These excerpts from the Commissioner's instructions were quoted by authority in a letter dated August 15, 1919, from one of the district chief examiners to the writer; therefore they may fairly be taken to represent not only the initial policy of the Naturalization Service in beginning its work, but the policy to-day. As a statement of general policy and attitude they leave nothing to be desired. Furthermore, any fair consideration of the naturalization system must take into

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account generously the background and historic perspective of this business.

### A SCRUPULOUSLY HONEST SERVICE

As it already has been made sufficiently clear, prior to the enactment of the law of 1906, naturalization in the United States was not only a chaotic but a scandalous thing. Many persons believe now that it is "easy to get naturalized," that upon payment of a few dollars, or in consideration of political subserviency, promised or expected, any alien can go, as it were, straight from the vessel that brings him to the naturalization court and thence to the ballot box! It used to be almost like that, but with the enactment of the law of 1906 a revolution set in, and the condition now, generally speaking, is quite otherwise. The pendulum has swung to the other extreme. It is as difficult now to be naturalized as it used to be easy. And it is quite natural that it should be so, in the reaction of public sentiment from the old happy-go-lucky days, with the law's administration in the hands of a corps of men who, from top to bottom, answer any test of honesty and zeal. In all the wide inquiry upon which this volume is based, there was no hint anywhere of any manner of corrupt practice on the part of anyone in the service. Such faults and shortcomings as may be attributed to the Naturalization Service are of an entirely different character.

At the outset, the principal function performed by the government was that of investigation; the group of men who pursued the inquiries about aliens petitioning for citizenship was little more than a corps of detectives, bent upon ferreting out something, anything, that would show the applicant to be unfit. To begin with, this work was done under the direction of the

## AMERICANS BY CHOICE

Attorney-General of the United States. All naturalization proceedings, in fact, were in charge of special assistants to the various United States district attorneys, the examiners operating under them as field investigators. The politicians had a good deal to say about the selection of examiners. Many, if not most of them, were former pension examiners. Some had been in the postal service; some had had no experience at all in the government employ.

Without implying any dereliction of intention on their part, then or now, it may be said that few of them had legal training or were otherwise fitted to conduct the government's part in court proceedings. The training of the examiners always has been of the most haphazard, inadequate character. Even under the operation of the Civil-Service laws, it was held that the kind of experience a man ought to have for the field service was that of general contact with the public—that of policemen, street-car conductors, and the like. Yet, as the practice has grown up, these men have to appear in important courts virtually in the guise of attorneys for the government; they must know the law, not only as set forth in the statutes, but as interpreted in innumerable decisions of Federal and state courts.

### NEED OF UNIFYING INFLUENCE

The chief examiners have done their best, but differences of "personal equation" have resulted in a very wide diversity of policy and attitude. There never has been any adequate unifying influence in the service; supervision has been conducted largely by correspondence, and the correspondence has not always been self-consistent. Even in the matter of transmitting to the chief examiners the decisions of courts in naturalization matters, there has been a strong tendency to



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transmit chiefly those decisions which supported the contentions of the Naturalization Bureau, so that there have been cases in which examiners went on insisting upon interpretations of the law which had been overruled, "getting away with it" in courts whose judges did not keep close track of the decisions, to the detriment of petitioners who could not know their rights—since the alien, as a rule, has no one in court to protect him, and rarely is in a position to take an appeal.

In the majority of the courts, particularly those far from the great centers and having relatively little naturalization business, the judges regard it as more or less of a nuisance, do not keep posted about the law and decisions, and, looking upon the naturalization examiner not only as the accredited representative of the government, but as an expert in this field, follow his recommendations and contentions; and here, again, there being no one in court to represent the frightened or embarrassed petitioner, the point of view of the examiner becomes that of the judge, and the law is handed down accordingly. On the other hand, a few judges have taken the attitude that they would not recognize an examiner who was not an attorney admitted to practice before those particular courts.

"NOTHING TO LITIGATE!"

The Bureau of Naturalization has contended that a naturalization hearing is not a "case"; that there is nothing to litigate; that the examiner is present not as an attorney, but as a friend and informant of the court, with which abides the final responsibility. It holds that the petitioner does not need an attorney, the judge being assumed to be of course as solicitous to protect the interests of the petitioner as those of the country's citizenship. No allowance is made under

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this theory for judges like the one, for instance, who regards it as his duty to "construe everything against the petitioner"!

The operation of the system certainly leaves the petitioner frequently, at least, in a most unsatisfactory and perilous posture; as witness the matter of the seven-year limitation upon "old-law declarations." The crisis came in September, 1913, and there was a decision soon afterward in the United States District Court in New York ruling out all "old-law declarations." A policy in regard to these declarations should have been made then—a unified policy, applicable throughout the Naturalization Service. Nothing of the sort was done; the decision was heeded in some districts and ignored in others, *for five years!*—until the Supreme Court of the United States, sustaining the holding of the District Court in New York, at one stroke guillotined, so to speak, thousands of declarants under the old law. In many other matters there is still not only uncertainty, but variety of interpretation and practice; a regrettable lack in effect of the "uniform rule" contemplated by the Constitution.

In many courts the point of view of the judge and that of the naturalization examiner are at variance, and this leads in some cases to open bitterness. Some examiners quibble and irritate the judge with trivial objections; some judges constantly ignore important provisions of the law urged upon them by the examiners. Between such extremes the petitioner is a helpless shuttlecock at the time, and later the victim of cancellation proceedings. There are "too many cooks," too little supervised and unified, and among them the petitioner's broth is spoiled. One of the crying needs of the Naturalization Service is a permanent law officer, able and willing and vigilant to watch the making of the statutes and decisions all over the country, and to

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inform and guide the representatives of the service in their interpretation of the law.

### CONFUSED STATE OF THE EDUCATIONAL TEST

It shall be made to appear to the satisfaction of the court that, during five years at least immediately preceding the date of his application, he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

Such is the substance of the law. It requires also that he must be able to *speak* the English language, and that each of his precious two witnesses shall, of their own knowledge, certify that he is "in every way qualified, in their opinion, to be a citizen of the United States." The barbed entanglement of technicalities through which the petitioner must grope before the questions of substantial qualification can be reached, we already have seen.

Now, what does it mean to be "attached to the principles of the Constitution"? What manner of intellectual display is required to prove one "well disposed to the good order and happiness of the United States"? Around these two rather indefinite phrases rages the whole storm of "Americanization" as it affects the alien seeking to become one of us. Whether common sense, the notion of the man-in-the-street, the average, plain-spoken layman, shall prevail, or the ideas of a hypercritical "nativism," depends upon the "personal equation" of the judge, the clerk, the naturalization examiner—or, rather, the diagonal of forces produced by the concurrence or conflict of all three, aggravated or modified by that of the petitioner and his witnesses.

A considerable—one might almost say an overwhelming—literature has grown up about this part of

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the subject of immigration; of scores, even hundreds, of books, pamphlets, leaflets, posters, diagrams, moving-picture reels, lectures, and what not else, designed to afford to aliens aspiring to citizenship that knowledge of "the principles of the Constitution" which the applicant must display to "the satisfaction of the court." The number and variety of these is impressive, even startling; they vary from the appallingly elaborate and diffuse "Citizenship Textbook," issued by the Bureau of Naturalization itself, to the simple and lucid folder issued by a judge at Duluth, Minnesota. One judge in Montana, who thinks "a residence of ten years should be required" before final application, has "a list of questions which every applicant who appears before me must answer. He is also asked many questions not contained in this list which go to his qualifications to become a citizen." The printed list occupies *nearly four newspaper columns of solid type*, and covers everything relating to the governments of the United States, the state of Montana, the local county, city, and ward—a body of civic information beyond the ken, or the hope, of 999 out of 1,000 native-born Americans between the two oceans; yet, on the whole, only what every citizen ought to know about the government which taxes and rules him.

A judge in Missouri, who has "possibly two, not over," of naturalization cases in a year, holds that an applicant should have "not merely an educational or intellectual test—for the more of either a man has the worse he may be for the country—but I would establish one of sentiment or principle, about as follows":

Every applicant shall satisfy the court that he is familiar with, and attached to, such sentiments as are expressed in such writings as "A Man Without a Country," "America," "Declaration of Independence," etc., and that he is possessed of reasonable opinions on necessity of government and duty



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of citizens to support the government and its laws, the freedom of the press, liberty of speech, obtaining redress for grievances, and a firm opposition to rioting, violence, force, and secret societies or orders countenancing or teaching overthrow of the government.

An Iowa judge says:

“Search the heart for the truth.” The chief thing is to have the heart right—to have love and attachment for liberty, justice, and humanity, and to be ready to die, if need be, for the maintenance thereof. It might be well to have a uniform course of instruction for applicants for citizenship, but I would not adhere to it too strictly, if the heart proved to be right. . . . No good man, a true lover of liberty, justice, and humanity, should be rejected, unless he utterly fails to meet the other requirements of the law.

A Pennsylvania judge thinks little of educational requirements; that they would exclude many desirable applicants.

The principle test that I apply is as to the honesty of the party. Under an intellectual test many honest, hard-working men would fail, while men who had the advantage of education would secure naturalization. . . . Where men are required to support a family and labor hard they have not much time to study.

A judge in Nebraska, who handles some 200 cases a year, declares:

The intellect is not a test of good citizenship. I know many people with insufficient intellect to procure much education, who cannot read nor write, who are excellent citizens; and many others who are highly educated and too crooked to make good citizens.

A California judge avers:

My observation has been that many of our best citizens are those who possess no extended education, and some of

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the most dangerous are of those who possess high educational qualifications.

A judge in central New York, who has large experience with naturalization, says:

Too much stress is laid upon information concerning the details of our governmental system, and not enough upon the candidate's personal record, endeavors, and results. An Italian laborer who has been unable to learn the number of Houses into which Congress is divided, but is hard-working, steady, possessed of a desire to own his home and bring his family up in our ways, is more useful to us than some of more intelligence.

He holds that the principal difficulty with which desirable immigrants have to contend, in seeking naturalization, is the fact that "too much technical information is demanded by the young men who represent the Bureau of Naturalization."

Over against such expressions as these place the opinions of one of the Ohio judges, who, after the fashion of the Know-Nothings of the '40's, would require twenty-one years' residence before naturalization and "add to, rather than diminish, the present requirements," admitting "only heads of families, with children"; or those of the Arkansas judge who avowedly "construes everything against the applicant," and would admit a German under no conditions until after *fifty* years of residence. Such a diversity indicates the sort of difficulty confronting the alien in court, and the need of some unity of standards to be created by law, and a great simplification of the tests and examinations.

A letter was addressed to a number of experienced judges, known for their wisdom and humanity, asking for a tentative set of questions designed to disclose the knowledge thought to be essential to embody "attachment to the principles of the Constitution." Replies

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were few, but they evidenced the difficulty of expressing in words such an "attachment." Many of the judges frankly confessed both their inability to produce any such exhibit, and their conviction that the intellectual display was of least importance in the test of the applicant.

### THE CRAZE FOR "AMERICANIZING"—SOMEBODY ELSE!

When the Great War burst upon the world, with its various kinds of hysteria, many Americans suddenly awakened to a passion for what has come to be called "Americanization." Every sort of foreign-born, foreign-speaking—or even foreign-looking—person was seized upon as a subject or victim of this vague and little-ordered movement, with results as various as the degree of intelligence involved on the part of the Americanizers and the kinds of treatment inflicted; but to a great extent mischievous and tending to arouse hostility rather than "Americanism"—whatever the much-abused term might mean—in the breasts of the bewildered immigrant. Some of the effort, to be sure, was intelligent, considerate, and constructive.

It is to the credit of Richard K. Campbell, Commissioner of Naturalization, and Raymond F. Crist, his alert and enterprising deputy, that they were prompt in seeing the bearing of the Americanization movement upon their work. It is very easy now to criticize, from various points of view, the energy and enthusiasm with which the Bureau of Naturalization entered upon and increasingly absorbed itself in this activity, and to fan flames of jealousy between it and other organizations, governmental and what not, which have worked in this field. The fact is that, with all credit to others to which they may be entitled, the Bureau of Naturalization early saw, not only the essentials of this question, but

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that it was at bottom a question of education, and set itself to the task of inspiring the public-school authorities to adapt themselves to the situation, and of placing at their disposal, at least theoretically, the unique material embodied in the archives of the Bureau. It is regrettable, though hardly surprising, that, in doing so, it allowed itself to become both swamped in the magnitude of the job, and obsessed by a sense of proprietary precedence in the field; reaching out beyond rhyme or reason for sweeping powers and responsibility which it is ill-adapted to exercise, and, in that reaching out, neglecting to carry on the important functions normally attaching to its own business, and indispensable to the intelligent carrying out even of its own ambitions.

With its report for the year closing June 30, 1915, begins the recounting of activities of the Bureau in the new field. In so many words it is there recognized as a new activity—"a broadening of policy," with a suggestion of justification, not to say apology, in the allusion to the Act of March 4, 1913, confirming the Bureau in charge of "all matters concerning the naturalization of aliens." As early as the latter part of 1913, the Bureau was discussing methods of encouraging classes in citizenship, and "the elimination of the known evils attending some of the private organizations seeking, under the guise of instruction, to exploit the ignorance of candidates for citizenship as an easy means for the acquisition of a lucrative income" was referred to as one of the reforms that would follow a co-operative activity between the public schools, the public generally, and the Bureau of Naturalization.

It was seen that the influence of the Bureau for the betterment of citizenship could be extended to every hamlet in the United States through the expansion and extension of the naturalization laws. This plan pro-



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posed the organization of the public schools, with the Bureau of Naturalization, into an active unit for the development of American ideals of citizenship in the student body; the assembling together, on stated occasions, in the different metropolitan and other centers, of naturalized citizens and candidates for citizenship; the conduct of patriotic exercises, including addresses, the singing of national anthems, and a conferring of citizenship.<sup>1</sup>

But it was not until the period covered by the 1915 report that the Bureau began to be greatly engrossed with this policy. In that report, which directed attention to the growing interest of naturalizing judges and others in the mental training of aliens for citizenship, and their co-operation with the Bureau "in arousing the interest of the public," and thus operating upon the local school authorities to establish courses of training in English and in civics for alien residents who purpose to become citizens, the Commissioner himself utters a caution about the scope of business:

It has been pointed out to the state authorities that the government cannot undertake, even if it were one of its appropriate functions, to institute and operate training schools in good citizenship; that the making of a citizen of the United States is also the making of a citizen of the state in which the petitioner resides; and the results of such action are more immediate and more frequent in their effects upon state than upon Federal interests.

At that time the work of the Bureau force consisted chiefly of sending to the school authorities lists of aliens residing in their respective districts who had filed declarations of intention and petitions for naturalization, with intent that they should secure the attendance of

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<sup>1</sup> *Report of the Commissioner* for fiscal year ending June 30, 1916.

## AMERICANS BY CHOICE

such aliens upon public-school courses of training in good citizenship. The Commissioner pointed out that

The extent and character of this course of mental training must depend upon the enlightenment of the school authorities which experience alone can give.<sup>1</sup>

From this time on, however, the Commissioner's reports are characterized by an increasing emphasis upon the educational aspect of the Bureau's work, the things to which it had formerly devoted itself diminishing in emphasis; while, at the same time, both in the reports and in activities not therein disclosed, the Bureau was seeking wide extension of its scope and powers, although its normal work was suffering from the shorthandedness of which it had complained ever since the Bureau was established.

### EXTRA RESPONSIBILITIES SELF-SOUGHT

It has been the habit of the responsible heads of the Bureau of Naturalization, in reply to any suggestion that the Bureau was "overextending" itself in the assumption of educational functions, or that there was confusion and conflict between the activities of the Bureau and those, for example, of the Bureau of Education in the Department of the Interior, to revert, as in the Commissioner's report for 1916, to the fact that the law imposed upon the Naturalization Bureau "charge of all matters concerning the naturalization of aliens"; to declare that it is "only complying with the law," or "endeavoring, under great difficulties, to perform the duties laid upon us by Congress." This is plausible enough on its face; but the fact is that, generally speaking, no duties have been laid by Congress

<sup>1</sup> *Report of the Commissioner* for fiscal year ending June 30, 1915, p. 33.

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upon the Bureau from the beginning save those which it has urgently sought; virtually all legislation affecting it—especially that legislation relating to “Americanization”—has been drawn by the Bureau and actively lobbied for in Congress by representatives of the Bureau. More than that, the Bureau has been exceedingly and notoriously aggressive in seeking widely extended scope and powers.

One of the most striking examples of this appeared in the so-called “King bill,” of the Second Session (1918) of the Sixty-fifth Congress, introduced by Senator King of Utah, with the purpose of establishing in the Department of Labor “a Bureau of Citizenship and Americanization, for the Americanization of Naturalized Citizens,” etc.:

The province and authority of this Bureau [says one print of this bill] shall be the Americanization of persons seeking American citizenship by naturalization, *and of native and naturalized citizens*, for the purpose of arousing a higher regard for the privileges and responsibilities of American citizenship *in the minds of all citizens and permanent residents of the United States*, and the administration of the naturalization laws *and Americanization work throughout the United States*.

The bill would have authorized the Director of Citizenship, therein provided for at a salary of \$5,000 a year, to make diligent investigation into the conditions and environment of permanent residents and citizens; to ascertain their sentiments of loyalty to the United States, their progress in the knowledge of American institutions, and the use of the English language; their relations of a social and commercial nature with their neighbors and fellow citizens, and to promote the betterment of that loyalty, knowledge, use, and relationship, and afford them such advice as may be of benefit to them and tend to increase their regard for our institutions of government, and to do such other things as may be prudent and wise in laying a foundation for a strong

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sense of loyalty and dedication to our institutions of government on the part of all permanent residents, candidates for naturalization, and citizens; and to show their progress in the adoption of the language and customs of the United States in reports from time to time upon the work of the Bureau to Congress and the Secretary of Labor, together with recommendations to Congress for *further legislative measures to enlarge the province and effectiveness of said Bureau for the Americanization of such citizens and permanent residents*, and to insure their attachment to the institutions of the United States.

The bill was not so much to create a new bureau, as to transmute the Bureau of Naturalization; the Commissioner of Naturalization was to become a subordinate of the Director of Citizenship, the entire personnel, machinery, and functions of the present Bureau of Naturalization being absorbed in the Bureau of Citizenship and Americanization.

That the scope of this revolutionary creation, with its extension of jurisdiction over *all* citizens, their social and commercial relations with each other, and their personal loyalty, was no inadvertence of exuberant language, is clear to an examination of an earlier version of the measure, which specifically confined the supervision and missionary *espionage* to "naturalized" citizens, "including the attitude of such citizens whose native tongue is foreign . . . and their relations of a social and commercial nature with their neighbors and fellow citizens who are natives of this country or who have become thoroughly Americanized." But even so early the scheme was designed "to the end that there shall be a thorough assimilation of all who permanently reside within the jurisdiction of the United States."<sup>1</sup>

Perhaps the most astonishing thing about this proposal is that it has the specific approval of the then

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<sup>1</sup> Compare S. 4792, July 2, 1918, and S. 5001, October 21, 1918, Senate bills, Sixty-fifth Congress, Second Session.



## PERSONAL SIDE OF NATURALIZATION

Secretary of Labor, Mr. William B. Wilson, in a letter dated September 12, 1918, to Senator King, in which, over his official signature, it is declared that "the measure has been carefully considered," and that the Department approves "the main objects of the proposed legislation." That letter refers directly to the first draft of the bill, last quoted above.<sup>1</sup>

However that be, and whatever might have been the views of the Secretary of Labor upon further consideration of the proposed legislation, the ambitious scheme died aborning. But it had a resurrection in another form, equally abortive, though still exhibiting the appetite of the Bureau for enlarged responsibility. At the instance of the Bureau there was inserted in one of the tentative drafts of the Sundry Civil Appropriation bill before Congress in the spring and summer of 1919<sup>2</sup> the following provision for an enormous addition to the jurisdiction, duties, and responsibilities of the Bureau of Naturalization:

. . . The authority to promote instruction in citizenship and English, now being exercised under the supervision of the Director of Citizenship, is hereby extended to include soldiers and sailors *and all persons of the age of eighteen years and upward, and those in penal institutions*. . . In discharging this responsibility, the Director of Citizenship shall disseminate information regarding the institutions of the United States government in such manner as will best stimulate loyalty in those institutions, and secure the aid of civic, educational, community, religious, racial, and other organizations, and shall compile statistical information as to aliens

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<sup>1</sup> The Secretary's letter is given in full in the *Annual Report of the Commissioner of Naturalization* for the fiscal year ending June 30, 1918—though it bears a date more than two months later than that of the report itself.

<sup>2</sup> Sixty-sixth Congress, First Session, H. R. 6176; Calendar No. 43 (Senate), Report No. 52, June 23, 1919.—Calendar Day, June 26, p. 179.

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in their relations to citizenship, and for expenses incidental thereto, including the rental or purchase of motion pictures and the transfer of any motion-picture negatives from branches of the government organized especially for war activities, remaining in the possession of the government, and such transfer to be without charge upon any appropriation. Credit for such transfers shall be given on the records of the Treasury Department in the final accounting by such specially organized branches of the government.

A fairly large order! This adventure, like the previous one, failed of consummation; but, nevertheless, there was (until a very recent time when the illegality of the whole business was brought to attention) a Director of Citizenship, even though Congress had given him neither status nor powers, and he was in being only by a vigorous stretching of legislation intended, if one may judge by what it says, for quite another purpose.

Section 11 of the law of May 9, 1918, devoted entirely to the subject of naturalization of alien enemies, contains a provision:

. . . that the President of the United States may, in his discretion, upon investigation and report by the Department of Justice, fully establishing the loyalty of an alien not included in the foregoing exemption [relative to the apprehension of alien enemies], except such alien enemy from the classification of alien enemy, and thereupon he shall have the privilege of applying for naturalization; and for the purpose of carrying into effect the provisions of this section, including personal services in the District of Columbia, the sum of \$400,000 is hereby appropriated, to be available until June thirtieth, nineteen hundred and nineteen, including travel expenses for members of the Bureau of Naturalization and its field service only, etc.

Out of this emergency appropriation, made under stress of war conditions, for the declared purpose of dealing with enemy aliens, the Bureau provided for a

## PERSONAL SIDE OF NATURALIZATION

large extension of its work, and for much-needed augmentation of its efficiency in the field, and for establishing the extra-legal position of Director of Citizenship, with more or less obvious functions. This would explain the somewhat cryptic allusion in the proposed amendment to the Sundry Civil Appropriation bill quoted above, to the "authority *now being exercised by*" rather than imposed by law upon "the Director of Citizenship," etc.

But just because it was an emergency appropriation, the new Congress showed no disposition to renew it, and in its absence the whole extra-legal structure under the direction of the Director of Citizenship was imperiled, and in order to save it from complete destruction very serious economies became necessary. The bearing of so large a windfall upon the general work of the Bureau may be inferred from this list of the appropriations for the Naturalization Service in each fiscal year since, and including, that ending June 30, 1908, during which the service was established:

TABLE V  
 APPROPRIATIONS FOR THE NATURALIZATION SERVICE  
 FOR EACH FISCAL YEAR FROM 1908-1919

1908 <sup>1</sup> .....	\$193,000
1909 <sup>1</sup> .....	150,000
1910.....	150,000
1911.....	152,861
1912.....	175,000
1913.....	200,000
1914.....	225,000
1915.....	250,000
1916.....	275,000
1917.....	275,000
1918.....	305,000
1919.....	675,000

<sup>1</sup> The field force was under Department of Justice during 1908 and 1909.

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A further instance of the desire for additional powers, which characterizes the "personal equation" of the Naturalization Bureau, appears in a bill which was before Congress in the winter of 1919-20,<sup>1</sup> introduced by Representative Johnson of the state of Washington, which would have provided, among other things:

Sec. 4. That the promotion of the public schools in the training and instruction of candidates for citizenship, now being carried on by the Division of Citizenship Training of the Bureau of Naturalization, is hereby extended to include all persons of the age of eighteen years and upward, who shall attend classes of instruction conducted or maintained by any civic, educational, community, religious, racial, or other organization, under the supervision of the public-school authorities, and the provisions of the ninth subdivision of Section 4 of said Act are hereby made applicable to this added authority. In discharging this additional authority the Director of Citizenship is also authorized to disseminate information regarding the institutions of the United States government in such manner as will best stimulate loyalty to those institutions, making use of the means heretofore provided, and through the use of motion pictures. The motion pictures and motion-picture negatives in the possession of the various branches of the government shall also be available for these purposes. In this work the aid of civic, educational, community, religious, racial, and other organizations may be secured by the Division of Citizenship Training, in which statistical information shall be compiled as to aliens in their relation to citizenship. The foregoing shall apply to the residents of the Panama Canal Zone.

### ENORMOUS ARREARAGE IN BUREAU'S WORK

From the very beginning of the activities of the Bureau, it has complained of its inability properly to perform

<sup>1</sup> H. R. 9949 (Committee print); Sixty-sixth Congress, First Session, October 15, 1919.



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its functions because of lack of clerical force; at the same time pointing out very appropriately that it was a good deal better than self-sustaining from the financial point of view.

Commissioner Campbell, in his annual report to the Secretary of Labor, for the fiscal year ending June 30, 1911, said:

At all times the clerical force has been insufficient, even with the aid of temporary assignments from other offices of the Department, to keep up with current work. This has resulted in large undisposed accumulations of official papers; mortifying delays in making responses to letters from private individuals and public officials, the continuous exaction of labor from the clerks for long periods after the conclusion of the ordinary official hours, on holidays, and even on Sundays; and, consequently, impaired the accuracy and quality of the work actually accomplished.

The report for 1913 declares that such increase of personnel as had been allowed had "not been sufficient to accomplish anything in the way of bringing up the arrearages which have been steadily accumulating ever since the service was organized in 1907." These arrearages were described as consisting of "unindexed and unexamined certificates of naturalization and declarations of intention," and this condition prevailed, notwithstanding an average daily overtime estimate in hours, as equivalent to full time, of more than two persons (2.36). The report for 1914 acknowledged an increase of nine clerks, but stated that "the arrearages of work continued to increase." So it goes on, the following report (1915) disclosing an arrearage of 346,762 declarations of intention and 395,719 certificates of naturalization unindexed, and thousands more of each unexamined. In the following year's report is acknowl-

## AMERICANS BY CHOICE

edged the "elimination of the practice heretofore pursued of indexing separately the declarations, petitions, and certificates," it having been found impossible, even with four more clerks, "to reduce the work that has fallen into arrears." Yet in that same year's report begin the ecstatic descriptions of a very wide expansion of activities in the field of education.

The seriousness of this curtailment of records at Washington—all but fatal to the individual alien who wants to prove something about his naturalization case by reference to such records—took on a public aspect with the operation of the Selective Service Act (the so-called "draft law") when aliens, desiring exemption as such, began to assert to the local exemption boards that they never had declared intention to become American citizens. "The assistance of the Bureau is constantly invoked by the draft boards throughout the country for official report on the claims to exemption from military service by aliens who profess to have made no declaration of intention to become citizens," says the opening page of the Commissioner's report of July 1, 1918, notwithstanding the more ingenuous—not to say more truthful—confession of a year before that "*The unavoidable abandonment of indexing declarations has made it impracticable to furnish information sought in regard to aliens claiming exemption from military service.*"<sup>1</sup>

At the date of that report, there were, unexamined, in the Washington office 247,373 declarations and 480,553 certificates; one year later—owing, perhaps, largely to the vast and sudden addition of alien soldiers naturalized, and the business incidental thereto, if not quite as much to the absorption of the Bureau in its increasingly ambitious educational campaign—the ar-

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<sup>1</sup> *Report of Commissioner of Naturalization, 1917, p. 27.*

## PERSONAL SIDE OF NATURALIZATION

rearages had passed the half-million mark, with 628,713 declarations and 578,944 certificates of naturalization unexamined.

Not even by means of a complete, current, and up-to-date index of declarations could the Naturalization Bureau have proved whether or not any given alien ever had filed a declaration whose existence would indubitably entitle the United States to his military service, unless it included the absolutely impossible feature of a reference to every old, as well as new-law declaration. But such an index as might have been kept of declarations under the "new law" would have helped enormously. As it was the field force did its best, and ran down many cases through the records in the district offices and local courts.

### THE ALIENS SUPPORT THE BUREAU

In point of fact, the Bureau of Naturalization is, as the Commissioner more than once has pointed out, completely self-supporting. Bare good faith to the petitioner for naturalization would seem to demand that the money he pays in in fees should be used by the government to afford adequate service in his behalf. In every year, except 1918-19, since the present system was established, the receipts from naturalization fees have, by a wide margin, exceeded the amount appropriated for the Naturalization Service; the amount representing that margin has simply gone into the general receipts of the United States, subject to appropriation by Congress. Those receipts, and the margin referred to, which might well have been devoted to improving the Naturalization Service, have been, according to the Commissioner's reports, as follows:

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## TABLE VI

RECEIPTS FROM NATURALIZATION FEES AND DISBURSEMENTS FROM VARIOUS APPROPRIATIONS FOR THE ENFORCEMENT OF THE NATURALIZATION LAW FOR RENTS, SUPPLIES, AND MISCELLANEOUS EXPENSES, FISCAL YEARS 1907 TO 1920<sup>1</sup>

YEAR	NATURALIZATION FEES	COST OF ADMINISTRATION	DIFFERENCE IN FEES RECEIVED OVER COST OF ADMINISTRATION
1907.....	\$65,129.00	\$29,243.18	\$35,885.82
1908.....	166,873.90	232,728.05 <sup>2</sup>	— 65,854.15
1909.....	172,202.13	194,428.45 <sup>2</sup>	— 22,226.32
1910.....	221,766.38	176,415.98	45,350.40
1911.....	290,551.52	222,831.15	67,720.37
1912.....	338,315.33	257,678.99	80,636.34
1913.....	350,716.60	290,026.20	60,690.40
1914.....	450,228.55	331,517.26	118,711.29
1915.....	441,764.49	363,593.11	78,171.38
1916.....	410,272.55	389,075.90	21,196.65
1917.....	635,927.52	393,240.15	242,687.37
1918.....	507,932.50	416,486.84	91,445.66
1919.....	597,087.97	812,056.38	— 214,968.41
1920.....	664,539.20	753,383.83	— 88,844.63
Total.....			\$842,495.68
Less deficits.....			391,893.51
Excess of fees received over cost of administration...			\$450,602.17

<sup>1</sup> Department of Labor, *Annual Reports for 1920*, p. 799, Table 24.

<sup>2</sup> Included in these expenditures are appropriations to the Department of Justice for maintenance of field force prior to the transfer to the Department of Commerce and Labor—to wit, fiscal year 1908, \$193,000; fiscal year 1909, \$150,000.

The Commissioner puts his finger on the ethical point involved, when he says, as for example in his report for the fiscal year 1918–19: <sup>1</sup>

It is interesting and highly suggestive to note from the next table that, notwithstanding the “hard-luck story” told

<sup>1</sup> *Report of the Commissioner of Naturalization, 1918–19*, pp. 30–31.



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in this report as to arrearages of work and the delays and the omissions of first one and then another important feature of that work, the beneficiaries of such work—those who have paid their money for prompt and efficient service—have annually for years past paid into the Federal Treasury more than was used for the purpose for which it was paid.

The aggregate of such surplus items, which cannot be regarded as other than a trust fund in essence, and even deducting the amount expended for military naturalizations, amounts to \$539,446.80. It would easily have been much more if the clerks had been furnished to serve the aliens who desired to become citizens. The burst of public sympathy for, and interest in, the young alien who entered our service to make the "supreme sacrifice" for democracy which found expression in a special appropriation of \$400,000 to pay the cost of making these young heroes citizens in law, as they already are in heart, over a period of 13½ months, did not, in fact, cost the people of this country as a whole anything. As long as over half a million dollars of the fund contributed by the newly made citizens from civil life remain unexpended for the purposes for which it was paid, it would appear to the ordinary observer that they, and not the general body of American citizens, gave the \$400,000 to pay for the cost of giving free of charge the well-deserved "priceless heritage of American citizenship" to the young alien soldiers who fought for liberty and this country.

The government of the United States is making money out of the business of admitting aliens to citizenship, and is not keeping fairly or efficiently its end of the transaction. In the period since the enactment of the Naturalization Law, as Commissioner Campbell has said, aliens in pursuit of citizenship—even though thousands of them did not get it!—have paid fees to an amount exceeding by more than half a million dollars the total cost of the Naturalization Bureau—a margin itself larger by more than \$200,000 than the

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total appropriation for the Bureau in any year save one.<sup>1</sup>

This money, if devoted to the purposes to which morally it belonged, would have been ample to supply the supervisory and clerical force in the Bureau necessary to make prompt and effective examination of declarations, petitions, and certificates, and to maintain a proper and complete system of records, and of indices by which those records could be made available for reference by the alien, the government, and the public. *Provided* always that the Bureau did not permit itself to be diverted and swamped by extraneous and self-assumed functions in the field of public education which it is not adapted, either by the logic of good administrative organization or by the nature and aptitudes of its personnel, to perform. It has never been within arm's length of keeping up with the business committed to it by law, and by the nature of its function; nevertheless, during the past decade at least, it has taken on voluntarily and, with increasing exuberance of ambition, sought additional legislation to authorize activities and functions of an extraordinarily inclusive and far-reaching character in the domain of education—apparently even of native-born persons—beyond any possibility of effective accomplishment without very great increase of expenditure for personnel and material change in the “personal equation” of the present force.

It is no doubt agreeable to compile and publish statistics purporting to show the degree of “co-operation” between the public-school authorities and the

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<sup>1</sup> That was the year (1918–19) of the emergency appropriation of \$400,000, referred to heretofore in this chapter, p. 181, for dealing with persons technically alien enemies, but, nevertheless, individually loyal, which was used for the establishment of a new and hoped-to-be-permanent division in the Bureau, under a “Director of Citizenship.”

## PERSONAL SIDE OF NATURALIZATION

Naturalization Bureau; imposing totals can be presented if every slightest indication of general interest in the education of the foreign born is classified and heralded as "co-operation" and no allowance whatever is ever made for failures or defections.<sup>1</sup> All this might be tolerated or condoned; but it becomes a rather ghastly spectacle when its most conspicuous consequence is the neglect of legitimate business of the highest importance to the aliens who pay for but do not get it, and to the people of the United States.

The Naturalization Bureau, in the fundamental nature of its function, has in all conscience enough to do! A "man's-size job" is to be found in the scrutiny of the petitioner for citizenship, from the day when he files his declaration of intention to that when he receives, or is refused for good reason, his certificate of naturalization. The natural business of the Bureau is to be the disinterested but vigilant informant of the court as to the facts regarding the applicant; the watchdog of the standards by which aspirants for our active membership are judged—also the keeper of records minutely accurate and in cross-referenced detail up to the minute.

### FITNESS OF CANDIDATES

There is great need of a better method for ascertaining the fitness of candidates for citizenship than obtains at present. Various suggestions have been made to improve the practice. One is the creation of a system of "traveling commissioners," appointed perhaps by the courts, who would hold sessions at convenient times and places. Another is that the function of naturalization should be removed from the judicial to the administrative sphere, so that examinations and admissions

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<sup>1</sup> See F. V. Thompson, *Schooling of the Immigrant*.

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should both be under the control of the Naturalization Bureau or some other administrative branch of the Executive.

There is much to be said in support, especially, of the latter suggestion. But there seems a weight of reason in favor of maintaining the peculiarly American practice of lodging this solemn function in what is, on the whole, our most impressive organ of government—the court. As a rule, the courts are performing the function with increasing sense of the importance and dignity of the proceeding. It would be simple, and require little either of new legislation or additional personnel or duties, to make the Naturalization Examiner now in being and on duty, already equipped with honesty and zeal, something in the nature of a Master, representing the court in the taking of testimony, and reporting thereto his findings and recommendations. Thereupon the judge could pursue such further inquiry as he thought proper, accept or reject the findings, and enter his order accordingly.

In the great preponderance of practice this is what actually happens now. The proceeding should be the subject of sufficient stenographic record, to be attached to the papers on file in the court and in the Naturalization Bureau at Washington, and the index, certainly at Washington, should be so minutely exact, prompt, and accessible, that the record of every case, from declaration to final adjudication, would be available like any other public record upon a moment's notice.

Further than that: Every alien who lands upon our shores should receive at the time his suitably detailed and descriptive certificate of lawful entry, with finger prints, if you please, duplicating a permanent record in the office of the Immigration Service; this certificate, and the record underlying it in case of its loss, should be the prerequisite to the declarations and all other pro-



## PERSONAL SIDE OF NATURALIZATION

ceedings leading to his permanent admission to citizenship. It would obviate an infinite deal of the confusion which now too often surrounds his later adventures in this direction; it would be his protection and the protection of the nation. All matters concerning him now are at the mercy of practices hardly deserving the name of system.

### “PERSONAL EQUATION” OF THE PUBLIC

In consideration of all this business of naturalization, and the various projects for improving its conditions, it must be remembered that it is only within very recent years—virtually only since the beginning of the World War with its suddenly aroused or anyway suddenly accentuated excitements of interracial friction here in America, and of ebullitions of loyalty to the various fatherlands engaged in that struggle, on the part of foreign-born residents here—that the people of the United States, of this generation at least, have taken any interest in the behavior, affairs, and assimilation of the alien. It is two-thirds of a century, more or less, since the subsidence of the last important uproar on the subject. A few social-settlement workers and missionaries in the great cities, a few writers on sociological subjects, here and there some more than ordinarily facile and entertaining writer in English among the foreign born themselves, have tried to draw public attention to the seriousness and magnitude of the problem growing within our national life. These have pleaded for a better understanding of the people of other races coming in vast floods to make their homes with us, and for better conditions to govern their assimilation.

But Americans generally pursued their self-absorbed, happy-go-lucky way, giving little attention to these

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Jeremiahs and Cassandras; pooh-poohed at the warnings, or vaguely hoped that all would come out right in time. Meanwhile, most of them followed the usual human course of shrinking from all avoidable human contact with these outlandish folk of language and customs different from their own; rather glad, on the whole, that they herded, as people in strange climes will, in congested "Little Italys," "Little Hungarys," "Deutschlands," and "Ghettoes"—and in "slums" in general. They surrendered to foreign colonies not only abandoned farm-lands, but even large portions of great cities and great states; vaguely grumbling when they perceived that great political power went with that growth of foreign-speaking population. As a whole, they washed their hands of the whole matter, or at most viewed the encroachment with more or less solicitous disdain.

Meanwhile, most of those who have recognized the existence of a menacing problem have acquired, generally on the foundation of the subtle race-prejudice to which most of us are subject, a vast deal of misinformation on the subject—some of it in the form of widely accepted misinterpretations of official and quasi-official "statistics."

## VII

### SOME STATISTICS CONCERNING IMMIGRANTS, "NEW" AND "OLD"

WE are talking and behaving now about the immigration of the past few years—allowing for the vastly greater bulk of it and the intensified peril involved in its bulk—just as we talked and behaved about the Irish immigration that began in the early '30's and the German immigration that began to bulk large in the early '40's. Comparatively small as was the size of that joint inflow, it made the problem that awakened the Know-Nothing and Native-American movement of the mid-century, and eventually culminated in the naturalization legislation now in force. Each phase of immigration has been "the new immigration" at its time; each has been viewed with alarm; each has been described as certain to deteriorate the physical quality of our people and destroy the standards of living and of citizenship.

The Scandinavians, who began to come in considerable numbers in 1879; the Italians, whose immigration became impressive in the late '80's; the Russians and Austrians, whose surge became formidable about 1890; the Greeks, never very numerous, but swelling in numbers from 2,339 in 1898 to 36,580 in 1907, their highest tide—each in turn passed or are passing now through the same stages; of comparatively good-natured welcome at the outset, when they were few, and viewed with curiosity; of increasing resentment, as they became

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noticeable in competition for jobs; at last of angry and vociferous denunciation as a "peril"; then subsiding into acceptance and assimilation into the body social. "Paddy the clodhopper," butt of the comedian and the newspaper jokesmith, came over from Ireland as green as shamrock, worked at unskilled labor with pick and shovel on railroads and elsewhere, was herded and bribed into citizenship and politics, got on the police force and into the contracting business, increased in prosperity, bought real estate, and has sent down through the years and into the fabric of our population a posterity whose substantial contribution to our life no one now questions. He did not have to learn the language, and that fact greatly facilitated his assimilation. Fritz and Gretchen—we called them "Dutchmen" then—had to climb over the language barrier, but they did it, and their progress has followed the same general course. So did Ole and Chris and Sven and Hilda from Scandinavia, and Salvatore, then the "Dago." Salvatore already owns apartment houses. Russian and Austrian, Greek, Rumanian, Portuguese, and so on, the latest comers, are in the midst of the same process.

The vast numbers, especially of the Russian Jews and Austro-Hungarians, herded in masses in certain of our great cities, have given us a kind of social indigestion; it must be cured, if at all, by a slow process of absorption, and we have not yet learned just what to do about it. Certainly unintelligent excitement, to say nothing of unlawful violence and mob persecution, and the exaggeration both of the degree and of the nature of the ailment, offer small promise of betterment. Nature, the normal processes of population movements and racial assimilation, work calmly on while we shout and worry. And candid study of the process is reassuring. Conditions have been confused,



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resentments aroused, and progress retarded by the various kinds of hysteria excited by the World War—but then, there was similar hysteria in the old Know-Nothing days, and we lived through it; it seems rather silly now. We shall live through this.

### PAUCITY OF DEPENDABLE INFORMATION

Meanwhile we may try to know and understand the facts. This is not so easy as might be supposed, for the facts are hard to get. The student of the naturalization and political assimilation of the foreign-born citizen finds himself seriously embarrassed by the paucity of definite information on the subject in any of its aspects. To be sure, there is a considerable, though somewhat fragmentary, literature about it, and generalizations of a sweeping and rather dogmatic character have gained wide currency—impressions and prejudices, which it will no doubt be difficult to dislodge, even though such information as may be available, critically examined, entirely fails to support them. In hardly any other field may one find a better illustration of the mischief that may be wrought by inadequate or misinterpreted statistics, creating legends which cannot endure the test of candid, to say nothing of scientific, examination.

This is not to say that there is no material on the subject. There is always the census; there are the reports of the Immigration Commission of 1907; there are the reports of the Commissioner of Naturalization. There are numerous books, essays and pamphlets, by men and women who, to a greater or lesser extent, have come to be regarded as experts on the subject of immigration. But, as we shall see, these are almost all entitled to substantial discount, or at least discriminating study, with results conducive to a better understanding, to a

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readjustment of some ideas which, although mistaken, have come to be regarded as fundamental.

In the files of the Naturalization Bureau at Washington is a vast mass of original data which would be of priceless value in the study of the way in which those who would be "Americans by Choice" make their initial efforts in that direction; showing under oath their individual age, birthplace and race, date of arrival in this country, date of declaration of intention to become a citizen, marital and occupational status, details of the disposal of the petition for citizenship, and other facts constituting information ample for intelligent interpretation of aspects and relationships now little understood, not understood at all, or, more commonly, altogether misunderstood. These data are contained in the copies of the declarations of intention, petitions for naturalization and certificates of naturalization, issued since the institution of the Naturalization Service under the Act of 1906. The magnitude of this statistical treasure may be judged from Table VII.

Each one of these nearly three million declarations of intention, and more than a million petitions—not to speak of the final certificates of citizenship—contains what amounts almost to a cross-section of the life history of an immigrant. Upon each petition is indorsed the record of the court's action, acceptance or denial, and the reasons for denial are, if possible, more important than the fact of acceptance for the purposes of study of the immigration question in its political aspect.

Owing in part to the chronic insufficiency of the staff in the Naturalization Bureau—not only preventing any proper statistical record or analysis of this material, but of late years compelling a lamentable curtailment and even the abandonment of such indexing as is obviously indispensable to the most routine official

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supervision and understanding;—in part to the absorption of the Bureau in its elaborate educational propaganda, and in part to a lack of appreciation of the value of this material by the officials there in charge, the

TABLE VII

NUMBER OF DECLARATIONS OF INTENTION AND PETITIONS FOR  
NATURALIZATION FILED, AND CERTIFICATES OF NATURALIZATION  
ISSUED BY THE BUREAU OF NATURALIZATION, 1907-20<sup>1</sup>

YEAR	DECLARATIONS	PETITIONS	CERTIFICATES
1907 <sup>2</sup> .....	73,723	21,094	7,953
1908 <sup>3</sup> .....	137,229	44,029	25,963
1909.....	145,794	43,161	38,372
1910.....	167,226	55,038	39,206
1911.....	186,157	73,644	56,257
1912.....	169,142	95,627	69,965
1913.....	181,632	95,186	82,017
1914.....	214,016	123,855	105,439
1915.....	245,815	106,317	96,390
1916.....	207,935	108,009	93,911
1917.....	438,748	132,320	94,897
1918.....	335,069	110,416	151,449
1919.....	346,827	107,559	217,358
1920.....	200,106	166,925	125,711
Total.....	3,149,419	1,283,180	1,205,170

<sup>1</sup> *Annual Report of the Commissioner of Naturalization*, 1919, p. 16.

<sup>2</sup> Nine months only.

<sup>3</sup> First full year of 12 months.

leaders in Congress and the public in general, it has remained in an undigested and now probably indigestible mass in the files of the Bureau. For nearly fifteen years it has been accumulating. To collate and analyze it would be a prodigious job. Yet, as appears from the results of a very modest venture in this direction on the part of the Americanization Study, some of

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them presented in this volume,<sup>1</sup> it would be immensely worth while. And, what is more important, it probably would go far to modify, if not to revolutionize, many prevailing ideas and afford a new and sounder foundation and point of departure for theory and for guidance of practice as regards the assimilation of the immigrant into the American body politic.

The annual reports of the Commissioner of Naturalization, like those of many other government bureaus, are written not so much to afford information to the public as to extol the work of the Bureau, pointing out the remarkable extent of the ground covered, the great number of letters written, and of cases handled by a force grievously and increasingly inadequate since the very beginning of the service, and so on. They are, however, most unsatisfactory as a source of sociological information; particularly barren are they of any hint of information regarding the various races whose representatives seek citizenship; their relative promptness in seeking and success in getting it; their respective standing as regards the various reasons for denial. They do show voluminously how many declarations and petitions are filed annually in each state and subdivision; increase or decrease in totals; how many clerks of courts are delinquent in sending in the government's share of fees, and other more or less significant *minutiæ* of the routine work of the field and clerical force and the courts.

### VAST ARREARAGES IN EXAMINATIONS

Moreover, for the past four or five years, the bulk of the Bureau's reports has been increasingly augmented by large sections devoted entirely to its efforts in the field of education, and its relations, actual, attempted

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<sup>1</sup> Chap. viii, p. 225 *et seq.*



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and imaginary, with the public-school authorities. The degree to which the Naturalization Bureau has neglected, perforce of circumstances, the study of the material under its nose is apparent in the fact that the Commissioner's report for the fiscal year ending June 30, 1919, says, in so many words, not only that it no longer is preserving in its files any records of general correspondence, but that it has altogether ceased any pretense of examining naturalization papers!

To illustrate the expedients to which the Bureau has been compelled to resort, in order to relieve the files section, it has adopted the practice of returning, with its replies thereto, letters of general inquiry not referring to some specific naturalization case already a part of the Bureau file, thereby leaving no record of such correspondence.

It has virtually ceased to make an examination of certificates of naturalization to insure the discovery and correction of errors, and it has abandoned a personal card-index of naturalized aliens, etc., not as a matter of choice but of compulsion.<sup>1</sup>

The magnitude of the arrearage thus naïvely accounted for, and the bulk of the potential information involved, may be seen in the fact that on July 1, 1919, according to the Commissioner's own figures,<sup>2</sup> there were unexamined in the Bureau at Washington *more than one million (1,011,676) declarations of intention, 26,726 petitions for naturalization, and 721,742 certificates of naturalization.* This was an increase in arrearage, for one year alone, of 382,963 (60 per cent) in declarations; of 73 per cent in petitions, and of nearly 25 per cent in certificates. At the very time when the excitement about vigilance in admitting new citizens was at its height, the Naturalization Bureau was divert-

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<sup>1</sup> *Report of Commissioner-General of Immigration, 1919, p. 24.*

<sup>2</sup> *Ibid.*, p. 25.

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ing to other channels a vital energy which might have been devoted to that vigilance and to collating the elementary information already in its possession, for the benefit of lawmakers and others needing information in dealing intelligently with this subject.

### REPORT OF THE IMMIGRATION COMMISSION OF 1907

In point of fact, the only substantial body of statistical information about the naturalization of the foreign-born voter which hitherto has been even ostensibly sufficient for the student as a basis for any racial comparisons, is that gathered by the United States Immigration Commission of 1907. That body, created by an Act of Congress approved February 7, 1907, of which Senator William P. Dillingham of Vermont was chairman, consisted of three Senators, three members of the House of Representatives, and three other persons appointed by the President of the United States, and was directed by the statute to "make full inquiries, examination, and investigation, by sub-committee or otherwise, into the subject of immigration, . . ." and to report such conclusions and recommendations as in its judgment might seem proper.

The information gathered by this Commission is very voluminous, and has been of great value to sociologists and others concerned with various aspects of the subject. Indeed, its report has come to be called "the bible of the immigration question." Nearly all the modern writings on the subject have been based upon it in at least a general way, and their color taken largely from its conclusions and its point of view.

### LEGEND OF "THE NEW IMMIGRATION"

To this report is attributable almost entirely the familiar conventional generalization that there is a marked

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distinction in what might be called *quality of assimilability*, between the immigration of former years and that of the three decades preceding the Great War; between the so-called "old immigration" and the "newer." This distinction is drawn in the report and, in most of the writings of individuals, based upon it, between the group of races from northern and western Europe—the English-speaking races, the Scandinavians, Germans, Dutch, Belgians, French, and so on, and those from southern and eastern and southeastern Europe, Russia, Austria-Hungary, the Balkan States, Italy, Greece, Turkey-in-Europe, Asia Minor, etc.

This *quality of assimilability* was regarded by the Commission as inferable to a large extent from the degree to which the representatives of these racial groups concerning whom it got information of various kinds were naturalized or had exhibited interest in naturalization at least to the extent of declaring intention to become citizens. It was assumed in a general way that a racial group showing a high proportion of persons who had become citizens, or taken steps thereto, might fairly be regarded as more adaptable to American life, customs and ideals than one in which relatively few naturalized citizens were found. With this assumption as a starting point, it seemed reasonably obvious that inasmuch as the "older" race showed the higher percentage of naturalized persons, the inference of a difference in essential civic quality followed as a matter of course.

Inasmuch also as this inference coincided with the general public impression and prejudice to precisely the same effect, it occurred to nobody to dispute or seriously to question its validity. Anybody could tell you offhand that the Englishman, Frenchman, German or Swede was more available for citizenship and more easily assimilated than the Syrian, Croatian or Sicilian. It was a matter of common knowledge! And the Immi-

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gration Commission gave you the statistics—as if you needed any! For example, here is a table that shows the per cents naturalized for the “old” and “new” races who had been in the United States ten years or more. As is to be expected the “old” races show the highest per cents on both counts.

The Commission recognized a general “tendency on the part of wage-earners of foreign birth to acquire citizenship,” and that this tendency “increased according to length of residence in this country.” But it construed its statistics as showing that while “more than three-fourths of the Bohemians and Moravians, Danish, German, Irish, Norwegian, Scotch, Swedish, and Welsh races who had been in the United States ten years or longer had been fully naturalized,” there was a “lack of political or civic interest” (only 37.7 per cent) on the part of the southern and eastern European wage-earners” with a similar residence of ten years or longer, and proceeded to assert that these did not possess that “tendency to acquire citizenship which increases according to length of residence in this country.” This assertion was supposed to be supported by the facts given in the above table regarding the races from southern and eastern Europe showing low percentages of individuals who had come to this country when twenty-one years of age or older, who had lived here ten years or over, and were naturalized.

The Commission regarded the table from which these facts were derived as highly significant in its implied indication of the “civic interest” exhibited and capable of being exhibited by the various racial groups.

### DISPARITY IN NUMBERS AMONG RACIAL GROUPS

It should be remarked at once that inferences from these figures and others presented by the Immigration



TABLE VIII

PER CENT THAT FULLY NATURALIZED MALE EMPLOYEES ARE OF TOTAL MALE EMPLOYEES WHO WERE TWENTY-ONE YEARS OF AGE OR OVER AT TIME OF COMING, AND WHO HAVE BEEN IN THE UNITED STATES TEN YEARS OR OVER, COMPARED WITH THE PER CENT THAT MALE EMPLOYEES IN THE UNITED STATES TEN YEARS OR OVER ARE OF THOSE HERE FIVE YEARS AND OVER, BY RACE.<sup>1</sup>

RACE	IN UNITED STATES TEN YEARS OR OVER	
	PER CENT FULLY NATURALIZED	PER CENT OF THOSE IN UNITED STATES FIVE YEARS OR OVER
Old .....	74.0	80.5
Swedish.....	87.6	79.0
German.....	81.5	82.6
Irish.....	80.0	83.8
Bohemian and Moravian <sup>2</sup> .....	79.7	56.0
Norwegian.....	77.5	69.2
Danish.....	77.3	77.3
Scotch.....	76.9	80.7
Welsh.....	76.4	94.6
English.....	67.0	78.0
French.....	64.8	57.1
Dutch.....	64.7	76.8
Canadian, Other.....	49.6	81.0
Canadian, French.....	27.7	77.9
New .....	37.7	38.9
Finnish.....	65.7	38.5
Hebrew, Other.....	54.2	56.3
Italian, North.....	49.3	38.0
Hebrew, Russian.....	48.3	37.1
Lithuanian.....	41.1	39.2
Polish.....	39.8	44.0
Italian, South.....	34.0	34.8
Russian.....	33.6	36.8
Magyar.....	26.9	31.4
Croatian.....	26.8	23.5
Slovak.....	25.3	42.8

<sup>1</sup> Compiled by the Americanization Study from *Report of the Immigration Commission*, vol. i, p. 488, Table 100.

<sup>2</sup> The Bohemians and Moravians are classified by the Immigration Commission with the "new" races.

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Commission require considerable discount and discrimination by reason of the fact—to which Miss Grace Abbott already has called attention<sup>1</sup>—that

... the numbers in the different races from whom information was secured by the Commission varied so greatly as to make it impossible to accept these conclusions as indicating the assimilability of the various national groups. For example, according to the percentages the Armenians appear to be more eager to become citizens than the North Italians or the Poles; but the comparison was made on the basis of information from 171 Armenians, 4,069 North Italians, and 10,923 Poles.

This same factor of disparity in numbers operates, when a comparison of degree of assimilability is attempted, between the old and new races, with respect to residence in the United States from 5 to 9 years. The Immigration Commission gives the per cent naturalized for each race of individuals here five years. It might be expected that for this period of years conclusions could be drawn about the assimilability of the two groups of races. But here again almost six times as many individuals are classed in the new races as in the old and any general inference would be founded on insecure ground because of this disparity in numbers of cases. They, therefore, base their conclusions on the group here 10 years and over.

### THE FACTOR OF LENGTH OF RESIDENCE

As we shall see also from the statistics gathered and analyzed for this volume,<sup>2</sup> the factor of residence "ten years or over," with all its implications, is exceedingly

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<sup>1</sup>Grace Abbott, *The Immigrant and the Community*, 1917, pp. 248-249.

<sup>2</sup>Chap. viii, p. 236 *et seq.*

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important—is, in fact, the major factor in the whole situation. The indictment against the “new” immigration hangs upon it, and falls down when the term “ten years or longer” is analyzed, even in the light of the statistics presented by the Immigration Commission itself in support of the indictment. Indeed, the Commission was not entirely without compunctions on this point, and presented a table exhibiting the probability that, of the male employees from whom it derived its information, those of the “older” races had been in the United States *considerably* longer than ten years, while those of the “newer” races had been here only *slightly* longer than ten years. But it did not emphasize the point, and at a superficial glance this might seem a quibble; but it is of importance scarcely to be over-estimated.

TABLE IX

PER CENT OF FOREIGN-BORN MALE EMPLOYEES REPORTING CITIZENSHIP WHO HAVE BEEN IN THE UNITED STATES EACH SPECIFIED PERIOD OF YEARS, BY RACE<sup>1</sup>

RACE	NUMBER REPORTING COMPLETE DATA	IN THE UNITED STATES			
		5 to 9 Years		10 Years and Over	
		Number	Per Cent	Number	Per Cent
<b>Recent Races:</b>					
Total .....	43,833	26,747	61.0	17,086	38.9
Per cent of total reporting complete data . . .	64.9	.....	85.3	.....	47.3
<b>Old Races:</b>					
Total .....	23,662	4,620	19.5	19,042	80.5
Per cent of total reporting complete data . . .	35.1	.....	14.7	.....	52.7

<sup>1</sup> Compiled by the Americanization Study from *Report of Commission of Immigration Abstracts*, vol. i, p. 485.

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The Commission remarks, indeed, that "on account of the difference in the length of time the various races have been coming to the United States, a comparison of the older with the more recent immigrants is hardly fair."<sup>1</sup> But it does fail to appreciate the vital significance of the point. And it apparently did not take adequate notice of the further fact, shown in Table IX, that of those of the "older" races who had been here over five years and reported information in regard to citizenship, *80.5 per cent had been in the United States over ten years, while only 38.9 per cent of the "newer" races had been here so long.* That is, only 19.5 per cent of the "older" races, as compared with 61.1 per cent of the "newer," had been in the country between five and nine years. This means, of course, that the immigrants of the "older" races had had on the average a much longer time than those of the "newer" to acquire "civic interest" and seek naturalization. The "over" added to five years means for the "recent" races between five and nine years in most cases, while for the "older" races it usually means more than ten. It would appear that every year of residence *added to ten* increases the probability of efforts toward citizenship.

While the races from southern and southeastern Europe show rates of naturalization ranging from 65.7 to 25.3 per cent with an average of 37.7, they also show a proportion residing in the country ten years or longer ranging down from 56.3 to 23.5 per cent with an average of 38.9.<sup>2</sup> Contrast this, if you will, with rates of naturalization among the northern, "older" races, of from 87.6 to 27.7 per cent with an average of 74.0, but along with that observe that the proportion of those "older," and supposedly more assimilable, races residing in the

<sup>1</sup> *Abstracts*, vol. i, p. 485.

<sup>2</sup> See Table VIII in this volume, p. 207.



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country ten years or over ranges from 57.1 to 94.6 per cent with an average of 80.5!

From this point of view, the following table of the Commission becomes highly significant:<sup>1</sup>

TABLE X

PRESENT POLITICAL CONDITION OF FOREIGN-BORN MALE EMPLOYEES  
WHO HAVE BEEN IN THE UNITED STATES FIVE YEARS OR OVER,  
AND WHO WERE TWENTY-ONE YEARS OF AGE AT TIME OF COM-  
ING, BY RACE

"OLD" RACES		"NEW" RACES	
Race	Per Cent Natural- ized and Holding First Papers	Race	Per Cent Natural- ized and Holding First Papers
Swedish.....	92.3	Hebrew (other than Russian).....	61.6
Swiss.....	92.1	Finnish.....	61.2
Welsh.....	87.0	Hebrew, Russian.....	57.2
Danish.....	86.8	Austrian (race not specified).....	53.1
German.....	85.7	Armenian.....	49.2
Norwegian.....	85.6	Italian, North.....	45.8
Irish.....	82.6	Bulgarian.....	36.8
English.....	80.6	Slovenian.....	35.8
Dutch.....	79.9	Polish.....	33.1
Scotch.....	79.1	Lithuanian.....	32.5
Belgian (race not speci- fied).....	76.5	Italian, South.....	30.1
Bohemian and Mora- vian <sup>2</sup> .....	76.2	Russian.....	28.0
French.....	66.5	Magyar.....	26.8
Canadian (other than French).....	56.7	Slovak.....	22.8
Canadian, French.....	31.5	Croatian.....	22.5
Mexican.....	10.0	Rumanian.....	21.9
		Syrian.....	20.7
		Greek.....	20.2
		Ruthenian.....	19.8
		Spanish.....	13.6
		Serbian.....	12.8
		Cuban.....	12.1
		Portuguese.....	5.5

<sup>1</sup> Abstracts, vol. i, pp. 485, 486.

<sup>2</sup> Classed as "Recent" by Immigration Commission.

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Prof. Edward A. Ross, who, of all the students of this question, is one of the most uncompromising in generalizing from the reports of the Immigration Commission to the disadvantage of the "newer" races, deduced that "with the change in nationalities came a great change in the civic attitude of the immigrants."<sup>1</sup> He made little or no allowance for the fact that the "civic attitude" of the "newer" immigrants naturally would not have had time to develop as in the case of those who had been here longer; he made even less for any changes in industrial and social life in this country which might help to account for this alleged change in attitude, by intensifying the hardships of the only kind of employment "newer" immigrants could get, by low wages due to an overstocked labor market, or by the increased herding of foreign born in city slums, which last, of itself, might tend to retard the process of adjustment and assimilation. Prof. John B. Clark saw something of this, when he remarked that "there is far more likeness between different branches of the European family than there is between the economic conditions into which immigrants came in the third quarter of the last century and those into which they come to-day. Then they could have farms for the asking, while now most of them go into mills, mines, shops, and railroad plants, or become employees or tenants on farms owned by others."<sup>2</sup>

Prof. John R. Commons, discussing the differences in the proportions naturalized among the various racial groups, calls attention to the fact that "it is not so much a difference in willingness as a difference in opportunity. . . . In course of time these differences will diminish, and the Italian and the Slav will approach

<sup>1</sup> Edward A. Ross, *The Old World and the New*, 1914.

<sup>2</sup> John B. Clark, *A Documentary History of American Industrial Society*, 1910, vol. i, p. 52.

## GENERAL IMMIGRATION STATISTICS

the Irishman and the German in their share of American suffrage." <sup>1</sup>

The war has created an entirely new situation with regard to both immigration and naturalization; it is entirely impossible to forecast the effects, either of the chaotic conditions in Europe or of the reconstruction period in America, upon the influx of foreign born into America, upon the duration of their stay here, or upon the attitude toward citizenship of those already here and entitled to citizenship by length of residence. The wholesale naturalization of immigrants in the national army during the war, regardless of length of residence or any of the other requirements ordinarily so rigidly, so meticulously enforced, has swept into citizenship so large a proportion of human material available and hitherto constituting the bulk of the "naturalization problem" that the old generalizations have become both useless and misleading. It will be long before such immigrants as are now coming, or may come during the next five years, can be the subject of intelligible statistics—especially since nobody is collecting or collating any statistics worthy of the name.

Even the statistics afforded by the census have been the subject of uncritical use on which pessimistic generalizations have been based. The Thirteenth Census (1910) showed for the decade since that of 1900 a decrease of 12.4 per cent in the proportion of foreign-born white males twenty-one years of age and over naturalized. Referring to this decrease, Professor Ross predicted <sup>2</sup> that, "as things are going, we may expect a great increase in the number of the unenfranchised." Of course he could not have foreseen the war and its profound effects upon the whole question; but he might have

<sup>1</sup> John R. Commons, *Races and Immigrants in America*, 1907, pp. 191-192.

<sup>2</sup> Edward A. Ross, *The Old World and the New*, 1914, p. 266.

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observed in the same census the fact that there had been a precisely identical (12.4 per cent) decrease in the number of foreign-born whites who had been in the country nine years or more—even if his prejudice on the subject of the “new immigration” prevented his recognizing in this remarkable coincidence a striking evidence of the direct relation between length of residence and naturalization.

### THE FACTOR OF LANGUAGE

It would be plausible to expect that language would be a factor in governing the degree to which this racial group or that would seek naturalization. Those whose mother tongue is English, one might naturally suppose, would find it easier to acquire the necessary information, and would the sooner be absorbed into the life and atmosphere of the country, the sooner aspire to full citizenship.

The facts do not support this idea at all. And a very slight consideration of the conditions discloses the reasons. In the first place, no knowledge of English whatever is required for the declaration of intention; and only the statistics of full naturalization are of value in this matter. Both the statistics of the Immigration Commission, and especially those compiled by the Americanization Study, make it clear that, on the average, more than ten years' residence in this country precedes final naturalization. It is a rare case in which during that ten years the petitioner has not acquired a speaking knowledge of English sufficient for all his practical purposes.

The statistics of the Immigration Commission themselves show how little the original knowledge of English has to do with the matter.<sup>1</sup> For the persons from

<sup>1</sup> See Table X, p. 211.



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whom the Commission got information, who had been in this country ten years or over (racial groups represented by 100 individuals or more), the percentages of those fully naturalized exhibit the fact that the Swedish and German show a higher rate than the Irish; the Bohemian, Moravian, Norwegian and Danish outrank the Scotch, Welsh, and English. Even for those who have been in the country only five to nine years the Swedes show the highest percentage.<sup>1</sup> That length of residence, rather than native language, is the dominant factor in determining interest in citizenship, stands forth in Table VIII, which gives percentages by race of those in the United States ten years or longer, and of such of these as have been fully naturalized.

### LENGTH OF RESIDENCE AND EARNING POWER

The fallacious nature of the assumption that there is an essential difference between the so-called "older" and "newer" races as such in respect of interest in citizenship is further disclosed by the statistics of the Immigration Commission on the subject of the wages of foreign-born laborers. The Commission found that the members of the "older" races in the households covered by its inquiry were earning more than those of the "newer" races, and occupied, generally speaking, higher positions. This, of course, was to be expected; but little stress was laid by the Commission upon the relation between these facts and the relative rates of naturalization, although it is a conspicuous relationship. Like most of the statistics compiled by the Commission in this particular field, the comparison may be criticized on the ground that the numbers upon which percentages are based and compared are small, and

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<sup>1</sup> *Report of Immigration Commission*, vol. i, p. 488.

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differ widely among the racial groups. Nevertheless, despite this discrepancy, the probability stands forth that, in addition to length of residence, the economic status—the individual and family income—is a most important factor in determining the interest of the foreign born in acquiring citizenship.

From the following table it is clear that the “older” races show a higher average rate of income in all the occupations listed than the “newer.”<sup>1</sup>

TABLE XI

AVERAGE AMOUNT OF WEEKLY EARNINGS OF MALE EMPLOYEES  
EIGHTEEN YEARS OF AGE AND OVER, BY RACE AND SPECIFIED  
INDUSTRIES<sup>1</sup>

Race	Reporting Complete Data	Average Earnings per Day	Agricultural Implements and Vehicles <sup>2</sup>	Cotton Goods <sup>2</sup>	Woolen and Worsted Goods <sup>2</sup>	Slaughtering and Meat Packing <sup>3</sup>	Coal Mining Bituminous <sup>3</sup>
“Old” . . . .	17,433	2.34	13.03	11.14	11.69	2.27	2.33
“New” . . . .	65,485	1.99	11.58	8.77	8.64	1.83	2.09

<sup>1</sup> See Appendix for complete table. This table does not take account of lost time.      <sup>2</sup> Weekly wage.      <sup>3</sup> Daily wage.

When the expense of becoming a citizen is taken into consideration, the bearing of income on acquiring citizenship is important. Add to that the obvious fact that wages and general economic and social status tend to improve in the individual case with length of residence, and the situation becomes not only clear but just what common sense would suggest as probable. It ought not to require elaborate argument to substantiate the assertion that the immigrant in his early years in America is too busy getting a job and an economic

<sup>1</sup> Compiled from *Report of the Immigration Commission*, vol. i, pp. 379, 385, 397.

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footing, acquiring a working knowledge of the language, overcoming the general prejudice against him as a foreigner, and so on, to pay much attention to the question of becoming a citizen; besides which he must, in any event, live here five years before he can do anything effective in the matter.

### VOTING ON "FIRST PAPERS"

The present state of public opinion in the United States on the subject of the foreign born is very different from what it was in the earlier years of our development; this is largely, though not entirely, due to the emotions and disclosures connected with the war. When we were opening up the vast domain west of the Alleghanies, and there was great need of human labor to clear forests, break virgin land, and help in the beginnings of our industries, the immigrant was a welcome helper, and every inducement was offered to entice him to come and settle on even terms with the native born. One of these inducements was citizenship, for all intents and purposes, on very easy terms.

Prior to 1910 there were ten states in which aliens were permitted to vote on their mere declaration of intention to become citizens—subject, however, to the same conditions of length of residence in state, county, and election district as citizens. These were Alabama, Arkansas, Indiana, Kansas, Michigan, Missouri, Nebraska, Oregon, South Dakota, and Texas.<sup>1</sup>

That this easy acquisition of the suffrage would act as a deterrent to the completion of citizenship was to be expected, and that it has indeed so acted appears in a comparison of the proportions of foreign-born males

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<sup>1</sup> Since that time, however, all, except Arkansas and Missouri, either have entirely withdrawn the privilege by constitutional amendment or statute, or are in process of withdrawing it.

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of voting age holding "first papers" only, in the alien-suffrage states, with those in states requiring full citizenship as a prerequisite to voting.

TABLE XII

PER CENT OF FOREIGN BORN OF VOTING AGE HAVING FIRST PAPERS, AND ALSO THE PER CENT IN STATES PERMITTING ALIENS TO VOTE ON FIRST PAPERS, COMPARED WITH CERTAIN STATES NOT PERMITTING ALIENS TO VOTE ON FIRST PAPERS, FOR 1900 AND 1910 <sup>1</sup>

STATE	NUMBER OF FOREIGN BORN OF VOTING AGE		PER CENT INCREASE	PER CENT NATURALIZED		PER CENT HAVING FIRST PAPERS ONLY	
	1900	1910	1900 to 1910	1900	1910	1900	1910
United States. . . . .	4,904,270	6,646,817	35.5	58.0	45.6	8.4	8.6
Alien-suffrage states (total) . . .	716,975	857,681	19.6	59.4	52.3	12.3	9.7
Nonalien-suffrage states (total) . . .	1,275,162	1,645,291	29.0	67.8	53.0	6.5	7.4

<sup>1</sup> *United States Census*, 1910, vol. i, p. 1071.

In 1900 the ratio of those holding declarations only was about 12 to 6 in favor of the alien-suffrage states. By 1910 this difference had diminished to about 12 to 9. If aliens of any race were interested in voting as soon as they had a chance, this interest certainly would have manifested itself in the states permitting them to vote on the "first papers" which they could get, if they chose, an hour after landing.

### WHAT BECOMES OF THE DECLARATIONS?

To what extent does the declarant follow up his declaration of intention to apply for citizenship? The reports



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of the Commissioner of Naturalization give each year, by states, the number of declarations of intention ("first papers") and the number of petitions for final naturalization. The most striking fact apparent in these statistics is that the number of declarations is far in excess of the number of petitions—to say nothing of what may happen to the latter by way of denials when they reach the naturalizing judge.

Now, it must be remembered that these totals are not directly comparable. In no event can the final petition follow the declaration by less than two years, and the law now permits a lapse of seven years before the declaration must expire. If the number of declarations and petitions were fairly uniform from year to year, or bore any constant relation to each other, something might be inferred from a comparison of totals for a seven-year period. Since, however, the number of petitions, as well as the number of declarations, increased rapidly from 1908 to 1918, no sound conclusion can be reached without taking such variations into account.

For example, none of the 136,698 declarations of intention filed in 1908 could become the basis for petitions until 1910, and all would be valid until 1915. In 1910 the number of petitions filed was only 56,038, and seven years later it was 123,855. There is no way of knowing how the petitions which actually consummated the declarations filed in 1908 were distributed among the years 1910-14; but it would seem to be sufficiently dependable to take the average of those years, which would be 88,670. Instead, therefore, of comparing the 43,864 petitions of 1908 with the 136,698 declarations of that year, it is proper to compare the 136,698 with the average of 88,670 which gives a ratio of 64.9.

The ratio of about 65 petitions to each 100 declarations is in fact corroborated by other calculations, as

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will appear below. Take, for instance, the figures <sup>1</sup> for the period of five years 1908-12, inclusive:

TABLE XIII

NUMBER OF DECLARATIONS FILED EACH YEAR, 1908-12, WITH  
AVERAGE NUMBER AND RATIO OF PETITIONS CONSUMMATING IN  
FIVE-YEAR PERIOD ENDING EACH YEAR

YEAR IN WHICH DECLARATIONS WERE FILED	NUMBER OF DECLARATIONS FILED IN EACH YEAR	AVERAGE NUMBER OF PETITIONS IN FIVE-YEAR PERIOD ENDING EACH YEAR	RATIO OF PETITIONS TO DECLARATIONS
1908.....	136,698	88,670	64.9
1909.....	143,212	98,926	69.1
1910.....	167,226	105,799	63.3
1911.....	186,157	113,137	60.8
1912.....	169,142	116,183	68.7
Average.....	160,487	104,543	65.1

Take it another way, remembering that each declaration of intention has a valid lifetime of seven years—five after the two which must elapse before it can be made the basis of a final petition. Assuming that the petitions consummating the declarations of any given year are distributed approximately evenly over the five-year period during which they are valid for that purpose, then one-twenty-fifth of the declarations of 1908-18 covered by Table XIII eventuated in petitions in 1910, two-twenty-fifths in 1911, and so on, reaching five-twenty-fifths in 1914, and falling again to one-twenty-fifth in 1918. The following diagrammatic table, tracing out on this basis the probable distribution of the declarations consummated by the petitions filed from 1908 to 1918, inclusive, shows graphically the

<sup>1</sup> Compiled from *Reports of the Commissioner of Naturalization, 1908-1918.*

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weight which should be given to the petitions of each year, in calculating the ratio of declarations to petitions. It fully substantiates the showing of Table XIII, and justifies the assertion that 35 out of every 100 declarants fail to file petitions within the period now fixed by the law.

TABLE XIV

SHOWING NUMBER OF DECLARATIONS FILED IN EACH YEAR DURING THE PERIOD 1908-1912, AND THE NUMBER OF FINAL PETITIONS FOR NATURALIZATION ASSUMED TO HAVE BEEN BASED UPON THOSE DECLARATIONS IN EACH YEAR DURING WHICH, RESPECTIVELY, THE DECLARATIONS WERE VALID

DECLARATIONS		PETITIONS		
NUMBER	DATE	DATE	WT.	ASSUMED NUMBER
		1910	1	55,038
		1911	2	147,288
136,698	1908	1912	3	286,881
143,212	1909	1913	4	380,744
167,226	1910	1914	5	619,275
186,157	1911	1915	4	425,268
169,142	1912	1916	3	324,027
		1917	2	264,640
		1918	1	110,416
TOTAL	802,435		25	2,613,577
AVERAGE	160,487			104,543
PERCENTAGE	160,487 into 104,543			65.1

The chances of error in this calculation lie in the facts (1) that until September, 1913, declarations made under the law as it existed prior to 1906 (the so-called "old-law declarations") were held to be valid, no matter how old their date; (2) that the decision of the United States District Court,<sup>1</sup> applying the seven-year

<sup>1</sup> See p. 109.

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limit to all outstanding declarations, undoubtedly hastened many petitions in 1913-14, and (3) that the effects of the war in Europe probably were in some cases to expedite and in others to delay or to prevent the filing of petitions. Undoubtedly some of the petitions of 1910, 1911, 1912, and 1913 are attributable to declarations more than seven years old, and some which in normal conditions would have been filed during the period 1914-18 were not filed.

It may be assumed, however, that these factors to a great extent offset each other, and that in any case their effect is negligible. And if it should appear that a substantial number of "old-law declarations," originating prior to 1908, were accepted up to 1918 by those courts which did not promptly accept the seven-year decision, it would mean only that the percentage of 65.1 is too high; that *more* than 35 declarations out of 100 do not eventuate in petitions.

Right here it must be emphasized that the figure 65.1 applies not to naturalization, but to petitions for naturalization, which is a very different thing indeed. We shall elsewhere learn<sup>1</sup> that 11.5 per cent of all petitions are denied—more than half of the denials being for reasons of a technical character.

The average of 35.1 of "sterile" declarations is that for the United States as a whole; but the figure is by no means constant or uniform. In some states the proportion of petitions to declarations is very much lower than that; in some it is very much higher.

In Indiana, for example, the figures show a fruition in petitions of only 26.4, or a little more than 1 in 4, while in Wisconsin the petitions exceed the declarations by 15.7 per cent. As the above table shows, in four states the proportion of petitions exceeded 80 per cent, while

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<sup>1</sup> See p. 231.



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14 scaled down from 80 to 70 per cent. Twenty-six states show percentages below the 65.1 of the United States as a whole.

TABLE XV

SHOWING RATIO OF DECLARATIONS OF INTENTION TO PETITIONS FOR  
NATURALIZATION, BY STATES, BASED ON YEARLY AVERAGE  
NUMBER OF DECLARATIONS, 1908 TO 1912, AND YEARLY AVERAGE  
(WEIGHTED)<sup>1</sup>

STATE	RATIO	STATE	RATIO
United States.....	65.1	Illinois.....	64.4
Wisconsin.....	115.7	Colorado.....	64.3
Arizona.....	94.2	Nebraska.....	64.0
North Carolina.....	93.1	New York.....	64.0
Mississippi.....	86.7	North Dakota.....	63.7
Ohio.....	78.8	Oregon.....	63.7
Kentucky.....	77.5	Kansas.....	62.9
New Jersey.....	76.5	Tennessee.....	62.8
Maine.....	76.1	Minnesota.....	62.7
Vermont.....	75.6	Iowa.....	60.9
South Carolina.....	75.3	Texas.....	59.5
Georgia.....	74.3	Delaware.....	58.4
Montana.....	73.9	Oklahoma.....	58.3
Alabama.....	73.0	Louisiana.....	56.4
Maryland.....	72.2	West Virginia.....	55.6
Arkansas.....	72.0	Massachusetts.....	53.7
Michigan.....	71.9	Alaska.....	53.0
California.....	71.2	Florida.....	52.5
Pennsylvania.....	70.9	Nevada.....	52.4
Connecticut.....	69.6	Utah.....	50.5
Rhode Island.....	69.6	Washington.....	50.3
Virginia.....	69.3	Idaho.....	48.6
Wyoming.....	68.1	Missouri.....	45.2
New Mexico.....	67.0	South Dakota.....	44.1
District of Columbia...	66.8	Hawaii.....	39.9
New Hampshire.....	66.5	Indiana.....	26.4

<sup>1</sup> The averages are weighted as per the table above, p. 221.

The most important question raised by the results of this calculation is whether it is reasonable to expect

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that more than one out of every three declarations of intention should thus fail of fruition—that thirty-five out of every hundred aliens who declare their intention to apply for citizenship should fail to do so. The answer to this question, and the reasons for the failure, are not discoverable in the figures themselves, nor in any documents to be found anywhere. The reasons are human reasons, hidden in the bosoms and written in the personal experience, of men and women who started out after the privileges of American citizenship, and changed their minds.

We have some illuminating data, first-hand, from some twenty-six thousand aliens who did follow up their declarations, and afford in the process a good deal of extraordinarily interesting and enlightening information, the study of which is set forth in the succeeding chapter of this volume.

## VIII

### LATER STATISTICS—IN WHICH SOME TWENTY-SIX THOUSAND PETITIONERS SPEAK FOR THEMSELVES

WHEN, early in the progress of the Americanization Study, it became apparent that almost no adequate statistical data were available in regard to naturalized citizens, or the really significant aspects of the naturalization process, it was decided to tap the mine of information existing in the original documents lying neglected in the files of the Naturalization Bureau at Washington, and to collate and analyze the significant facts for the latest year of reasonably normal conditions antedating the war. Obviously, that latest year would be that between July 1, 1913, and June 30, 1914.

The consent of the Bureau was readily obtained, with the offer of all possible co-operation. It should be stated once for all, indeed, that at every stage of the Study the Naturalization Bureau, in both its headquarters and field service, has withheld nothing in the way of information and assistance—save only to the extent to which practically all of its official correspondence is characteristically tardy by reason of the short-handed and overworked condition of its clerical force.

It was discovered immediately, however, that the conditions of the files at Washington were such as to prohibit the segregation of the documents for any single year without an inordinate, and in the circumstances impracticable, expenditure of labor and time.

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The only recourse, then, was to the local courts, where are kept on file, in more available shape and in chronological order, duplicates of the petitions for naturalization and record of the court's action upon each. But, since this required the examination of the documents in the country-wide offices of the clerks of the courts themselves, it was impracticable to make the inspection complete, as would have been the case had the documents been suitably arranged and available all in one place.

### MORE THAN A FIFTH OF ALL PETITIONERS

Twenty-eight courts, with a total of 26,284 naturalization petitions filed during the fiscal year 1913-14, were visited during 1919, with the cordial co-operation of the clerks in charge. And inasmuch as this total number of petitions examined constituted more than one in five (21.2 per cent) of the whole number of petitions for naturalization (123,855) filed in that fiscal year in the whole United States, it would seem to represent a large enough number and a sufficient variety of local, racial, and other conditions to warrant a fair degree of confidence in the representative character of the results.

### FROM TWENTY-EIGHT REPRESENTATIVE COURTS

The courts studied included two Federal and three state courts in New York City, having the great bulk of naturalization business; a number of courts in industrial districts, and some smaller ones taking in the business from outlying rural regions. Following is a list of the courts from which the information was derived:

State court,	Auburn, Maine
State court,	Worcester, Massachusetts
State court,	Bridgeport, Connecticut



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State court,	Middletown, Connecticut
State court,	Norwich, Connecticut
Federal courts,	New York City
State courts,	New York City
State court,	White Plains, New York
State court,	Mineola, Long Island, New York
State court,	Troy, New York
State court	Ithaca, New York
State court,	Rochester, New York
State court,	Elmira, New York
State court,	Paterson, New Jersey
State court,	New Brunswick, New Jersey
State court,	Easton, Pennsylvania
Federal court,	Cleveland, Ohio
State court,	Cleveland, Ohio
State court,	Akron, Ohio
Federal court,	Cincinnati, Ohio
State court,	Galesburg, Illinois
State court,	Iowa City, Iowa
State court,	Portland, Oregon
Federal court,	Seattle, Washington
State court,	Seattle, Washington

And it is apparent that the courts from which the data were derived are widely scattered through the East, Middle West, and Far West, and are of a varied character as regards nature of racial and other characteristics which might affect the human factors in the matter. It is to be regretted that there are none from the South and Southwest; but there seems no reason to suppose that they would show materially different results.

### IN A REASONABLY NORMAL YEAR

Doubtless any particular year selected for the study would present certain special conditions calling for discount of the results. This is true of the year 1913-14. That year chanced to mark the end of the validity of

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the "old-law declarations";—that is to say that in that year the seven-year limit upon the life of a declaration of intention to become a citizen, established for the first time by the Naturalization Act of 1906, was declared by the United States Court, 1914,<sup>1</sup> to apply to declarations made prior to the enactment of that statute. Undoubtedly anticipation of this tended on the whole to increase, perhaps materially, the number of petitions consummating those old declarations. On the other hand, there were doubtless many declarants of long ago who were discouraged by the decision from filing petitions at all. We shall observe later the extent to which that decision has been a factor in the rejection of the petitions of a large number of persons otherwise presumably eligible—excluded for that reason alone.

Obviously it was desirable to select a year as recent as possible and at the same time to avoid any period affected by the complications introduced by the existence of the war in Europe. It is felt that the year 1913-14 is sufficiently typical for all practical purposes, and that the applicants for citizenship analyzed herein are sufficiently representative generally of the foreign born who seek to join us; whatever may be said of the great number who were swept into citizenship helter-skelter during and since the war by naturalization of soldiers and sailors on the sole ground of military service.<sup>2</sup>

### THE RACIAL GROUPS ARE TYPICAL

Some of the important conclusions supported by these statistics naturally raise the question whether the petitions studied are, in respect of country of origin, really typical of the whole foreign-born population of the country. This question seems to be disposed of by a

<sup>1</sup> See chap. v, p. 108.

<sup>2</sup> See chap. ix, p. 255, *et seq.*

TABLE XVI

COMPARISON BY RACES OF (1) NATURALIZATION PETITIONERS STUDIED, (2) UNNATURALIZED MALES TWENTY-ONE YEARS OR OVER IN NINE CITIES<sup>3</sup> WHERE PETITIONS WERE FILED, AND IN THE COUNTRY AS A WHOLE, IN 1910<sup>1</sup>

COUNTRY OF BIRTH	PETITIONERS STUDIED 1913-14		UNNATURALIZED <sup>2</sup> FOREIGN-BORN WHITE MALES TWENTY-ONE YEARS OF AGE AND OVER IN NINE CITIES, IN 1910		UNNATURALIZED FOREIGN-BORN WHITE MALES TWENTY-ONE YEARS OF AGE AND OVER IN THE UNITED STATES IN 1910	
	Number	Per Cent	Number	Per Cent	Number	Per Cent
All countries....	26,284	100.0	437,517	100.0	2,837,307	100.0
Russia.....	7,864	29.9	107,393	24.5	481,532	17.0
Austria.....	3,875	14.7	59,252	13.5	407,977	14.4
Italy.....	3,591	13.7	98,595	22.5	523,964	18.5
Hungary.....	2,443	9.3	31,194	7.1	200,274	7.1
Germany.....	2,305	8.8	35,425	8.1	219,133	7.7
Ireland.....	1,773	6.7	16,453	3.8	116,613	4.1
England.....	831	3.2	14,807	3.4	112,317	4.0
Sweden.....	616	2.3	8,675	2.0	92,289	3.3
Rumania.....	569	2.2	5,778	1.3	17,498	0.6
Norway.....	389	1.5	4,084	0.9	66,802	2.4
Canada.....	385	1.5	9,229	2.1	176,868	6.2
Scotland.....	288	1.1	5,299	1.2	38,940	1.4
Denmark.....	200	0.8	1,881	0.4	27,045	1.0
Switzerland....	197	0.8	4,039	0.9	16,942	0.6
Finland.....	144	0.6	2,395	0.5	43,737	1.5
Turkey in Asia..	142	0.5	1,883	0.4	22,776	0.8
Holland.....	139	0.5	930	0.2	18,116	0.6
Turkey in Europe	92	0.3	1,650	0.4	19,546	0.7
Greece.....	90	0.3	5,393	1.2	62,758	2.2
France.....	86	0.3	4,116	0.9	21,457	0.8
Wales.....	32	0.1	294	0.1	6,424	0.2
Spain.....	23	0.1	932	0.2	10,037	0.4
Portugal.....	8	.....	92	.....	19,557	0.7
No information..	23	.....	.....	.....	.....	.....
Other.....	179	0.8	17,728	4.1	114,705	4.0

<sup>1</sup> *United States Census, 1910, vol. 1, chap. xi.*

<sup>2</sup> Includes aliens and those holding first papers.

<sup>3</sup> Cleveland, New York (Boroughs of Manhattan, Bronx, and Queens); Bridgeport, Connecticut; Cincinnati; Paterson, New Jersey; Portland, Oregon; Rochester, New York; Seattle, Washington; Worcester, Massachusetts.

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compilation showing the racial distribution of the petitioners studied, compared with the racial distribution of *all* unnaturalized foreign-born white aliens 21 years of age or older in the country as a whole, and in the nine large cities covered by this investigation.

Considerable variations will be observed between the racial distribution of petitioners studied and that of the unnaturalized but potentially naturalizable males in the whole country in 1910. For instance, while 18.5 per cent of the unnaturalized persons in the United States were born in Italy, only 13.7 per cent of the petitioners studied were Italians; on the other hand, while 29.9 per cent of the petitioners studied were from Russia, only 17 per cent of the unnaturalized males in the United States in 1910 were Russians.

These discrepancies do not prove, however, that even in such cases the groups of petitioners studied are not representative of the foreign-born population, because racial distribution varies considerably from state to state. Fortunately, moreover, it is possible to compile from the census figures to show by country of origin the distribution of unnaturalized white males in the cities covered by the study, and these figures, also included in the last column of the table, show conclusively that the racial distribution in those cities is fairly typical. The percentages do not exactly agree, nor is that to be expected. In the first place, there is a difference of three years between the times represented respectively in the two sets of figures—years during which there was a heavy immigration. The figures given for the unnaturalized are not complete, inasmuch as for those cities the citizenship status of 9.8 per cent of the foreign-born males 21 years of age and over was not reported by the 1910 census. Furthermore, the petitions studied were not all from these nine cities, although nearly nine out of ten (86.8 per cent) of them



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were. On the whole, the nativity distribution in those nine cities of the petitioners studied coincides remarkably with that of the unnaturalized but naturalizable males.

### RELATIVE "CIVIC AND POLITICAL INTEREST"

In Table X, page 211, the relative numbers and percentages are arranged in the *order of magnitude*, and this arrangement is illuminating in its display of what the Immigration Commission and the writers who have taken their cue therefrom have interpreted as "civic and political interest" exhibited in relative desire for citizenship. With the exception of Italy the races from the sources of largest recent immigration show a higher proportion naturalized than the proportion they represented in the population. It can fairly be said that the desire to become citizens is as evident among these immigrants of the new races as among those of the earlier, entirely leaving out of consideration the length of residence which operates in favor of the older immigrants.

### HOW DID THESE PETITIONERS FARE?

How did these applicants for citizenship fare? However much they may have desired citizenship, these of the "new immigration" and the "old"—did they get it? Did they pass the examinations? And as regards the reasons for denial of those who were rejected, how did the "recent" races account for themselves in respect of those matters which really go to the questions of moral and intellectual fitness?

Well, to begin with, the percentage of all denials (3,033) among these more than 26,000 petitioners was 11.5—almost exactly that (11.2) of the whole United States during the entire period of eleven years, 1908—

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18, as shown by the reports of the Commissioner of Naturalization. Here appears a compilation analyzing *all* the denials during the period 1908-18.

### TABLE XVII

COMPARISON OF CAUSES OF DENIAL FOR THE YEARS 1908-18 AND 1913-19 FROM COMMISSIONER OF NATURALIZATION REPORTS, AND DENIALS OF 26,284 PETITIONERS STUDIED

CAUSES	DENIALS					
	Naturalization Reports				Cases Studied	
	1908-18		1913-14		1913-14	
	Num- ber	Per Cent	Num- ber	Per Cent	Num- ber	Per Cent
Want of prosecution	33,493	31.2	3,856	29.4	689	22.7
Incompetent witnesses . . . . .	28,262	26.3	3,982	30.2	422	13.9
Declaration invalid	9,187	8.5	1,148	8.7	1,296	42.7
Ignorance . . . . .	11,109	10.3	1,147	8.7	220	7.2
Miscellaneous . . . . .	6,098	5.7	553	4.2	147	4.8
Immoral character . .	4,269	4.0	588	4.5	59	1.9
Insufficient residence	3,625	3.3	389	3.0	68	2.2
Petitioner's motion . .	2,824	2.6	381	2.9	51	1.7
No jurisdiction . . . .	2,934	2.7	291	2.2	12	0.4
Deceased . . . . .	1,123	1.0	174	1.3	11	0.4
Unable to produce witnesses or deposition . . . . .	1,090	1.0	196	1.5	12	0.4
Already a citizen . . .	1,200	1.1	150	1.1	9	0.3
No certificate of arrival . . . . .	1,197	1.1	179	1.4	14	0.5
Premature petition	979	0.9	96	0.7	17	0.2
Section 2169 (not a white person) . . . .	84	0.1	3	. . . . .	. . . . .	. . . . .
No information . . . . .	. . . . .	. . . . .	. . . . .	. . . . .	16	0.5
<b>Total . . . . .</b>	<b>107,474</b>	<b>100.0</b>	<b>13,133</b>	<b>100.0</b>	<b>3,033</b>	<b>100.0</b>
Certificates granted	848,777	. . . . .	105,439	. . . . .	. . . . .	. . . . .
Cases disposed of . . .	956,251	. . . . .	118,572	. . . . .	26,284	. . . . .
Per cent denied . . . . .	. . . . .	11.2	. . . . .	11.1	. . . . .	11.5

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A study of the figures covering the reasons for denial of the 3,033 among the petitions of 1913-14 here analyzed illuminated special aspects of this matter, showing, as it does, how large a proportion of the denials are for reasons of a purely technical character, or because the petitioners abandoned their pursuit of citizenship after filing the final petition.

The following table lists the races represented by forty or more petitions, *in the order of percentage of*

**TABLE XVIII**  
**RACIAL DISTRIBUTION OF 26,284 PETITIONERS DENIED, 1913-14,**  
**AND THE PER CENT OF THE DENIALS FOR THE SIX PRINCIPAL**  
**CAUSES**

COUNTRY OF BIRTH	NUMBER OF PETITIONS	DENIALS		CAUSES OF DENIAL—PER CENT					
		Number	Per Cent	Want of Prosecution	Incompetent Witnesses	Ignorance	Declaration Invalid	Immoral Character	"Old-Law" Declaration <sup>1</sup>
All countries.....	26,284	3,033	11.5	22.7	13.9	5.2	7.2	1.9	37.5
Greece.....	90	27	30.0	48.1	11.1	3.7	.....	.....	3.7
France.....	86	19	22.1	15.7	26.3	.....	.....	.....	42.1
Italy.....	3,591	646	18.0	28.1	11.1	2.9	14.2	1.7	34.2
Turkey in Europe	92	15	16.3	26.6	7.6	26.6	.....	7.6	20.9
Holland.....	139	21	15.1	28.5	33.3	.....	.....	.....	14.0
Scotland.....	288	42	14.6	21.4	11.9	9.5	2.4	.....	31.0
Denmark.....	200	29	14.5	17.2	27.6	3.5	.....	6.9	31.0
England.....	831	120	14.4	30.0	19.2	4.2	1.7	2.5	27.5
Sweden.....	616	80	13.0	13.7	13.7	11.3	3.8	5.0	30.0
Germany.....	2,305	296	12.8	17.2	14.5	5.4	4.7	2.4	47.3
Switzerland.....	197	25	12.7	24.0	20.0	4.0	8.0	.....	36.0
Turkey in Asia.....	142	18	12.7	44.4	11.1	16.7	5.6	.....	16.7
Norway.....	389	48	12.3	25.0	27.1	14.6	8.3	.....	4.2
Belgium.....	41	5	12.2	40.0	20.0	.....	20.0	.....	.....
Canada.....	385	43	11.2	30.2	14.0	9.3	.....	4.6	20.9
Hungary.....	2,443	249	10.2	32.2	12.5	4.8	7.6	3.2	24.9
Finland.....	144	14	9.7	42.8	14.3	14.3	.....	.....	.....
Rumania.....	569	54	9.5	7.4	11.1	5.6	7.4	3.7	63.0
Russia.....	7,864	744	9.5	15.1	15.7	5.5	6.2	1.7	46.2
Ireland.....	1,773	166	9.4	27.1	11.4	3.0	1.8	0.6	46.3
Austria.....	3,875	347	9.0	21.6	10.4	5.5	7.2	1.4	44.8
Other.....	201	27	.....	.....	.....	.....	.....	.....	.....
No information.....	23	.....	.....	.....	.....	.....	.....	.....	.....

<sup>1</sup> Denied because declaration of intention was more than seven years old.

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*denials*, and shows the percentages attributable to the six principal reasons, respectively: "want of prosecution," "incompetent witnesses," "declaration invalid," "ignorance," "immoral character," and "old-law declaration—held to be invalid."

In this table there are 14 countries listed whose per cent of denials exceeds that for all countries. Of these only four supply the "new" immigration. And of the seven showing a lower than 11.5 per cent denials, five constitute the "new" immigration. This would point to greater success on the part of the new races in attaining their naturalization papers. The qualifying fact here, as elsewhere, is that more than twice as many petitioners belong to the "new" races as to the "old."

The two causes of denial showing the largest per cents for the country as a whole and for most countries are "want of prosecution" and the invalidity of their "old-law" declaration. That so large a proportion of immigrants have taken the trouble to take almost the last steps toward citizenship and then fail by default is symptomatic of waste somewhere along the line. This condition seems to prevail among both the "old" and "new" peoples.

### AS REGARDS "IMMORAL CHARACTER"

For some of the less mechanical causes of denial, let us segregate and arrange the countries in order of percentages. The following table shows denials for "immoral character."

The average percentage of denials for the whole United States for the period 1908-18 on the ground of "immoral character" was 4.0 per cent. With the exception of Turkey in Europe, not one of the "newer" races came up to this average in the year 1913-14, so far as may be judged by this analysis of the court



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### TABLE XIX

PER CENT OF DENIALS DUE TO "IMMORAL CHARACTER," BY RACE

Country of Birth	Denials Per Cent
Total cases.....	1.9
Turkey in Europe.....	7.6
Denmark.....	6.9
Sweden.....	5.0
Canada.....	4.6
Rumania.....	3.7
Hungary.....	3.2
England.....	2.5
Germany.....	2.4
Russia.....	1.7
Italy.....	1.7
Austria.....	1.4
Ireland.....	0.6

records of more than one in five of the petitions passed upon in that year. Austria, Hungary, Italy, Rumania, all showed a record materially better, and the figures generally show that cause to be negligible, anyway.

#### THE SHOWING AS TO "IGNORANCE"

In considering the statistics of denials on the ground of "ignorance," it is to be remembered that the examinations which disclose this "ignorance" do not go as a rule to the subject of illiteracy or general intelligence, but deal in the majority of cases with the understanding of the petitioner as to the form of government, and sometimes decidedly minute details of the history, of the United States. The average percentage of denials on the ground of "ignorance" in the whole United States during the eleven years 1908-18 was 10.3. The records of the petitions of every one of the "recent" races, except Italian, for the year 1913-14—if one may judge

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by this study of more than one-fifth of them—was far better than that average, though generally higher than that of the old races.

TABLE XX

PER CENT OF DENIALS DUE TO "IGNORANCE," BY RACE

Country of Birth	Denials Per Cent
Total cases.....	7.2
Italy.....	14.2
Norway.....	8.3
Switzerland.....	8.0
Hungary.....	7.6
Rumania.....	7.4
Austria.....	7.2
Russia.....	6.2
Turkey in Asia.....	5.6
Germany.....	4.7
Sweden.....	3.8
Scotland.....	2.4
Ireland.....	1.8
England.....	1.7

### TIME-INTERVALS IN NATURALIZATION

Generally speaking, judging by the 26,284 petitions examined, each of which must show the date of arrival and declaration of intention, the immigrant is in this country in the average case anywhere from 5.4 to 12.7 years before he files his declaration of intention to seek citizenship. (See Table XXI.)

The evidence on this point was strikingly uniform in all the courts save one. The lowest average shown was 5.4 years in Cincinnati; the highest average but two was 8.6 in the State Superior Court at Worcester, Massachusetts. The extreme exceptions were 9.4 years in the Superior Court for Middlesex County, at Middletown, Connecticut, and 12.7 years in the Androscoggin

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## TABLE XXI

THE AVERAGE TIME ELAPSING BETWEEN ARRIVAL AND DECLARATION OF INTENTION; BETWEEN DECLARATION AND PETITION, AND BETWEEN PETITION AND NATURALIZATION AS SHOWN BY 26,284 CERTIFICATES, 1913-14

COURTS	AVERAGE INTERVAL BETWEEN ARRIVAL AND DECLARATION (Years)	AVERAGE INTERVAL BETWEEN DECLARATION AND PETITION (Years)	AVERAGE INTERVAL BETWEEN PETITION AND CERTIFICATE (Months)
New York Co. Supm. Ct. ....	6.7	4.7	5.1
U. S. Dist. Ct., Southern Dist. New York, N. Y. C. ....	7.2	4.3	3.9
U. S. Dist. Ct., Eastern Dist. New York, Brooklyn .....	7.1	5.2	4.1
Bronx Co. Supm. Ct., N. Y. C. ....	7.7	3.9	5.0
Queens Co. Supm. Ct., Jamaica, L. I. . .	7.4	6.5	4.6
Westchester Co. Supm. Ct., White Plains, N. Y. ....	6.9	5.2	5.8
Nassau Co. Supm. Ct., Mineola, L. I. . .	7.0	4.9	4.7
Passaic Co. Ct. Com. Pls., Paterson, N. J.	6.3	5.2	4.1
Fairfield Co. Supr. Ct., Bridgeport, Conn.	7.7	4.8	5.3
Knox Co. Circ. Ct., Galesburg, Ill. . . .	7.7	4.6	4.8
Johnson Co. Dist. Ct., Iowa City, Iowa .	6.1	3.5	4.6
Androscoggin Co. Supm. Jud. Ct., Auburn, Me. ....	12.7	3.0	4.2
Tompkins Co. Supm. Ct., Ithaca, N. Y.	8.0	3.5	6.4
Middlesex Co. Ct. Com Pls., New Brunswick, N. J. ....	6.6	4.6	5.2
U. S. Dist. Ct. Northern Dist., Cleveland, Ohio .....	5.4	5.0	4.5
Cuyahoga Co. Ct. Com. Pls., Cleveland, Ohio .....	6.7	5.0	4.5
Multnomah Co. Circ. Ct., Portland, Ore.	7.2	11.1	5.1
Monroe Co. Supm. Ct., Rochester, N. Y.	6.3	5.5	4.6
U. S. Dist. Ct. Western Dist. Washington, Seattle. ....	6.1	7.1	4.8
King Co. Supm. Ct., Seattle, Wash. . . .	6.0	8.8	11.1
Chemung Co. Supm. Ct., Elmira, N. Y.	7.0	4.8	12.7
Summit Co. Ct. Com. Pls., Akron, Ohio	6.2	4.2	5.7
Northampton Co. Ct. Com. Pls., Easton, Pa. ....	7.5	4.2	5.5
Worcester Co. Supr. Ct., Worcester, Mass. ....	8.6	4.1	5.4
Middlesex Co. Supr. Ct., Middletown, Conn. ....	9.4	3.7	5.3
Rensselaer Co. Supm. Ct., Troy, N. Y.	6.2	4.1	7.7
U. S. Dist. Ct. Southern Dist. O., Cincinnati. ....	5.7	5.4	5.1
New London Co. Supr. Ct., Norwich, Conn. ....	8.5	4.2	6.8
Average .....	6.8	5.1	4.9

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Supreme Judicial Court at Auburn, Maine. The latter court in naturalization matters deals largely with French-Canadians; of all the 385 Canadian petitioners falling under this analysis, this one court passed upon 61.5 per cent.

Having filed his declaration of intention after an average residence in this country shown in all courts as 6.8 years—nearly two years more than the five years' minimum residence required for the *completion* of citizenship—our average immigrant *waits more than five years longer* before he files his final petition for naturalization—although under the law he need have waited only two. The range, however, was wide, between an average of 3.0 years in the Supreme Court of Androscoggin County, Auburn, Maine, and 11.1 years in the Circuit Court at Portland, Oregon. The whole average shown in all the courts studied was 5.1 years. These are very surprising figures for those who have been complaining that we have hurried aliens into citizenship.

Once the applicant has his petition filed, the process becomes more expeditious. The figures collated for the year 1913-14 show an average interval between petition and certificate of naturalization of 4.9 months; the range is between 3.9 months in the United States District Court in Manhattan, and 12.7 months in the State Supreme Court at Elmira, New York. From the point of view of delay, three months must always be subtracted, since the law requires, in any event, an interval of at least ninety days after the petition is filed before it can be considered by the court.

### HOW DO THE RACIAL GROUPS COMPARE?

What light do the petitions throw upon the question of the relative "civic and political interest" of the various



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racial groups, as shown by the interval that elapses between their attainment of the age of 21 years, or if they come here after they are 21, between their arrival and their filing of the final petition?

TABLE XXII

AVERAGE INTERVAL BEFORE FILING PETITION, AFTER ATTAINMENT OF TWENTY-ONE YEARS, FOR THOSE ARRIVING AT AGES OF ONE TO FOURTEEN, BY RACES

COUNTRY OF BIRTH	NUMBER IN AGE GROUP 1-14	AVERAGE INTERVAL (Years)
All countries.....	2,900	6.2
France.....	19	12.9
Norway.....	13	12.5
Switzerland.....	7	12.4
Sweden.....	31	12.4
Scotland.....	13	11.8
England.....	77	11.6
Ireland.....	77	10.8
Germany.....	280	10.3
Canada.....	88	9.8
Denmark.....	13	9.5
Holland.....	17	9.5
Hungary.....	192	5.8
Greece.....	12	5.5
Finland.....	6	5.3
Russia.....	873	5.0
Italy.....	651	4.9
Austria.....	389	4.5
Turkey in Asia.....	10	4.0
Rumania.....	89	3.8
Turkey in Europe.....	8	3.6

We have three groups of statistics on this point: those petitioners arriving at the ages of 1 to 14, those at 15 to 20 years, and those 21 years and over. In the following

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table the countries of birth are arranged in the order of the average interval for those arriving at the ages of 1 to 14 years. The complete table will be found in the Appendix.

TABLE XXIII

AVERAGE INTERVAL BEFORE FILING PETITION, AFTER ARRIVAL, AT  
AGES OF FIFTEEN TO TWENTY, BY RACES

COUNTRY OF BIRTH	NUMBER IN AGE GROUP 15-20	AVERAGE INTERVAL (Years)
All countries.....	9,512	11.0 <sup>1</sup>
France.....	10	17.7
Canada.....	99	17.3
Switzerland.....	50	15.6
Germany.....	600	14.1
England.....	216	13.6
Sweden.....	269	12.7
Scotland.....	57	12.7
Denmark.....	65	12.2
Holland.....	32	12.2
Finland.....	54	11.7
Ireland.....	609	11.5
Norway.....	148	11.3
Italy.....	1,198	10.8
Hungary.....	960	10.8
Austria.....	1,658	10.6
Rumania.....	202	10.2
Russia.....	3,055	9.9
Greece.....	47	9.7
Turkey in Asia.....	69	9.0
Turkey in Europe.....	42	7.9

<sup>1</sup> This average includes the figures for races whose numbers are too small to justify generalization.

The striking thing in these tables is the fact that almost without exception the countries showing the longest intervals are those representing the old immigration.

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### TABLE XXIV

AVERAGE INTERVAL BEFORE FILING PETITION, AFTER ARRIVAL, AT  
AGES TWENTY-ONE OR OVER, BY RACES

COUNTRY OF BIRTH	NUMBER IN AGE GROUP 21 YEARS AND OVER	AVERAGE INTERVAL (Years)
All countries.....	13,849	10.6 <sup>1</sup>
Canada.....	198	16.4
Sweden.....	316	13.1
Switzerland.....	140	12.2
France.....	57	11.9
Germany.....	1,425	11.9
England.....	538	11.7
Italy.....	1,742	11.4
Norway.....	228	10.8
Scotland.....	218	10.6
Finland.....	84	10.5
Austria.....	1,828	10.5
Denmark.....	122	10.2
Holland.....	90	10.1
Hungary.....	1,291	9.9
Rumania.....	278	9.8
Russia.....	3,936	9.6
Ireland.....	1,087	9.6
Greece.....	31	8.6
Turkey in Asia.....	63	8.5
Turkey in Europe.....	42	8.1

<sup>1</sup> This average includes the figures for races whose numbers are too small to justify generalization.

### THEY ARE YOUNG PEOPLE

They were young men. More than 60 per cent of them were between the ages of 18 and 30 years. Of the 26,284 applicants for citizenship whose petitions were examined, 16,586—over three-fifths—came to this country between the ages of 18 and 30. The preponderance is striking:

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## TABLE XXV

NUMBER AND PER CENT OF PETITIONERS FOR THREE AGE GROUPS<sup>1</sup>

AGE AT ARRIVAL	NUMBER	PER CENT
1-17.....	6,589	25.1
18-30.....	16,586	63.1
31 and over.....	3,093	11.5
No data.....	16	....
Total.....	26,284	99.8

<sup>1</sup> The full table showing distribution of ages at arrival from infancy to fifty years or over, is given in the Appendix, Table 57.

### RELATIVE AGE AND "POLITICAL INTEREST"

It is interesting to note, in this connection, the relation between the age at which the alien arrives in this country and the length of time that elapses before he files his final petition for citizenship. The following diagram exhibits this:

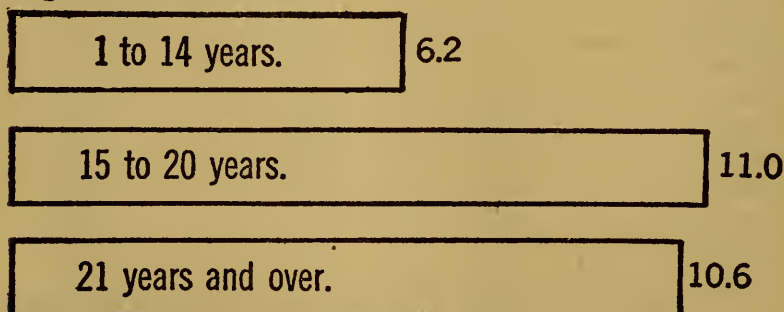


DIAGRAM 1

Average interval before filing petition after attainment of 21 years (or time of arrival, if arriving after 21 years) for petitioners arriving at ages of 1 to 14, 15 to 20, and 21 years and over.

Close analysis of these lists further emphasizes the importance of the factor of *age at arrival* as affecting the lapse of time after the attainment of lawful age before filing the final petition for citizenship. It appears, as might well be expected, that those who come in childhood are more prompt than those who arrive between



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15 and 20; but even those coming in childhood appear, on the average, to wait until after they are 27. The averages indicate, almost without exception, that those coming at ages over 20 waited more than 10 years before filing their petitions. Few come after they are 40 and then seek citizenship. The petitions show that on the average those arriving at 1 to 14 applied 6.2 years after 21. Those arriving at 21 years or over applied 10.6 years after arrival.

Those arriving between 15 and 20 applied 11 years after arrival, but it is fallacious to compare this interval with those in the case of the younger or older immigrants, because the five years' required residence might mean application at 21 years of age by an immigrant who came at 15 or 16, or at 25 years by one who came at 20; while one who, coming at 15, waited the full average of 11 years would apply at 26, apparently more promptly than one who, coming in infancy, did not apply until he was 27 or over. The questions suggested by the discrepancy here apparent are many, but the data available furnish no definite answer to them. Perhaps fuller statistics might substantially modify the apparent discrepancies.

### THE REAL RACIAL DISTINCTION

These men, the cream of our immigration—regardless of any fanciful distinction of race “older” or “newer”—came in the flower of their young manhood to try hazard of new fortunes in what they rightly believed to be the land of promise and opportunity; lived here from five to twelve years before they registered in normal declaration their intention to become citizens; lived here upward of five years more before filing their final petition for citizenship, and nearly nine out of ten of them passed their examinations and were admitted.

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There is visible in these statistics a distinction of race—a very interesting and inspiring distinction, but it is not one of the “older” or “newer” races. It has little to do with any supposititious difference of racial quality or character. Indeed, it redounds on the whole to the credit of the more recent immigration, and, so far as it goes, would indicate, if anything, a greater potential fitness for American citizenship. In Diagram 2, which is based on Table XXIV, the bars which are black represent countries which have entirely a subject people, or in which a proportion of the population is subject. In the latter case it is the subject peoples who come to this country in larger proportions than the sovereign peoples. This is only one of the instances which illustrate an interesting conclusion. Certainly to a discerning eye this fact stands forth:

*Those from countries where, at the time of their migration, there was either autocratic government or political discontent, or inferior economic opportunity, head the list of those who seek, and upon examination prove their title to, fellow-membership with us.*

*Those from countries where government was relatively democratic, where individual liberty prevailed, where political, social, and economic conditions were conducive to contentment, were satisfied to keep the citizenship of their fatherlands.*

Why should it require exhaustive investigation to demonstrate so obvious, so inevitable an operation of human psychology? What else was to have been expected?

### RACE AND RELATIVE AGE AT ARRIVAL

The racial distribution of these petitioners, with reference to age at arrival, is interesting and to some extent significant. Table XXVI, including only those

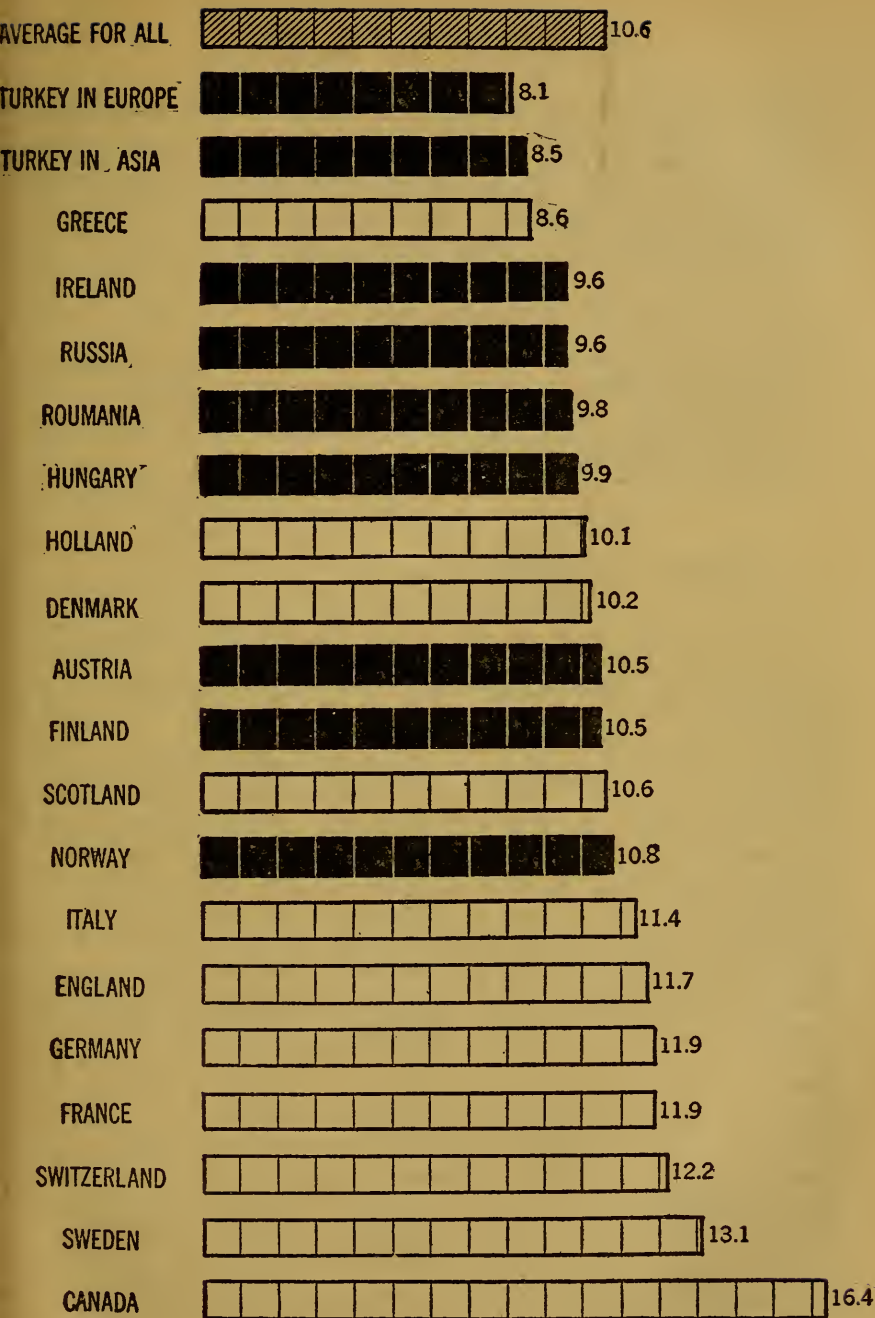


DIAGRAM 2

Average interval before filing petition after arrival at ages 21 or over by races. The bars which are in black represent countries from which the subject people constituted almost entirely the immigration to this country.

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races represented by at least 50 petitions, is arranged in the order of percentages of those arriving after attaining the age of 21 years. It throws sidelights upon the variations of the age at which the individuals of various races came to this country:

### TABLE XXVI

RACIAL DISTRIBUTION OF PETITIONERS, SHOWING PERCENTAGES FOR THE AGE PERIODS "OVER TWENTY-ONE," "FIFTEEN TO TWENTY," AND "ONE TO FOURTEEN," IN THE ORDER OF THE FIRST-MENTIONED AGE GROUP

COUNTRY OF BIRTH	WHOLE NUMBER OF PETI- TIONERS	NUMBER AND PERCENTAGE OF THOSE ARRIVING AT AGES					
		21 and Over		15 to 20		1 to 14	
		Num- ber	Per Cent	Num- ber	Per Cent	Num- ber	Per Cent
Scotland.....	288	218	75.7	57	19.8	13	4.5
Switzerland.....	197	140	71.7	50	25.4	7	3.5
France.....	86	57	66.3	10	11.6	19	22.1
England.....	831	538	64.7	216	26.0	77	9.3
Holland.....	139	90	64.7	32	23.0	17	12.2
Germany.....	2,305	1,425	61.8	600	26.0	280	12.1
Ireland.....	1,773	1,087	61.3	609	34.3	77	4.3
Denmark.....	200	122	61.0	65	32.5	13	6.5
Norway.....	389	228	58.6	148	38.0	13	3.3
Finland.....	144	84	58.3	54	37.5	6	4.1
Hungary.....	2,443	1,291	52.8	960	39.3	192	7.9
Canada.....	385	198	51.4	99	25.7	88	22.9
Sweden.....	616	316	51.3	269	43.7	31	5.0
Russia.....	7,864	3,936	50.1	3,055	38.8	873	11.1
Rumania.....	569	278	48.9	202	35.5	89	15.6
Italy.....	3,591	1,742	48.5	1,198	33.4	651	18.1
Austria.....	3,875	1,828	47.2	1,658	42.8	389	10.0
Turkey in Europe...	92	42	45.7	42	45.7	8	8.7
Turkey in Asia.....	142	63	44.4	69	48.6	10	7.0
Greece.....	90	31	34.4	47	52.2	12	13.3

Inferences or generalizations from this table in connection with the age statistics given heretofore would



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be perilous, since we have not tabulated the data which would show, with regard to any particular racial group, how many of those between 15 and 20 years of age came at 18 or 19; or how many of those over 21 came after they were 25 or before they were 30. So far as it goes, however, it would appear to indicate that those of the so-called "older" immigration left their homelands at a later age, while a larger proportion of those of the "newer" came in younger manhood. The larger percentages in the column "over 21" are credited to the "older"; the larger in the second column, "15 to 20," to the "newer."

### AT THE BEGINNING OF MARRIED LIFE

More than two-thirds (68.5 per cent) of the petitioners were married at the time of their petition for naturalization. One may hazard the guess that the majority were either unmarried or newly married when they came to this country, because, while 89.9 per cent of the 18,017 married petitioners reported wives of foreign birth, 10,563 (73.5 per cent) of them had children exclusively native-born. Only one in ten had foreign-born children only, and only 16.5 per cent had both native and foreign-born children. And 14,371 (79.8 per cent) of the married petitioners had one or more children under 21 years of age.<sup>1</sup>

### AS FOR "STABILITY OF RESIDENCE"

The question of what might be called the "residential stability" of the immigrant in this country has been the subject of much assertion and little substantial in-

<sup>1</sup>The full tables regarding marital condition and number and nativity of children will be found (Tables LVI and LVII, respectively) in the Appendix.

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formation. The general tenor of the assertion and the vague impression of the average person are to the effect that the immigrant is more or less of a wanderer, shifting from place to place, and for that reason failing to establish anything resembling permanent residence or to relate himself to the community as a neighbor. Very little statistical data on this point is available, and it is unsafe to generalize. There is, however, a somewhat startling disclosure in the 1915 census of the state of Massachusetts, showing that in the class of otherwise "justified" voters disqualified solely by reason of not having resided one year in the state or six months in the city or town, there were 21,226 native and 3,845 foreign born; in other words, that 3.6 per cent of the native-born voters were disqualified because they were moving about; while only 1.9 per cent, or just about half the proportion, of the foreign-born were disqualified for that reason.

The analysis of petitions by the Americanization Study sheds a little further light on this subject, by segregating the figures in each court showing petitions which were filed by aliens who had filed their declaration in another state. Of the total of 26,284, there were 1,859 of these, or 7.1 per cent. Undoubtedly this moving about, in search of employment or for other reasons, is a considerable factor in the delay between arrival and declaration and between declaration and petition. Naturally, the figures would tend to be high on the Pacific coast, to which immigrants travel by rather long stages of time. The court in Portland, Oregon, showed 234 out of 714 petitioners—almost a third—who had filed their declaration in other states. This court shows also the longest average interval between declaration and petition. The courts in Seattle also show high figures in this regard. The same tends to be true of rapidly growing industrial centers, such as Cleve-

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land, Bridgeport, Paterson, New Brunswick, New Jersey.

### TABLE XXVII

PETITIONERS WHOSE DECLARATIONS WERE MADE IN A STATE OTHER  
THAN THE ONE IN WHICH THE COURT IS LOCATED

COURT	PETITIONERS WHO DECLARED IN OTHER STATES	
	Number	Per Cent
Norwich, Conn.....	52	43.7
Portland, Ore.....	234	32.8
Seattle, Wash. (state court).....	42	29.4
Bridgeport, Conn.....	96	23.4
New Brunswick, N. J.....	84	21.6
Cleveland, Ohio (U. S. court).....	158	13.4
Paterson, N. J.....	76	10.2
Seattle, Wash. (U. S. court).....	69	9.8
Middletown, Conn.....	7	9.5
Cincinnati, Ohio.....	34	9.4
Cleveland, Ohio (state court).....	152	8.9
Easton, Pa.....	10	8.7
Ithaca, N. Y.....	2	8.7
Akron, Ohio.....	16	8.0
Iowa City, Iowa.....	1	7.7
Rochester, N. Y.....	57	7.0
Jamaica, L. I.....	39	6.5
Elmira, N. Y.....	1	5.3
Mineola, L. I.....	7	5.2
New York City (U. S. court).....	121	5.0
White Plains, N. Y.....	23	4.3
Worcester, Mass.....	27	4.3
New York City (state court).....	452	4.1
Bronx, N. Y. C. (state court).....	47	3.5
Brooklyn, N. Y. C. (U. S. court)....	47	3.0
Total.....	1,859	7.1

That upward of 13 out of 14—nearly 93 per cent—of alien petitioners for American citizenship, in a total of

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more than 26,000, should have been able to file their final petitions in the same states in which, on an average of more than five years before, they had declared their intention to do so, certainly attests a degree of "stability of residence" comparing favorably with that of other, native-born residents of the country. And it would seem also to justify the inference that those who become naturalized have generally become well assimilated into the life of the communities where they live.

### INTELLECTUAL EQUIPMENT AND OCCUPATION

As for the intellectual equipment and the general usefulness of the aspirants for citizenship represented in the petitions studied, one may infer something from the occupational range shown in an analysis of the petitions for 1913-14 in seven cities,<sup>1</sup> representing a wide variety of locality. This analysis showed, for each of the 17 kinds of occupations listed, the ratio between the number of naturalization petitions filed by persons in those occupations in those cities in 1913-14, and the foreign-born white males in those occupations in those cities as shown by the census of 1910. Perhaps the most striking fact emerging from this analysis, illuminating to those who have supposed that the naturalization process swept into citizenship the dregs of immigration, is that the smallest percentage is shown in the class of common labor; the highest in the grade of executives, and the preponderance throughout attaching to trades requiring a degree of dexterity and general intelligence and information, if not technical training. It is unsafe, however, to infer too much from these per-

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<sup>1</sup> New York (boroughs of Manhattan, Bronx and Queens), Cleveland, Cincinnati, Bridgeport, Paterson, Portland (Oregon), and Rochester (New York).



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centages, because of the relatively small numbers represented in some of the classes, and the large proportions accredited to the garment trades and to "retail dealers," among whom, doubtless, there were many mere peddlers. The distribution of occupations is here set forth in the order of the percentages:

### TABLE XXVIII

LIST OF PRINCIPAL OCCUPATIONS REPRESENTED IN PETITIONS FOR  
NATURALIZATION FILED IN SEVEN CITIES, 1913-14; SHOWING  
RATIO BETWEEN NUMBER OF PETITIONS AND TOTAL OF FOREIGN-  
BORN WHITE MALES IN THOSE OCCUPATIONS IN THOSE CITIES  
IN 1910

OCCUPATIONS	NUMBER OF PETITIONERS IN THOSE OCCUPATIONS	RATIO TO FOREIGN BORN IN THOSE OCCUPATIONS
Total.....	9,930	3.0
Managers and superintendents.....	154	7.1
Chauffeurs.....	176	5.9
Tailors.....	2,120	5.3
Clergymen.....	67	4.7
Bartenders.....	248	3.6
Plumbers.....	193	3.6
Barbers.....	372	3.2
Bakers.....	328	3.1
Retail dealers.....	2,103	3.1
Painters and glaziers.....	514	3.1
Carpenters.....	779	3.0
Salesmen.....	591	2.8
Manufacturing and officials.....	511	2.7
Blacksmiths.....	161	2.7
Motormen.....	92	2.4
Brick and stone masons.....	219	2.2
Laborers.....	1,302	1.5

Analysis of the entire total of 26,284 petitions from which the data were obtained shows a general occupation distribution as follows:

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## TABLE XXIX

NUMBER AND PER CENT OF PETITIONERS IN EACH OCCUPATION

OCCUPATIONS	PETITIONERS	
	Number	Per Cent
Total.....	26,284	100.0
Manufacturing and mechanical industries.....	15,335	58.3
Trade.....	4,427	16.8
Domestic and personal service.....	2,382	9.1
Clerical.....	1,388	5.3
Transportation.....	1,010	3.8
Professional service.....	1,026	3.9
Agriculture, forestry, and animal husbandry.....	454	1.8
Public service.....	170	0.6
Extraction of minerals.....	40	0.2
No information.....	52	0.2

### GENERAL CONCLUSIONS

Certain inferences and conclusions seem to be warranted on the whole by the examination and analyses in this chapter and that preceding it, of the compilations of the United States Census, the Immigration Commission of 1907, the Naturalization, Bureau and the Americanization Study.

First, and most important, is the destruction of the legendary presumption of some change for the worse in recent years in the inherent character-quality of immigration to this country, and in the attitude of the typical immigrant of those years toward American citizenship. There has been no such change; indeed, if there is any substantial difference in "quality of assimilability" between the "older" races and the newer, *it is in favor of the latter.*

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Second, it is evident that such difference as exists among races is not an inherent racial quality, but a *difference between the political, social, and economic conditions at the time of migration in the country of origin*. Those nations whose people are most free from tyranny and oppression and most contented with the conditions under which they live at home, send the fewest immigrants to America; their emigrants come at a later age, and when they do come they retain longest or altogether their original citizenship.

Third, and broadly corollary, is the fact that the major, not to say exclusively, controlling factor in the political absorption of the immigrant is *length of residence*. The longer the individual lives in America the more likely he is to seek active membership therein.

Fourth, the interval between arrival and petition for naturalization—or even the original declaration of intention—is much longer than has generally been supposed. The average immigrant, regardless of racial extraction, does not concern himself about political privileges or activities until after long years of residence and the attainment of a considerable degree of permanent social and economic status.

Fifth, knowledge of the English language at the time of arrival is not a material factor in determining the rapidity with which the individual seeks citizenship. On the contrary, those of other tongues who have been in the United States as long as those whose mother speech is English show even greater interest and a higher rate of naturalization. In the ordinary case, by the time the immigrant of any race has been in this country long enough to reach the normal stage of interest in naturalization he has acquired a good working knowledge of the language.

Sixth—and from the common-sense point of view it ought to occasion no surprise—is the evident influence

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upon the display of "civic and political interest" as shown in the desire for citizenship, of social and economic conditions in this country as they practically affect the individual. Whether from northwestern or from southeastern Europe, whether from the so-called "recent" or "older" immigration, the racial groups show a slower desire for citizenship and a lower rate of naturalization while they are employed in the more poorly paid industries; both the individual interest and the rate increase as the individuals toil upward in the social and economic scale.

The inherent thing in the racial quality, experience, and character of the immigrant that leads some to seek citizenship earlier than others, the essential element in the "quality of assimilability," in the display of "civic and political interest," is a human thing, which lies, and always has lain, broad upon the face of nearly all of the statistical tables over which students have labored so intricately and pontificated so solemnly—in some instances so absurdly. It is a thing so obvious that it is difficult to understand why so many of them have overlooked it.



## IX

### CITIZENSHIP VIA MILITARY SERVICE

WE do not yet realize—perhaps we never shall fully realize—the profound effect upon the whole structure of our political life, and especially upon the quality of our citizenship, wrought by the World War. One effect, however, stands forth clearly: the war has destroyed the underpinning of the great structure of hand-picked citizenry which, during twelve years of arduous labor and scrupulous straining of technicalities, was built up by the Naturalization Bureau and the courts on the basis of the Naturalization Law of 1906, and turned into solemn farce most of the pontifical preachments by which that policy was justified. Almost overnight the whole long campaign for the establishment of an educational standard of admission, the system of technical exactitude of papers and microscopical scrutiny of the antecedents, length of residence, and even the personal opinions of applicants, and of the competency of their witnesses, and so on, was nullified. Aliens, helter-skelter, hit-or-miss, were swept into full citizenship to an aggregate well-nigh half as large as the whole number admitted previously during the entire period of the existence of the Naturalization Service.

When the United States entered the war, early in 1917, the instant necessity of raising a stupendous army swiftly out of our heterogeneous population injected an unprecedented factor into the question of naturalization. The body of native-born citizens, even together

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with the great mass of those among the foreign-born who were naturalized, was not sufficient. Aside from that, there were considerations of another character; such, for example, as were set forth by the Provost Marshal General of the Army:<sup>1</sup>

As soon as the estimates of population made by the Census Bureau had been received, it began to be apparent that the rule of the Selective Service Act, which based the apportionment of quotas on total population, and yet drew the quotas from citizens and declarants only, would operate quite differently upon communities having largely differing percentages of aliens in their population. In certain local-board jurisdictions, in which the element of alien population exceeded 30 per cent of the total, the burden placed upon the citizen population was very great. . . . If in two communities of equal population the citizen population of one were 100 per cent of the whole and in the other 50 per cent, the remainder being composed of aliens, the two communities, though equal in population, in resources, in industries, and in need of labor, the efforts, and the enterprise of men of military age, would fall under a very unequal tax upon their man power. The all-citizen community would be required to furnish twice as many men as the half-citizen, half-alien community.

### POSITION OF THE ALIEN SOLDIER

The Provost Marshal General<sup>2</sup> reported 1,243,801 aliens registered under the first draft, and estimated that of these (21-30) nearly half a million (457,713) had been called for examination, and 16.72 per cent—nearly 17 out of every hundred—certified for service; a few in ignorance of their right to exemption, but virtually all of them voluntarily waiving that right.

The position of the aliens, even if they had declared their intention to become citizens, was unenviable.

<sup>1</sup> *Report of the Provost Marshal General, 1917, p. 21.*

<sup>2</sup> *Ibid.*, p. 53, Table 26.

## CITIZENSHIP VIA MILITARY SERVICE

They still owed technical allegiance to European sovereignty—many of them to the nations with which we were formally or practically at war. Many of them were of the cobelligerent nations known as “the Allies,” but were here in evasion of military-service laws or other embarrassing legal obligations at home, making personally undesirable their return to the old country; and as for those of German, Austrian, Bulgarian, or Turkish nationality, there was for them short shrift—upon capture while fighting against armies of the Central Powers—only the dismal certainty of summary execution as traitors. Their only possible shadow of protection would lie in completed American citizenship.

Furthermore, there was the fact that only American citizens are eligible for commissions as officers in the military service of the United States; but in the new army, and the augmented navy and marine corps—to say nothing of the merchant marine—a very large number of officers would be needed. This last consideration seems to have been the one which chiefly impressed the Commissioner of Naturalization; for, in his explanation of the necessity for the legislation of May 9, 1918, which let down the bars to citizenship for the benefit of aliens and declarants taken into the military service of the nation, he twice refers to it:<sup>1</sup>

No man engaged in the actual military and naval operations of our country can attain to the rank of commissioned officer unless he be an American, either by birth in the United States or by naturalization therein, irrespective of his training or qualifications. As this restriction, made for peace times, was no less a detriment to the country in limiting its range of selection for commissions to citizens than to those who demonstrated their efficiency, legislative action was taken to remove this restriction. . . .

<sup>1</sup> *Annual Report of the Commissioner of Naturalization*, June 30, 1918, pp. 3, 31.

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. . . The foreign-born residents of the United States, non-declarants and declarants, had not claimed exemption from military service because of their alienage; but, unless he could claim full American citizenship, none of them, however valiantly he might fight, could receive a commission as an officer, which is the laudable ambition of every soldier.

### REVOLUTIONARY LEGISLATIVE ACTION

The revolutionary character of the legislative action with which Congress undertook to meet the situation in its various aspects is apparent in the description of it given by the Commissioner of Naturalization in this same report:<sup>1</sup>

Another authority which Congress conferred upon the Bureau in aid of the national undertaking in Europe was a new code of procedure by which recognition should be given to certain foreign residents of the country . . . that eliminated the delays so necessary in the general provisions of the naturalization law. The requirement for posting petitions for naturalization for at least 90 days before the court could acquire jurisdiction of them for the purposes of admitting the applicant to citizenship was so changed as to admit of the hearing of the petition for naturalization, filed by members of certain enumerated exempted classes, without any delay, the time for hearing being dependent only upon the convenience of the court.

The Act of May 9, 1918, authorized petitions for naturalization and immediate hearing for any alien who serves in the military or naval branches of the Government, upon any United States vessel, any vessel of the American merchant marine, or anyone honorably discharged from the National Guard of any State, Territory, or the District of Columbia, within six months after honorable discharge therefrom. It repealed the provisions of the law that previously extended

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<sup>1</sup> *Annual Report of the Commissioner of Naturalization*, June 30, 1918, pp. 30-31.



## CITIZENSHIP VIA MILITARY SERVICE

the right of an alien to petition for naturalization after an honorable discharge from the military or naval branches of the Government at any time after such honorable discharge, and, with few exceptions, reduced the period of time to six months after such service and honorable discharge. The provisions of the law heretofore existing were saved to those holding honorable discharges from the military service where the service was performed prior to January 1, 1900. This provision was included in the law for the distinct purpose of preserving to the veterans of the Civil and Spanish-American Wars the rights which previously had been given to them. The number of aliens now holding discharges from military service prior to the date stated who have not applied for and received American citizenship is small and constantly being reduced.

To accomplish the provisions of this code of procedure it was necessary to create a corps of examiners to aid in the administration of a new statute under conditions wholly strange and different from those ordinarily prevailing. The law requires, very properly, that each candidate for naturalization whose immediate hearing is contemplated shall appear before a representative of this Bureau before filing his petition for naturalization. This particular provision has made it possible for the machinery of the law to operate with the minimum of friction. Indeed, there has been no friction at any point in this new code.

The War Department presented the largest number of candidates for naturalization under the new law. Their location and distribution were general throughout the United States, extending from points in Maine, throughout the country, to the Pacific coast, in the various cantonments, army camps, posts, and military stations. So insistent was the demand for immediate action to naturalize the soldiers of foreign birth in our ranks, in order to enable units to move solidly and prevent dismemberment, that the Bureau detailed immediately such of its experienced officers as it could spare to take charge of instructing the newly appointed examiners, even though their removal from their regular stations resulted in embarrassments to courts, court officials, and thousands

## AMERICANS BY CHOICE

of candidates under the general provisions of the law. From various sources throughout the United States men qualified in law and typewriting were nominated by citizens interested in accomplishing this great need for our military forces. In less than two weeks the process of naturalization had begun in many of the cantonments, and by the end of June, 63,993 soldiers had become entitled to all of the rewards of the American soldier by having citizenship conferred upon them.

The necessity of this legislation was clearly shown by the report of the Provost Marshal General, from which it appears that there were 123,277 soldiers not naturalized. This total comprised 76,545 foreigners who had not declared their intention, and 46,732 declarants.

### CITIZENS AT HEART BUT "ENEMY ALIENS"

A very important by-product of this legislation went to the benefit of persons of foreign birth, long resident—many of them practically life-long residents—in the United States, but still aliens, and many of them enemy aliens, in those states which at that time permitted voting upon the declaration of intention without the completion of naturalization. In many thousands of such cases, these persons, technically aliens, not only had sons and grandsons in the military service of the nation as volunteers or willingly drafted soldiers, but were themselves of the highest degree of loyalty, enlisted to their last ounce of energy and resources in the country's cause, and in good faith believing themselves to be citizens in full standing for every American purpose.<sup>1</sup>

An important provision of the Act of May 9, 1918, had for its purpose the relief of those subjects of the Central Powers who are able to establish their loyalty to the United States. Ever since the States of Indiana, Missouri, South Dakota, Nebraska, Kansas, Arkansas, and Texas have been admitted

<sup>1</sup> *Annual Report of the Commissioner of Naturalization*, June 30, 1918, p. 33.

## CITIZENSHIP VIA MILITARY SERVICE

to statehood, aliens have been allowed to vote under the constitutions of these States upon the making of their declarations of intention to become citizens of the United States. In several other States this condition prevailed, but in recent years there have been such changes in the constitutions of all of the States, except the seven named, that the franchise is limited to American citizens. With the operation of the provisions of the law requiring alien enemies to register there were disclosures of hundreds of thousands of loyal residents of the United States who believed themselves to be citizens, but were found never to have completed their naturalization. Cases have been reported of unnaturalized foreign-born residents of the United States who have lived here over 70 years; persons who were brought here as infants by their parents and who settled in those States where foreigners have always enjoyed the right of franchise. Instances were shown of those who had fought in the Civil War; where they had held offices of trust and responsibility, both of an elective and appointive nature, such as members of the State legislatures, mayors, judges, postmasters, and in other capacities. The registration required of persons born in the Central Powers, who had not completed their American citizenship, disclosed the most shocking state of affairs. Men and women who have their children and grandchildren in the military forces of the United States were disclosed as being not only as aliens but enemy aliens; with no means for removing the stigma.

The relief provided by Congress permitted such alien enemies to be naturalized under certain restrictions which need not now be detailed, except to mention that the Bureau of Naturalization was empowered to interpose objection in any case at its discretion, and obtain continuance at its pleasure.

As was pointed out by Representative Howland of Ohio, in 1910, in hearings before the House Committee on Immigration and Naturalization, there has always been a public sentiment in favor of allowing honorably discharged soldiers to vote, regardless of naturalization. Both such soldiers and their children have in good faith

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believed themselves to be citizens. It appeared in those hearings, by the way, that no requirement of citizenship for enlistment in the army, navy, or marine corps had existed in the United States until 1894, when an Act was passed,<sup>1</sup> providing that at least a declaration of intention should be required for a first enlistment. This was suspended during the Spanish-American War, but reinstated in force after the close of that war.<sup>2</sup>

Representative Meeker of Missouri presented to the House of Representatives in the summer of 1918 the results of a personal inquiry regarding the attitude of the nations of the world regarding the relations between citizenship and military service.<sup>3</sup> Space is not here available for even an outline of what this inquiry discloses; suffice it to say—though it is obvious enough—that never in the history of any modern nation save this has there been a wholesale sweeping into citizenship, by reason of military service alone, of a very large number of aliens upon an exhibit of qualifications consisting in the last analysis of ability to pass the physical tests of admission to the military service of the nation.

True, the form of an inquiry as to character and fitness was maintained; but the fact is substantially, that not only was full citizenship conferred upon every foreign-born soldier who desired it, but appreciable moral pressure, to say the least, was exerted to induce many to accept who cared nothing about it or perhaps did not want it, as well as upon large numbers who had but scant understanding of what it was all about. A few definitely refused to be naturalized, for reasons vari-

<sup>1</sup> Section 2, Act of August 1, 1894 (*United States Statutes-at-Large*, 216).

<sup>2</sup> Section 12, Act of March 2, 1899 (30 *United States Statutes-at-Large*, 979).

<sup>3</sup> Speech of Jacob E. Meeker, M.C., of Missouri, July 12, 1918. Reprint from *Congressional Record*; Government Printing Office, 1918.



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ously stated and interpreted; a few could not get the required indorsement of their officers (who in absence of others were accepted as witnesses); on the whole, however, it may be said that the mass of those admitted under the "military naturalization" procedure knew well enough what was happening, welcomed it gladly, and were proud of the new status thus suddenly conferred upon them. There is no purpose here to criticize or demur to what was done; but it should be clearly understood that it went far to overturn and nullify all the elaborate procedure of hypercritical precaution, so carefully constructed by the Naturalization Service during twelve years, to the end of straining out of the raw material of adopted citizenry every gnat of alien disqualification.

### ALL SAFEGUARDS ABANDONED

In the previous year, 1917-18, even though the war was already in full blast, of 12,182 petitions denied more than two-thirds (8,422) were denied for the strictly technical reason of "incompetent witnesses," "declaration invalid," and "want of prosecution," and only 1,720 for "immoral character" and "ignorance." In the last year before the outbreak of the war (the fiscal year ending June 30, 1914), of 118,572 petitions disposed of, 13,133 were denied, most of them (8,986) for these three reasons; only 1,735 for reasons going definitely to the question of character and personal fitness embodied in "immoral character" and "ignorance." These figures are cited only to emphasize the fact that up to the moment of the installation of the system of military naturalization—and even after that time outside of that system—the policy of meticulous vigilance was maintained. In the six or seven weeks between the enactment of May 9th and the end of the fiscal June 30, 63,993 soldiers of foreign birth were

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scooped into citizenship complete for every purpose. One year later, June 30, 1919, the total number of these military naturalizations had reached 128,335. The total number of petitions granted in the entire period 1908-18, even including the military naturalizations up to July 1, 1918, had been only 848,777.

Under the provisions now in view, aliens generally, who were in the army, navy, marine corps, or United States merchant marine, who had made declarations of intention, could be naturalized without proof of five years' residence in the United States, if it could be shown that such residence could not be established; aliens in the military service during the war could petition for naturalization without previous declaration or proof of residence, and the machinery of naturalization, hitherto enlisted in the cause of delay, was now devoted to every possible expedition. Hearings were as nearly immediate as possible. Aliens who had been accepted previously into the military or naval service on condition of becoming citizens were required to prove only three years' residence. Honorable discharges from previous service were accepted as evidence of both residence and satisfactory character when supported by the evidence of two witnesses, and where such persons were actually in the service there was complete waiver of the requirement of certificates of arrival, as well as of the usual ninety days' posting and the statutory interval of thirty days before an election.

The proceeding might be held in the most convenient court. Persons, other than enemy aliens, who had erroneously believed themselves to be citizens, who had lived in the United States for at least five years preceding July 1, 1914, could be naturalized without declaration of intention. And the payment of any fees was excused in applicants in the military service, except in those states where the clerk of court is required to turn

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into the state treasury his half of the receipts; in those states only that half needed to be paid.

### ALL RACE RESTRICTIONS REMOVED

Furthermore, the effect of the law was such as to remove the racial restrictions, so far as soldiers were concerned. A number of Japanese and Chinese aliens were admitted to citizenship under the military naturalization law. A dispatch to the Associated Press from Honolulu, dated February 14, 1919, cited Judge Horace Vaughan, of the United States District Court for Hawaii, as having "already granted naturalization to 184 Japanese who entered the service," and as holding that they were entitled to citizenship under the law. Indeed, the law does say, repeatedly, "*any* alien."

It was provided, too, that any American citizen, native or foreign-born, who, as would have been the case under previously existing law, had lost or might be deemed to have lost his citizenship by enlistment and oath of allegiance to another sovereignty in the military service of "any country at war with a country with which the United States is now at war" might fully and forthwith restore his American citizenship simply by taking before any United States consul, or any court having authority to confer citizenship, the oath of allegiance to the United States.

In a word, the Act of May 9, 1918, overturned everything the Bureau of Naturalization and the courts had been contending for and making into law at great expense of time, money, and devoted labor. The bars were not simply let down; they were obliterated.

### ORDINARY NATURALIZATION DISRUPTED

"The soldier naturalization work completely disrupted," says Commissioner Campbell, "the other

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naturalization work that arose in the courts under the general provisions of the naturalization law, almost the entire force of naturalization examiners being necessary for the task," . . . "even though their removal from their stations resulted in embarrassment to courts, court officials, and thousands of candidates for naturalization under the general provisions of the law."

It is impossible at this time to say, or even to estimate with any degree of confidence, how many of the aliens, thus hurriedly naturalized, actually saw the battle lines in Europe, or even endured the perils by sea involved in transport to the other side. A large number of them never got farther from home than the army camp to which they were first sent. No statistics on this subject have as yet been collated, or perhaps ever will be. It is the impression of the Naturalization Service, doubtless justified by the fact, that the majority of the foreign-born soldiers thus naturalized at the camps actually did get overseas, even though the armistice prevented their ever further imperiling their lives for the country and flag to which they had thus twice sworn allegiance. The main reason for the haste was, as the Commissioner says, to finish the naturalization of the alien members of units in time for embarkation. The courts engaged in this work at the large encampments, and particularly at the points of rendezvous for embarkation, worked overtime. Eight courts were used at Newport News alone. Every effort was bent to catch the men before they went overseas; in many cases aliens thrown into casual units were quickly naturalized for the special purpose of permitting them to catch up with their own organizations.

"Enemy aliens," as a rule, were handled separately. In one "job," 855 Serbs and Rumanians from Transylvania, which was then a part of Austria-Hungary,



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were turned in a trice into full-fledged American citizens.

Many got away without being naturalized, but made up for it when they came home again, not a few with wound stripes to reinforce their title to the new privilege. There were naturalizations even in the hospitals, where men in beds raised their right hands to take the oath of allegiance. Little doubt about *their* knowing what they were doing.

On the other hand, undoubtedly there were many who did not at all understand. At one of the large hearings at one of the far Western camps surreptitiously brought their certificates of naturalization to two women investigators for one of the Government War organizations, and wanted to know what they meant.

“Would you be so good as to tell us what these papers are?” they said. “We got some papers before, and had to go to court as witnesses. We had a great deal of trouble. We would like to know if these papers will get us into more trouble.”

### STATISTICS OF ALIEN REGISTRATION

The total registration under the operation of the Selective Service Act, during the whole period, June 5, 1917–September 12, 1918, according to the report of the Provost Marshal General,<sup>1</sup> was 23,908,576. Of these registrants—roughly speaking, one-fifth of the total population of the United States—20,031,493 were citizens; 3,877,083 were aliens. Of the citizens, 1,336,967 (6.67 per cent) were foreign-born and naturalized. Of the aliens, about one in three (1,270,184—32.76 per cent) had declared intention to seek citizenship. More than two and one-half millions (2,606,901—67.24 per

<sup>1</sup> *Second Report of the Provost Marshal General to the Secretary of War, 1918, p. 89.*

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cent) were aliens out-and-out, still owing full allegiance to other sovereignties, and of nationality, so far as the war was concerned, divided as follows:

TABLE XXX

ALLEGIANCE OF ALIENS REGISTERED UNDER THE SELECTIVE SERVICE ACT<sup>1</sup>

	NUMBER	PER CENT
Total registration.....	3,877,083	100.00
Ages 21-31.....	1,703,006	.....
Ages 18-20, 32-45.....	2,174,077	.....
Cobelligerents (the Allies).....	2,228,980	57.49
Ages 21-31.....	1,021,063	.....
Ages 18-20, 32-45.....	1,207,917	.....
Neutrals.....	636,601	16.42
Ages 21-31.....	249,034	.....
Ages 18-20, 32-45.....	387,567	.....
Enemy and allied enemy.....	1,011,502	26.09
Ages 21-31.....	432,909	.....
Ages 18-20, 32-45.....	578,593	.....

We have no figures to show how many of those aliens and declarants registered in the registration of September 12, 1918, were below the age of 21 years; therefore it is not possible to say just what proportion were available for naturalization under the special provisions of the law of May 9th. The previous registration had applied altogether to men above the age of 21, and of course all of those in the subsequently registered class 32-45 were naturalizable so far as age was concerned.

The classification of registrants under the registra-

<sup>1</sup> *Second Report of the Provost Marshal General to the Secretary of War, on the Selective Service System to December 20, 1918, p. 90, Table 23.*

## CITIZENSHIP VIA MILITARY SERVICE

tion of September 12, 1918, never was completed, being stopped by the armistice of November 11th; therefore the availability for service of the citizens and aliens has been reported only for those between the ages of 21 and 31. Of the 1,703,006 aliens and declarants of this age classification, a little less than one in three (538,363—31.61 per cent) had declared intention. The fitness of these for service is shown by the following analysis:

TABLE XXXI  
FITNESS FOR SERVICE OF ALIEN REGISTRANTS<sup>1</sup>

	NUMBER	PER CENT
Placed in Class I.....	414,389	24.33
Declarants.....	160,594	29.64
Nondeclarants.....	253,795	21.79
Placed in deferred classes.....	1,288,617	75.67
Declarants.....	377,769	71.36
Nondeclarants.....	910,848	78.21

<sup>1</sup> *Second Report of the Provost Marshal General to the Secretary of War, on the Operations of the Selective Service System to December 20, 1918, p. 91, table 25.*

### ALIENS AND MILITARY SERVICE

As the Provost Marshal General says, in discussing the intricate legal situation which the legislation of May 9, 1918, was calculated in part to meet, "it was realized that, from the point of view of international law, not all aliens stood on the same footing in this country." He analyzed the differences as follows:<sup>1</sup>

(a) An alien occupying a diplomatic post enjoys immunity from military service, as well as from many other burdens,

<sup>1</sup> *Second Report of the Provost Marshal General to the Secretary of War, on the Operations of the Selective Service System to December 20, 1918, p. 88.*

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for he is the representative of a foreign country, present by consent and invitation, and is protected by a number of privileges not enjoyed by a private citizen. Diplomatic privileges do not extend to consuls, as they are not diplomatic officers, but merely representatives for commercial purposes.

(b) A transitory alien friend cannot be compelled to serve other than mere police duty, for otherwise commercial intercourse would be interrupted and the person might be required to aid a country in which he is a stranger.

(c) An alien friend who is domiciled, that is to say, who is a permanent resident, can be compelled to serve, for otherwise he would receive the benefits of the government without sharing the burdens. An alien's declaration of intention to become a citizen, though it does not make him a citizen, is conclusive evidence that he is properly to be considered a permanent resident.

(d) An alien enemy cannot be forced to serve, for otherwise he would be compelled to fight against his own country.

(e) A national of a country with which the United States has a treaty containing appropriate provisions may enjoy exemption from compulsory military service. Some of our treaties exempt all of the citizens of each of the high contracting parties. Others exempt only certain designated classes.

The situation described in paragraph (c) was the one under force of which Congress, in the Selective Service Act of May 18, 1917, based the draft "upon liability to military service of all male citizens, or male persons, not alien enemies, who have declared their intention to become citizens," between the designated ages. As the Provost Marshal General pointed out in his first report, heretofore quoted, the exemption of alien nondeclarants would have created great injustice in the enforcement of the local quotas in states and regions disparate in the ratios of native born and aliens; therefore, in legislation of May and June, 1918, Congress changed the basis of apportionment to meet this inequity, and incidentally



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so that thereafter it became incumbent upon the alien to bear the burden of proof of his right to exemption.

It is fair to assume, as the Provost Marshal General said,<sup>1</sup>

that it was impossible for the local and district boards or any other governmental agencies independently to ascertain whether or not a registrant was a nondeclarant alien, because such an inquiry would involve a search of the records of the naturalization courts, Federal and state, throughout the entire country<sup>2</sup> to ascertain a negative—*viz.*, whether a person had not declared his intention (“an obviously impossible and absurd inquiry,” as one judge has said). . . . The regulations and instructions required local and district boards to give every alien . . . a full and fair hearing, or a full and fair opportunity to be heard, on any claim of exemption that he might have. . . . Local boards were authorized to inquire into the status of any registrant where they had reason to believe that the particular registrant was a nondeclarant alien and had failed through ignorance to claim exemption, and, if such were found to be the case, the boards were required to exempt him.

Legal advisory boards were established to aid registrants—the courts generally upheld the right of out-and-out aliens to exemption—moreover, in regions where there were large numbers of aliens, the local draft boards often, if not usually, included men of foreign race or descent as well as men interested in and closely familiar with the foreign-born population, who took every pains to inform the ignorant and protect them in their rights. On the whole, it is highly probable that the spirit of the law in this regard was substantially observed

<sup>1</sup> *Second Report of the Provost Marshal General, 1918, p. 95*

<sup>2</sup> A complete and current index of declarants in the Naturalization Bureau at Washington would have made this a simple matter—but such an index never was up-to-date, and even the attempt to keep it at all was abandoned altogether in 1915–16, as the Commissioner acknowledged in his report for that year.

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throughout the country. The Naturalization Bureau—virtually helpless as it was to prove or disprove claims of alleged nondeclarants—had referred to it more than 50,000 cases.

### FOREIGN BORN EAGER TO SERVE

The Provost Marshal General declares that “the mass of foreign-born residents were themselves permeated by the spirit of readiness to waive their exemptions and voluntarily accepted the call to military service.”<sup>1</sup>

Thousands of nondeclarant aliens of cobelligerent and even of neutral origin welcomed the opportunity to take up arms against the arch enemy of all; the records of correspondence in this office contain eloquent testimony to this spirit. The figures of alien classification indicate this, and the local boards report explicitly that the number of nondeclarant aliens waiving their exemption was very large (191,491).

There came eventually into being a “Foreign Legion,” made up principally of nondeclarant aliens, a large proportion of whom, because of birth within the territorial sovereignty of Austria-Hungary, were technically enemy aliens. Their spirit is well exemplified in a letter written by one such “enemy alien” at a time before the army had awakened to the fact that these men, whatever the technicalities of the prevailing political geography might seem to show, were Allies in spirit, with better cause to fight their titular sovereign than any other sort of American; the author was a Jugoslav, who had been offered exemption because of his “Austrian” nationality:

. . . I received the civil clothes sent from Cleveland, and at the same time a thought occurred to me which never left me—that I should feel ashamed to leave the army and go back to civil life. Indeed, how I love my young, healthy life, how I long to be free again, going my own ways without hearing the

<sup>1</sup> *Second Report of the Provost Marshal General*, 1918, p. 96.

## CITIZENSHIP VIA MILITARY SERVICE

command of another. But alas, am I justified to think of my own liberty and happy life, when the moment is here that calls on every young man to give liberty to others? Away, you selfish thoughts. On into the battle: I am a Slovene myself, and my fathers and grandfathers never had an opportunity to fight for liberty. Indeed, they fought for hundreds of years under the command of Hapsburgs to continue slavery and tyranny. . . . Good by, my beloved young life; I shall not return to my happy home until the day has come when I can proudly see the liberated Jugoslavia in a liberated world. Then I shall return, conscious that I have done my bit. If I shall perish—I am afraid I will—let it be so; the only thing I am sorry about is that I don't possess hundreds of lives, giving them all for liberty.

Dear brother, the suit of clothes you sent me I sold to-day to a man for thirty dollars, who thinks less than I do.

The provisions for immediate naturalization turned the "Foreign Legion" into a legion of citizens, and took out of the category of aliens thousands of men of like spirit. As for those of neutral nationality who withdrew their declarations of intention in accordance with the provision made by Congress, and lapsed into purely alien status, the following tabulation from the second report of the Provost Marshal General, although only partially complete, is illuminating:<sup>2</sup>

TABLE XXXII

NEUTRALS WITHDRAWING FROM THE SERVICE

Total neutral alien declarants registered June 5, 1917-Sept. 11, 1918.....	77,644
Placed in deferred class (66.62 per cent).....	51,726
Placed in Class I.....	25,918
Exempted on withdrawal of declaration.....	818

In this group only three per cent availed themselves of the privilege.

<sup>2</sup>*Second Report of the Provost Marshal General, 1918, p. 102, Table 30.*

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Of the significance and extent of the response to the opportunity for immediate naturalization, the Provost Marshal General says:<sup>1</sup>

One test of the spirit of loyalty among aliens may be found in the number of naturalizations applied for and granted to registrants since the United States entered the war. Such action inspires a sentiment of admiration for their readiness to enter the war in the service of their adopted country. The Bureau of Naturalization reports that the total number of naturalizations in the United States between October 1, 1917, and September 30, 1918, was 179,816; and that since the passage of the Act of May 8, 1918, the number of naturalizations accomplished in camp, up to November 30, 1918, was 155,246. And there were only 414,389 aliens placed in Class I up to September 11, 1918 (including declarants and non-declarants), and as a large portion of these must have gone overseas prior to June, 1918, it is plain that the opportunity for naturalization found a hearty response from the great majority of aliens to whom it was offered.

### AUSTRIANS WHO WERE NOT FOR AUSTRIA

Concerning the technically enemy aliens of the Austro-Hungarian allegiance, the same report shows that when Austria-Hungary became an enemy nation in December, 1917, it affected the status of some 239,000 registrants, and that thereupon the camps were found to contain "thousands of Austro-Hungarian declarants, not deferred on ordinary grounds, and also a large number (probably about 9,000) of Austro-Hungarian non-declarants who had waived their alienage exemption."<sup>2</sup>

"A great majority of these men," says the Provost Marshal General, "were of the oppressed races of Austria-Hungary, and therefore sympathetic with the cause of the Allies and ready to remain in camp." As

<sup>1</sup> *Second Report of the Provost Marshal General, 1918, p. 102.*

<sup>2</sup> *Ibid.*, pp. 104, 105.



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an evidence of this the report cites the fact that in one camp, regarded as typical in absence of complete returns called for by the Adjutant General of the army in October, 1918, as to the aliens who desired discharge or were suitable for discharge under the head of enemy aliens:<sup>1</sup>

Out of a total of 1,589 aliens in this camp in October, 1918, only 289 asked for discharge when the opportunity was offered, or less than 20 per cent. Of these aliens, 383 were technically enemy aliens, virtually all being either of Austro-Hungarian or of Turkish allegiance; and 139, or a few more than 36 per cent, applied for discharge. Of the cobelligerent aliens, 1,006 in all, and composed almost entirely of British, Italian, and Russian subjects, only 24 applied for discharge, or a little more than 2 per cent. Of the neutral aliens, 200 in all, 84 applied for discharge, or 42 per cent. These contrasts between the several groups show just such cleavage as we might expect. The general figures indicate how slight was the disposition of these alien groups to withdraw from the opportunity of taking arms against the world foe.

### THERE WAS HUMAN WAR-TIME PSYCHOLOGY

It would have been less than human, in the hectic state of public feeling conditioning all the preparations for war, had there not been instances—perhaps very many instances—in which aliens were enlisted in spite or in ignorance of their right to exemption; in which they were virtually forced by local sentiment, displayed in various more or less illegal and outrageous ways, to join the army; but, on the whole, those who either actually or by default waived their exemption were willing soldiers, and their performances were quite equal in fidelity and courage to those of the native-born or naturalized citizens.

<sup>1</sup>*Second Report of the Provost Marshal General, 1918, pp. 101, 102.*

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The Provost Marshal General is to some degree candid about this:<sup>1</sup>

That the boards occasionally allowed themselves the patriot's privilege of pleading with the man who had not fully reflected on his duty is not to be doubted. An Italian was about to claim exemption on account of alien citizenship.

"Are you sure you want to do this?" asked the chairman of the board.

"Why not?" was the inquiry.

"There are two reasons," said the official. "One is the United States, the other is Italy. Two flags call you to the colors. There is a double reason for you."

"I'll go," he said.

But that the boards should be disparaged for thus at times taking on the attitude of a recruiting officer no one would maintain. Here, as in all other incidents of the draft, the situation varied somewhat in different localities; and without a doubt there were rare and sporadic local instances of carelessness and of bias which led to improper inductions. . . . These various instances of induction of nondeclarant aliens, whether properly or improperly made, led to a number of diplomatic protests on their behalf by the representatives of foreign governments. The number of these protests reaching this office from the Secretary of State was some 5,852 in all.

### DIPLOMATIC REQUESTS FOR EXEMPTION

The list of these protests is interesting; it is arranged here in the order of the number of cases, but for a fair assessment of the sentiment value involved, one should take into consideration the war status, and the relative proportions, of the nationalities represented in the total registration. These statistics are not in all cases available; but so far as the report of the Provost Marshal General gives them, they are given in the last column:

<sup>1</sup> *Second Report of the Provost Marshal General to the Secretary of War, on the Operations of the Selective Service System to December 20, 1918, pp. 96-97.*

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## TABLE XXXIII

DIPLOMATIC REQUESTS FOR DISCHARGE OF ALIENS, AND TOTAL  
REGISTRATION OF ALIENS, BY COUNTRY OF BIRTH

COBELLIG- ERENTS	NUM- BER OF RE- <sup>1</sup> QUESTS	NUMBER REGIS- TERED <sup>2</sup>	NEUTRALS	NUM- BER OF RE- <sup>1</sup> QUESTS	NUMBER REGIS- TERED <sup>2</sup>
Russia.....	1,433	808,503	Switzerland ...	995	21,888
Italy.....	166	652,971	Spain.....	592	44,320
Greece.....	119	88,831	Norway.....	404	62,656
Portugal.....	65	62,434	Denmark.....	241	33,457
Cuba.....	23	.....	Sweden.....	216	99,995
Great Britain	22	467,468 <sup>3</sup>	Mexico.....	109	192,617
Japan.....	13	56,697	Netherlands...	85	27,190
Brazil.....	12	..... <sup>4</sup>	Persia.....	61	..... <sup>4</sup>
Belgium.....	5	16,701	Colombia.....	7	..... <sup>4</sup>
China.....	5	23,599	Argentina.....	5	..... <sup>4</sup>
Panama.....	4	..... <sup>4</sup>	Ecuador.....	4	..... <sup>4</sup>
France.....	3	18,314	Peru.....	4	..... <sup>4</sup>
Guatemala ...	3	..... <sup>4</sup>	Venezuela.....	4	..... <sup>4</sup>
Honduras.....	2	..... <sup>4</sup>	Chile.....	2	..... <sup>4</sup>
Siam.....	2	..... <sup>4</sup>	Santo Domingo	1	..... <sup>4</sup>
<b>Total.....</b>	<b>1,877</b>	<b>2,228,980<sup>5</sup></b>	<b>Total.....</b>	<b>2,730</b>	<b>636,601<sup>5</sup></b>

ENEMY AND ALLIED-ENEMY	NUMBER OF REQUESTS <sup>1</sup>	NUMBER REGISTERED <sup>2</sup>
Turkey.....	971	81,608
Bulgaria.....	304	19,873
Austria.....	62	751,212
Germany.....	8	158,809
<b>Total.....</b>	<b>1,345</b>	<b>1,011,502<sup>5</sup></b>
<b>Grand total.....</b>	<b>5,852<sup>6</sup></b>	.....

<sup>1</sup> *Second Report of the Provost Marshal General, 1918, p. 400.*

<sup>2</sup> *Ibid.*, p. 399.

<sup>3</sup> This total represents the registration from all the British Empire.

<sup>4</sup> Not separately listed.

<sup>5</sup> Includes nationalities not listed in this table.

<sup>6</sup> *Sic.* as per Reports.

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### RECIPROCAL CONSCRIPTION AMONG COBELLIGERENTS

A large factor in the diplomatic interchanges arising out of induction or attempted induction of aliens into the military service was the situation regarding cobelligerents. It does not call for extended description here; suffice it to say that the policy of reciprocal conscription and of crediting registrants, whether citizens or aliens, with the fact of their enlistment under the flag of any of the Allied nations, largely relieved this situation, so far as the nondeclarant alien was concerned. A collateral development was the upgrowth of desire on the part of representatives of the oppressed races of Central Europe to organize armed forces under their own commanders, and to proceed more or less independently to the battle line. Of this the Provost Marshal General says:<sup>1</sup>

The situation thus presented . . . was finally relieved in part by two measures. In the first place, the War Department conceded that aliens of the oppressed races, who had already enlisted in the Polish foreign legion, should not be required to be discharged and returned to the American draft; but that in future no such enlistment should be sanctioned. In the second place, the Army Appropriation Act authorized the organization of the Slavic Legion . . . into which could be enlisted aliens of the oppressed races—Czecho-Slovak, Jugo-Slav, and Ruthenian (omitting Polish), who were otherwise exempted under the draft. . . . Computations . . . give estimates for the number of males of military age who would have been eligible for enlistment under this act ranging between 188,000 and 330,000.

### OF GERMAN DESCENT, BUT LOYAL AMERICANS

The Provost Marshal General takes occasion to pay high tribute to the thousands of registrants of German

<sup>1</sup> *Second Report of the Provost Marshal General*, 1918, p. 107.



## CITIZENSHIP VIA MILITARY SERVICE

stock who "loyally stood by the American flag," notwithstanding the "natural distrust" at first attending them in public opinion, "and the notorious intrigues of the German government to secure their support." The opportunity afforded to such of them as could satisfy the courts and the Naturalization Service of their loyalty, to become American citizens, was availed of by them in large numbers. It is regrettable that, as the Provost Marshal General says:<sup>1</sup>

Unfortunately, time has not sufficed to analyze the naturalization papers and thus discover the variances between the different nationalities in this demonstration of loyalty to their adoptive country.

### DESERTION, AMONG ALIENS AND CITIZENS

It has been asserted by ill-informed persons representing on the one hand those who attribute inherent deficiencies and evil tendencies to the immigrant as such, and on the other those who seem to think that the immigrant as such is somehow superior to the native-born American, either that the desertions from the army or evasions of military service were inordinately numerous on the part of foreign born as compared with the native born; or, *per contra*, that "the proportion of desertions among the native born is about twice as great as among the foreign born."<sup>2</sup> In point of exact fact and essential justice, neither of these views is justified. The Provost Marshal General deals directly, and with broad justice, with this situation:<sup>3</sup>

Of the 474,861 deserters reported, the registration cards of 185,081 state that they are aliens. Of this number, 22,706

<sup>1</sup> *Second Report of the Provost Marshal General*, 1918, p. 102.

<sup>2</sup> Scott Nearing in *New York Call*, April 24, 1919.

<sup>3</sup> *Second Report of the Provost Marshal General*, 1918, p. 206; Appendix table 77-A, p. 462.

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had declared their intention to become citizens, and were, therefore, subject to draft, while 129,268 had not declared such intention, and were, therefore, on proper proof of alienage, entitled to exemption. There were also 33,107 enemy aliens, who, of course, would not have been accepted in any event.

There are two main reasons for the large proportion of alien desertions. The first is that many aliens, knowing that under the selective-service law (and also, for many countries, by treaty) they were entitled to exemption, believed that, by stating on the registration cards that they were aliens, they had performed their full duty with respect to the draft; they ignored the regulations which required them to submit proof of alienage. The second is that many of them did not speak English, were ignorant of the laws and customs of this country, did not know that they were required to keep their local boards informed of their addresses, and failed to realize their obligations to this country under the selective-service law. And the difficulty experienced by the local boards in reading and writing their names frequently caused the mail notices addressed to these registrants to go astray.

Apart from the foregoing explanations, however, which would suffice to show that such aliens did not desert in the ordinary sense, but merely failed to come forward to claim their exemption, there was undoubtedly a large exodus of aliens from some of the border states, and those near to the seaboard, where the easiest course for these ignorant and misguided persons seemed to lie in flight beyond the national boundaries.

The figures upon which the Provost Marshal General thus comments are given by him in Table XXXIV.<sup>2</sup>

It is clear from these figures, and regardless of the allowances made by the Provost Marshal General, as quoted above, that nearly 11 out of every 100 aliens registered, as against a little more than 3 out of every 100 citizens, who, in one way or another evaded or sought to evade the draft; also that it is simply not true that

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<sup>2</sup> *Second Report of the Provost Marshal General*, 1918, p. 206, Table 77.

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“the proportion of desertions among the native born was about twice as great as among the foreign born.” True, the citizen-deserter percentage of the whole number of registrants is 2.71, as against an alien-

TABLE XXXIV  
COMPARISON OF REPORTED DESERTIONS OF ALIEN AND  
CITIZEN REGISTRANTS

DESERTIONS	NUMBER
Total alien and citizen registrants, June 5, 1917 to Sept. 11, 1918.....	10,679,814
Total desertions.....	474,861
Total alien registrants.....	1,703,006
Reported alien desertions.....	185,081
Total citizen registrants.....	8,976,808
Reported citizen desertions.....	289,780

deserter percentage of 1.75 . . . but there were *nearly six times as many citizen registrants as alien*. In order even to *equal* the alien ratio, the citizen deserters would have had to be considerably more than three times as numerous as they were. But no such plausible excuses could have been made for them! There are no available figures to show how many of the citizens who thus evaded service were of foreign birth.

### WAR'S TEST OF "THE MELTING-POT"

The essential quality of manhood in America was tested in all this business, and gave the lie direct alike to those Americans who were wont to sneer at the alien among us, and to the German autocracy which counted upon those of German descent in this country to prove disloyal to America. "The cosmopolitan composition of our population was never more strikingly disclosed," says the Provost Marshal General, "than by the recent

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events of the World War. Then the melting pot stood in the fierce fires of the national emergency; and its contents, heated in the flames, either fused into the compact mass or floated off as dross." And he goes on to say:<sup>1</sup>

The great and inspiring revelation here has been that men of foreign and of native origin alike responded to the call to arms with a patriotic devotion that confounded the cynical plans of our archenemy, and surpassed our own highest expectations. No man can peruse the muster roll of one of our camps, or the casualty list from a battlefield in France, without realizing that America has fulfilled one of its highest missions in breeding a spirit of common loyalty among all those who have shared the blessings of life on its free soil. No need to speculate how it has come about; the great fact is demonstrated that America makes Americans.

It is no part of the province of this volume to multiply words about the way in which these adopted citizens of every racial blood gave account of themselves in the thousand ways of war service under their new-pledged flag. That is history, which, as General Crowder said, can be read broad upon the face of every list of those who fell—foreign and native born side by side, their intermingling blood poured forth for "America." The diary of a German officer, found on the battlefield,<sup>2</sup> tells what the common enemy found:

Only a few of the troops are of pure American origin. . . . But these semi-Americans fully feel themselves to be the true born sons of their country.

### AN OLD PRACTICE WITH A NEW SIGNIFICANCE

Who shall forecast the effect of this wholesale admission of aliens to full citizenship and potential political power

<sup>1</sup> *Second Report of the Provost Marshal General*, 1918, p. 86.

<sup>2</sup> *Ibid.*



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in the United States? How many of these men were among those whom, in earlier proceedings, the rigorous precautions of the past had kept at arm's length? They came up in courts far from their home jurisdiction; no longer was the esteem of neighbor a prerequisite; no longer was it necessary to have lived even one year in any particular vicinage—or, indeed, to have any residence at all! There can be no checking up, even now, to see whether even a criminal record should have debarred the applicant; the Bureau of Naturalization was more than 500,000 behind in the examination of naturalization certificates even before this flood of new ones was poured in upon its overworked force!

In the old days, before the establishment of the Naturalization Service, there was hurried admission of thousands of aliens, regardless of qualifications, within short periods, and it was deemed a dreadful menace to our institutions. Of course this was very different from every point of view; but was the difference sufficient to guarantee real assimilation into the spirit that we like to believe characterizes sound American citizenship?

### WHAT SOME JUDGES THOUGHT OF IT

The questions addressed by the Americanization Study in the summer of 1919 to the naturalizing judges throughout the country included this question:

Do you believe that the admission of large numbers of aliens under the Act of May 9, 1918, solely on the ground of military or naval service, without the usual requirements of residence, etc., operated on the whole to the advantage of the United States?

The paucity and hesitation, even reluctance, of the replies are a striking evidence of the impossibility of answering the question. Of 356 judges who gave any

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attention at all to the question, 110 frankly declared themselves unable to express any opinion whatever. Thirteen were in grave doubt, inclining to the negative; 16 said only, "I hope so"; 108 replied flatly, "No." The others (109) in various phrases expressed their affirmative. But many of these affirmatives were greatly qualified. Some thought the advantage applied only or chiefly to those soldiers who had volunteered; others believed that the mental and physical training and the psychological effect of imperiling his life for the flag would offset the evils involved in hasty admission of the otherwise unqualified individual. Many argued that, whatever the doubts about the wisdom of the policy, it was "only fair," "it is their right," "you cannot deny citizenship to a man whom you compel to fight for the country," etc.

"I held up about 68 Germans and Austrians," says one judge, whose vote was an emphatic "No"; "but the government at Washington advised taking them in—and they were."

In a number of instances the judges declared that they went against their own judgment in admitting men whom they regarded as unfit—naturalizing them only upon the insistence of the representatives of the Naturalization Service. An eloquent illustration of the about-face in the policy of the Bureau!

"No, decidedly!" cried a Michigan judge. "It was a colossal blunder!"

"An impulsive act of Congress," answers another; while an Iowa judge voices the opinion of many in saying:

Mere willingness to fight is not necessarily an indication of either patriotism or fitness.

Among these judges were several worthy of note who officiated at the naturalization of very large numbers

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of soldiers. The striking fact is that these, almost without exception, were in various degrees enthusiastic in their expressions of belief that the policy was a good one. Some contented themselves with a mere "Yes" for answer. Among these was one who naturalized more than 10,000 men at one of the great camps of debarkation. Here are a few characteristic expressions from others:

"They gave the best evidence of loyalty."

"It was the best thing to do under the circumstances."

"I do not see how the government could do otherwise with men in the service before allowing them to go overseas."

"Yes. I have naturalized 400 and 500 men at a time, and seen their enthusiasm for this country, which, in my judgment, was no sham."

"My policy was to decide for the applicant wherever I could under the facts."

"I found in a majority of cases aliens in the armed service were as enthusiastic as our own native-born sons."

HERE WAS "ATTACHMENT TO OUR PRINCIPLES"!

The naturalization of an alien under our laws [says Commissioner Campbell]<sup>1</sup> may be compared justly to the "coming of age" celebration of the heir of a great estate. It is the formal recognition of an accomplished fact, the attainment of manhood with all of its implications of the putting away of childish things and the assumption of the obligations that mark the mature and responsible personality. . . . The vital thing to bear in mind in considering the statistics of naturalization is that these figures represent human beings, and human beings in that most important stage of human progress stepping upward from the infantile stage of blind and unquestioning obedience, backed by external compulsion, to the plane of political maturity which not alone has a part in the making of laws, but, what is more important, must

<sup>1</sup> *Report of the Commissioner of Immigration, 1917, p. 1.*

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obey the laws from an inward and self-imposed sense of obligation. . . . Genuine citizenship is primarily a state of inward feeling, and only secondarily one of knowledge. It is not impossible for one to be a good citizen who is ignorant of the forms of our government or who even has no very clear mental conception of the basic principles upon which it is founded.

The completion of the nationalizing process is marked for every essential spiritual purpose, as Professor Weatherly said,<sup>1</sup> "when the things of the spirit are held in common and cherished by all," or, as Renan expresses it, when the people "have a common glory," by reason of having "done great things together."

How may a man more convincingly show his "attachment to the principles of the Constitution," his benevolence toward "the good order and happiness" of his country, than by imperiling his life for it? "Greater love hath no man than this."

A candidate for naturalization, in ordinary conditions exhibiting knowledge of the legal relationship between the Federal and state governments, knowing the name of the President of the United States, the date of the battle of Bunker Hill, the cause of Shay's Rebellion, and when the yellow fever came to Boston, may have no more idea of what the flag of the United States means and might mean than he has of the mental processes of the ichthyosaurus; his very plenitude of intellectual accomplishment may indeed make him only the greater menace to the essential welfare of his community.

But when he becomes a citizen in the very act and fact of going forth under that flag to lay down his life for what it stands for—what better thing can he do,

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<sup>1</sup>*Proceedings of the American Sociological Society*, 1910, vol. v., p. 57 *et seq.*



## CITIZENSHIP VIA MILITARY SERVICE

what better evidence can he offer, of his "inward and self-imposed sense of obligation?" Nay, more, how better may he show that he is enlisting in the service of his new country something that was kindred in the old? There was a ringing challenge to all our smug self-sufficiency in what the Bohemians bore on their banner in that Cleveland parade:

AMERICANS, DO NOT BE DISCOURAGED:  
WE HAVE BEEN FIGHTING THESE TYRANTS  
FOR THREE HUNDRED YEARS!

Many of us looked upon these men as somehow sneaking into a privilege, overlooking the fact that they were bringing us a gift!

### ASSIMILATING THE ENEMIES OF TYRANNY

We are hardly yet awake to the wonder of what happened, to the magnitude of the work of national assimilation that took place all in a moment. We were very stupid about it. One of the most important officers of our army, charged with great responsibility in the preparations for the war, naïvely confessed some time after the United States had entered upon it, that he did not know who were the Czecho-Slovaks, or from what part of the world they came! And it was only with the greatest difficulty that the army authorities were made to realize that most of the races making up that political nightmare known as Austria-Hungary desired nothing so much as the chance to help overthrow the unspeakable tyranny from which they had fled, against which they and their fathers had "been fighting for three hundred years." Better than the Allies themselves they understood the cause of the Allies, yet to the American army authorities they were only "enemy aliens"!

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It was in keeping with our statistical customs, not only in the Naturalization and Immigration Bureaus, but in the very census itself, to class an Austrian as an Austrian, knowing little and caring less about the world of difference between a Magyar and a Czech, between a Croat and a Slovak—though all were “Austrians” to the superficial eye of the census enumerator—and the General Staff of the United States army, which was going to war against “Austria” with absurdly, unpardonably vague, notions as to what an “Austrian” might be! It required a vigorous campaign of education before there could emerge even a fair, working intelligence in this regard; but emerge it finally did, and the anti-Austrian “Austrians” at last got their chance to go forth as American citizens under the Stars and Stripes to help give the *coup de grâce* to the old oppressor of themselves, their fathers, and their fathers’ fathers.

### EPISODES OF MILITARY NATURALIZATION

In one army division, at Fort Riley, Kansas, thirty nationalities were represented by the candidates for citizenship, including not only the pseudo-Austrians, but Rumania, Serbia, Bulgaria, Montenegro, Armenia, Syria, Guatemala, Honduras, the Azores, and most of the rest of the civilized world. At Fort Riley was made the record of “forty-three citizens in forty minutes.” At Camp Devens, Massachusetts, more than 2,000 men were admitted to citizenship and took the oath of allegiance in one operation, lined up on the parade-ground by nationalities. A New York State court naturalized soldiers of fifty-six racial varieties on the first day of the visiting court.

In a session of court held in a Tennessee encampment the court crier opened the ceremonies with his, “Oyez! Oyez!” and a procession of dignitaries, military and

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civil, marched in under the flags for the ceremonial—a solemn invocation, an address by a venerable judge, and the crash of “The Star-spangled Banner.” Then the general made a speech, in which he welcomed each of those who a little while before had been “strangers and foreigners,” and dubbed him “one of *our* men.”

“Fellow citizens, comrades!” he struck home with booming voice in his peroration, “we will lash ourselves together with hoops of steel, and go forth to avenge the outrages that have been committed. There is no power on earth that can keep us from our purpose!”

Some soldier started the song, “Keep the Home Fires Burning,” and the aliens of a little while before, many of them hardly knowing the English word, joined in, with lusty emphasis upon and new significance in the refrain,

*“Till the boys come home!”*

Down in Alabama, a government official at a similar session apostrophized Liberty in strident Polish, followed by a second lieutenant in similar vein, but in Italian; and even those of other tongues, including English, who could not understand the words, knew well enough or felt in their hearts the drift of it.

As has been said, some got across without naturalization, and one aftermath of that was an extraordinary scene in the Walter Reid Hospital at Washington. The opportunity returned to the wounded there, in dramatic guise. An orderly walked through the wards summoning all men who desired to become citizens to gather at once in the library, to be taken before the judge.

There was a scrambling from cots, men with missing limbs, lads with heavily bandaged faces, soldiers in every manner of hospital *négligé*. The thump of crutches was heard along the halls—more than a hundred answered the first call. When the officer in charge

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looked over the battered and motley assembly, saw the lame and helpless being assisted into motor vehicles for the journey to court, he gave an order designed to produce more formal dress for another occasion, but did not dampen the ardor of that going! And before the judge they held up their hands, or stumps of hands, and swore their fealty to the country to which already they had given better proof.

Out at Camp Zachary Taylor, near Louisville, Kentucky, is a great ash tree, now come to be known as "Naturalization Tree." Its arms, in benediction, have been spread out over many hundreds of new citizens as they took the oath of allegiance and marched away upon their first American duty. That tree is for them a monument, a memorial of a Great Occasion.

In one of the Eastern camps three officers, helping the Naturalization Service in this business, looked up at one another in the spell of a common thought:

"Here we are, Major Schmidt, Captain Pulaski, and Lieutenant Martinelli"—such might have been their names; they were of races as various—"all of foreign birth, helping to make Americans!"

'Twas a pregnant thought, and it typified what was going on all over the country, in preparation for the "doing of great things together," for the new nation's acquisition of "a common glory in the past . . . a will to do still greater things in the future."

In the varied procession that passed on this errand before just one court came a Gentleman from Verona and a Merchant of Venice, as the judge himself styled them; a Filipino who had served two years in the Philippine constabulary; an Abyssinian count, born in Somaliland and claiming kinship to King Menelik and to speak twenty-seven languages. Then there was Dugga Ram, a Hindu, whom the judge made an exception to the rule against Asiatics; and the man



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from Russian Poland, who denied having any sovereign at all; the Armenian who said he would refuse citizenship if to get it he had to acknowledge himself a Turkish subject; the technically alien color sergeant who had served for years in the regular army and had been wounded in the Philippines.

An old soldier of the Civil War, still an alien in the eyes of the law, a Kentuckian seventy-six years old with a wife and six children, all born on this soil, and Americans beyond cavil, took advantage of the opportunity to file his tattered old army discharge of 1865 in lieu of "first papers." There will be, till he dies, two Great Dates in that old fellow's life—1861, when, like the aliens of this war, he pledged his life to maintain the United States, and 1918, when the United States formally accepted him into full recorded fealty and fellowship. Yet the *Fact* had been a human reality for nearly sixty years!

There were not a few officers who had been commissioned in oversight of the fact that their alienage legally should have barred them. The defect was swiftly removed. And there were English and Irish and Scotch and Welsh—and others, too—who had been here so many years and were so saturated with all that is essential of Americanism that their naturalization seemed a formality almost absurdly superfluous.

To all of these at various times and under diverse conditions—sometimes in glaring noonday inbreaks of dreary camp routine; sometimes at night in the last hours before the grim setting forth for France—great words were spoken to solemnize and signalize the transaction. Perhaps the best of all was that tense sentence of General Bell:

*I beg of you not to take this oath of allegiance to the United States unless it is in your heart to do so.*

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Let it not be forgotten that nobody compelled these men to utilize this privilege. The law stipulated only that they "*may* petition." Their alienage would have exempted them from service and the peril that awaited them.

At first, the certificates of naturalization were delivered; but later, as the flood of applicants became overwhelming and the complications involved hurried departure overseas, before the papers were ready, and other considerations, the delivery was delayed, and the men were advised to arrange to have their precious "last papers" sent rather to their homes, or even retained in Washington until after the war. This was a deep disappointment to the new citizens; and at Camp Upton, for one example, a judge, who knew men by heart, caused the drawing up of a mimeographed temporary certificate, properly embellished with "SS," "Be it known," and all the rest of the imposing verbiage, with the soldier's name suitably prominent in mid-page.

### THOSE WHO WENT WITHOUT CITIZENSHIP

Many alien soldiers who were entitled to naturalization went overseas without having been naturalized; a large number before the permission had been made available. Many others, still in the cantonments, had not yet been reached by the process. The situation with regard to such of these as, on their discharge, took steps to get the citizenship to which they were entitled is suggested, even if not completely set forth, by the former chief examiner of one of the large districts, quoted by the Commissioner of Naturalization in his report for 1919:<sup>1</sup>

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<sup>1</sup> *Report of the Commissioner of Naturalization, 1919*, pp. 21, 22.

## CITIZENSHIP VIA MILITARY SERVICE

After the armistice a different situation arose. Many thousands of soldiers have been, are being, and for some time will be discharged who did not have the opportunity to be naturalized while in the service. The work in connection with their naturalization . . . devolves solely upon the force of this service; . . . the army is no longer in a position to render aid. . . . The demands upon the field-naturalization offices are so great that both civilian and soldier naturalization have had to suffer. Because of inability to furnish a sufficient allotment for additional clerical assistants in the office of the clerk of one of the largest naturalization courts in the United States, the clerk is able to care for but a small proportion of the soldier applicants as promptly as should be, and, under his present allowance, will be able to naturalize only approximately a half dozen daily. In another office of the clerk of a large naturalization court, civilians and honorably discharged soldiers are being turned away without receiving attention; and this is equally true in the field naturalization offices. So large a number of soldier applicants are coming into the field offices that in some it has become necessary to take the names and addresses of the applicants as they call and send notices to them at a future date when they can hope to have their applications attended to. Notices have also been inserted in the newspapers notifying them of the time they may appear, in order to save the time and expense of useless trips to the offices of examiners. It has also been necessary to close the doors of naturalization offices when the number of applicants admitted to offices constituted as many as could be accommodated. This has resulted in turning away from 100 to 150 soldiers and civilians daily in several cities. Because of insufficiency of appropriation, it has become necessary in one field office to limit the taking of civilian petitions for naturalization to only two days of the week in order to take care of the applications of honorably discharged soldiers.

These demands upon this service and the offices of the clerks of courts are so great that the government is being severely criticized for not providing facilities for both the discharged soldiers and civilian foreign born to take steps

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toward procuring their American citizenship to which they are justly entitled.

### A GREAT COMPOSITE RECORD OF LOYALTY

Mr. Raymond F. Crist, then Director of Citizenship in the Bureau of Naturalization, pays a well-deserved tribute to the loyalty and the sacrifices of the foreign born, and points to the enhanced responsibility laid upon us by the service these men gave. In his report to the Commissioner of Naturalization,<sup>1</sup> "Concerning Americanization Activities," Mr. Crist says, in part:

The names upon the roll of honor of the nation that were cabled back by the American Expeditionary Forces in France give emphatic testimony to the loyalty of the foreign born. The names on the rolls represent all European nationalities. So strongly in evidence were these names that they might well have been the rosters of the dead and wounded of any or all the European countries. The percentage of distinctly non-Anglo-Saxon names was exceedingly high. These lists still give mute testimony to the fact that the immigrant and the immigrant's sons have laid down their lives for the land of their adoption. When the final records are computed they will undoubtedly show the presence in the military forces of our nation of the full quota of those of foreign birth. Their presence in our military and naval forces has worked a transformation with them. It has created an after-war debt and obligation upon the United States. The alien-born soldier has returned to America an educated and transformed individual. He is an American in all the senses.

Without intention to cavil or quibble about what Mr. Crist says—for what he says is essentially true—it is needful to remember that neither the stress of emotion under which these mass ceremonies at the camps were conducted, nor the act and fact of naturalization itself, nor yet, in any substantial way, the

<sup>1</sup> *Report of the Commissioner of Naturalization, 1919, p. 37.*



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experiences in the army, could make new creatures of these men. They were afterward—they are now, especially in the chill reaction from the exuberance of that excited period—what they were before—“just folks”—good, bad, and indifferent, like the rest of us.

But there is this difference in what it means to them: They were *welcomed* into citizenship without the heart-breaking, gnat-straining suspicion through which, in normal times, they would have had to go if they went at all. And no politician urged or herded them into voting status and power at any stage of it. For their American citizenship and share in the common sovereignty they are under obligation to nobody. They bought what they got, as it were, with their own blood.

What intellectual preparation or textbook schooling, what weary treading of red-tape labyrinth, what minute inspection by government functionary in zealous search for undotted or uncrossed letters in a seven-year-old document, would better test or attest an alien's capacity for citizenship, or make his induction safer for Democracy?

Anyway, these men—those not dead on foreign fields as their first, and last, service to the flag—have gone back to their communities with a new status, and, we may hope, with a new sense of their relation to and responsibility for the nation's welfare. It remains to be seen what use they and the rest of us will make of these new things.

## X

### THE FOREIGN-BORN WOMAN, HER HOME AND HER CHILDREN, IN AMERICAN POLITICS

THE foreign-born woman plays directly in American politics a part somewhat, but not much, more important than that played by snakes in the zoölogy of Ireland. There are several reasons for this besides the fact that hitherto she has shared the legal disabilities common to her sex in the American political scheme—which fact, by itself, has now been largely mitigated by the final ratification of the Nineteenth (Woman Suffrage) Amendment to the Constitution of the United States; though even that applies only to the ballot, and has not removed either the legal or the general traditional limitations and inequities under which women, in most parts of the country, still abide. So far as the ballot is concerned, the American woman, native or naturalized, is now acknowledged to be an individual person.

But the foreign-born woman, if married, is subject to a substantial limitation. She has citizenship only if her husband has it; she derives it, not by virtue of any act or wish or character of her own, but by strict inference from that of her husband. However much she may desire to become an American citizen, she cannot do so unless her husband chooses to become one; however desirable in her own right or fitness, the unfitness of her husband, or his rejection for any other reason, *ipso facto* excludes *her*. And, *per contra*, however much she might desire to remain a subject or citizen of

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the country of her birth or former residence, the naturalization of her husband, with or without her consent, even with or without her knowledge, *ipso facto* inflicts American citizenship upon her. True, this is technically subject to the provision of the law requiring that she must herself be eligible for citizenship; but, as has been stated elsewhere in this volume,<sup>1</sup> there is disagreement among the authorities as to whether this proviso was intended by Congress to apply only to women of those Oriental races, which are ineligible *per se*, or is applicable generally to the individual woman; also, there has been some attempt to hold that the wife is not naturalized by the naturalization of her husband if she continues to reside in the old country. Some judges will not naturalize a man if his wife remains abroad. Generally speaking, however, the construction is that the wife, whoever and wherever she may be, comes into American citizenship willy-nilly with the acceptance of her husband.

More than that, a woman born and residing in another country becomes an American citizen by her marriage with one; the clergyman, or other official, who pronounces them man and wife attests also an automatic and instantaneous change of jurisdiction and allegiance. It works equally the other way about—an American woman, marrying an alien in this country, in the house in which she was born and has lived for twenty years, forthwith, and regardless of any wish of hers in the matter, becomes *instantly* in the eyes of American law—and generally of international law as well—a citizen or subject of the sovereignty to which her alien husband owes allegiance. It is conceivable, as is elsewhere remarked, that her act in marrying an alien might deprive her of any citizenship at all, since

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<sup>1</sup> See chap. iii on Citizenship, p. 40 *et seq.*

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no country can actually confer upon any person citizenship in another. This, however, is academic, since practically everywhere it is fundamental in the law that a married woman's citizenship goes with that of her husband.

### REGARDLESS OF QUALIFICATIONS

By this means she may become a citizen, regardless of her age or minority or moral character, without having resided in this country five years, or any other length of time; without any inquiry as to physical or mental qualification; without taking any oath of allegiance; without necessarily being, or even claiming to be, "well disposed to the peace and good order of the United States" or "attached to the principles of the Constitution." Coming to this country as an American citizen, she cannot be rejected or deported because of any views she may entertain on any subject, or any conduct on her part, however immoral or otherwise prejudicial it may be deemed. She is a citizen of the United States, entitled to all the rights, privileges, and immunities attached to that exalted state. There has been more than one case in which a woman, about to be deported as immoral, has been able to avoid deportation by marrying a citizen.

### UNMARRIED WOMEN HAVE MALE RIGHTS

The unmarried foreign-born woman or widow stands, as far as citizenship is concerned, upon her own feet, and becomes a citizen under the same conditions, and upon the same terms, as if she were a man. She must be of one of the races admissible under the law, must have resided in the United States or within its jurisdiction continuously for the five years next preceding her



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application, and at least two and not more than seven years before that application must have filed her declaration of intention; she must (unless a dumb person) be able to speak (and, if the court sees fit to require it, also to read and even to write) the English language; she must present her two citizen witnesses, and must satisfy the court that she is not an anarchist or a believer in polygamy, and that she is in all respects fit to become a citizen of the United States, attached to the principles of the Constitution thereof, "and well disposed to the good order and happiness of the same." She must abjure any former allegiance and renounce any title of nobility which she may have borne.

If she be a widow with children, she must list them in her application, and such of them as are minors will gain their new citizenship with hers. But in order to gain citizenship with her they must be under twenty-one years of age when she is naturalized, and must become residents of this country before they are twenty-one. The child is not a citizen until he becomes a resident.

### DANGERS OF "DERIVATIVE CITIZENSHIP"

The subject of "derivative citizenship" is one that has been much and deservedly on the mind of the Naturalization Bureau, especially since the aspects of citizenship brought to the front by the war came into wider attention. In his report to the Commissioner of Naturalization for the year ending June 30, 1919, Raymond F. Crist, as Director of Citizenship, points out that on the whole the male applicants for citizenship

. . . are men who have had such opportunities to acquire knowledge of our language and of our institutions of government, and to adopt American customs, as their environments

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permitted. They have not been passing their lives within the four walls of their homes; they have had a much greater opportunity for contact with the American public than the foreign-born women. The husband may have gone to the public schools of his community and acquired a practical equipment not only of our language, but of such character as is attained through what is usually called a "common-school education." Because he has acquired these qualifications for American citizenship he may be admitted. His admission to citizenship confers a like right upon his wife to exercise the franchise to-day in those states where suffrage is universal. To-morrow, when that right is acquired by all, the conferring of citizenship upon the wife will also enfranchise her.

The man has to pass an increasingly rigid examination; he is *personally* put through a severe inspection of his antecedents, his character, his personal opinions. His wife becomes a citizen without any examination whatever. The most meticulously particular court, the most painstaking naturalization examiner, cannot prevent her becoming a citizen and a voter without excluding the husband, who may, on his own account, be exceptionally desirable.

The Director of Citizenship goes on to say:

Generally the foreign-born women reside in an atmosphere and an environment wholly foreign. They have no opportunity, as a rule, to come into any sort of contact with American thought. They are as though they had never left their European homelands and were still in their native cities and towns. However much their condition of ignorance of our language, customs, or governmental institutions may be in evidence, they are, nevertheless, clothed with full American citizenship upon the naturalization of their husbands. There are approximately 2,000,000 women who will receive citizenship through the naturalization of their husbands within the next few years, and the addition of such a large number of citizens who know nothing whatsoever of their responsibilities

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presents a grave problem, and one which should be given the most attentive consideration by the legislative body. It would seem to be advisable to have some restrictive measure provided in the admission to citizenship that would condition the admission of a married man to the responsibilities of citizenship upon the qualifying of his wife.

The vital importance of this question of "derivative citizenship" is clear in the statistics gathered by the Americanization Study for the fiscal year 1913-14. Of the 26,284 naturalization petitions covered by that analysis, only 154, or .6 of 1 per cent, were those of women. But more than two-thirds (68.5 per cent) were married, from which it is evident that, in the large majority of these cases, foreign-born women were swept into citizenship by the naturalization of the husband. For less than one in ten of them were married to women born in the United States. And even these American-born women had lost their citizenship through marriage to aliens, regaining it only when their foreign-born husbands became citizens.

### CHILDREN OF ALIENS HERE AMERICAN BORN

These statistics bring out also another extremely interesting, and to most people surprising, fact; that is, that the children of our foreign-born citizens largely were born in this country and are therefore, in their own right, American citizens. Probably most persons think of the foreign-born population as coming to this country with a horde of foreign-born children. This appears to be contrary to the facts. As can be seen in Table 56, in the Appendix, four out of five of the petitioners studied had children, and nearly three-quarters of them had native-born children only. One-fifth had foreign-born children only, and the rest had both foreign and

## AMERICANS BY CHOICE

native-born. The total number of foreign-born children under twenty-one years of age was 4,843.

“DERIVATIVE CITIZENSHIP” ALMOST EQUALS THE DIRECT

The thing that appears plain and highly significant in these figures is the fact that every 100 certificates of naturalization granted carried into citizenship on the average of 93 *other persons*, of whom 62 were women, virtually regardless of their own qualifications, and 31 boys and girls under twenty-one years of age. The number of unmarried women and widows was altogether negligible. And these 62 women were virtually all foreign born, the proportion of those men having native-born wives, who were thus restored to their birthright citizenship, being only 9.1 per cent. (It should be remarked, however, that the proportion of petitioners having native-born wives varies greatly—from less than 4 per cent in one court to more than 30 per cent in three of the smaller courts.)

Hitherto, no information whatever has been available as to the number of persons carried into citizenship by the naturalization of the father. Assuming, as probably it is safe to do so, that the ratio has generally been maintained in the past, the totals of “derivative citizenship” become portentous. In 1910, the census reported 6,646,817 foreign-born white males over twenty-one years of age. Of these, not quite one-half (3,034,117, or 45.6 per cent) were naturalized. It is not safe to assume that all of the remainder were unnaturalized, because it is not clear that the enumerators were careful to report as naturalized those who, though foreign born, had been automatically carried into citizenship by their father’s naturalization before they were twenty-one. Possibly a part of the relatively large number of cases (11.7 per cent) in which citizenship was



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not reported may be accounted for by ignorance or doubt as to the status of the father.

## WOMAN SUFFRAGE WAS WIDESPREAD

However that may be, it is sufficiently evident that a vast number of mothers, actual or potential, have been accorded full and irrevocable citizenship, and the voting power involved, through the naturalization of their husbands. Of these, the proportion of those to whom it really meant anything, or means anything yet, is small. The danger, as far as the ballot was concerned, was and is inconsiderable. Yet it was potentially large, in a good-sized part of the country. Prior to the ratification of the Woman Suffrage Amendment women already had full or partial suffrage in most of the states, as will be seen in the following table:

TABLE XXXV

YEARS IN WHICH FULL AND PARTIAL SUFFRAGE WAS GRANTED TO WOMEN IN EACH STATE

FULL		PARTIAL		SCHOOL AND TAX	
State	Date	State	Date	State	Date
Wyoming . . . .	1869	Illinois . . . . .	1913	New Jersey . .	1827
Colorado . . . .	1893	North Dakota	1917	Connecticut . .	1893
Idaho . . . . .	1896	Nebraska . . . .	1917	Delaware . . . .	1898
Utah . . . . .	1896	Indiana . . . . .	1917	New Mexico . .	1910
Washington . .	1910	Rhode Island . .	1917	.....	.....
California . . .	1911	Arkansas . . . .	1917	.....	.....
Arizona . . . . .	1912	Vermont . . . . .	1917	.....	.....
Kansas . . . . .	1912	Texas . . . . .	1918	.....	.....
Oregon . . . . .	1912	Wisconsin . . . .	1919	.....	.....
Alaska . . . . .	1913	Minnesota . . . .	1919	.....	.....
Montana . . . .	1914	Missouri . . . . .	1919	.....	.....
Nevada . . . . .	1914	Maine . . . . .	1919	.....	.....
New York . . . .	1917	Iowa . . . . .	1919	.....	.....
Michigan . . . .	1918	Ohio . . . . .	1919	.....	.....
South Dakota	1918	.....	.....	.....	.....
Oklahoma . . . .	1918	.....	.....	.....	.....

## AMERICANS BY CHOICE

The ratification of the Suffrage Amendment makes every woman a voter for all purposes, subject only to the provision in the Constitution or statutes of such states as prescribe for those foreign born a residence qualification, as in the cases of New York and Rhode Island. The latter state, for example, provides "that no woman citizen of foreign birth shall be entitled to vote unless she has resided in the United States five years."

It is to be remembered that the question of citizenship involved many considerations besides the right to vote; it is an exceedingly intricate and important subject, including title to property, the parental relation, etc. It would seem to lie within the powers of individual states to govern by statute the qualifications of voters, by means of a residence or educational standard, personal oath of allegiance, or what not. The only thing they cannot now do under the Constitution of the United States, so far as women are concerned, is to exclude any citizen from the ballot box by reason of sex.<sup>1</sup> But only Congress can grant full citizenship to the foreign-born married woman regardless of that of her husband, and to make such citizenship optional with the wife would occasion much confusion in international law, as well as in domestic matters. It is relatively simple from the point of view of lay ethics and common sense; but by no means so simple as it looks.

### APPLICANTS CAME AS YOUNG MARRIED MEN

The elaborate statistics compiled by the Americanization Study from examination of more than 26,000 peti-

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<sup>1</sup> This was accomplished by the Nineteenth Amendment to the Constitution of the United States. The Fifteenth Amendment, proclaimed in 1870, already prohibited exclusion on the ground of "race, color, or previous condition of servitude."

## FOREIGN-BORN WOMAN IN POLITICS

tions for naturalization seem to indicate that the great majority of immigrants who subsequently seek citizenship are young married men, accompanied by foreign-born wives; but their children are born in the United States, and are therefore citizens by right of birth. These men do not file their petition for citizenship, in the average case, until they have been in this country more than ten years. In the meantime, their children, who presumably do not wait to be born until their parents have become American citizens, live in homes presided over by alien parents who still cling to the thought, traditions, and customs of the old country; what these children get of the American atmosphere they get in the public schools and in the streets. And it probably is fair to infer, as many students have inferred, that a large measure of the breakdown of home control and discipline, showing in the greater percentage of delinquency among young people of the second generation, is due to this exotic condition of the homes; to the fact that the children are acquiring an American life of their own without the old restraints; they have lost—never had, indeed—something they would have had in old-country homes, and have gained nothing to take its place because the homes are still “foreign.” The children quickly learn “the ropes” of American life; they feel themselves superior to their parents in this respect, and this inevitably undermines the parental authority.<sup>1</sup>

### THE MOTHER MUST BE “AMERICANIZED”

The mother is the keystone of the home. Some way must be found to take her into the American life. The

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<sup>1</sup> This aspect of the matter is admirably discussed by Miss S. P. Breckenridge in *New Homes for Old*, Chapter VI, on “Care of the Children,” especially pp. 153 *et seq.*, Americanization Studies, New York, Harper & Brothers, 1921.

## AMERICANS BY CHOICE

citizenship which she gains willy-nilly through the naturalization of her husband, even after she has lived here for ten years, bears no necessary relation to her life or character. As Mr. Crist in the Naturalization Bureau's report for 1919 implies, she is confined within the four walls of her home, chained to her household routine; and nothing in the ritual or system of naturalization calls upon her to be American in any respect.

The position, reactions, and influences of the foreign-born woman in American social life—any aspect of it, domestic, industrial, political—cannot be intelligently understood or discussed unless and until we cease to think of her as in any sense a peculiar animal, or even a human being different in any fundamental way from other human beings. She lived her life in the old country, grew up from childhood, married, came to this country, bore her children here or before she came here, conducts her home, and participates or fails to participate in all the activities of life, under exactly the same kind of motives and impulses, and with essentially the same kind of results, as would be the case with an American woman with the same antecedents, education, resources, in the same circumstances.

She has, however, an additional handicap, and it is of the utmost importance to bear this handicap in mind in the consideration not only of her place in the general problem of the assimilation of the foreign-born population, but of her possibilities and influence as a potential voter, helping to decide by her ballot the great questions which in America are supposed to be settled at the ballot box.

Consider the native-born woman, of the old stock, as she has actually functioned in the widening field of political activity opening to her with the spread of woman suffrage. It is no wonder, but it is true, that the mass of women thus enfranchised have shown the



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results of the long-standing belief that "the place of woman is in the home." She has had no reason for learning, and little opportunity to learn, the things pertaining to political life; she has not understood its problems, grasped the significance of its slogans, or brought her mind to bear upon its significances.

Slowly, very slowly, there has grown up a group, larger and larger in numbers, but still very small in proportion, active and intelligent in the movement for enfranchisement, developing rapidly—perhaps even more rapidly than would have been the case with men—in the intellectual grasp of the subjects involved. But the mass of the American-born, English-speaking women of the country have remained what they were before—devoted mothers, quiet, homekeeping housewives, not only content to leave these matters to their husbands and sons, but more or less bored by "politics" and on the whole somewhat resentful toward the effort to enlist them in the turmoil. A large proportion of them have been, in fact, relatively oblivious to the whole business.

### MUST LEARN POLITICS BY POLITICAL ACTIVITY

It is the activity in the political function that both awakens interest and inspires intelligence. Why should a woman, brought up in the old, restricted, domestic tradition, forthwith become a vital, vigorous, political force merely because the ballot is put into her hands? Those who have been in the long fight for suffrage have been thinking, talking, agitating, and when finally their effort came to success they were ready for the new responsibilities and activities; indeed, they often have gone beyond the desire for mere participation in the routine of the layman's place in ordinary party politics, and have shown distinct tendencies toward not only

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independence, but what the old-timers would call radicalism, to say nothing of going farther into the ranks of the avowed radicals. A large number of these were active and vociferous in the Progressive party in 1912, and in subsequent years. But the vast bulk of their sisters viewed all this askance or with relative indifference, and indifference decreasing slowly but steadily with the lapse of time. In those states which have had woman suffrage the longest and most completely, the interest and participation of the average native-born woman has been the most general and the most intelligent.

This is, and undoubtedly will continue to be, the case with the foreign-born woman. She will emerge from the status of a household drudge, subject to the taboos of tradition, the circumscribing effects of residence in a foreign land, and the various other kinds of narrowness in her life, just so rapidly and by just so much as she is made aware that it is to her interest to do so, is impelled by influences from without herself, and is taught by political activity itself to realize its practicability and value in the concrete things of her life.

Thus far, only one or two of the foreign racial groups have, as such, exhibited any material response to the political opportunities opening before their women. The outstanding group is that of the Bohemians, who for many years have been, comparatively speaking, awake to both opportunity and duty. They have long been more articulate politically than any others, earlier participating in the movement for woman suffrage, and passing on in the more radical directions. Next have come the Scandinavians, excepting the Swedes, who seem to have been more subject to the old Teutonic conservatism about the "place of woman."

Generally speaking, and as might be expected under the circumscribing influences of all kinds, the foreign-

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born woman has epitomized all the spiritual, intellectual, social, and political traditions and heritages with which immigrants come to America. The children, the husband, the working uncles and male cousins, all mix immediately with the civilization of the street, the factory, the shop. They have to learn English with all possible promptness in order "to get along." They hear the political patter of the street corner, they listen to the soap-box orator, they have to have some sort of relations with the politicians in order to do business of any kind.

But the woman is shut in by the four walls of her home. If she lives, as she mostly does, at the top of long flights of tenement-house stairs, she is too weary to venture out where she may hear of the wider things and doings of the world. She has no clothing in which to go more than a stone's throw from her door. The routine of her life is pretty much that of a prison.

### FEW WOMEN SEEK NATURALIZATION

Or, if she be unmarried, the conditions are little better so far as concerns encouragement to be interested in political affairs. It is only potentially that she is a factor in the political future of the country. The fact that the statistical analysis of the Americanization Study of more than 26,000 naturalization petitions filed in twenty-nine courts in the fiscal year 1913-14 showed only 154 women petitioners indicates that the unmarried foreign-born woman does not excite herself on the subject of the ballot. The real problem of the foreign-born woman, so far as her equipment as a voter is concerned, has reference almost entirely to the vast number of women who are carried into citizenship and potential voting power by the naturalization of their husbands. This is a serious matter.

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The Naturalization Bureau makes much of its effort to enlist the interest of the women, by calling their attention to the educational opportunities in the vicinity of their homes; it may be conceded that this has had beneficial results in general, and has been vastly better than the former policy of ignoring the newly made woman citizen; but even giving full value to the claims made by various persons as to the increased interest and response of the wives of naturalized men, the total of actual accomplishment, as against the total of available foreign women is negligible. The plain fact of the matter is that the foreign-born women, naturalized by the act of their husbands in the proportion of more than sixty women to one hundred men, pay just as much attention to the business and to their new opportunities, as might be expected in the circumstances.

During the war it was even the subject of resentment, on the part of the wives of alien enemies, that they were thus forced into American citizenship regardless of their wishes or sympathies. In many instances of the so-called "military naturalization," elsewhere described,<sup>1</sup> in which the husband had been taken regardless of his personal sympathies, and had become, while in uniform, a citizen under the provisions of the law which waived all questions of length of residence, and to a great extent the other qualifications which would have been insisted upon in ordinary times, the wife was a rampant enemy, aggravated by the conscription of her man—and often also of her grown sons—yet she became automatically a citizen of the United States, regardless of length of residence, without being required even to go through the empty form of an oath of allegiance. Forthwith she was absolved from the necessity of registering as an alien enemy; forthwith she became for all purposes as

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<sup>1</sup> See chap. ix, p. 255 *et seq.*



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much an American citizen and as much a voter potentially as any Daughter of the American Revolution!

### SOME COURTS NOTICE THE WIVES

Some of the courts—the number of such is steadily increasing—have taken judicial notice of this extraordinary situation, and scrutinize with substantial care the qualifications of the wife. Many of them refuse to naturalize a man whose wife still resides in the old country. In his report to the Commissioner of Naturalization for the fiscal year 1918-19 Mr. Crist, as Director of Citizenship, dwells upon this matter, quoting especially an order issued May 27, 1919, by Judge Gustav Anderson in the Circuit Court for Baker County, Oregon, which goes about as far as the court can go under existing law. The text of the order, so far as this aspect of the question goes, is as follows:

It appearing to the court that . . . when married men become citizens their wives become so also by virtue of the marriage relation, and that it is therefore important that when a married man becomes a citizen his wife should also be qualified for the like duties of citizenship: it is therefore

*Ordered* that . . . such applicant who is a married man is hereby directed to inform his wife of the foregoing provisions and to qualify with him for such citizenship, and that, unless for sufficient cause shown to the court it is otherwise ordered, the wife of each married man shall attend court with her husband at the time of the final hearing upon his petition for admission to citizenship of the United States.

Judge George G. Bingham, in the Circuit Court for Marion County, Oregon, previously, in September, 1918, had issued a similar order, in which he directed that if the petitioner be married he should be accompanied by his wife not only in applying to the school authorities

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for assistance in preparation, but also in his attendance upon the court.

Similar action in other courts is referred to by Mr. Crist in the same report:

In one judicial district, comprising eight courts of New York State, the Supreme Court has required that the wife of the petitioner appear in court with the petitioner at the time of the final hearing. In other places the question has been considered and various steps taken. The reports show that some judges have required a rather complete knowledge of our language and form of government. Some of the tests have been such as merely to show that the wife could speak English, knew the name of the President and the number of years of his term of office, and other elementary details. Continuances of cases have occurred where dense ignorance of the English language is demonstrated by simple questions, such as, "Where do you live?" and, "How many children have you?" Upon failure to comprehend these questions the conferring of citizenship has been deferred to a later period.

Of course, in considering the question of the appearance of the wife some difficulties have been encountered. In numbers of cases sickness of either the wife or the children, domestic duties at the hour of the hearing, the necessity for bringing small children into court or leaving them in the custody of others, represent some of the difficulties to the easy observance of this requirement of the courts. In the opinion of one of the judges it is well to have the women appear in court, if for no other reason than that it takes them out of their homes and gives them some idea of what our government in actual operation means. After their experiences under these circumstances, even though it be accompanied by some sense of nervousness, the consensus of opinion appears to be that such a requirement is not only wholesome in its effect, but quite necessary.

### OBSTACLES OF DISTANCE AND EXPENSE

The Director of Citizenship does not mention one of the most serious difficulties in the way of a general

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practice of this kind, operating in sparsely settled districts; that is, the matter of expense. When a man has to transport himself and his two witnesses anywhere from twenty to two hundred miles, pay not only their cost of transportation, but usually their wages for time lost, to say nothing of his own loss of wages or time, or anything paid as extra compensation to the witnesses, and this *twice within the space of some ninety days*, the necessity of adding the cost of taking also his wife becomes serious if not prohibitive. And in most cases, in city or country alike, a young mother is so tied down by the routine of domestic duties, care of infants, etc., that a considerable absence from home is flatly impossible. If, in addition to this, she has no interest in the matter, or is frankly hostile, it is likely to mean that she will not go to court, and her husband's petition may be denied for "want of prosecution."

The Naturalization Bureau and the courts have done all they can under existing law to bring to bear upon the foreign-born woman who will be made a citizen by the naturalization of her husband the influences tending to awaken in her a sense of her opportunity, privileges, and obligations. Strictly speaking, the court has no lawful right to summon a woman from her domestic duties to be a party to her husband's naturalization. The spirit of the law of substantially all countries from time immemorial has been to regard the citizenship of a woman as merely incidental to that of her husband. There was little or no necessity or reason for her to play any part in the business as an individual. She became American with her man, just as his goods and chattels did. No political activity or responsibility on her part was implied. And she, if she were an American by birth, or a widow Americanized by the citizenship of her deceased husband, would lose her citizenship

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instantly upon her marriage with an alien here or elsewhere.

### WOMAN SUFFRAGE OPENS A NEW ERA

Woman suffrage entirely alters the situation. Now she becomes, at least potentially, a political factor in her own right as an individual. No longer may her fitness, or her probable action as a voter, be in any way assumed from that of her husband. He becomes a citizen by a process presumed to search out his qualifications, and after preparation designed to perfect them. The law has provided hitherto no process by which hers may be adequately ascertained. Yet her vote, her political action in any respect, may aggravate the evil embodied in his by duplicating it; may cancel all the public benefit embodied in his by her opposing action.

Whatever may have been said in the past, it is hard to find any argument adequate on the whole for continuing this antediluvian principle and process. Every adult individual should come into or stay out of voting rights on his own merits, and not otherwise. It may well be argued that even minors as young as sixteen years should not come into citizenship by the act of their parents, so far as concerns their becoming voters at twenty-one, without act of their own.

The voice of naturalizing judges all over the country, who have expressed themselves on this subject, is preponderantly in favor of a radical change in policy. The Naturalization Bureau does not go so far, but stresses what it regards as the need of an educational test of the wife as a condition precedent to the naturalization of the husband. In his report for year ending June 30, 1919, to the Commissioner of Naturalization, Mr. Crist says:

It would seem to be advisable to have some restrictive measure provided in the admission to citizenship that would



## FOREIGN-BORN WOMAN IN POLITICS

condition the admission of a married man to the responsibilities of citizenship upon the qualifying of his wife. . . . Since the local educational authorities are both willing and anxious to afford these women, as well as their husbands, every educational facility and opportunity, a requirement of an educational nature would not seem to be unjust.

This would be pretty drastic, and almost put the husband in the same position that the wife is in now—making *his* citizenship dependent upon *her* fitness! The trouble is not that the wives of the naturalized males are ignorant or unfit, but that they are automatically made into voters regardless of their fitness. Why penalize the man? Why not devise a way of enfranchising him, if fit, while withholding the ballot from her, if unfit?

### OPINIONS OF NATURALIZING JUDGES

The judges see it more directly. The Americanization Study addressed a questionnaire to all of the naturalizing judges, containing two questions on this subject:

*First*—Would you favor legislation to permit the naturalization of a married woman in her own name, if personally acceptable, regardless of the alienage of her husband, or his failure to obtain or refusal to seek naturalization?

*Second*—Would you favor reserving to a native-born American woman, if she desired it, the American citizenship which, under the present law, she sacrifices by marriage to a foreigner?

It is impossible to tabulate the answers, because of the many cases in which the judges advance qualifications preventing their replies from being classed as categorical; but generally it may be said that of 333 replies to the first question, 204, or nearly two-thirds, are in the affirmative, 104 are in the negative, and 25 are noncommittal, uncertain, or so qualified as to represent doubt.

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To the second question, of 364 replies, 220, again not quite two-thirds, are in the affirmative, 127, or almost exactly one-third, in the negative, and 17 noncommittal. Curiously enough, many of those who answer "Yes" to the first question answer "No" to the second, and a large number would condition their affirmative to both questions upon the woman's permanent domicile in this country. Of those who vote "No" on the second point many express the sentiment:

If an American woman isn't satisfied to marry an American man, let her lose her citizenship.

A somewhat conspicuous fact is that, generally speaking, the judges of the East and South are opposed to any change in the law to admit women on their individual responsibility or to save citizenship for American women marrying immigrants, while those of the West generally favor both—especially the former proposal.

"The law looks upon a married couple as *one*," says a New Jersey judge, "and I do not think it would be good public policy to split their nationality."

"It would introduce great confusion in certain parts of the law," objects a Federal judge in New England.

"We favor no such pussy-willow policy," answers one Ohio judge, who, by the way, would require "twenty-one years' continuous residence," admit at all "only heads of families with children," and generally "make it harder for foreigners to become naturalized."

"Few men," objects a judge in Indiana, "would feel right toward either the government or his wife (*sic*). Few men have reached that stage of mind where he would be satisfied with such preference."

"With the husband of one nationality, and the wife of another, what would be the nationality of the children?" demands a New Jersey judge. "What laws would govern the taking of personal property or the inheritance of real estate? A citizen married woman might have an alien enemy husband!"

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A Federal judge in Maryland dwells upon the physical fact that the children are a joint product, even though husband and wife are separate individuals. And he seems to think that both of the questions imply the opening of large danger, in respect of the enforcement of Chinese and Japanese exclusion, though he does not say why or how such a peril would arise.

From a Texas judge and many others come warnings that such a policy would give rise to endless domestic friction. An Alabama judge would cut round this by permitting the woman's declaration of her desire to be or remain an American citizen, notwithstanding the alienage of her husband, to naturalize her minor children.

The general trend of opinion among the judges is to the effect that the institution of woman suffrage has abolished the old idea that the wife must accept her politics from her husband. As one Nebraska judge puts it:

It is an outrage that the status of the wife should be influenced by that of the husband. A man and wife are two; we long since departed from the theory that they are one.

### 650,000 "DERIVATIVE VOTERS" EXTANT

The logic of the situation in which we find ourselves seems inexorable. Whatever the theory upon which a woman takes the nationality of her husband, the fact is that once she has been naturalized and become available as a voter, she is potentially as much a force for good or ill politically as he. However much pains may have been taken to ascertain and certify his fitness, she comes in substantially without examination, without any of the precautions which are at least presumed to protect the ballot box from unfit or unworthy approach.

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The Commissioner of Naturalization reported <sup>1</sup> at the end of the year 1918-19, that, during the thirteen years since the enactment of the law of 1906, the total number of certificates of naturalization issued had been 1,079,459. If it be correct to assume that 60 or more women are swept into citizenship with every 100 certificates, this would mean that during those thirteen years something like 650,000 individuals, available as voters wherever woman suffrage prevails (subject to the five-year-residence limitation in certain states), have been automatically made citizens regardless of any fitness or volition of their own. And this says nothing of the additional future voters added through the automatic naturalization of children. In his previous report Commissioner Campbell said: <sup>2</sup>

Since 1906 there have been 861,819 who have been admitted to citizenship upon direct application, and an equal number of wives and children have derived citizenship from the act of the petitioner. Following this average through, and the average has been higher down to and including the last fiscal year, it will be seen that about 1,250,000 have had the title conferred upon them without justifying the nation in any belief that its ability for self-government has been increased thereby.

### LARGELY AN IGNORANT VOTE

We are dealing now, however, chiefly with the question of the married women, mothers and housewives, who are or now have been herded into the mass of voting citizens without volition or substantial interest or appreciation on their part. The children, particularly those under sixteen, may be left to the process of the schools and their general absorption into the life of the streets and the contacts of social life which quickly

<sup>1</sup> *Report of the Commissioner of Naturalization, 1919, p. 16.*

<sup>2</sup> *Ibid.*, 1918, p. 28.



## FOREIGN-BORN WOMAN IN POLITICS

teach them not only the English language, but some sense of what it means to be American. In no appreciable degree are the adult women subjected to this Americanizing process.

In the vast majority of cases, the potential vote thus added is an uninformed and often ignorant vote. Its characteristics are well summarized in a memorandum prepared by Miss Cornelia Marvin, State Librarian of Oregon, in the course of which she says:

Women are left behind in intelligence by the fathers and children. They do not learn English, they do not keep up with the other members of their families who are constantly in touch with Americans, and there is frequently the tragedy of the mother of the family who cannot read English and cannot understand the conversation in English which goes on about her. She is a "back number," and as such cannot be an effective citizen.

Women may, and undoubtedly will be, voted in herds, quite ignorantly, and so will be a menace—if they vote at all. This cannot be prevented entirely by naturalization, but a woman who has gone through the naturalization ceremony, who has prepared herself for the examination, and who has taken the oath of allegiance, will not be so easy a subject for the unscrupulous.

It is dangerous in war times to have alien enemies who are unknown as such. During the last year or two there have been cases of people who were enemies to our country, who swore that they were naturalized against their wills by the acts of their husbands; that they never had any desire to become American citizens.

It is inconvenient at present for women not to have their own certificates of naturalization, as, at the time of registering for election, and in some other cases, it is necessary to present evidence of citizenship, and the woman must present her husband's certificate of naturalization. The Bureau of Naturalization proposes that a woman may receive an honorary certificate chiefly to remedy this.

Not being required to go through the naturalization cere-

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mony the women miss the opportunity for education, and we miss the opportunity to stimulate and educate them through the preparation for the examination, and through the ceremony.

If women should become naturalized through their own acts, they will prepare for the examination, and they will undoubtedly urge on backward husbands. Often it would be a great advantage to have the wife studying for the examination at the same time, as she ordinarily has more leisure than the husband who, after a hard working day, needs the stimulus of his wife's interest in order to apply himself to the history and laws necessary for him to acquire before his appearance in court.

Possibly [Miss Marvin adds], if we open the opportunity to foreign women through the naturalization process, the time will come when American-born women, arriving at the age when they may vote, will take the oath and will go through some dignified ceremony which will impress upon them their responsibility as citizens.

Still remains, regardless of any steps which may be taken in the future, a great mass of woman citizenry, to be reached by some process of education at least designed to awaken these potential voters to a sense of their privileges and their obligations. How may this be done?

### POLITICAL INDIFFERENCE NOT PECULIAR TO FOREIGN BORN

Their mere indifference to politics hardly can be urged against them. Our own people are notorious sinners in this respect. The Commissioner of Naturalization repeats ancient history when he says:<sup>1</sup>

Surveys have been made from time to time to ascertain the participation in the various rights of American citizenship by native and foreign-born citizens. In one large city a survey

<sup>1</sup> *Report of the Commissioner of Naturalization, 1918, p. 28.*

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showed that of the first seven prominent business men approached none had registered. Of the 80 preachers who were requested to state whether they had voted or registered, 12 had registered and 6 of them had voted. Among the foreign-born citizens and newly naturalized 97 had registered and voted.

But these voters were men. Nearly all of the statistics on which generalizations have been based deal with "foreign-born males of voting age." The statistics of over 26,000 naturalization petitions gathered by the Americanization Study deal almost exclusively with men, save as they show that every ten certificates bring into citizenship more than six married women and more than three minors. With the ratification of the Suffrage Amendment to the Constitution, these six or more married women acquire the ballot. In many states they had it long before that. What about them?

### MANY WERE CALLED, BUT FEW RESPONDED

With enthusiasm entirely commendable, the Naturalization Bureau describes its efforts to arouse in the foreign-born seekers after citizenship an interest in the opportunity before them, by notifying each candidate, declarant, or final petitioner, of the school privileges available for him. In the report of the Bureau for 1916, the Commissioner says:<sup>1</sup>

During the year, for the purpose of including the wife in this citizenship-betterment campaign by the public schools, the bureau wrote a special letter personally addressed to the wives of 49,094 petitioners and declarants, telling them of the advantages which would result from their attendance upon the public schools. The name of each wife was also sent, upon an individual card, to the public school in the community where the candidate lived. This inclusion of the

<sup>1</sup> *Report of the Commissioner of Naturalization, 1916, p. 46.*

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wife in the scope of this activity was to enable her to get some conception of the meaning of an American home and aid her in establishing it for her family. . . . Intense interest is manifested upon the part of these wives and mothers, as in many instances they bring their babies to the schoolroom and while they sleep the mothers devote their time to learning to read, speak, and write our tongue in addition to receiving instruction in the more domestic subjects. In order to insure extending this influence to the wife of every declarant the bureau, with the approval of the department of labor, changed the form of the declaration of intention so as to require the inclusion of the name of the wife therein, no provision having been made for her name in the form as originally prepared. Approximately a quarter of a million women of foreign allegiance will be thus brought within the province of the Bureau of Naturalization through the filing of declarations of intention and petitions for naturalization by their husbands.

Well, this is all very fine as rhetoric and the expression of pious wishes. But what comes of it in reality? An elaborate table in the report for 1919<sup>1</sup> shows that in the fiscal year ended June 30th the names of 108,395 wives of candidates were furnished to the school authorities in cities and towns showing a total population of nearly 35,000,000 people with a "foreign-born white male of voting age" population of more than 4,400,000. And on the next page are tabulated reports of 166 school superintendents as to classes for foreign-born persons in English and citizenship, showing:

TABLE XXXVI

MAXIMUM ENROLLMENT IN CITIZENSHIP AND ENGLISH  
CLASSES IN THE UNITED STATES IN 1919

Men.....	11,854
Women.....	2,733
Unclassified.....	1,287
Total.....	15,874

<sup>1</sup> *Report of the Commissioner of Naturalization, 1919, p. 73.*



## FOREIGN-BORN WOMAN IN POLITICS

Every bit of it valuable, no doubt. Presumably, also, the complete figures would present a much larger total, but, as an exhibit of goods, it is hardly up to the promises of the show window!

### FOREIGN-BORN WOMEN WITHOUT POLITICAL EXPERIENCE

The fact is that the married women of foreign birth, who are made citizens by the naturalization of their husbands, have had, as a whole, not the slightest practical interest in any stage of the business. In the old country from which they came they had, as a rule, no participation in government; the traditions of the society in which the majority of them grew up relegated women to domestic employments, made them subordinate to their husbands in every phase of public life; they have been slow to learn the language here, and the proposal that they go to school in order to fit themselves for a function about which they know nothing and care less meets with little enthusiasm on their part—as the statistics of the Naturalization Bureau plainly show.

The intelligent woman's advent to politics always has been dreaded by the professional politician. He felt it in his bones that she might not have the political superstitions and docility that have been exhibited by the average male voter; she might ask questions and display initiative; she might remember with an eye to reprisals the things that politicians, legislators, and executives have done to the interests of women in ages past. He grew eloquent about the "place of woman in the home," the demoralizing atmosphere of the polling place, and so on. And, as for the foreign-born woman, he knew, first, that the foreign-born husband as a rule was opposed to having his wife and daughters meddling in such matters, and second, that

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all she would do, anyway, would be to duplicate the vote of her husband or father.

### THEY ARE GOOD MATERIAL

As has been said, very few of the foreign-born women, made citizens and voters by the naturalization of men, thus far have displayed much interest in politics. Where there has been participation by them, what has been their attitude? There is not much testimony on the subject, but what there is is largely to identical effect.

The rule is [says an investigator at Los Angeles] that the wives follow the party allegiance of their husbands, and vote with them. The more intelligent, however, often think and act independently, voting for what they believe is the good of their children. The parents of the public-school children teach them to follow the guidance and advice of the teachers. I myself, as one of the accredited speakers of the Parent Teachers' Federation of Los Angeles, have marked hundreds of ballots for foreign women, and I am called up on the telephone before each election and questioned about candidates and measures. As a rule my advice is taken without question. The foreign woman acts in such matters according to her individual nature and her intelligent understanding. Some of them vote secretly because their husbands have forbidden them to go to the polls.

Miss Jane Addams, whose long and intimate acquaintance with foreign-born women, through her protracted residence in Hull House, Chicago, entitles her to speak with peculiar authority, describes a typical experience at a polling place in the Hull House neighborhood, which is populated almost entirely by immigrant families:

It was a great satisfaction to me to see what good judgment the women showed. There was one Irishwoman, very bright,

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who could not read, and therefore I was allowed to go into the booth with her to help her mark her ballot. The first proposition was about bonds for a new hospital. The Irishwoman said, "Is the same bunch to spend the money that run the hospital we have now? Then I am against it." The next proposition was about a subway; the next about a hospital for contagious cases, and so on. There were ten propositions to be acted upon. I was scrupulous not to influence her; yet on nine of them she voted, from her own common sense, just as the Municipal League and the City Club had recommended as the result of painstaking research. Italian women came in to vote who knew more about our city than their husbands, who were away digging railroads during six or nine months of the year.

Mrs. Emma Smith Devoe, President of the National Council of Women Voters,<sup>1</sup> describes the foreign-born woman citizen as taking in governmental affairs, as soon as she realizes that she is a voter, a most serious and conscientious interest, "making almost a religious duty of it." The women, she says "are particularly impressed with the sacredness of the ballot, and they always vote for the betterment of humanity as they see it."

Almost every foreign woman's vote [says Mrs. Lucy B. Johnstone, wife of the Chief Justice of Kansas]<sup>2</sup> "represents a home where there are children who are going to the public schools now and fast becoming Americanized. The foreign-born women are, in the main, ambitious for their children, and for that reason are learning, in their way, about our institutions, and are zealous to take advantage of our free educational opportunities."

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<sup>1</sup> Quoted in "The Immigrant Woman and the Vote," by Vira Boardman Whitehouse, in *The Immigrants in America Review*, September, 1915.

<sup>2</sup> *Ibid.*

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Senator Helen Ring Robinson of Colorado remarking that "the Italian women frequently do not vote, while the Pole always votes and takes a keen interest in local politics," says:<sup>1</sup>

In the matters affecting the family purse, such as voting of a bond issue, the acquisition of the water supply by the city, etc., I find the immigrant woman usually more keenly concerned than her husband.

The immigrant woman in the coal camps—like the immigrant man—often votes blindly at the dictate of the boss; but the daughter of the immigrant woman often shows an independence, an understanding, and a vision, in matters of public concern, well worth the emulation of Daughters of the American Revolution I wot of—and Colonial Dames. It is the daughter of the immigrant woman, grown to the full stature of citizenship, who is proving one of the most useful elements in our Colorado electorate.

Miss Edith Knight Holmes, editor of the Woman's Department of the Portland *Oregonian*, wrote that:

Personally, I have noticed women who were born in various European countries going early in the morning to vote, as soon as the breakfast was over. They study their ballots carefully and seem most conscientious in marking them. I know an old Scotch lady who sat up half the night to study her ballot. A little English lady whom I know always tries to be at the polls. She goes with one of her sons to vote.

In families where there are several little children, sometimes the mother next door will stay with the babies while the mother of the family votes, and then when she returns she takes care of her friend's baby while she, too, casts her vote.

Of course, this is special pleading, and it is easy to exaggerate. Over against it might well be told that ancient story of the housemaid who was said to favor

<sup>1</sup> Quoted in "The Immigrant Woman and the Vote," by Vira Boardman Whitehouse, in *The Immigrants in America Review*, September, 1915.



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woman suffrage on the ground that it would augment the family income:

My father and my two brothers each gets five dollars for his vote, and now mother and me will each get five—that makes twenty-five dollars, all for a little while in one day.

The fact is, abundantly verified, that the foreign-born woman, when she votes at all, brings to the function a deep sense of solemnity; it is new to her to participate in government; she has not acquired from the streets a cynical contempt for the ballot, as her husband and sons are likely to have done. The effect of government upon her home and her children is a more desperate matter to her, and it will take long to demoralize her attitude on the subject.

But the fact is, also, that foreign-born women have not in any large measure awakened to the opportunity. Their devotion to their homes has taken on no public or political aspect. They are confined to those homes, not only by tradition, ignorance of American life and the English language, and the inertia of their existence, but even more by overwork and by the unremitting detail of family duty and care. They have hardly heard of their new and increasing privileges, and generally regard them, when they do hear of them, as only a new burden, unfamiliar and to be ignored if not resented. It is only in the home, and by a realization of its direct and inevitable effect upon the home, her home, that any interest in or enthusiasm about political action can reach her.

### HOW THE WOMEN CAN BE REACHED

There would seem to be four ways in which the foreign-born woman citizen can be reached with effort to interest her in the political aspect of her citizenship:

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1. The normal, direct attack of the political organizations, and voluntary efforts, organized and unorganized, of public-spirited citizens or others interested in "getting out the vote." Generally speaking, the politicians have scarcely as yet discovered the voting power of the foreign-born woman citizen—especially such as do not speak the English language. The vote and political influence of the foreign-born woman have been negligible everywhere—except possibly in a few places where they have been rallied in a local-option election. One investigator reports two or three towns in Illinois where a "wet" result was attributed to the vote of foreign-born women. Other reports would indicate that the foreign-born woman, like her English-speaking sisters, have tended to favor the abolition of the saloon with its resulting (or, anyway, expected) reduction of home-coming drunkenness and deductions from the pay envelope.

In districts where politically active social settlements and similar organizations are influential, and in states which have had woman suffrage the longest, there is a considerable appearance of foreign-born women at the polls. But they are relatively few in numbers, and consist of younger women from the more radical parties, from those racial groups which display the keenest and most aggressive social intelligence, such as the Bohemians, and from such as in their own countries have had some experience with some measure of woman suffrage, such as the Swedes and Finns. There is quite as much tendency among foreign-born women as among native-born—perhaps considerably more—to follow the husband's lead in politics and to duplicate his vote. In general, the political organizations have as yet made little effort to capitalize the "derivative vote." The mass of it stays at home.

2. The campaign of the public schools, with or with-

## FOREIGN-BORN WOMAN IN POLITICS

out the inspiration of the Naturalization Bureau, to induce the foreign-born woman to avail herself of formal educational work in the schools. As we have seen, she does not, to any appreciable extent, respond to this campaign. Social settlements, even attributing great influence to them—though as a matter of fact few of them exert any political influence whatever—are relatively few and far between; churches, as such, and other institutions of the same general kind, cannot be counted as substantially effective in this direction. The foreign-born woman goes to church in large numbers, but she does not get there any great impulse to interest herself in community affairs. She goes back to her babies and her washtub.

It is in her home, in the intervals between domestic duties and within arm's length of the cradle and the kitchen table where she feeds her children, that she must be reached with this inspiration and instruction, if in any large measure she is to be reached at all. This brings us to

3. The Home Teacher. The movement in favor of the creation of a teaching force, employed by the public and organically a part of the public-school system, to go into the neighborhoods and into the homes and carry instruction in English, common-school branches, and the elements of civics, follows logically from the treatment of the foreign-born woman citizen as an individual, and from the fact that she must be dealt with in or close to her home. Classes grouped within a small section of a neighborhood, intensively instructed by teachers who realize the difficulties and limitations of their pupils, take on the aspect of social occasions, help to arouse a neighborhood spirit, encourage mutual acquaintance, and most effectively instruct those whom it is desired to reach. A movement of this kind, spreading over the country and backed by the public as such,

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follows the natural line of least resistance and tackles the problem where it really lives.

4. The direct and indirect influence of the children upon the mother. This is the best of all. And, while we are exciting ourselves about the ignorance and indifference of the foreign-born woman, and bemoaning her possible influence upon her children, it is well for us to remember that these children are in the American public schools, talking the English language, absorbing whatever there may be of "Americanism" in the social atmosphere about them, in daily sight of the Stars and Stripes, singing "The Star-spangled Banner," gaining enthusiasm for and pride in our country, and, what is most important, taking home daily to their foreign-born parents the direct and indirect influences of what they are learning, seeing, and feeling. The extent of this leavening process is impossible to estimate, but undoubtedly it is enormous.

### A SPECIFIC EXAMPLE—IT WORKS

Perhaps the most striking and unmistakable exhibit of this process is to be found in the city of Grand Rapids, Michigan, where the work of the Americanization Society presents concrete and visible results. The work in process there since the fall of 1918 is susceptible of definite and even statistical study. It has produced effects upon elections which can be stated in figures, and results in homes upon concretely discoverable human beings about which there can be no question. It is socially physiological, so to speak; working in a normal way in consonance with known political methods and customs, along the rational lines of least resistance—making use of the natural, spontaneous life of the people in their ordinary social and political relationships and in their homes.



## FOREIGN-BORN WOMAN IN POLITICS

A battle with machine politics over a matter of local administration, especially as affecting the treatment of the poor, convinced those interested in the unselfish conduct of the city's business that the way to win, and the only way, was to appeal to the people direct and get them to vote. There was no fear as to how they would vote, but the effort was not addressed to that aspect of the question. The slogans speak for themselves!

Whether or not you vote is not your business; it is Uncle Sam's business. HOW you vote is your business.

It's always safe to trust all the people. If all the people vote, they will vote right.

Cast your own ballot. When you don't vote, somebody else votes for you.

How many votes has a man? You say one. If you don't vote somebody else has TWO votes.

Tags were the weapons directly used, and they had a profound effect. Committees of women, drawn from mothers' clubs, women's clubs, parents' associations, etc., gave out the tags at the polls, asked the voters to wear them, and pinned them on when they could. The only way to get a tag was to vote; everybody who voted found it to his interest to wear one; and those who didn't have tags wished they had. For the tag said:

"I am an American. I voted. Did you?"

The effectiveness of these tactics in arousing not only sentimental enthusiasm, but that kind of practical personal action *at and in the ballot box* which decides elections, is convincingly attested by the great increase in the registration and in the total vote.<sup>1</sup>

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<sup>1</sup> See Table XLV, and accompanying comment, in this volume, p. 362 *et seq.*

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The essential purpose of the job was to get to the polls every individual entitled to vote; but incidentally, or perhaps better to say, fundamentally, to train the rising generation as to their privilege and duty of participation in public affairs, and to accelerate the naturalization and Americanization of the alien. In order to accomplish the first of these last two purposes, the campaign was carried into the public schools; in order to accomplish the second, great stress was laid upon naturalization. There were three other slogans:

Send the alien to the county clerk.

An early tag helps the flag.

Get your tag early. Ask the man who has none WHY?

This meant embarrassment for the untagged, and when the school children began to plague the untagged adult males it became unendurable. Woe to that father who came home at night without a tag! The family was disgraced in the eyes of the children. He was nagged, not about *how* he voted, but about why he didn't vote at all!

Meanwhile, woman suffrage was established in Michigan, and the women came in for their share of the bombardment. A great campaign was begun to make the women realize their political responsibilities. It bore fruit in the registration of 26,000 women for the election in April, 1919; in one day 1,500 women registered. For the primary election in March the tag system got out 28,700 votes, and it was estimated that a blizzard raging on that day prevented at least 3,000 more. At the April election all the candidates recommended by the Citizens' League were elected, although the tag system involved no pressure as to particular candidates or causes. There were thirteen different matters to be voted upon, and the result showed notable discrimination in the voting—by 37,000 voters, while from 5,000

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to 7,000 votes could not be cast because of inadequacy of the polling facilities.

### WHAT THE CHILDREN DID

The children were a vital factor in the campaign. After the elections they were asked to collect tags and bring them to school. Out of 29,000 tags given out at one election, they brought back more than 17,000. After the next election they brought back 27,000 out of 37,000. Flags were given as prizes to the schools showing the highest totals.

In the schools—and all schools were enlisted, parochial and private as well as public schools—the children wrote letters, and later little essays, describing their experiences, telling why it was important to vote, and what the issues were. The response was instantaneous, enthusiastic; and it requires no special imagination to infer the effect in individual homes, not only in compelling American citizens to vote, but in virtually forcing alien fathers and mothers to avoid embarrassment at their own firesides by expediting their efforts to gain citizenship.

Space is not available for extensive quotation of the children's essays; but their general tenor, and the reflex influence of their spirit upon the homes, may be imagined from such excerpts as these:

By an eleven-year-old boy, fifth grade: The men and women who are citizens of the United States are regular voters; if they are not, they should be. . . . If all the people voted, we should have a clean city. If your mother has to do all the dishes, you can say, "Why, mother, I can do the dishes while you go and vote." Your father may have to rake the yard. Why not rake the yard yourself and let your father go and vote? Then the children and their parents will be good citizens.

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By a girl in the sixth grade: The American government is governed by the people by means of voting. If people do not vote it is their fault that we have poor officials. . . . The anarchist and the other people who ignore our government are both destroying it, only the anarchist destroys it violently and the people who ignore it, slowly. Some aliens come here to enjoy all our privileges without becoming citizens. They save their money and go back to their old country. But some aliens appreciate our government, and are now of the best citizens we have. . . . Join hands with the American government. Mother, do not let Dad do it alone!

There is plenty of direct testimony as to the effect of this enterprise in the home, not only of the American citizens, but of the aliens. Thousands of mothers who otherwise might have remained prisoners to indifference and drudgery have been fairly driven out into the liberation of social contacts and into a broader life of interest in all the things that make for responsible citizenship *by the interest of their children*.

It is *in their homes* that the foreign-born women must be reached with inspiration and enlightenment as to their part in the process of self-government and the privileges, duties, and responsibilities—and activities—which are essential to anything worthy to be called American citizenship.



## XI

### THE FOREIGN-BORN VOTER IN ACTION

THERE is not and never has been in the United States anything that could be segregated as the "labor vote," although such a thing has been the dream of many labor leaders, the bugaboo—or rather the *ignis fatuus*—of politicians of many parties, and a permanently legendary figure in the popular speech. The absence of such a vote is the principle reason for the political futility of most of the efforts of the Socialist parties.

Time and again, since the beginning of our existence as a nation, efforts—some of them with a measure of success promising or menacing according to one's sympathy and point of view—have been made to get united political action on the part of citizens who worked with their hands as supposedly distinguished from those who worked with their brains. The effort never has come to other than temporary local success; although it may be conceded that, in some measure, the issues upon which the efforts were predicated afterward came to be those upon which the great parties fought out their battles; or, more likely, came slowly to substantial acceptance through economic development or sometimes as the direct fruit of campaign agitation.

The reasons for this failure to precipitate and organize the mythical "labor vote" are many and diverse, but certain of them are essential and fairly evident:

First, the fact that in this country social and industrial conditions have hitherto been, and probably for

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an indefinite period will continue to be, such as to emphasize individualism. It is true, despite any denials or theories, that industry, initiative, enterprise, always have won, still win, and will continue to win advancement above the herd. The top is still open for those who can win to it by their own inherent qualities. There has been here, there is now, no permanent industrial or social caste classification to circumscribe ambition and create either a persisting intellectual leadership of "labor" or a stable body of hand-workers susceptible of political coherence or direction. All efforts to crystallize "class consciousness" for political action have failed, and probably will continue to fail as long as the social bars are down so that individuals can pass freely from one class to another.

Second, the immensity of our territory and the great diversity of interests and issues in the forefront of public attention in one section and another. Seldom, if ever, have the conditions which might have solidified any class been sufficiently widespread or synchronous to serve the purpose of united political sentiment or action. Add to this the fact that politicians of both the great parties, more or less intentionally, have managed always to frame the issues so as to encourage this diversity.

Third, the deliberate and long-standing policy of the most influential of the general leaders of the labor organizations—Mr. Samuel Gompers for the most conspicuous example—of keeping those organizations free from the entanglements and distractions of party politics, definitely preventing their acting as a political unit; by intention confining their activities to the industrial, the economic field. This alone, without regard to the fact that the higher-grade unions (using that expression solely with reference to skill) seldom see their interests to be common, so far as the ballot box

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is concerned. The radical agitation for the establishment of "One Big Union," to include all classes of laborers as distinguished from capitalists, while it contemplates chiefly the exercise of industrial and economic power, includes the intention to concentrate political power as well.

Fourth, and most important, the fact that "labor," in the sense in which most politicians, and virtually all of the public, use the term, means chiefly the *unskilled* workers who contribute *muscle* to industry. These are to a great extent unorganized, without any conscious unity of interest or purpose; their approach to both industry and political action is as individuals—individuals of more or less shifting residence and comparatively little feeling of political responsibility. Moreover, it is a matter of common knowledge that the great industrial concerns have fostered the existence of masses of unskilled labor, in excess of the actual needs of industry, in order to maintain an "overstocked" labor supply, for the purpose of constant wage-competition to keep down costs. This competition has the inevitable effect of discouraging united action of any kind. And, still further, we have found<sup>1</sup> that the unskilled laborer of foreign birth, on the average, is not available for political activity because he is not naturalized.

This body of the unskilled, industrially indispensable, but politically unassimilated, inarticulate, and unwholesome, consists almost entirely now, and must consist increasingly, of immigrants. Like any other mass of material in an organism, potentially digestible and useful but actually undigested and in the circumstances indigestible, it has clogged the process of assimilation and is infecting the body politic with dangerous toxins. The wonder is that we have got along with it

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<sup>1</sup> See Appendix Tables of Occupations, Tables LXIII and LXIV.

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so well. One of the reasons may be the very fact that its influences are not in the ordinary sense *political*.

Foreigners: the word is used advisedly. For out of the welter of prejudice and misinformation surrounding the subject has emerged clearly the fact that by the time the alien *man* reaches the point of applying for citizenship and the political power that goes with it, he has been in this country *upward of ten years*, has advanced materially in social and economic status, and the process of assimilation is far on its way, if not substantially complete. In a majority of cases, he has passed out of the category of what is usually known as "common labor."

### DIVIDED BY RACIAL TRADITIONS

Another thing, conspicuous here as in no other country where "labor" might be regarded as directly a political factor, is the fact that even had these thousands of men been individually available for prompt assimilation, or manageable in their groups as material for political manipulation, they have constituted such a hodge-podge of conflicting racial and national antecedents, prejudices, and inhibitions that any coherent political action by them always has been out of the question. Scandinavian and Slav, Austrian and Italian, British and German, Greek and Turk; Protestant and Catholic, Jew and Gentile—to say nothing of those smaller clan, village, and even family feuds, often of long-forgotten origin, within the racial groups . . . at every turn some hoary animosity, born, perhaps, centuries ago out of historic or obscure conflicts of which the average native-born American maybe never heard in his life, has kept and doubtless long will continue to keep these racial groups apart and practically preclude any possibility of getting them to work together. The events



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and political by-products of the World War have only further confused and intensified these causes of disunion.

The Socialists alone, of all the considerable political parties, have tried to unite "labor" (chiefly meaning unskilled labor) by efforts to convince all the racial groups of a common political interest superior to any racial interest. They have almost completely failed.

Politicians, large and small, have been to some extent aware of this diversity of traditions and interests among the racial groups, based upon ancient or current controversies in old countries; but their approach to the subject always has been pragmatical and opportunistic, and usually unintelligent without real information about or understanding of the explosive matters with which they were meddling, or any but temporary or local concern about the consequences. The Fiume controversy, interesting both Italians and Jugo-Slavs; the Irish situation; the war between the Poles and the Bolsheviki in Russia; and conspicuously the whole stupendous question of the League of Nations—all are fine examples of international and interracial conflicts and emergencies of which American politicians of both parties have taken advantage for their own purposes without regard to consequences to the welfare of the world—or of their own country, for that matter.

### ALIENS NOT WITHOUT POLITICAL INFLUENCE

As we have seen, the foreign born who become citizens, and as such are eligible to participate in our political processes, do so on the average only after a residence in this country of more than ten years. Also, notwithstanding the legend to the contrary, there appears to be no material distinction of race in their interest in our politics or their desire to become citizens. But it would be a cardinal mistake to suppose that the great mass of

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the unnaturalized foreign born, who have no votes themselves, represent no political influence. Neighborhood sentiment is a very great force in politics. The politician pays special heed to the wishes of voters; but he is exceedingly mindful of the desires, enthusiasms, and hatreds of those in his district who are audible all the year round. This is all the more true when he is of the same racial origin as the bulk of the population that surrounds him in a "Little Italy," a "Little Hungary," a "New Bohemia," or a "Ghetto."

### THERE IS NO "FOREIGN VOTE"

What we have said of the mythical "labor vote" is equally true of the mythical "foreign vote." Under circumstances of tense feeling between Italians and Jugo-Slavs, between Irish and English-born, between Swedes and Norwegians, the vote of Italian-born citizens and those of Serbian antecedents cannot be corralled together for a candidate of either racial origin, or for a ticket representing sympathy or tolerance for either, and so on down the lines; but no politician ever has been able to unite in one political movement all the heterogeneous mass that could, by any stretch of words, be called the "foreign vote." There is no "foreign vote," any more than there is a "labor vote."

The wholesale enfranchisement of women, native and foreign-born citizens alike, under the Nineteenth Amendment to the Constitution of the United States, brings into the situation a new and confusing factor, about which it would be perilous to prophesy. Foreign-born women, largely ignorant of everything that we are accustomed to regard as "American," subject to all of the influences and limitations involved in the word "foreign," are swept by our naturalization laws helter-skelter into citizenship by the mere fact of their mar-

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riage or filial relation to a naturalized man, without any restrictions as to length of residence or personal fitness. And now the constitutional amendment has armed them with the ballot, with the potential capacity not only to strengthen, but to offset and nullify, the vote of the intelligent; not only to offset and nullify, but to double the political power of the ignorant, the misled, and the corrupt. Fortunately, however, as we have pointed out elsewhere, this is a potential rather than an actual peril. The foreign-born woman is, and will continue to be, very slow in assuming the power for mischief, or for good, which we have thrust upon her.<sup>1</sup>

### OLD EVILS ABOLISHED

There was a day in American political history when, especially in the great cities along the Atlantic seaboard, the immigrant, in many cases the newly landed immigrant, was herded to the ballot box, sometimes without even the empty formality of naturalization, to cast an open ballot thrust into his hand by his padrone or some one else of his race who saw to it that he got his pay, usually in cash, but sometimes in the form of a job. Such practices, while they survive sporadically in out-of-the-way mining regions or the like where supervision of elections is lax or lacking, are no longer in vogue.

The naturalization law of 1906, faithfully executed by the Naturalization Bureau, has completely abolished the old naturalization frauds and abuses, and the increasingly effective protection surrounding the ballot box, with the substitution of official ballots for the old voting ticket or open ballot, with more or less of the nonpartisan, alphabetical arrangement of candidates known as the "Australian" ballot, has made direct

<sup>1</sup> See chap. ix, on "The Foreign-born Woman in Politics," p. 296 *et seq.*

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corruption, vote buying, not only perilous as a form of crime, but relatively useless because of the difficulty of knowing whether the goods are delivered. There is still bribery, but more and more it takes the form of payment for voting at all, of continued tenure of jobs within the gift or control of politicians and other oblique and indirect forms of remuneration.

It would be possible to occupy much space in this volume with a history of bygone days, when naturalization was a farce and a scandal, and the ignorant immigrant vote a real factor in American politics. As early as 1835, this was a source of alarm to the native Americans, the emotion being intensified and complicated by the religious sectarianism which was a large factor in the nativistic Know-Nothing movement. Congress was memorialized about

. . . the ease with which foreigners of doubtful morals and hostile political principles acquired the right to vote, and pointed to this as a source of real danger to the country. The petitioners saw with great concern the influx of Roman Catholics. To such persons, as men, they had no dislike. To their religion, as a religion, they had no objection. But against their political opinions, interwoven with their religious belief, they asked legislation.<sup>1</sup>

In those days the "New Immigration," though the distinction between "old" and "new" now current had not been created, was more particularly of Irish and German—both races now generally regarded as of the "old," the more desirable kind!

Ostrogorski, in his *Democracy and the Party System in the United States*, says:<sup>2</sup>

<sup>1</sup> McMaster, *History of the People of the United States*, 7:370—cited in Warne's *The Tide of Immigration*, p. 242.

<sup>2</sup> Moisei Ikovlevitch Ostrogorski, *La Démocratie et l'organisation des partis politiques*, Paris, 1903, vol. ii, pp. 94-95. Translated into English by Frederick Clarke, with preface by James Bryce.



## FOREIGN-BORN VOTER IN ACTION

Owing to the facilities offered by the American naturalization laws, the immigrants began to enjoy the rights of citizenship after a short period of residence. Ignorant, with no political education, these new members of the Commonwealth took service at once in the party organization, and blindly followed the word of command. Coming from countries the inhabitants of which were languishing in wretchedness and degradation, as in Ireland, or gasping under the vexatious regime of police-ridden and grandmotherly governments, as in Germany with its *Polezei-Staat*, the immigrants could not resist the seduction of the word "democrat," and joined the ranks of the Democratic organization wholesale, bound hand and foot.

Ostrogorski took his view from the situation in New York City, as many other writers have done; overlooking the fact that to a great extent the new voter, both native and foreign-born, has usually and naturally followed first the political partisan preference of his father and his racial associates, and second, the trend of party success. The dominating party machine in any city naturally has the prestige of success, and its ability to deliver patronage, large and small, draws those to whom a job is the vitally important thing in life. In New York City the power of the ignorant vote always has been a great source of strength to Tammany, which happens to be Democratic; in Philadelphia the same thing may be said of the local organization, which happens to be Republican.

### CORRUPTION WAS NOT AN IMPORTATION

It is a common impression that the backbone of political corruption lies in the so-called "foreign vote." Ostrogorski paid his respects to that idea. Said he:<sup>1</sup>

<sup>1</sup>Moisei Ikovlevitch Ostrogorski, *La Démocratie et l'organisation des partis politiques*, vol. ii, p. 345. See also "The Alarming Proportion of Venal Voters," by J. J. McCook, *The Forum*, vol. xv; "The Sale of Votes," by J. B. Harrison, *The Century*, vol. xlvii; and "Money in Practical Politics," by J. W. Jenks, *ibid.*, October, 1892.

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The most shameless venality is often met with in the country districts, particularly in the states of the Atlantic seaboard; nay, even in New England, inhabited by the descendants of the Puritans. Votes are sold there openly, like an article of commerce; there is a regular market quotation for them. And it is not only needy people who make a traffic of their votes, but well-to-do farmers, of American stock, pious folk who always go to church on Sunday. If the farmer's son is an elector and dwells under the paternal roof the father receives the price of his vote and that of their help, who is under a sort of moral obligation to vote for the same candidate as his master. A good many would not take a bribe from the party which they regard as hostile; they keep faith with their own party, but they, none the less, demand money for their vote, in the form of an indemnity for their trouble, for loss of time, for traveling expenses. In some country districts a quarter or a third of the electors make money out of their votes.

### HOME-GROWN IN ADAMS COUNTY, OHIO!

Once at least in our political history we had an opportunity to see Ostrogorski's assertion convincingly illustrated, and legally attested by "judicial notice" of a competent court, in the case of Adams County, Ohio, where, a decade ago, in 1910, one brave local judge, by the name of A. Z. Blair, haled before him a whole countryside of farmers, and disfranchised for confessed corruption pretty much the whole population. Here was exactly the situation described by Ostrogorski—"votes sold openly, like an article of commerce," . . . "a regular market quotation," . . . "well-to-do farmers, of American stock," . . . "a third of the electors make money out of their votes." By stress of a special grand jury Judge Blair brought out complete and all but universal confessions, and imposed fines and disfranchisement upon the majority of voters in a whole rural county.

## FOREIGN-BORN VOTER IN ACTION

It is instructive [said the *Outlook* in its editorial comment] to note that this slump of citizenship has not occurred among foreigners or negroes, nor in the slums of cities, but in a purely rural population, and among voters of native American stock. <sup>1</sup>

### WHO IS THE BUYER OF VOTES?

Incidentally it may be remarked that in all this business of election bribery, which in past years has been all but omnipresent in American politics, the emphasis is laid upon those, American or foreign-born, who *sell* their votes. Even if it were true that the purchasable voter was chiefly the voter of alien race, *every sale implies a purchase*. Before any voter can sell his vote, somebody must be prepared to buy it. The seat of corruption lies, not in the venal voter alone, but also in the system that gathers money for the purpose of buying him. And that system, from the very beginning, has been devised and engineered by the American politician, and those behind him in American business life who desire to control elections and the people's representative selected therein, for their own "business" ends. It would not be difficult to point to elections of very great importance in America—even Presidential elections—in which the vote of great states was swayed one way or the other by the margin represented by the out-and-out purchase of votes at so much per head. Nor would any person above the age of six years seriously debate the question of the native-American origin of the people who incited and paid for the corruption.

William S. Bennet, then a member of Congress from New York City, and of the House Committee on Immi-

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<sup>1</sup> The *Outlook*, New York, January 14, 1911, vol. xcvi, p. 42.

## AMERICANS BY CHOICE

gration and Naturalization, put his finger exactly on the center of this question when he said:<sup>1</sup>

Much of our trouble in the past has sprung from the belief among newly made citizens, justified by far too much evidence, that we ourselves have regarded elections as contentions to be decided not at all by argument, persuasion, or reason, but by trickery, treachery, bribery, perjury, assault, forgery, deceit and even murder. . . . The new and impressionable citizen of even but twenty years ago had held out to him at election inducements to all that was worst in his character. If he held our elections and our institutions lightly, we had ourselves to blame for it. . . . Man moves much along lines of least resistance, and the stranger adapts himself to conditions as he finds them. Make your elections riotous and corrupt, and your new-made, foreign-born citizen riots and sells his vote with the native-born. . . .

The new citizen has neither political inheritance, prejudice, nor scars of conflict. He votes always in the present, sometimes for the future, but never in the past. Being poor, it is quite true that when there is corruption, he is among those approached. Being ambitious, the lure of minor place sometimes weighs with him more than principle.

Mr. Bennet, on the same occasion, emphasized the fact that a sharp distinction must be drawn between the mass of immigrants constituting the bulk of the foreign population, especially in the cities, and the small portion thereof actually participating in political activities:

It should be carefully borne in mind that in no great city is the naturalized voter a newly arrived immigrant. . . . In cities the newly made voter is a resident in this country certainly for five, and usually for more, years, before he votes even

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<sup>1</sup> William S. Bennet, address, "The Effect of Immigration upon Municipal Politics," before Conference for Good City Government, and Fifteenth Annual Meeting of National Municipal League, in conjunction with American Civic Association, at Cincinnati, November 15-18, 1909. See *Proceedings of National Municipal League*, 1909, p. 142 *et seq.*



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for the first time. Candidates in foreign-speaking localities frequently address audiences the majority of whom, either by age or alienage, are unable to vote. . . . The 644,000 electors who had a right to participate in our recent election were, thus, either native-born or having five years or more of residence. Of the 644,000 who registered about 590,000 voted. These divided their votes roughly as follows: Gaynor, Tammany and Democrat, 250,000; Bannard, Republican and Fusion, 175,000; Hearst, 150,000. Four years ago, the vote was, Tammany, 226,000; Hearst, 224,000; Republican, 137,000. Therefore this year both the Tammany and Republican candidates gained at the expense of Hearst. The exact significance of this is immaterial and accounted for readily by a variety of causes. The important fact remains that 150,000 voters, without particular leadership or organization, left the party ranks and voted for an individual of their choice.

There is no substantial support, either in any careful study of elections as a whole or in particular, or in the experience of those who have lived close to the political processes of our country, for the widespread impression that the foreign-born voter is more given to or victim of political corruption than any other class.

### ATTEMPTS TO FIND THE "FOREIGN VOTE"

It is exceedingly difficult to identify the part played in any particular election, or in elections generally, by foreign-born voters. Political leaders and others who make analyses of election returns have their theories and prepossessions, and find in figures what they want to find, to defend policies, support theories, and sustain positions generally. In the presidential election of 1920, this was especially evident. Those who supported the Republican ticket and platform and those who supported the Democratic; those violently opposed to the League of Nations and those devotedly in favor of

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it—alike found in the election returns, manipulated to suit their views, sustenance for argument as to the part played in the result by this, that, and the other racial group or political faction. Even the Socialists, whose basic theory is the most definitely declared of all political theories, find in a growing vote evidences of wide acceptance of their doctrines; in its shrinkage merely the desertion of mere protestors or sentimentalists who really do not understand Socialism at all! Personal prejudice and predilection exhibit themselves notoriously in political figuring. The process usually consists of more or less gratuitous assumptions, from which one may prove statistically—whatever he wants to prove.

An exceptional instance of an attempt to analyze an election without preliminary bias appears in a study of "The Political Mind of Foreign-born Americans," contributed by Dr. Abram Lipsky to *Popular Science Monthly* several years ago,<sup>1</sup> in which he undertook by analysis of the election returns from a number of Assembly Districts in Greater New York, predominantly of a certain racial complexion, to infer the attitude of those racial groups on certain subjects. But it is clear that the inferences, however they may have been justified by the figures from this election, were based upon questionable assumptions. Still more important, it is altogether fallacious to assume that in another election, wherein the issues were stated differently or the general political atmosphere was different, these very districts, these very individual voters of whatever race, might not vote quite otherwise. A state of mind among the Italian-born voters, provoked, for example, by their understanding of the attitude of Mr. Wilson on the subject of Fiume, might produce Republican

<sup>1</sup> *Popular Science Monthly*, New York, October, 1914, vol. lxxxv, pp. 397-403.

## FOREIGN-BORN VOTER IN ACTION

votes in one election; whereas a year later, in an election in which their interests at home or abroad were believed by them to be otherwise affected, their votes might be overwhelmingly Democratic.

One of the questions which Doctor Lipsky undertook to answer from the election figures was whether the voters in the selected districts "read the Hearst papers regularly." He inferred his answer from the vote cast in those districts for the candidates which happened to be favored by the newspapers owned by William Randolph Hearst. But the basic assumption was fallacious, overlooking entirely the notorious fact that repeatedly elections in New York City have been won in spite of the opposition, or lost in spite of the support, of virtually the entire newspaper press of the city. As logically might one assume from any election that the vote, pro or contra, on any subject represented the circulation of some particular group of newspapers whose views the election indorsed.

Nearer the probabilities, but still subject to the same kind of discount, is Doctor Lipsky's generalization as to the showing of one election on the subject of the attitude of certain racial groups as regards Tammany Hall and Socialism. This analysis is not without a certain degree of general significance.

Doctor Lipsky's conclusion that "native-born Americans of American parents are opposed to Tammany government" is based upon a comparison of figures from districts predominantly of native Americans, in the elections for governor in 1910 and for mayor of New York in 1913, his primary assumption being that the candidacy of Judge Edward E. McCall for mayor embodied "Tammany" pure and simple, while that of John A. Dix for governor did not make "Tammany" a state issue. From this point of view Doctor Lipsky interprets the fact that the percentage of votes for McCall

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in those districts was strikingly lower than those for Dix in the state election of three years before:

TABLE XXXVII

PER CENT OF NEW YORK CITY VOTE CAST FOR McCALL IN 1913  
AND DIX IN 1910 BY VOTERS OF NATIVE PARENTS

ASSEMBLY DISTRICT	PER CENT OF NATIVE PARENTS	1913 McCALL	1910 DIX
15th Manhattan.....	45.3	33.7	58.1
19th ".....	40.0	33.2	52.3
25th ".....	44.1	35.3	48.4
27th ".....	51.5	37.6	55.8
4th Queens.....	41.3	31.1	46.2
17th Brooklyn.....	45.6	24.7	43.6
11th ".....	38.0	34.9	50.5
18th ".....	39.0	28.3	46.3
5th ".....	38.1	25.3	44.1
10th ".....	38.6	36.6	53.3

But the Russians and Austrians also said "No" to Tammany, as Doctor Lipsky reads the figures:

TABLE XXXVIII

PER CENT OF NEW YORK CITY VOTE CAST FOR McCALL IN 1913  
AND DIX IN 1910 BY RUSSIANS AND AUSTRIANS

ASSEMBLY DISTRICT	RUSSIANS PER CENT	AUS- TRIANS PER CENT	BOTH PER CENT	1913 McCALL	1910 DIX
8th Manhattan...	54.4	14.2	68.6	40.2	52.3
6th "...	30.4	30.8	61.2	22.8	40.0
4th "...	35.6	25.2	60.2	51.1	61.7
26th "...	34.6	6.7	41.3	30.0	41.0
2d "...	35.6	1.4	37.0	57.6	67.5
10th "...	22.3	12.5	34.8	29.3	52.2
31st "...	12.9	4.9	17.8	24.1	44.7
21st Brooklyn...	31.2	5.9	37.1	27.1	48.6
23d "...	33.3	3.9	37.2	25.7	40.9
14th "...	16.1	5.9	22.0	46.6	61.5
22d "...	13.0	3.0	16.0	24.3	38.5



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The Irish voted for Tammany, as usual:

TABLE XXXIX

PER CENT OF NEW YORK CITY VOTE CAST FOR McCALL IN 1913  
AND DIX IN 1910 BY THE IRISH

ASSEMBLY DISTRICT	PER CENT OF IRISH	1913 McCALL	1910 DIX
13th Manhattan.....	16.4	61.0	58.1
16th ".....	14.0	51.7	61.4
11th ".....	12.2	55.6	60.5
14th ".....	12.4	54.7	61.2
5th ".....	11.2	64.4	67.6

Allowance must be made here for some falling off of the vote in a municipal as compared with a state election; but a still greater allowance must be made for the fact that "Tammany" was indeed a state issue—Dix was distinctly charged by the opposition with being Tammany's candidate, and there were, as always, confusing and inestimable factors of a subtle kind—such, for instance, as the fact that McCall had an Irish name, and Dix didn't; or that the name "John A. Dix" had a sound historically familiar—even if not one regularly American-born person in a hundred could remember who the historic "John A. Dix" was!

Some years the Germans are supposed to have supported Tammany; this particular time Doctor Lipsky seems to find that they did not—in districts in which Germans made up a considerable percentage of the population. (See Table XL.)

Think what you will of the Italians' attitude toward Tammany; you can stress the fact that the vote for McCall was so much below that of three years before for Dix, or you can philosophize about the fact that it was no greater! Doctor Lipsky's inference that, on the

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whole, they supported Tammany is based on the figures from six districts. (See Table XLI.)

TABLE XL

PER CENT OF NEW YORK CITY VOTE CAST FOR McCALL IN 1913  
AND DIX IN 1910 BY GERMANS

ASSEMBLY DISTRICT	PER CENT OF GERMANS	1913 McCALL	1910 DIX
3d Queens .....	21.4	31.1	49.8
20th Brooklyn .....	20.2	26.8	41.8
19th " .....	13.6	31.9	48.3
23d " .....	11.2	34.6	49.4
1st Queens .....	11.1	41.4	55.2
22d Manhattan.....	21.2	38.4	50.2

TABLE XLI

PER CENT OF NEW YORK CITY VOTE CAST FOR McCALL IN 1913  
AND DIX IN 1910 BY THE ITALIANS

ASSEMBLY DISTRICT	PER CENT OF ITALIANS	1913 McCALL	1910 DIX
3d Manhattan.....	30.3	67.6	77.7
1st " .....	25.2	59.6	67.8
28th " .....	26.8	42.6	55.8
3d Brooklyn .....	23.2	63.7	73.1
2d Manhattan.....	18.5	57.6	67.4

“We are able,” says Doctor Lipsky, “to say that a decided ‘no’ was given to Tammany by native Americans of native parents, and by the Russians and Germans; a decided ‘Yes’ was given by the Italian and Irish.”

The thing that stands out in these figures, whatever else may be said, would seem to be the fact that, like the native Americans of native parentage, the voters of foreign racial antecedents changed their support with changing circumstances and influences. The conven-

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tional view of the foreign-born voter is that he votes in herds, as he is told to vote, and that in New York City Tammany does the herding. Well, in the mayoralty election of 1913, judging by these figures, it is evident that Tammany's "herding" was not wholly successful with those "new-immigration" voters classed as Russians and Austrians! All sorts of factors, local and general, fundamental and temporary, almost wholly incalculable, enter into elections, and one is free to analyze and interpret to suit himself.

On the subject of the "political mind of the foreign-born voter" as regards Socialism, Doctor Lipsky presents some interesting figures from ten assembly districts in which the Socialist candidate for mayor in 1913 received over 10 per cent of the total vote.

TABLE XLII

PER CENT OF SOCIALISTIC VOTE IN NEW YORK CITY IN 1910 AND 1913 BY NATIONALITY

ASSEMBLY DISTRICT	SOCIALIST VOTE		NATIVE OF NATIVE PAR- ENT-AGE	AUS- TRIAN	GER- MAN	IRISH	ITAL- IAN	RUS- SIAN
	1910	1913						
21st Brooklyn ..	12.4	16.1	12.6	5.9	4.1	....	9.1	31.2
23d " ..	12.5	15.8	19.6	3.9	2.2	1.6	4.6	33.3
19th " ..	11.0	12.8	12.6	.8	13.6	....	9.9	11.9
4th Manhattan ..	12.6	11.9	7.0	25.2	.4	1.1	2.5	35.6
26th " ..	10.2	11.8	7.1	6.7	4.6	3.8	1.4	34.6
8th " ..	14.6	11.7	2.5	14.2	.7	....	4.1	54.4
22d " ..	13.1	11.7	10.6	4.6	21.2	5.3	1.6	3.6
6th " ..	10.0	11.2	2.4	30.8	1.1	.7	.7	30.4
24th " ..	10.4	11.2	11.1	3.9	4.3	6.2	11.1	20.6
10th " ..	11.1	10.8	3.9	12.5	4.7	....	13.9	22.3

"Our conclusion therefore is," says Doctor Lipsky, "that the bulk of the Socialist vote is derived from the

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foreign Jewish element, and to a less degree from the Germans.”

Perhaps, but one may not ignore, for instance, the fact that in the district of these containing the largest percentage of native Americans of native parentage, the Socialist vote for Governor in 1910 was 12.5 per cent of the whole; or that in the one in which the Russian and Austrian percentage was very small and the German larger than in any other of the districts selected, the Socialist vote was about 13 per cent. We shall see later in this chapter the importance of the German factor in the Socialist party.

All such analyses of particular elections, we may say again, are interesting and in a measure instructive; but generalizations are exceedingly perilous and greatly conditioned by personal preconceptions, special temporary and local forces and circumstances, and the purposes of the statistician for the time being—for all of which the candid student will, and must, make heavy discounts.

### RESPONSE TO PROGRESSIVE IDEAS

Coming to the question of the Progressive party's campaign in 1912, Doctor Lipsky says, in part:

One of two facts in the election of 1912 . . . are extremely suggestive even though they do not cover the whole ground. In that election Roosevelt ran ahead of Wilson in only four districts of the city. One was the 23d of Manhattan, in which Taft also ran ahead of Wilson—a strong Republican district. The other three were the 6th, the 8th, and the 26th, the three districts in which the Russians and Austrians constitute the great majority of the electorate.

So there you are—make what you will of it. Why should the very districts in which we found heavy percentages of Russians and Austrians, and a relatively



## FOREIGN-BORN VOTER IN ACTION

heavy Socialist vote, produce a preponderant vote for Roosevelt and the Progressive platform? Is there, after all, a common factor, overlooked—or anyway not dwelt upon—by Doctor Lipsky, to account for what otherwise might seem inexplicable? Here again one may philosophize to suit himself, but it is worth while to consider one phase of the matter too often ignored in discussions of the motives and impulses behind the radical vote.

William S. Bennet, previously quoted in the same address, dwelt upon this matter in speaking of the influence of Mr. Hearst:<sup>1</sup>

Mr. Hearst's vote among the foreign born was great, and, more than the other two candidates combined [speaking of an election in which Mr. Hearst was himself a candidate], he attracted that vote. It becomes important to analyze Mr. Hearst's appeal. Much of it we find to have been on right lines. We cannot quarrel, because of those views, with a candidate who asks votes because he has fought against railroad rebates, corporation exactions, and fraudulent elections. Under New York City conditions we cannot quarrel with one who advocates the building of immediate transit facilities with city money. It was also rather begging the question to assert that Mr. Hearst exaggerated his efforts and usefulness in relation to those matters. The personal and temperamental fitness of a candidate is always an element to be considered, and in Mr. Hearst's case it was, though more in private than in public discussion. His record as a persistent absentee during his congressional service and the legitimate argument from it that he would be a negligent mayor, cost Mr. Hearst more votes among those friendly to him among the foreign born than he probably imagines.

Mr. Hearst never made an appeal for support on the ground

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<sup>1</sup> William S. Bennet, address, "The Effect of Immigration upon Municipal Politics," before Conference for Good City Government, and Fifteenth Annual Meeting of National Municipal League, in conjunction with American Civic Association, at Cincinnati, November 15-18, 1909. See *Proceedings of National Municipal League*, 1909, p. 142 *et seq.*

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that it would be of any personal assistance to himself. His appeal was frequently to the self-interest of the individual, and quite generally to his highest interest as a citizen in the welfare of the whole body politic. He favored policies because, in his expressed judgment, they were right, not because they might be immediately successful; and opposed others because wrong, though by many deemed expedient.

The point to be noted, then, is that in the propaganda of the Socialists, of the Progressive party, of Mr. Hearst, there was much stress upon and slogans about the common welfare, the improvement of social conditions, the square deal, honest politics and government, human brotherhood. The note never was outwardly selfish or materialistic. Always, in the main, it was idealism—whatever may have been the private motives actually underlying in any particular case.

It is the common experience of those who have worked with the foreign-born voter that he usually is responsive to this kind of appeal. Is it not really a tribute to ourselves, as well as an index of his own idea of what "America" stands for, that he acts at the ballot box as if he would like to see these things incarnated in the life of his adopted country?

Mr. Bennet went on to say that "we learn, certainly, concerning our most recent citizens, from the Hearst vote":

1. They are independent voters.
2. They are not constrained to remain in the party in power nationally.
3. Nor do they remain with a party simply because it is usually dominant locally.
4. They are not afraid to sacrifice immediate possible benefit by attaching themselves to a lesser party and temporary movement.
5. They are moved by appeals to good citizenship.
6. They are quite certain to range themselves on the right side of a question of morals.

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7. A certain proportion of them are moved by direct appeals, based on alleged class distinctions.

8. The thinly veiled policy of license advanced by the Tammany candidate did not draw them from Mr. Hearst, though he vigorously condemned license and its advocacy.

And Mr. Bennet added, "these things have been proved concerning the immigrant. Without going into specifications, which are, however, well understood locally, these things are *not* proved:

1. That he always votes for a fellow countryman or a co-religionist.

2. That he can be invariably stampeded by a race or religious issue.

3. That he votes blindly.

### SOME RESULTS FROM CLEVELAND

It is impossible to forecast the working out in our politics of the passions aroused by the World War among the various racial groups by the relations and enmities of their respective fatherlands in that vast turmoil, and the effects of the behavior of native-American elements toward particular races, and even toward "foreigners" generally. It is evident that for any intelligent understanding of what, in the long run and under approximately normal conditions, are the political attitudes and activities, we must derive our facts largely from an earlier period—at least antedating the armistice and the bitter conflicts growing out of the Peace Treaty and the partisanship characterizing the controversy about the League of Nations which so greatly confused the issues in the presidential election of 1920.

A series of elections in the city of Cleveland, Ohio, in the period between 1911 and 1918 seemed to offer opportunities for study of a number of large racial groups under reasonably normal conditions. It is not claimed that this Study was conclusive in its results or

## AMERICANS BY CHOICE

fully scientific in its method; but it certainly produced a significant exhibit of facts, and in general confirmed what is known to everyone who ever has worked with or candidly observed at first hand the part played by the foreign-born voter in American politics—namely, that he is in no important respect different from the native-born; that he is swayed by the same motives and emotions, and is not essentially different in respect of responsiveness to appeals to his civic pride.

The first step was to select for study a group of election precincts including as large a proportion as possible of the various nationalities, and for comparison another group of districts which would show the action of native-born voters. Ten of the latter were selected, including populations both relatively wealthy and relatively poor, and both habitually Republican and habitually Democratic. For foreign-born racial groups the following were selected as most important: Czechs, Magyars, Poles, Jugo-Slavs, Italians, and Jews. Owing to the scattered nature of the racial distribution, it was impossible to find a large number of districts predominantly of any particular race; but it was possible to segregate three for each of these races, and four for one, for comparison with them of the native born; so that 29 precincts were studied, as follows:

TABLE XLIII  
DISTRIBUTION OF NATIONALITY IN TWENTY-NINE PRECINCTS IN  
CLEVELAND

Native born.....	10
Czech.....	3
Magyar.....	3
Polish.....	3
Jugo-Slav.....	3
Italian.....	4
Jewish.....	3
Total.....	29



## FOREIGN-BORN VOTER IN ACTION

Eight elections were covered by the inquiry, comparing the votes for:

Mayor	1911—Baker <i>vs.</i> Hogen.
Mayor	1913—Baker <i>vs.</i> Davis.
Mayor	1915—Witt, Davis, Ruthenberg.
Mayor	1917—Stinchcomb, Davis, Ruthenberg.
President	1916—Wilson, Hughes, Debs.
Governor	1916—Cox <i>vs.</i> Willis.
Governor	1918—Cox <i>vs.</i> Willis.
Congressman	1918—Candidates differing in different districts.

The returns were examined also for indications as to attitudes about woman suffrage and the question of no-license and prohibition, in elections between 1912 and 1918.

Of the native-born precincts, so called, five indicated almost straight Democratic tendencies; three were consistently Republican; and two were of varying complexion as between the two great parties. It should be remembered that the prevailing general complexion of the city of Cleveland in recent years, and regardless of the "landslide" of 1920, has been Democratic. Therefore the districts selected to show the tendencies of the native born were fairly representative of the situation.

The first election, 1911, was a straight partisan contest between Mr. Baker, a Democrat, and Mr. Hogen, a Republican. In 1913, the city tried, for the first time, its municipal nonpartisan ballot; but in that year the old political parties were as powerful as ever. In the election of 1915, Mr. Baker was not a candidate, but Peter Witt, long associated with Mayor Tom L. Johnson, was the Democratic candidate. This election exhibits circumstances and results significant not only of

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the attitude of the foreign-born voter and his responsiveness to political cross-currents, but of the extreme difficulty of isolating particular factors as especially influential upon these voters.

Mr. Witt had just completed four years of service as Street Railway Commissioner, and among the business and professional classes of the town had won a rather reluctant recognition for efficiency, the reluctance being largely due to the fact that in days when he was campaigning for Tom Johnson he had been regarded as ultra-radical. But his opponent in this campaign had no recognized record of administrative capacity, and the Republicans themselves acknowledged some doubt as to his ability, compared with the known ability of Witt, to fulfill the duties of the mayoralty. Both candidates were regarded without opposition by the "wet" element, though Mr. Davis was perhaps more circumspect in his utterances on the liquor question. The campaign did not touch the questions involved in the European War until the very end, when, on the Sunday before election, some supporter of Davis published and widely circulated among the Bohemians (Czechs), Russians, and Italians a pamphlet in which Witt was bitterly accused of being pro-German.

Now the results of the election in the wards dominated by those nationalities might rationally be held to show a pronounced effect of that propaganda, but it was no secret, the old "aristocratic" wards were presumably as keen about pro-Germanism as those inhabited by voters of alien origin, and there, if anywhere, would be the seat of the prejudice against Witt on the ground of alleged radicalism. Why, then, did the native-born conservatives waive their prejudices against Witt, the supposed radical, and overlook the charges of pro-Germanism? And why did the foreign born, who are conventionally expected to be radical, suddenly

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turn and vote against the only candidate who was accused of being radical? Why did Mr. Witt gain nothing in the heavily German wards (as in fact he did gain nothing) from his German name, his remote German ancestry, and the accusation of pro-Germanism? It was further noted at the time that among the Russian Jews the attack upon Witt turned many normally Democratic votes to the Davis Republican candidate. Why?

The following tables show what happened in the precincts studied:

TABLE XLIV

DISTRIBUTION OF DEMOCRATIC AND REPUBLICAN VOTES IN CLEVELAND IN 1913 AND 1915 AMONG CERTAIN RACIAL GROUPS

PRECINCTS	NUMBER OF VOTES		NUMBER OF VOTES	
	1913		1915	
	Baker	Davis	Witt	Davis
Native born.....	945	1,091	1,039	925
Czech.....	343	223	275	373
Magyar.....	207	204	302	204
Polish.....	263	208	205	473
Jugo-Slav.....	283	135	279	137
Italian.....	239	232	136	394
Jewish.....	260	256	273	212

The three elections following—the presidential in 1916, the mayoralty election in 1917, and the governorship election in 1918—exhibit no tendencies attributable either to the war or to any special causes from which one may generalize anything with regard to the political activities and attitudes of the foreign-born voters which would distinguish them from the native-born. In 1912 Wilson carried Polish, Magyar, and

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Czech precincts. In 1916 he repeated—this presumably not because of any aspect of the war, but because those precincts are normally Democratic.

The Cleveland nonpartisan ballot provides for three choices. One of the objections urged against the nonpartisan ballot has been that the second and third choices would be used only by the more intelligent voter; that the less intelligent would vote for but one. In the elections studied in which this three-choice system was used, 20 per cent of the native born expressed second choices; the foreign born followed in this order:

TABLE XLV

PER CENT OF CERTAIN RACES EXERCISING SECOND AND THIRD CHOICES

RACE	SECOND CHOICE PER CENT	THIRD CHOICE PER CENT
Native born.....	20	7
Jugo-Slav. ....	18	7
Jews.....	14	5
Italians.....	12	7
Magyars and Bohemians.....	10	7
Polish.....	7	3

A smaller per cent exercises third choice, but three foreign-born groups equaled the native born with 7 per cent. The Jews with 5 per cent, Magyars with 4 per cent, Polish with 3 per cent, were the lowest.

While there is little in these figures to justify generalization, it may be said that, on the whole, the voters presumably more intelligent are in practice rather afraid of the second- and third-choice business because they recognize some danger that in expressing a second choice they may, in the final count, negative their first



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choice; therefore there is a marked tendency among the politically sophisticated to vote only a first choice. At all events, no substantial distinction can be drawn from any available statistics between native and foreign born, as such, with regard to their intelligence or their tendencies in the use of such a device.

When one comes to consider what might be called the *human* aspects of politics, these elections in Cleveland show, what elections everywhere show, interesting but in no way surprising facts. One is that the voters of any race tend to support a candidate of that race, or a man well known as friendly to its members. Mr. Davis was exceedingly well known and popular among the Bohemians, who are both numerically strong and racially influential in Cleveland. In the first election studied, that of 1911, Mr. Baker, a Democrat, carried the three Bohemian (Czech) precincts by substantial pluralities as against Mr. Hogen. His total vote in these precincts aggregated 445 to Hogen's 183. But in 1913 Mr. Davis carried one of the precincts. And over against this fact is the consideration that in 1913 Baker was generally much weaker as a candidate than in 1911—for reasons having no appreciable racial bearing. In 1915, as shown in the table above, there was a heavy swing in the three Bohemian districts in favor of Davis, the Republican candidate.

Under the head of *human* tendencies one may consider the question of the immigrants' attitude toward prohibition. The reaction is just what would be expected from voters of foreign extraction. The Magyars (Hungarians), normally Democratic, swung greatly enhanced Democratic pluralities when that party was recognized as opposed to prohibition. And the old-country attitudes about the position of woman showed clearly in the vote on woman suffrage, as they all voted against the "dry" proposals and candidates.

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In the earlier days in Cleveland the Italians were led by a very influential Italian who was a Republican, and until recent years the Italian vote was preponderantly Republican. Now, however, the Cleveland politicians will tell you that this preponderance has passed; the Italians are said to be fairly evenly divided. But in any particular election the Italian vote may sway this way or that, under the influence of temporary factors that swing elections everywhere. In one Italian precinct, in four municipal elections, the Republican candidate was preferred in every case. Hughes had a small plurality over Wilson. But in two state elections the Democrats won—admittedly because the Republican candidate was regarded as “dry.”

Again the human factor—take the Jews. One of the Cleveland precincts studied is made up of an overwhelming majority of the more prosperous class of Jewish people. The other two are located in the Ghetto of the city. There is no similarity in the political trends of the two parts of the city. The wealthier Jews vote as a rule for Democrat or Republican. In 1917 the Socialist candidate for mayor carried both of the poorer districts. But do the Jews move away from the Socialist districts because they are opposed to Socialism, or do they turn from Socialism when they become more prosperous?

Persistent in most of the studies of this subject is the fallacy of assuming or attempting to find some constant factor attaching either to this or that particular race, or to the state of being foreign born or of foreign antecedents. The Jugo-Slavs in Cleveland are said, and appear to be shown in the statistics above, to be preponderantly Democratic. In 1916 Wilson received in the three Jugo-Slav precincts more than 70 per cent of the total vote. But, aside from the fact that Social-

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ism is or has been at times politically strong among the Jugo-Slavs, we have no data to show how Jugo-Slavs voted in districts where they are in the minority; we do not know why they voted for Wilson in 1916, or how many of them did so vote. The 70 per cent above referred to included large numbers of voters in those precincts who were of other racial complexion, and the individual ballot in no instance discloses the inner mind of the voter.

### “CIVIC INTEREST” IN GRAND RAPIDS

When we come down to the larger question, of the response of voters of foreign birth and origin to constructive efforts to interest them in civic matters, we are on surer ground. Given a sufficiently comprehensive survey, we can tell whether the “foreign wards” of a city are apathetic toward movements which they can recognize as embodying concrete things close to their own lives, and meaning a forward step in public administration. The testimony of all sorts of workers among the foreign born is unanimous on this point. The foreign-born voters are more responsive to things of this kind than the native-born. Possibly this is because their more recent introduction into American life makes them more naïve, less blasé—what you will as to the reason, the fact remains the same.

It so happens that we have a peculiarly apt and informing exhibit of this in the city of Grand Rapids, Michigan, in statistics of five elections involving questions of municipal import, and showing in most striking fashion the results of a sustained effort, not to influence votes this way or that, but to impress citizens with the importance of voting at all. The following tables show the total vote cast in the three wards of the city of Grand Rapids at these elections:

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## TABLE XLVI

VOTE CAST IN PRECINCTS OF VARYING RACIAL MAKE-UP IN THREE  
WARDS OF GRAND RAPIDS, 1918, 1919

First Ward						
PRE-CINCT	RACIAL COMPLEXION	MARCH 1918	AUGUST 1918	NOVEMBER 1918	MARCH 1919	APRIL 1919
1st	Lithuanian . . . . .	95	144	178	222	316
2d	Dutch . . . . .	267	402	443	483	601
3d	Polish . . . . .	359	608	672	721	1,105
4th	American . . . . .	197	311	347	358	593
5th	American . . . . .	334	508	555	757	1,063
6th	Polish . . . . .	239	386	407	532	764
7th	Polish . . . . .	305	464	541	729	946
8th	American . . . . .	213	338	386	536	719
9th	German . . . . .	210	349	419	535	752
10th	Mixed . . . . .	296	425	455	682	909
11th	Mixed . . . . .	263	427	484	643	899
12th	American . . . . .	260	403	461	685	940
Second Ward						
1st	American . . . . .	270	438	499	682	907
2d	American . . . . .	251	322	423	557	796
3d	American . . . . .	360	519	549	738	885
4th	American . . . . .	227	393	434	475	658
5th	Polish . . . . .	166	227	291	363	467
6th	Polish . . . . .	277	449	514	721	952
7th	American . . . . .	292	407	496	837	881
8th	American . . . . .	206	300	375	574	732
9th	American . . . . .	129	245	324	238	434
10th	Dutch . . . . .	314	451	546	1,002	1,139
11th	Dutch . . . . .	240	373	418	594	726
12th	American . . . . .	231	399	476	783	931
13th	American . . . . .	409	588	671	1,063	1,297
14th	American . . . . .	331	457	544	1,085	1,229
15th	Italian and Syrian..	291	486	618	1,168	1,357
16th	Italian and Syrian..	89	155	187	187	285
17th	Italian and Syrian..	115	164	209	253	326
Third Ward						
1st	Italian and Syrian..	178	247	328	379	540
2d	Italian and Syrian..	98	135	258	263	440
3d	American . . . . .	318	551	680	1,004	1,298
4th	American . . . . .	354	546	619	980	1,203
5th	American . . . . .	422	613	681	861	1,019
6th	American . . . . .	241	380	433	674	848
7th	Dutch . . . . .	292	480	511	628	952
8th	American . . . . .	346	555	631	818	1,165
9th	American . . . . .	255	416	509	720	979
10th	American . . . . .	266	470	547	771	1,114
11th	American . . . . .	188	360	450	516	812
12th	Dutch . . . . .	291	488	578	717	986
13th	Dutch . . . . .	218	367	413	463	658
14th	American . . . . .	224	404	490	677	909
15th	American . . . . .	124	224	272	417	604
16th	American . . . . .	194	387	442	594	847
Totals . . . . .		11,245	17,820	20,774	28,705	37,983



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The population of Grand Rapids, about 112,500 by the census of 1910, by the spring of 1918 had grown to approximately 132,000. This would afford a potential male vote of upward of 26,000; so that at the primary election that March, considerably less than half of the possible vote was polled. At the election in August, 1918, this was increased to nearly 70 per cent, and to 80 per cent in November.

In 1919, however, the women came into the picture, and the efforts of the Americanization Society<sup>1</sup> were redoubled to bring the women out, first to register and then to vote. The report of the secretary of the society (made at the annual meeting in January, 1920) states that on February 15th, the last registration day before the March primary, 22,700 women had registered. And on March 20th, the last registration day before the election of April 7th, women had registered to a total of 26,500—an astounding proportion of the possible total of women citizens of voting age in a population of 132,000. It looks very much like 100 per cent!

The last two columns in the table above show the totals including the women voters, and the striking increase between the March primary and the April election in 1919. With a possible total vote of upward of 50,000 we have the results of the Americanization Society's work as showing in the actual personal presence at the polls of at least 75 per cent of the voters of all racial groups. The vote cast on March 5, 1919, was 28,705, composed, it is said, of about half men and half women. At the election on April 7th, nearly 38,000 votes were cast, and it is estimated that from 7,000 to 10,000 voters were turned away from the polling places because of inadequate election facilities. A fairly impressive exhibit of the response of American

<sup>1</sup> The spirit and methods of the Grand Rapids Americanization Society are described in chap. x, p. 330 *et seq.*, in this volume.

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citizenship to an appeal to American, nonpartisan, *civic interest*, in a large cosmopolitan city, regardless of racial complexion. Indeed, without meaning to stress the point unduly, it may be remarked in passing that the very few precincts which in any election failed to show a substantial increase over the vote at the previous election, are in every instance those in which the population is described as predominantly of the native born.

That it was the appeal to civic interest and duty, and nothing else, which in largest measure produced this result may be seen, for instance, in a comparison of the registration of women in Grand Rapids with that at the same time (February, 1919) in other Michigan cities in which there was no such intensive campaign to get the women out to the registration places:

TABLE XLVII

PER CENT OF WOMEN REGISTERED IN THIRTEEN MICHIGAN CITIES

CITIES	POPULATION	WOMEN REGISTERED	PER CENT OF POPULATION
Grand Rapids.....	132,000	22,700	17.0
Saginaw.....	65,000	8,509	13.0
Benton Harbor.....	12,000	1,506	12.5
Traverse City.....	12,000	1,388	11.6
Jackson.....	50,000	5,388	10.8
Muskegon.....	42,000	4,500	10.7
Bay City.....	50,000	6,290	10.6
Port Huron.....	25,000	2,706	10.1
Flint.....	70,000	6,906	9.9
Kalamazoo.....	50,166	4,308	8.6
Detroit.....	986,699	65,040	6.5
Lansing.....	55,000	3,000	6.3
Cadillac.....	10,000	513	5.1
Totals and average..	1,591,865	135,344	8.5

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Even then, however, the Grand Rapids movement was spreading to other Michigan cities; some of the results of that influence may well be visible in the larger percentages shown by some of these cities. Since then, indeed, the movement has become state-wide; and the results already visible show notably the same facts and tendencies so strikingly exhibited in the case of Grand Rapids, where it began.

### MUNICIPAL VOTERS' LEAGUE OF CHICAGO

The most conspicuously successful effort to mobilize all the resources of a great city behind the general movement for honesty and efficiency in city government is undoubtedly the Municipal Voters' League of Chicago. Its record of accomplishment is too long and too brilliant to permit any serious discouragement from the fact that immediately following the war there appeared to be a setback and reaction in Chicago's local elections. For the time being there seems to be everywhere a recession in nearly all forms of social idealism. That is the inevitable result of the moral overstrain that accompanies war. Much work must be done over again, but, at the worst, it must be recognized that the tide of advance during the past quarter-century left marks which will not be forgotten; standards of social welfare and responsibility which, in the long run, will continue to stand as a minimum of progress.

Another thing: Into Chicago has come, during the past few years, a vast population of negroes from the South, among whom never anywhere has a particle of work been done tending to teach them the smallest thing about political responsibility or civic pride. In the election of April, 1919, when William Hale Thompson was re-elected mayor of Chicago, despite the opposition of all the constructive elements in the city, a

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good deal more than half of Thompson's plurality was gained in the Second Ward, which is *the* negro ward of the city. It would be misleading to generalize from the results in the foreign wards, because the issues were greatly confused by the war and accusations of pro-Germanism against Thompson. Even so, Thompson in that election carried only one of the heavily German wards. In some of the wards, dominated by native-born voters, he won because, in spite of his alleged pro-Germanism, he was the candidate of the dyed-in-the-wool, stand-pat Republicans. The issue of decent government, by which one would test the constructive influence of any group of voters, was swamped in a wave of passion. So for any general judgment of the response of racial groups, or of the foreign-born voters as a whole, we must consider the whole experience of the Municipal Voters' League during its effort of twenty-five years to raise the quality of character and public service in the city's board of aldermen.

The genius of this organization of public-spirited volunteers lies in its reliance wholly upon *publicity of the records of candidates*. These records, carefully investigated, with full opportunity for the candidates or their friends to bring forward any facts or arguments in their behalf, were published in the newspapers and spread broadcast by means of pamphlets. The influence has been enormous and accelerating. In the early days the main stress was laid upon mere personal character—candidates must not be thieves; increasingly during succeeding years the test came to be that of *capacity* as well as character. The war reactions and results have not destroyed, but only interrupted, this magnificent work.

How did the foreign-born voter respond to this effort and propaganda? The answer to this question, as found all through the twenty-odd years before the en-



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trance of the United States into the war, is one of the most heartening things in American politics. But this statement must be taken with discrimination, and subject to certain qualifications. The League has had its hardest fights, and produced the least results, in those wards where solid blocks of immigrants of some one racial complexion encouraged a racial isolation; or where great masses of population were under the domination of some reactionary political or religious leadership, having some interest in maintaining a subservient representation in the City Hall. In the centers of poverty, where political strength is maintained by leaders of the old type through control of day-labor jobs, gifts of coal, shoes, and other forms of charity, it is difficult to interest a population to whom even a vision of clean streets is of importance secondary to to-day's experience of empty stomachs. In a general way it may be said that the degree of response to movements like the Municipal Voters' League is roughly commensurate with the degree of material prosperity. As the immigrant gains in quality and wage-return of his job, acquaintance with American essentials, and comfort of material surroundings, he gains interest in the ethical aspect of community life.

But the uplifting influence of a campaign like that of the League penetrates even into the most obdurate regions. The Seventeenth Ward of Chicago was long the scene of one of the hardest fights of the League. Through the hard work of Prof. Graham Taylor and the group of good citizens centering in and about the Chicago-Commons social settlement, the work came to great success—and held it—as long as the population was characteristically Scandinavian, German, Scotch, and Irish. In recent years, however, these people gradually moved out of the ward, and it came to be heavily Polish, under the domination of a reactionary

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control of the Polish Catholic Church. This element always has been hard to influence, and its priests are active directly in politics. Nevertheless, in a recent aldermanic campaign, a Polish Catholic alderman running for re-election told at a public meeting how his daughter came home from school crying, with a newspaper in her hand, demanding to know what her father had done to justify the newspapers in saying he had a bad record—his record set forth in cold type by the Municipal Voters' League. This alderman at that meeting declared that he had been receiving patronage for his vote in the council, that he was going to drop that, try hereafter to serve the best interests of his ward, and make a record of which his children could be proud.

The Italians as a whole, in Chicago as in many other places, have been more united in their action than most other racial groups, and under their ancient habits of *padrone* leadership have shown a tendency to accept boss rule, though the Italian voter as an individual is no more amenable to corrupt influences than voters of any other race.

Over the whole history of the League's activity it has been true that the races most responsive to its appeal are the Scandinavian, German, Irish, and Bohemian. Given a candidate of any race, other things being equal, the voters of that race will support him; as between two competing outsiders, the voters of these races have been more than willing to heed disinterested appeals from the point of view of good government. Some of the best aldermen during the past twenty years in Chicago have been Germans. The late Alderman Beilfuss, Republican, a native of Germany and an excellent official, was re-elected time after time in the Fifteenth Ward; but as the Scandinavians and Germans—especially Lutheran Germans—moved away and the scale of prosperity in the ward's population deterio-

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rated, his pluralities diminished, and in the year before his death he won by a narrow margin.

In the predominantly Bohemian Twelfth Ward aldermanic candidates recommended by the League were elected almost without exception for many years, regardless of political alignment. In that ward, from 1904 to 1909, inclusive, the Republican Bohemian and the Democratic German candidates, both indorsed by the League, alternated in winning elections, the pluralities running from 3,400 on one side to 3,100 on the other—in a ward casting a total of perhaps 15,000 votes a shift of 6,500. When Mayor Thompson, Republican, in 1915, carried the ward by nearly 4,000, Alderman Kerner, a Bohemian Democrat of excellent record, carried it in the same election by 3,350. In other words, there was a politically independent swing of nearly one-half of the 15,000 votes cast in the election.

The Irish voters generally pay close attention to what the League says. In the spring campaign of 1919, the League's condemnation of a Democratic Irish alderman in the Thirtieth Ward furnished his opponent, whom the League recommended, with enough ammunition to defeat him for renomination, whereupon an Irish Republican, a former alderman with a good record, who received the final indorsement of the League, turned in and beat the Democratic nominee. In the Thirteenth Ward, largely Irish, which Mayor Thompson, Republican, lost in 1919 by more than 4,000, a Democratic alderman condemned by the League was defeated by a native-born Republican whom the League indorsed, by more than 1,800 votes.

### SOME OTHER INSTANCES

Dr. Charles W. Eliot told the Good Government Conference at Cincinnati in 1909 of an incident in Massa-



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chusetts which reflected the interest of foreign-born voters in political questions on their merits regardless of racial or religious considerations:

A few years ago, largely through the efforts of a single citizen, the Massachusetts Legislature changed the number of the school committee of Boston from twenty-four to five—in itself a prodigious improvement. Now, Boston is the home of three Roman Catholic races, the Irish, the French Canadians, and the Italians. The Italians have lately come in large numbers, and many of them are from southern Italy and not from northern Italy. What did the voters of Boston do in electing a school committee of five at large? The election was not by wards, but at large. They elected at the very first election—and have maintained the composition of the committee as then determined ever since—two Catholics, two Protestants, and one Jew, and the Jew has lately been the chairman of the committee. Now is not that creditable to the Roman Catholic majority in the city of Boston? They have a clear majority. Moreover, does it not tell us something encouraging about the manner in which voters of foreign birth will use the power of the vote in our country?

A. C. Pleydell of New York, on the same occasion, contributed a testimony of the same general character:

In New Jersey a large settlement of Italians in a small country township until lately have been the prey of the political leaders, who are just as corrupt as in the city. A gentleman whom I know who is, I believe, of a different political faith, moved out there some years ago and began to take an interest in the local life of the community. He started to clean up the school board and get decent schoolhouses. There were sixty or seventy Italian children at that little village school. The village has a population of only a few hundred. This man got subscriptions from these poor people, a little help from the outside, and contributed something himself. For two or three years they have had neighborhood meetings without regard to party, which these foreigners attended. One of the finest and most inspiring sights I have



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ever seen was at the school festival held in that little hall, largely filled by these foreigners. . . . These foreigners, under the leadership of this one man, have formed a good-government organization that has spread to neighboring townships. . . . He uses for its motto, "Put the circles on the square," the square being the township and the circles being little group organizations. They have broken up the political ring in that township to-day by independent voting and nominations; . . . as a result of this work in that township the movement has spread into another township which has been more corrupt, although inhabited almost altogether by native Americans. At the last election the people in that other township took an inspiration from the work that had been done by the foreign Italian population, and cleaned up their township. . . .

There is just as much democracy in those people as we have, and we do not want to lose sight of the fact that they are human beings just like everybody else. I am the son of an immigrant from another part of Europe. The immigrants from the southern part have just as much ambition as the immigrants from the northern part.

I. M. Wise of Cincinnati in the same discussion said:

We have had a very fine example of the independence of the foreign voter during the last few years in Cincinnati. We had a movement started for the purpose of electing a prosecutor, and we found, after investigating the returns of the election, that the victory was due almost entirely to the foreign vote. But we had another example some years ago when there was a movement to sell the Cincinnati Southern Railway. This measure was defeated by a small majority, due entirely to the German citizens who usually show more independence than the other foreign citizens.

William Bennett Munro, in his *Government of American Cities*,<sup>1</sup> discussing the reasons for the political misleading of the foreign-born voter by corrupt

<sup>1</sup>William Bennett Munro, *The Government of American Cities*, Macmillan, 1912, pp. 36-37.

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leadership, points out that "the discreet and sober use of the ballot is something not to be learned in a day or even in a generation," and that "it is not a matter for surprise, then, if alien-born voters have often proved easy prey to the sophistry and cajolery of claptrap politicians." He says, further:

We have the testimony of seasoned campaigners that the alien-born voter is inclined to think for himself if he has the opportunity; but too often he does not secure even that small amount of fair information which is necessary to furnish food for thought. As a rule, practically all he gets concerning the facts of the municipal situation comes to him in such form that it leads to one conclusion only. . . . Experience has proved that he cannot always be stampeded by appeals to class prejudice, or delivered blindly to some political faction. Given a fair chance, he is, according to authoritative testimony, a voter of at least normal independence.

Considering the bewilderment with which thousands of old-stock native-born voters confront the complications of our Federal, state, and local governments, and the complexity of our inordinately long official ballots, it is small wonder that, like them, the foreign-born voter, even after many years' residence in this country, follow shibboleths and leaders who to them represent a certain definiteness and clarity of purpose and action. This is especially true when the whole subject of governmental reform and efficiency comes to them in the guise of relatively arid abstractions in which they do not see their own interests, and by the voice of men living in far distant parts of the community, who do not understand their intimate problems, or speak the language of their daily lives. In almost every instance in which the issue was made clear and intelligible to them, the foreign-born voters of almost every nationality have responded in surprising fashion.

## XII

### THE FOREIGN BORN IN RADICAL MOVEMENTS

It would require an exhaustive investigation, beyond the space limits and the scope of this volume, to describe the part which the foreign born have played in the various radical movements marking the history of the United States. Of course, there is a sense in which anarchism, philosophical or violent, works toward a "political" end. The attempt to abolish all government and establish individual free will as the only law, is in that sense political. From that point of view one must discuss the influence of primitive Christianity, the teachings of such philosophers as Herbert Spencer, Tolstoy, Emerson, Thoreau, and a host of others in all countries. We confine ourselves here to the activities of the foreign born as they affect our ordinary political machinery and processes, participating or willfully failing to participate at the ballot box, or at least directly influencing political activities and policies.

We have to consider briefly the immigrant's participation in these forms of activity: (a) Political Socialism. (b) Populism—lately embodied in the Nonpartisan League. (c) The Land Question—agitation, for example, for the so-called Single Tax. (d) Antipolitical organizations, as exemplified in the I. W. W., Communist party, etc.

It is a curious fact that radical movements in any country habitually are attributed to the foreign born. Bismarck assured the Germans that Socialism could

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not take permanent root in Germany because it was of English origin; while Gladstone declared that the "Social Democratic" doctrines could not abide in England because they were imported from Germany. It is common in this country and elsewhere to assert that Socialism is a movement inspired and carried on by Jews. There is no sound basis for this or kindred assertions. Socialism, and radicalism generally, are of no particular geographical or racial origin. Among a really prosperous and contented people radicalism is an academic affair; the common man is not interested. It is only when social and economic conditions produce extremes of wealth and poverty, and when primary discontent with the basis and atmosphere of daily life is widespread, that political radicalism of any kind attracts any but the fireside debaters. In the last analysis the only real and effective agitator is injustice. The Socialist movement appeared in Japan only after modern industrialism and the factory system had reached a stage of development creating a psychological soil in which it could grow.

Socialism appeared in America early in the nineteenth century, but it did not assume any political significance until the country had become rather industrial than agricultural. It did not originate among the foreign born, nor were its early protagonists of alien birth.

Long before the influence of Marx appeared in statements of Socialistic theory in this country, or any other, the essentials of Socialism were published and discussed on both sides of the Atlantic. When Karl Marx was a little boy Robert Owen reprinted in England a Socialist pamphlet by an American workingman. About the same time one Thomas Cooper of Columbia, South Carolina, published a book containing all that is essential of Socialist doctrine. And O. A. Brownson, editor



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of the Boston *Quarterly Review*, was preaching the inevitability of a class war, the abolition of the wage system, and the necessity of the "triumph of the proletariat." In 1829, when Marx was eleven years old, Thomas Skidmore, R. L. Jennings, and L. Byllesby exercised a marked influence with the preaching of what would even now be recognized as "straight Socialism." There was no influence of Marx or any other immigrant in the substantially Socialistic—and collectivist—teachings of such men as Horace Greeley, George Ripley, Charles A. Dana, Parke Godwin, Higginson, Channing, Margaret Fuller, Hawthorne, James Russell Lowell.

Socialism, in fact, is a spontaneous human reaction to individualist capitalism. In that hour when the grouping of privately owned wealth, in the hands and under the control of combined owners as partners or in the form of corporations, was made necessary by the increasing intricacy and expensiveness of machinery and the application thereto of steam power—the institution, in short, of the factory system—Socialism—the theory of the collective ownership of the means of production—became the inevitable reaction in the minds of persons and classes dissatisfied with the workings of the process. Naturally, these persons would be chiefly of the class of those who had nothing to contribute except their bare hands and brains—the proletariat. Bear in mind that we are not here discussing the merits of the theory.

What Marx did was to elaborate and systematize the theory. And he did something else. The earlier preachers of Socialism were largely idealists, most of them of the Christian faith, who appealed to the sense of brotherhood, talked in terms of the Sermon on the Mount and the Kingdom of God. Later came, notably in the writings of Marx, the reduction of the whole

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business to materialist terms; the disappearance of all sentimentalism and religious terminology from the propaganda. Logically it is a short step to the atheistic extremes of merciless dictatorship by minority and the harsh suppression of opposition, exemplified in the rule of the so-called Bolsheviki.

This is very important, because it affords the psychological background against which to see the reason why materialistic Socialism has to so great an extent failed to hold the allegiance of the naturally idealistic, church-bred, native American, and has so largely come to be a movement supported by the foreign born. For, whatever may be said about Socialism as not peculiarly of foreign origin, it nevertheless is a fact that in this country, in its aggressive political aspect, Socialism is preponderantly of foreign-born personnel, and to a large extent, though by no means exclusively, German and Jewish. It is impossible to present reliable statistics as to the number or racial distribution of Socialists, because, in the first place, there are thousands of persons of all races entertaining Socialistic ideas and theories who do not call themselves Socialists. The vote of the Socialist political parties includes large proportions of votes due to reasons other than Socialist views; the Socialist parties have in the past contained thousands of members who were not voters. Furthermore, there is no census or tabulation of Socialists that can be relied upon.

### THE SOCIALIST PRESS

Some significance might be attached to the relative circulation of the Socialist daily press, which is largely foreign-speaking. There appear to be but two daily Socialist newspapers published in English—the Milwaukee *Leader*, claiming a circulation of 37,000, and the New York *Call*, credited with about 15,000. The

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potential circulation of these papers, and even more those in foreign languages, no doubt is much larger than this, the difficulties of distribution due in part to lack of capital, but still more to mailing restrictions inflicted during the war, preventing their free circulation. There are, or until a recent date were, at least thirteen Socialist papers published in foreign languages—one Bohemian, four Finnish, three German, one Hungarian, one Yiddish, one Lithuanian, one Polish, and one Russian. According to the *American Labor Year Book* of 1916, nine of these foreign-language dailies approximated a total circulation of 302,000. Against these dailies, however, must be placed many Socialist and Socialistic periodicals, weekly and monthly, published in English. One source of information on this subject asserted that "those who have definitely accepted the Socialist philosophy of life read the Socialist daily newspapers." This is hardly supported by the facts. For obvious reasons, the Socialist dailies are not very satisfactory sources of news information, and many convinced Socialists do not read them—perhaps cannot get them—but rely for their Socialist reading upon periodicals appearing at longer intervals. This would appear from the circulation of such papers in English as the *Appeal to Reason*, published at Girard, Kansas, which claims a circulation of 529,132, and the *National Rip-Saw*, published at St. Louis, which claims 200,000. To what extent these papers represent deeply convinced Socialists, and those holding more or less mildly Socialistic views, it is impossible to say.

### DUES-PAYING SOCIALIST MEMBERS

According to the *Appeal Almanac* for 1916, the dues-paying members of the Socialist party from 1903 to 1915 totaled:

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### TABLE XLVIII

NUMBER OF SOCIALISTS PAYING DUES EACH YEAR, FROM 1903 TO 1915

1903.....	15,975
1904.....	20,763
1905.....	23,327
1906.....	26,784
1907.....	29,270
1908.....	41,751
1909.....	41,479
1910.....	58,011
1911.....	84,716
1912.....	113,371
1913.....	95,401
1914.....	93,579
1915.....	79,374

The year 1912 was the year of the Roosevelt Progressive revolt against the Republican party; it may be that thousands of voters of radical or liberal tendency who resented the Republican attitude, but could not follow Mr. Roosevelt, or swung farther than the Progressive party was willing to go, went into the Socialist party. But it seems quite evident that the heavy slump between 1914 and 1915, when the figure dropped from 93,579 to 79,374, was due to the reactions of the war, and in particular to the increasing resentment of native Americans against the attitude of the party leaders which culminated in the platform adopted by the party organization at St. Louis—antiwar, and by most ordinary folk, including thousands of perfectly good Socialists, deemed not only pacifistic, but definitely pro-German. That situation alone drove a rift down through the Socialist ranks, and certainly made it legitimate henceforth—for the present, anyway—to regard the Socialist party, as constituted, as an or-



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ganization distinctively of foreign stock and foreign born.

### RACIAL GROUPS OF SOCIALISTS

Owing to the polyglot character of the Socialist movement, it became necessary to organize language groups. This movement was well under way in the years immediately preceding the war. The German Language Federation, which was formed in December, 1912, at Newcastle, Pennsylvania, at the end of the third year claimed a dues-paying membership of 4,577.<sup>1</sup> The Finnish Socialist Federation was credited with 10,616 in 1916. The French Language Federation reported 497 members in December, 1915. The Hungarian Language Federation claimed membership "well above 1,500." The Italian Socialist Federation reported "about 1,000 members in good standing." The Jewish Socialist Federation was stated to have "about 5,000 members." The Lithuanian Socialist Federation stated that it had "a little over 2,000 members." The South-Slavic Socialist Federation claimed about 2,000. The Scandinavian Federation gave its membership as 1,161, of whom 265 were women. There were recognized also organizations of Poles, Slovaks, Japanese, etc.

The Finnish *Kalenteri* for 1918 gave a list of racial groups of Socialists in the United States in this order of relative strength. It is a striking fact that the Americans lead, but it must be remembered that for their statistical purposes a naturalized citizen may be as good an American as one native-born of old stock. (See Table XLIX.)

This is well enough for rough purposes, but it is too loose for generalization as to racial tendencies. "Jews" might be of almost any nationality, and "Slavs" might

<sup>1</sup> *American Labor Year Book*, 1916, p. 133.

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## TABLE XLIX

RANKS OF RACE GROUPS IN RELATIVE SOCIALIST STRENGTH

Rank	Race
1.....	Americans
2.....	Finns
3.....	Germans
4.....	Jews
5.....	Slavs
6.....	Lithuanians
7.....	Scandinavians
8.....	Czechs
9.....	Hungarians
10.....	Italians
11.....	Letts
12.....	Slovaks

cover natives of almost any of the countries east of the Carpathians and the Adriatic.

The foreign-language groups of the Socialist party in 1916 had an aggregate membership of over 29,000, and if we accept the estimate of the National Executive Secretary of the party, of 94,140, as the dues-paying membership during the first four months of that year, it would appear that 31 per cent of all dues-paying members of the party were foreign-born persons, either not citizens or so unfamiliar with English as to prefer to belong to a foreign-speaking branch of their political party.

There are two ways of looking at all this. One is to assume that, but for the war and the disorganization which it threw into the Socialist party's ranks, including a virtual decision to confine membership to voters, there would have grown up a large political body of aliens, of unknown and probably menacing potentiality. The other is to recognize that, with the foreign-speaking organizations as a starting point, the immigrant would have been brought directly and early into

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an active interest in American politics, personal participation in the study of its affairs, and susceptibility far greater than it is common to acknowledge to the appeal of reason and experience in the solution of political questions. The present writer believes that to a considerable extent the fluctuations in the Socialist vote are due to changes of mind about Socialism *on the part of individual voters of all races.*

### THE SOCIALIST VOTE

Previous to the organization of the Socialist party, the Socialist political activity in this country was in the custody of the old Socialist-Labor party. Its vote, as listed by the *Appeal Almanac* for 1916, developed as follows:

TABLE L

SOCIALIST VOTE FOR PRESIDENT FROM 1888 TO 1898

1888.....	2,068
1890.....	13,704
1892.....	21,512
1894.....	30,020
1896.....	36,275
1898.....	82,204

After 1898 the vote of this party declined rapidly until, in 1914, its candidate polled only 21,827 votes.

On the whole, the best index of Socialist political strength is the vote recorded in the ballot box. A tabulation of the vote of the Socialist party in the presidential elections since and including that of 1900 is therefore germane. (See Table LI.)

This table is compiled from the *World Almanac*. The column for 1920, in particular, may be suspected of serious inaccuracy in detail. The figures for Idaho, for

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## TABLE LI

THE SOCIALIST VOTE FOR PRESIDENT BY STATES FROM 1900 TO 1920<sup>1</sup>

STATE	1900 DEBS	1904 DEBS	1908 DEBS	1912 DEBS	1916 BENSON	1920 DEBS
Alabama.....	928	853	1,399	3,029	1,925	2,369
Arizona.....				3,163	3,174	125
Arkansas.....	27	1,816	5,842	8,153	6,999	5,111
California.....	7,572	29,533	28,659	79,201	43,259	64,076
Colorado.....	684	4,304	7,974	16,418	10,049	8,046
Connecticut.....	1,029	4,543	5,113	10,056	5,179	10,355
Delaware.....	57	146	239	556	480	1,002
Florida.....	603	2,337	3,747	4,806	5,353	5,189
Georgia.....		197	584	1,026	967	465
Idaho.....		4,954	6,400	11,960	8,066	38
Illinois.....	9,687	69,225	34,711	81,278	61,394	74,747
Indiana.....	2,374	12,013	13,476	39,931	21,855	24,703
Iowa.....	2,742	14,847	8,287	16,967	10,976	16,981
Kansas.....	1,605	15,849	12,420	26,779	24,685	15,510
Kentucky.....	770	3,602	4,185	11,647	4,734	6,409
Louisiana.....		995	2,538	5,249	292	
Maine.....	878	2,106	1,758	2,541	2,177	2,214
Maryland.....	908	2,247	2,323	3,996	2,674	8,876
Massachusetts.....	9,716	13,604	10,781	12,616	11,058	32,265
Michigan.....	2,826	9,042	11,586	23,211	16,120	28,947
Minnesota.....	3,065	11,692	14,527	27,505	20,117	56,106
Mississippi.....		393	978	2,061	1,484	1,639
Missouri.....	6,123	13,009	15,431	28,466	14,612	20,242
Montana.....	708	5,676	5,855	10,885	9,564	
Nebraska.....	823	7,412	3,524	10,174	7,141	9,600
Nevada.....		925	2,103	3,313	3,065	1,864
New Hampshire.....	790	1,090	1,299	1,980	1,318	1,235
New Jersey.....	4,221	9,588	10,249	15,900	10,462	27,217
New Mexico.....				2,859	1,999	2
New York.....	12,869	36,883	38,451	63,381	45,944	203,400
North Carolina.....		124	345	117	490	446
North Dakota.....	518	2,017	2,421	6,966		8,283
Ohio.....	4,847	36,260	33,795	90,144	38,092	57,147
Oklahoma.....			21,779	41,674	45,190	25,638
Oregon.....	1,494	7,619	7,339	13,343	9,711	9,801
Pennsylvania.....	4,831	21,863	33,913	80,915	45,637	70,021
Rhode Island.....		956	1,365	2,049	1,914	4,351
South Carolina.....		22	101	164	135	28
South Dakota.....	169	3,138	2,846	4,662	3,760	
Tennessee.....	413	1,354	1,870	3,492	2,542	2,239
Texas.....	1,846	2,791	7,870	24,896	18,963	8,194
Utah.....	717	5,767	4,890	9,023	4,460	3,159
Vermont.....	371	844		928	798	25
Virginia.....	145	218	255	820	1,060	807
Washington.....	2,006	10,023	14,177	40,134	22,800	8,913
West Virginia.....	268	1,574	3,679	15,336	6,140	5,618
Wisconsin.....	7,048	28,220	28,164	33,481	27,846	80,635
Wyoming.....			1,715	2,760	1,453	1,234
Total.....	96,116	402,321	420,973	897,011	585,113	915,302
Total Socialist vote <sup>2</sup> .....		408,230	424,488	901,062		
Socialist-Labor vote <sup>2</sup> .....		33,546	14,021	30,344		

<sup>1</sup> *World Almanac*, 1920.

<sup>2</sup> *Appeal Almanac*, 1916.



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example, would appear to be absurd, in view of nearly 12,000 in 1912 and more than 8,000 in 1916. The *Appeal Almanac* for 1916 gives larger totals, and adds a surviving vote of the Socialist-Labor party. The *World Almanac* for 1921 adds a note regarding the 1920 election:

The total for the Socialist-Labor ticket approximated 20,896, but it is to be said that in a number of the states the Socialist-Labor electors were called Independent Labor, or Independent, or Industrial Labor, so that the true total is considerably above that named above.

In general, the table affords a sufficient basis for general comparisons and judgment as to tendency.

### GERMAN INFLUENCE IN SOCIALISM

Since the declaration of the St. Louis convention of the Socialists in 1917, which most outsiders and a large proportion of the Socialist rank and file regarded as not only consistently antiwar, but actually pro-German, it has been the fashion for Socialists of other than German leanings to minimize the German influence in the development of political Socialism in the United States. From the point of view of the loyally American or pro-Ally Socialists, of whom there are many thousands, it would no doubt be pleasing to clear it of the German atmosphere; but, unfortunately, the facts make such a proceeding difficult.

A great impulse was given to Socialism in this country by the German Socialists who were driven out of Germany forty years ago by Bismarck's anti-Socialist legislation. They were men of a high degree of intelligence, largely mechanics of skill at their trades. They brought to America the Marxian orthodoxy, and stamped with their German rigidity of thought a move-

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ment which up to that time had been more or less a sentimental thing. Let us examine some figures which would seem to be significant.

The German-language press in this country has been largely confined to nine states. To the total circulation of the German-language press in the United States, their circulation in these nine states bears percentage ratio as follows:

TABLE LII

PER CENT CIRCULATION OF THE GERMAN PRESS IN NINE STATES

STATE	CIRCULATION <sup>1</sup>
	PER CENT
New York } .....	19.4
New Jersey }	
Wisconsin.....	15.4
Illinois.....	12.5
Ohio.....	10.9
Nebraska.....	7.6
Pennsylvania.....	6.9
Missouri.....	6.2
Minnesota.....	5.8
Total.....	84.7

<sup>1</sup> The circulation figures are based upon reports given in Ayer's *American Newspaper Annual and Directory* for 1916. The influence of the war emotions and the rising cost of news-print paper, and other factors would make later figures misleading as to the general situation. Where Ayer's fails to give circulation it is conservatively estimated. New York and New Jersey are combined because the German papers in New York were largely read in the preponderantly German towns along the New Jersey bank of the Hudson River.

It would thus appear that the German-language papers published in these nine states claimed a circulation of nearly 85 per cent of the total circulation of German-language papers in the whole United States.

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It is obvious, therefore, that in these nine states one would look for the bulk of the unassimilated immigrants of German birth. The census of 1910 sustains this expectation, for of the total of 2,501,333 German-born residents of the United States, 1,737,827, or 69.5 per cent, lived in the nine states.

What percentage of the Socialist vote is found in those nine states? We cannot answer this question as to the vote for the candidates of the Socialist-Labor party prior to 1900; but the vote for Socialist candidates subsequent to that gives us illuminating percentages.

In the table made up from the *World Almanac* for 1921 is the vote of the Socialist (or Social-Democratic) party in presidential elections since and including 1900. Note the percentage of that vote cast in the nine states named.

TABLE LIII

SOCIALIST VOTE FOR PRESIDENTS IN NINE STATES, FROM 1900 TO 1916

YEAR	TOTAL SOCIALIST VOTE	PER CENT OF SOCIALIST VOTE IN THE NINE STATES
1900.....	96,116	55.6
1904.....	402,321	58.2
1908.....	420,973	50.5
1912.....	897,011	48.0
1916.....	585,113	45.8

It appears, then, that these nine states—New York and New Jersey, containing the large cities of Greater New York, Jersey City, and Newark; Wisconsin, containing the great German population of Milwaukee; Illinois, containing Chicago; Ohio, containing Cleveland and Cincinnati; Nebraska, containing Omaha; Pennsylvania, containing Philadelphia and Pittsburgh;

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Missouri, containing St. Louis and Kansas City; Minnesota, containing Minneapolis and St. Paul; to say nothing of the smaller cities and rural districts, largely inhabited by immigrants of German birth—have contained more than half of the voting strength of the Socialist parties. Some discount must be allowed for the fact that these large cities contain also large numbers of foreign-born voters of other races; but even a generous discount for this fact does not nullify the predominance of the German element in the Socialist voting strength. These nine states account also for about half of the dues-paying membership in the Socialist party; according to the *American Socialist* of January 23, 1916, there were 44,132, or 47 per cent, of the total of dues-paying membership of the party, in 1914, and 38,194, or 48 per cent, in 1915, in the nine states.

### JEWS IN SOCIALISM

It is also true that the active propaganda of political Socialism has increasingly attracted young Jews of foreign extraction. It appeals to them in two ways. There is a tremendous fund of idealism in the Jewish mind. For ages they have been taught to dream of an earthly millennium, in which the freedom denied them by the world everywhere would be attained, and the social ideals set forth by their prophets in their Scripture could be effectuated. Also, they have been bred to interminable discussion of abstractions and theoretical relationships regardless of the practical things of social life from which they were excluded by rigorous governmental restrictions and the race prejudice under which they have suffered, especially in Russia. It was to be expected that with the freedom of movement and expression which they have enjoyed in America, together with the tense economic and industrial conditions



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under which they labor here, they would respond to the propaganda of Socialism with its idealistic background, its promise of an economic millennium, and its *minutiae* of theory and inexhaustible material for debate. There are no reliable statistics—little data of any kind—on which to base an estimate of the number or activity of Jews of any or all national extraction in the Socialist movement; nevertheless, it is a matter of common knowledge that they are both numerous and aggressive in its councils and its propaganda.

### EFFECT OF THE WAR ON SOCIALISM

What might have been the development of political Socialism in the United States had there been no war in Europe it is impossible to say. To what extent the Germanization, not only of the Socialist party, but of large elements of politics in the old parties, might have gone on, it is impossible to say. The reactions of the war spirit, and of the variants of sympathy among the racial groups, produced profound effects. They were marked in the Socialist movement, tending to drive into the "left" or extreme radical wing, and even out of the party into the nonpolitical and antipolitical movements, many of the foreign-born Socialists who during past years have been trying to make the Socialist parties and the labor organizations of various sorts more and more radical, less and less patient toward political methods and measures. Inevitably these ultraradicals took on, or were regarded as taking on, the aspect of opposition to the cause of the Allies, to the participation of the United States in the war—to out-and-out pro-Germanism. That this pro-Germanism among the ultraradicals was not imaginary may be illustrated by one episode reported by an investigator for the Americanization Study:

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In 1915, in the capacity of a field investigator of the conditions of unskilled labor for the United States Commission on Industrial Relations, I happened to visit Port Arthur in the eastern part of Texas, where a Standard Oil refinery is located. There was some labor excitement. A young German, 22 or 23 years of age, who had come to this country when a small boy and who was one of the local leaders of the I. W. W., addressed a meeting. In attacking all capitalists of all countries he also spoke of the war which, according to him, was started and prosecuted by the czars, kaisers, kings, and capitalists of all countries at the expense of the working classes, etc., etc.

After the meeting I interviewed a number of local labor leaders. The youthful orator was sitting on a lumber pile a few feet from me. Oil barges were passing back and forth on the canal, carrying oil from the refinery to a large British tanker in the harbor. The boy intently watched the barges, and exclaimed, as if to himself, in a low tone of disgust and desperation:

“Hm! Britain gets all the oil; Germany—nothing!”

All his reasoning, based upon international class solidarity, had given way to his patriotic German heart!

There was, further, the inevitable influence of the fact that the German Social Democracy has, on the whole, been more close-knit, more effective in propaganda, and the German Socialist literature, from Marx down, more widespread in its distribution, than the propaganda in any other language. Even now, the Germans and pro-Germans in the Socialist ranks habitually declare that the war was ended by the German Social Democrats through a revolt against the Kaiser.

The native-born Americans, English, and other English-speaking Socialists, most of whom had been in sympathy with the cause of the Allies, revolted against the pacifist, antiwar, and pro-German element in the Socialist party, and the turmoil shook the organization to its foundation. The end of this is not yet; but one

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big result in the Socialist party itself has been to reinforce the influence of the moderate element and to some extent to drive the extremists into the so-called Communist parties and the I. W. W., which, whatever else may be said of them, do not exercise themselves directly about political affairs.

To the deep rift in the Socialist ranks on this account may be attributed in large part the failure of the Socialists to live up to their expectations and promises in the presidential election of 1920. It is far too soon to speculate with any confidence upon what may be the course of political Socialism in the United States in the years immediately before us when the emotions excited by the war die down, the hysterical opposition to immigrants as such fades out, and economic and industrial forces are permitted to operate "normally" in their effects upon the motives of the working people and their expression of those motives through their ballots.

### THE SINGLE-TAX AND AGRARIAN MOVEMENTS

At the root of all the radical movements in the United States lies, actually or potentially, an unsatisfied land hunger, a feeling that somehow the opportunity to have access to a standing on God's footstool is circumscribed by man-made restrictions and injustice. It is to be remembered that the great majority of immigrants to this country are peasants, whose whole life and social background have reference to making, or being prevented from making, a living from the soil. Even the Russian and other Jews, who, generally speaking, have little or no actual experience of agriculture, come here with a vision of a land where there is satisfaction for their deepest longings, and at the bottom lies the longing to own a piece of the face of the earth as

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a basis for subsistence. Generally speaking, the first disillusionment that many a modern immigrant experiences is in the fact that he cannot step from the ship into the ownership of land out of which to dig his living. It is a short step from that state of mind into one of general discontent with the difficulty of finding the opportunity which, he had been told, waited for him in the United States at every street corner and crossroad.

In the earlier days, when industrialism was younger in this country and immigrants could pass more easily into agriculture and into access to actual land, there was a wider and quicker interest on the part of the immigrant in the land question as such. Probably that is why he responded more than he does now to such movements as the individualist single-tax agitation precipitated by Henry George. In recent years, when his opportunities for employment came to be more and more restricted to the cities and to great industrial plants and mines, the appeal of the Socialist agitation seemed more applicable to his situation. Furthermore, the single-tax movement represents, on the whole, an earlier stage in the development of radical theory.

The same might be said of Greenbackism, Populism, and the present-day Nonpartisan League movement. All three of these movements find the body of their rank and file among the small farmers, small producers, and the dissatisfied lower grades of the merchandising class, who feel, rightly or wrongly, that they are getting the worst of it in the development of law, taxation, finance, monopoly, or what not. The contented foreign born, or the contented anybody else, does not participate in or respond to radical agitation or movements for drastic reform. There are thousands of foreign-born members in the Nonpartisan League, but they are in it not as foreign born of any race, but as farmers who think they are not getting a square deal.



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The farmers of the Northwest, who make up the bulk of the Nonpartisan League, are not at present amenable to Socialist doctrine. The foreign born among them are largely Scandinavian and old-stock Germans who have won their way to ownership of land and a measure of personal prosperity. They might stand for the expropriation of the powerful Eastern capitalist, but they are not willing to consider the confiscation of their own hard-earned farms. Peter Alexander Speek, in his monograph on "The Single Tax and the Labor Movement,"<sup>1</sup> puts it well:

It may be said that the Socialists understood the labor movement, its meaning and nature, better than did the Single-taxers. But what the Socialists failed in was this, that their philosophy, emphasizing as it did the social side of human life, was not acceptable to the majority of American wage-earners, who, though wage conscious and organized as a separate class, still were not yet class conscious—wage-earners among whom the individualistic spirit and a desire to become independent small producers prevailed.

Even so early there was visible a racial line of demarkation. The Irish never have taken kindly to Socialism. Preponderantly of the Roman Catholic faith, they were impervious to the implications of the Socialist doctrines as affecting religion and marriage, and nothing in their experience tended to modify their interest in the ownership of land. Mr. Speek says:

It is necessary to mention the fact that nationality of the members of the party (the United Labor party) also played its role in the conflict. The majority of the Irish element lined up with the Single Tax faction, the majority of the German element with the Socialist.

This division by nationalities was itself quite comprehen-

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<sup>1</sup> Peter A. Speek, *Bulletin of the University of Wisconsin*, No. 878, 1917, p. 129.

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sive. The Germans have always had a strong communal sentiment and social viewpoint upon human life, both being inherited from the centuries long gone by. Furthermore, many of them, before they came to America, were industrial wage earners in Germany—the homeland of Marxian Socialism.

The majority of the Irish immigrants had been formerly land tenants in Ireland. They had an individualistic viewpoint, and were devoted Catholics. Hence their lining up with Henry George, as a land reformer and agitator for the Irish cause in Ireland, and with McGlynn, as a Catholic priest.

A large proportion of the farmers of the Northwest are Scandinavians. They are of a naturally conservative type, they have been successful in establishing themselves as individual property owners, and the property owner does not as a rule afford good material for the Socialist seed-sowing. You may regard the propaganda of the Nonpartisan League, for example, as radical and in a general way "Socialistic," but it does not satisfy the Socialist.

The importance of this consideration is fundamental. There are great areas, even whole states, in the Northwest particularly, where the saturation of the foreign born is so complete that the foreign-born and second-generation folk themselves *are* the state. As one newspaper man in St. Paul put it:

It is not a question of "we" and "they"; *they* are the whole thing. In Minnesota there is no "Scandinavian problem"—*they* are *us*. In a large measure they have become the best kind of Americans; others have not advanced beyond the grade of the ordinary American, but they are the people and the government, and the comparative handful of Yankees cannot pretend to draw a line around them and set them apart as "foreigners." They are the voters, the legislature, the producers, the farmers, the merchants, and they represent all of us at Washington.

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On the other hand, there has been a tendency in the Northwest, as elsewhere, for little racial groups to center in special localities. There are whole towns in Minnesota which are virtually entirely German; others are entirely Bohemian. There is one community which is entirely Belgian. This is partly due to the fact that many sections were settled by colonies sent forth as a part of church missionary effort, especially by the Lutherans and Catholics.

Out of this situation the war suddenly crystallized a real American sentiment and enthusiasm. There was much shocking injustice and mob hysteria in those parts, and many accusations of disloyalty; but the fact that emerges upon any candid investigation is that these folk of various foreign races gave a good account of themselves in every form of war participation, whether in the furnishing of volunteers or otherwise. North Dakota, a hotbed of Nonpartisan League sentiment, and a preponderantly foreign-born population, nearly doubled its Liberty Bond allotments and exceeded its quotas in contributions to the Red Cross and the war-chest funds.

### THE NONPARTISAN LEAGUE

In December, 1918, Oliver S. Morris, editor of the National Magazine of the Nonpartisan League, gave to an investigator of the Americanization Study an analysis of approximate membership of the League. (See Table LIV.)

The membership has shifted this way and that ever since, and the experience of the Nonpartisan League government in North Dakota is a matter of history; but the fact that stands out is that this large membership did not either accomplish or attempt anything which the radical Socialist would accept as revolu-

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tionary. The Nonpartisan League movement is a true agrarian movement, on the whole a movement of property owners *to benefit themselves as such*, to insure their own hold upon the land they have acquired and the

TABLE LIV

MEMBERSHIP OF THE NONPARTISAN LEAGUE BY STATES IN DECEMBER, 1918

Minnesota.....		50,000
North Dakota.....		45,000
South Dakota.....		25,000
Montana.....		25,000
Idaho.....		20,000
		165,000
Washington	}	
Wisconsin		
Nebraska		
Iowa		
Kansas		40,000
Oklahoma		
Texas		
Colorado		
		205,000

processes of storage, exchange, and marketing upon which their prosperity depends. John M. Gillette, professor of sociology in the University of North Dakota, distinguishes clearly between its underlying spirit and purpose and those of the revolutionary Socialists:<sup>1</sup>

The Nonpartisan League . . . aims at economic and social reforms through political action; the Bolshevists aim at social

<sup>1</sup> John M. Gillette, *The Survey*, March 1, 1919.



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reforms through economic action. The League does not seek to disfranchise other classes than farmers; Bolshevism disfranchises all other classes than the proletariat. . . . The League is essentially an organization of farmers, the preponderant majority of the electorate in such states as North Dakota owning the bulk of the wealth of the commonwealth, for the improvement of economic and general welfare conditions by recourse to political action. . . . It is destroying no fundamental institution, but is reshaping and redirecting certain ones to make them more amenable to the public will.

Without any attempt to assess either the righteousness or the wisdom of the League methods or program, intelligent understanding of its relation to the spirit and purpose of political Socialism, and of the reaction to each on the part of various racial groups among the foreign born, requires that the distinction be carefully kept in mind. The foreign born who participate in the Nonpartisan League are not only *citizens of the United States*—voters—but they are preponderantly of the races whose mental operations tend to be conservative toward really revolutionary propaganda, and of the property-owning and property-ambitious class, as contrasted with the propertyless, job-holding, wage-earning class generally implied in the term “proletariat.”

This distinction underlies the reason why the strength of the League lies in the rural communities rather than in the cities. The League certainly showed strength in the cities, and the Socialistic character of many of its proposals undoubtedly attracted considerable support from city radicals who were unsatisfied with the range of the platform; nevertheless, the Nonpartisan League represents an agrarian rather than a revolutionary movement. There is a world of difference between a Socialist program calling for the establishment of a wholly co-operative commonwealth, the common ownership of all the machinery of production, distri-

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bution, and communication, and the League program demanding:

1. Exemption of farm improvements from taxation.
2. Tonnage tax on ore production.
3. Rural credit banks operated at cost.
4. State terminal elevators, warehouses, flour mills, stockyards, packing houses, creameries, and cold-storage plants.
5. State hail insurance.
6. A more equitable system of state inspection and grading of grain.
7. Equal taxation of property of railroads, mines, telegraph, telephone, electric light and power companies, and all public utility corporations, as compared with that of other property owners.

Adding to these the "national demands"—"that the government refuse to return to private hands ownership or operation of those public utilities owned, operated, or controlled by the government during the war," and "that the conscription of wealth begun by the government through income and excess-profit taxes shall be continued and increased, that surplus wealth may be compelled to pay the money cost of the war"—the program still falls far short of being revolutionary. On the whole the underlying spirit and purpose are more or less precisely those of the earlier agrarian Free Soil, Greenback, Populist, Single Tax, and Free Silver movements.

The Progressive movement of 1912, given extra "steam" by the magnetic personality of Mr. Roosevelt and the hero worship of his followers, was a far more powerful influence in drawing common support from farms and cities. And its support, like that of the Non-partisan League, was essentially American, as distinguished from foreign-born Socialistic support. It

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is interesting to speculate upon the attitude of the people generally toward the Progressive movement, if one could imagine it coming into being during the war. To what extent would its platform and the utterances of its leaders have been regarded as "seditious"?

### ULTRARADICAL MOVEMENTS NONPOLITICAL

From the beginning of any really radical movement in this country, its unity of spirit has been broken by profound differences of opinion as to the effectiveness of the appeal to the ballot box. For more than half a century the anarchists and other advocates of "direct action" in the labor movement in America have been telling the more conservative elements that it would be of no use to resort to political measures, to the election of public officers pledged to carry out radical programs.

"The moment you succeed in winning enough votes to elect any considerable number of your candidates, the representatives of the capitalists will throw them out and nullify your victory."

The great service which the New York State Assembly in 1920 rendered to the ultraradical wing of the Socialists when it ejected legally elected Socialist members of that house of the state Legislature was in the verifying this prediction. It strengthened the hands of the "Reds" not only all over this country, but all over the world. It made it just that much harder for moderates everywhere to convince workingmen that their grievances could be remedied by parliamentary action; that it was really worth while for them to pay any attention to the ballot box.

The history of the Socialist parties in America is checkered with the ups and downs of the controversy over this question. In every labor organization since

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the beginnings of the Labor movement in America there has been a continuing warfare between those who advocated political action as the means to social reform, and those who scorned anything except economic pressure and even terrorism. It is a curious fact that in the line-up on this issue, Mr. Gompers and the American Federation of Labor logically belong with the direct-actionists; he and his supporters always have opposed the entrance of the Labor movement as such into politics. It is only fair to add, however, that one of his principal motives was that of keeping the solidarity of labor from being broken by the ordinary appeals and influences of the politicians.

The National Labor Union of 1864, the Knights of Labor of 1869, the International Working People's Association of 1883, the Sovereigns of Industry of 1874, the Workingmen's party of 1876, the organizations of brewery workers and miners, the American Railway Union, the American Labor Union, the Socialist-Labor party—in fact, virtually all the general labor organizations from the beginning of them until to-day—have fought back and forth over this question. And the abiding fact which remained after every battle seems to have been that the tendency of the Americans and the foreign born longest in the country on the whole has been to favor action through the ballot box and parliamentary methods generally; the distinctively foreign elements have inclined to favor economic and industrial measures, with the "lunatic fringe" running on toward "direct action," sabotage, and the methods of the terrorist.

The World War brought this division sharply to a head. It split the Socialist party and drove out of it most of the American-born moderates; it led to the attempt by these moderates and many of the former Progressives to organize the "National party" and the



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“Farmer-Labor party,” which attracted a small following in the presidential election of 1920. The excesses committed against foreign-born citizens of nearly all racial groups in the zeal of the war spirit undoubtedly drove into the extreme radical ranks a large number of foreign-born citizens who in normal times would have been content with political methods and would have diminished in their radicalism as their economic status improved. Doubtless, also, the period of unemployment and industrial depression following the war, ensuing as it has upon a period of unprecedentedly high wages, has tended to encourage radical thought.

But it must always be remembered that the extreme radical movements have directly relatively little *political* influence. This for two very good reasons: In the first place, experience has not justified the theory of the “Reds” that terrorism in this country will frighten government into concessions. It has, in America, anyway, quite the opposite effect. It alienates public sympathy and impels the average man, normally sympathetic toward the “under dog,” to approve of repressive measures. Furthermore, the members of these ultraradical organizations, although they may be technically citizens, *are not voters* in any practical sense.

### THE “I. W. W.” AND THE HOMELESS WORKER

This latter consideration is more important than is commonly realized. The rank and file of the Industrial Workers of the World—better known as the “I. W. W.”—for example, is made up of men without fixed abode; itinerant workmen, largely, though by no means wholly, of foreign birth. They have left their homes and families, if they ever had either. The I. W. W. is the only organization which at least

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pretends to look after the interests of the homeless, jobless worker. The homeless, jobless worker cannot become naturalized, because the naturalization process presupposes a fixed residence, and witnesses who can testify to that residence over long periods of time. And even if the man be native born or long since naturalized, he cannot vote or otherwise function as a political unit because he has no fixed home from which to register and vote.

A fixed abiding place, a *home*, is psychologically a *sine qua non* of real and wholesome civic interest, as well as a legal prerequisite for participation in public affairs. Theoretically, a native-born or naturalized citizen has a membership in and duty toward the United States. Actually, the degree of his participation depends upon *the depths of his roots in some locality*, and the relation of that locality to the civic unit toward whose welfare the voter contributes, not only his taxes, but his personal interest. A good part of the trouble with city government in New York, Chicago, Philadelphia, Boston, and other great cities is due to the fact that so many fine, public-spirited voters live in suburbs.

Thousands of the best men who participate in the daytime in the life of New York City live in New Jersey and Connecticut, or, anyway, in towns outside of Greater New York. Their real interests are in New York, but they vote in another state. They contribute little to the local welfare in the places where they live because of their real interest in New York. Consequently their civic vitality, so to speak, is entirely lost to both communities—and to the United States. The foreign-born voter in the crowded East Side of New York is a far more effective citizen, for good or ill, than the presumably more intelligent business man who cannot—or at any rate does not—participate substantially in the political life either of the city where his business and

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daily activities are carried on, or in the village in another state where he has his legal residence.

Over against this anomalous condition put the case of the well-meaning citizen, native or foreign born, who works for a certain mining corporation in Illinois. The town where he lives belongs absolutely to that corporation. It so happens that a part of the mining property of that corporation lies in Illinois and a part in Indiana. Under stress of business and mining conditions the company suddenly moves the whole population, men, women, and children, over the state line. What must happen then to any possible civic interest or enthusiasm—supposing any to exist—on the part of American citizens, voters, who had begun to think about the public interests of the state of Illinois? What happens to the naturalization proceedings begun by any alien to make himself a useful citizen of his adopted country? How can any real civic interest live under such conditions?

It is common to sneer at the city workingman because he stays in town unemployed when he might get a job in the wheat fields or at mining or fruit picking where labor is scant. Laying aside the question of any desire on his part to stay with his family, or any doubt in his mind about his ability as a hodcarrier or a tailor to make good as a farm hand, or any reluctance on the part of the railroad to assist him with the gift or loan of transportation to some distant and practically most uncertain job—what becomes in such a hop-skip-and-jump sort of industrial—and social—existence, of any interest in civic affairs? To a newly made citizen, who has faithfully memorized, if you please, the Constitution of the United States, who knows just how Senators are elected and what is the relation between the functions of the President and those of the local dog-catcher, and who can sing, duly standing uncovered,

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*all* the stanzas of the "Star-spangled Banner," it must appear that his intellectual equipment for citizenship is more or less extraneous to the practical and immediate task of feeding his wife and babies!

It is this sort of experience, of shifting employment and residence and the conditions that go with it, that has given momentum to the I. W. W. and kindred movements. "Stag towns" in the Far West, matching "women towns" in New England; permanently separated families; the utter impossibility of getting and keeping wives or maintaining any sort of decent, not to say normal, domestic life, are major factors that have brought into such organizations not only foreign-born wanderers, some of them naturalized, but a surprisingly large number of native Americans—the latter particularly among the leadership.

On the other hand, the I. W. W. from its beginning<sup>1</sup> has paid close attention to the immigrant. Fifteen years ago, at the second convention of the I. W. W., it was urged that propaganda should start in Europe before the immigrant left the homeland, so that he would be prepared upon arrival in this country to join the organization. This was not done, but even so early there was a large issue of printed matter in foreign languages, and the whole machinery was conceived on the presumption of a polyglot membership. Moreover, the I. W. W. always has taken the most liberal position as regards any form of race prejudice. At the opening of the first convention William D. Haywood took a strong stand against discrimination against the negro by craft unions, and the organization never has tolerated any distinction of race, color, nationality—or sex. Even with regard to the Japanese of California, at the third convention a delegate from that state

<sup>1</sup> Paul Frederick Brissenden, Ph.D., *The I. W. W., a Study of American Syndicalism*, Columbia University, 1919.



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declared that "the whole fight against the Japanese is the fight of the middle class of California, in which they employ the labor faker to back it up."

The Communist party, into which to a considerable extent went the extremists from the older movements when the effects of the war brought division to their ranks and made it impossible for moderate and ultra-radical to abide under the same roof, at first became a nucleus for the spread of the extreme form of Communist doctrine. It embodies the essentials of the platform of the Third Internationale. The ruthless suppression of this organization by the public authorities may well prevent its having any but a fugitive life. The I. W. W., too, seems, for the time being, at least, to be under effective handicap. But whether these, or either of them, survive or perish, or whatever other organization may be the residuary legatee of their existence, the fact remains, and it is a most important fact from the point of view of this Study, that such movements have no room under their *ægis* for what Americans understand as political action. They seek revolutionary change not only in the *form*, but in the *nature* of government—would, in fact, abolish all government as we know it, and substitute the "dictatorship of the proletariat" as it exists—or has been supposed to exist—in Russia. Their theory has no use for our present parliamentary methods, for representative government in our understanding of the word; they scoff at and would utterly destroy what we mean by Democracy. They would not leave a recognizable vestige of our Constitution, our courts, our legislatures. They would provide no political function for the voting citizen as we visualize him. And—what is most important—they would bring about these basic changes by compulsion. The ballot box has no substantial place in their program.

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Such propaganda, such programs, appeal only to those who have and who, however mistakenly, believe they can have, no stake in our present civilization. To such as these, citizenship in the sense in which we have here discussed it has no meaning; the "America" which has been built up, by native and foreign born together, since the landing of the Pilgrims, arouses no enthusiasm.

It is not surprising that such movements as the I. W. W. and the Communist parties appeal to the wandering, homeless folk of any race. And when their propaganda tells such folk (as it does) that the actual fruit of their labor is a product of sixty dollars a day, and that the difference between that figure and what they receive is the measure of what the capitalist class is appropriating, it is small wonder that the ignorant and reckless, without attachment to any home or land, smarting under concrete conditions about whose reality—whoever may be to blame for them—there can be no dispute, follow such leadership and look to it to bring them into better conditions.

From the moment of his arrival in this country, every hardship that the immigrant of any race suffers, every injustice practiced upon him by his own countrymen or other foreign-born persons who preceded him hither, by the police and other local officials (to him the embodiment of government), by landlord or employer or others in more prosperous circumstances, every hour of unemployment and privation, every enforced separation from his family, every disillusioning experience, contributes just so much to his readiness of mind to accept the "Red" teachings and promises. Revolution finds no hospitality in contented minds. Injustice, real or fancied, is, in the last analysis, the only agitator we have to combat.

Every particle of information coming to the Amer-

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icanization Study on the subject of the mental attitude of the immigrant of any race in America confirms the fact which ought to be obvious as a matter of ordinary common sense: that the opportunity to work, at fair wages, under anything like decent conditions of home and social surroundings, and from that work to gain a place to live, the means of maintaining and supporting a family and making a reasonably comfortable and happy home, establishing a real stake in the community, assures the making of a good citizen and a well-meaning voter, a valuable active member in our body politic.

## XIII

### SOME GENERAL CONSIDERATIONS

THE one thing that emerges most clearly in the results of this or any other candid study of the naturalization and political activity of the foreign-born citizen of the United States is that admission to active membership in our political society should be based upon *the personal qualifications of the individual*.

No sound basis is disclosed for discrimination on the ground of race or color, religious beliefs or political predilection. Even the statutory bar against belief in anarchism or polygamy is obviously ineffectual, because the anarchist theory *per se* involves, if not virtual atheism, at least repudiation of government and a disbelief in the sanctity of an oath. And a declaration of disbelief in polygamy, so far as it may be assumed to imply anything concerning personal morality, conveys no assurance of chastity in any sense of the word. Furthermore, what is the practical use of inquiring into a person's beliefs to-day, when there can be no guaranty as to what they will be to-morrow?

The educational test assures no safety as to character. The ability to speak, read, and write English or any other language, intelligence and general or even exact information as to our form of government and the "high spots" of American history, are little in the way of assurance of loyalty or usefulness as a citizen. The most noxious propagandist that we could import or admit to citizenship could pass the most rigid intellec-



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tual test. During the debate on the naturalization law in the House of Representatives in June, 1906,<sup>1</sup> Representative Steenerson of Minnesota said:

. . . The qualifications that we have required of people in the past who intend to become citizens is that they be men of good moral character and that they are attached to the principles of the Constitution of the United States. . . . They may be men of good moral character and attached to the principles of the Constitution, and yet be unable to comply with this requirement. Ability to *write* the English language. . . . If, for instance, an elderly man like President Fallières of France should decide to emigrate to the United States, he cannot be naturalized, because in all probability he would not be able to learn the English language within five years; whereas Count Boni de Castellane, who has undoubtedly had opportunities in the past ten years of learning the English language, could be naturalized, because he could speak and write English. . . .

It is not from the immigrants who come here to settle on our public domain, who come here to abide permanently and to build homes and raise families, that we may expect frauds upon our election laws or danger to our free institutions. Such immigrants should not be denied citizenship because of inability to speak and write English. They may, notwithstanding, be as loyal and as patriotic as any. Nothing has been shown that connects inability to speak English with any of the evils complained of. There is no relation of cause and effect between them. The frauds and perjury against naturalization laws were committed by persons proficient in English.

One of the naturalizing judges in Kansas, long familiar with the workings of the law, said in his answer to the questionnaire of the Americanization Study:

My judgment is that this government has occasion for greater fear from many of the educated foreigners than from

<sup>1</sup> *Congressional Record*, June 2, 1906.

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the uneducated foreigner. More stress should be placed upon the character of the man and his loyalty to this government, and his willingness to abide by its laws and uphold its Constitution than upon his mere educational qualifications. My observation has led me to conclude that one of the chief difficulties with the administration of our naturalization laws is that the Department seems inclined to apply to all foreigners the same test; whether the applicant has been a resident of the community for twenty-five years, leading an exemplary life, upholding all the institutions, interested in all the efforts to upbuild the state physically, mentally, and morally, or whether he be a unit in the slum hordes of the city. The Department seems to have conceived it to be its duty to force all of them into the same strait-jacket. . . . I have in mind cases where the Department has endeavored to withhold citizenship on the merest technicality from men who for years have been our best citizens, thoroughly loyal and devoted to the best interests of the state. We seem to have gone upon the theory that the educated foreigner, by reason of his education alone, will necessarily be a good citizen, and that the ignorant foreigner is necessarily an undesirable citizen.

An educational test, such as that to which petitioners for naturalization are subjected by some judges and some naturalization examiners, applied at the ballot box to all who would vote, would wreak havoc upon the enrollment of both native and naturalized. It is safe to say that not one out of a hundred of native-born citizens, even college educated, could pass respectably the examination. A very small proportion of American-born citizens of any age or of either sex have read the Constitution of the United States or have even a superficial knowledge of its contents. The present writer has derived some amusement during his conduct of this investigation from asking of more than ordinarily intelligent acquaintances some of the questions to which applicants for naturalization have to respond in various courts. The ignorance of even fundamental

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matters displayed by these scions of the "old stock" has been almost invariably both ludicrous and lamentable.

One of the questions which the Americanization Study asked of the naturalization judges was whether they would favor a standard intellectual test for both native and foreign born as a prerequisite for admission to the ballot box. Of 326 judges who answered the question a substantial majority (180) answered, "Yes," and 44 were not sure but that it would be a good thing. The best answer that the 102 who opposed the idea could make was valid enough—*i.e.*, that the native born have had 21 years of residence in the atmosphere of American institutions, and may be assumed to have a general intellectual fitness. The other objections were legalistic; but they all came out to the same fact—that fitness for citizenship and the ballot is a question of personal character and general attitude toward the public welfare.

At first glance it might seem simple enough to devise an oral or written examination by which to test the individual equipment of an applicant for citizenship—or a native-born citizen seeking access to the ballot box; actually it is impracticable. A set of questions would permit memorizing and recital by rote; to leave it as at present to the wit of the examiner or the judge means that no two applicants will be subjected to the same test. The naturalization judges say frankly that they cannot outline an examination, though they think that somebody might!

The Merchants' Association of New York appointed a committee on immigration and naturalization which gave considerable study to this subject, and came out where everybody else comes out:

In recommending that unnecessary obstructions and technical difficulties be eliminated from naturalization procedure your committee does not believe qualifications for citizenship

## AMERICANS BY CHOICE

should be lowered. On the contrary, it believes they should be raised. In addition to present requirements concerning residence and moral character there should be an educational qualification requiring proficiency in English and reasonable familiarity with our history and government. Your committee *will not attempt to enumerate the details of such requirement*, but recommends that a suitable and well-defined educational standard for citizenship be fixed by statute.

Every applicant for citizenship—including the wives who now are swept in regardless of their own fitness by the naturalization of their husbands, or kept out by their rejection or failure to apply, should be considered in the light of his own personal character and record of behavior during the preliminary-period residence here. And character and behavior should be proved as any other material facts are proved—by *preponderance of evidence*. The present practice is quite otherwise. The whole procedure would be revolutionized if the applicant were required, or permitted, to produce *a body of reasonable and competent evidence sufficient to convince the court or its representative assigned to take the testimony*. His neighbors, his employer, his pastor, the school-teacher, his fellow workmen, by word of mouth or affidavit—in short, all those who know what sort of person he (or she) has been during the five years of required residence—could readily satisfy the court as to the essential fact. The judges themselves in most cases would welcome this change. As it is now, the whole business is wound up with red tape, and thousands of persons have been excluded on the flimsiest technical grounds, simply because the evidence presented to the court must be, in the typical case, that of two witnesses, *only* two, and *the same* two throughout the whole proceeding. If anything can be found amiss with these or either of them, the application must be rejected.



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It may even be argued that the presumptions and the benefit of doubts should be in favor of the applicant; that the burden of proof should lie upon those who oppose admission. During the whole period, 1908-18, in the whole United States only 14.3 per cent of all denials of petitions for naturalization were for reasons involving the personal fitness of the applicant—"ignorance" and "immoral character."<sup>1</sup> This means that *if every alien who applied for citizenship during those eleven years had been granted his certificate of naturalization without investigation or formality, the proportion of "ignorant" and "immoral" admitted would have been only 1.7 per cent—less than two in a hundred!*

Whatever might have been the merits, real or imaginary, of the hairsplitting, meticulous policy which has governed the operations of our naturalization system since the Act of 1906 swept into ancient history the scandals of the previous years, that policy was effectively junked during the war. Since the beginning of the fiscal year, 1918-19, under the operation of the military naturalization plan, more aliens have been naturalized on the sole ground that they were in the war service—practically without regard to race, declaration of intention, previous residence, educational or moral qualifications—than the ordinary naturalizations of any year since the beginning of the present system. These are direct admissions; we have no means of knowing how many "derivative" citizens these soldiers and sailors carried in with them, or have made by marriage to alien women since their naturalization.

This wholesale letting down of all the bars, however necessary and innocuous it may be deemed, at least has reduced to absurdity the policy of hand picking

<sup>1</sup> See Appendix, Tables LIX and LX, Analysis of Denials, pp. 433-435.

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and superscreening practiced in the ordinary cases. It furnishes a sound and logical starting point for a new, more reasonable, and more humane system, under which the alien may know with greater certainty what he must do and prove in order to establish his right to join us; a system which will give him a different impression of our common sense and efficiency, as well as of our attitude toward him not only as a petitioner for fellow citizenship with us, but as a fellow member of the human race.

### NO LOWERING OF STANDARDS

There is no argument here for lowering the standards of admission. The applicant should be able to speak intelligibly the English language. This is not very important practically, because in the years which ordinarily elapse before the average alien files his petition he will have learned to speak English anyway. There is good ground for requiring also the ability to *read* English. The intelligent participation in the politics of this country requires some knowledge of current events and political argument; the voter should be able to read the English-language newspapers. We are unable to follow those who would enforce also a requirement of ability to *write* in English. Such ability probably will exist in a majority of cases, anyway. It is no *sine qua non* of either intelligence or character.

Theoretically, one might argue for a distinction to be made between the general rights and responsibilities of bare citizenship (such as diplomatic protection, the right to own property, exemption from taxes imposed upon aliens as such, etc.) and the specific right to vote. This, however, is almost completely academic, because, except for the limitations of age and residence for a period prior to election which apply alike to all citizens,

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our Constitution—especially with the Nineteenth Amendment in force—assumes that citizenship includes the ballot. It is difficult to see any reason for requiring of the naturalized citizen, as a qualification for voting, educational attainments other than those required of the native born. It is equally difficult to see how even a native-born citizen can be an intelligent voter if he cannot speak and read the language in which the issues of elections are discussed. Our own statistics of illiteracy, in states where the proportion of the foreign born in the population is negligible, call for educational measures having no exclusive reference to the foreign born.

There is a growing custom in the courts, properly urged by the Naturalization Bureau, of accepting, in lieu of any other educational test, a certificate of graduation or proficiency from teachers in public and other schools. The Naturalization Bureau now supplies the forms for such certificates. A majority of the judges who answered the questionnaire of the Americanization Study not only favored this practice, but declared that it was their own. A good many, however—a full third of those who expressed themselves on the subject—insisted upon their own right and duty to examine the petitioner themselves, or minimized the importance of the educational test altogether. It seems obvious, however, that the certificate of properly accredited American schools should be accepted for this purpose. Whatever may be said in favor of having no educational test whatever, and of admitting a petitioner who has no such certificate, there seems no reason for not giving the petitioner the benefit of the extra credit implied in his having attained such a graduation.

The declaration of intention (to become a citizen) should be retained, notwithstanding the opinion of many persons, including some attentive and dis-

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criminating students of the subject favoring its abandonment. But the declaration in its present form and practice is not satisfactory from any point of view. The procedure surrounding it is now far too casual. It should be protected by substantial safeguards and attended by a far greater degree of solemnity. Its sufficiency in form, its technical correctness, should be certified at the time of its issue by the officer of the court before whom it is attested. There should be a preliminary period of residence in this country before the declaration is made.

The identity of the declarant should be clearly established; he should have and present a certificate of "lawful entry" into the country; there should be no confusion or doubt about the name under which he goes; his photograph, fingerprints, signature, or other means of unmistakable identification should be attached; all of the essential facts concerning his nativity, previous residence, marital status, occupation, and other things germane to an application for so vital a change of relationship should be set forth clearly and suitably attested. As at present, copies of the declaration should be in the possession of the declarant, and on file in the court and in the Naturalization Bureau.

It might well be required that the declarant should register with the court or with the Naturalization Bureau every change of residence, so that the record of his movements and behavior during the entire period of his "probation" would be available.

The fact of the making of the declaration should be publicly posted, so that not only the court and the government, but the general public, should be put upon notice that a "new member" is applying for admission. And when it comes into court at last as an indispensable part of the record in the case, its sufficiency as a document should be taken for granted.



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The responsibility for technical errors in it should lie upon the officer who accepted and attested it; substantial errors of fact should exist only under penalties as for other kinds of perjury. The burden of proof against its validity should lie upon the government or any other person attacking it.

Under the law as now enforced, the declaration of intention expires at the end of seven years; but there is nothing to prevent its renewal, and in those states in which formerly declarants had the right to vote, all the politically important rights of citizenship could be, and in many cases were, kept alive, as it were, perpetually by such renewals without any other test or ceremony. Even now, the other privileges of citizenship may be thus perpetuated by persons who on no theory could "get by" in a naturalization court. It should be made at least much more difficult to renew a declaration once expired. The burden of proof should rest upon the alien to show why he did not make final application for citizenship within the period during which his declaration was valid. A judge in Oregon, expressing the opinion of many judges on this point said:

Declarant should not be permitted to renew his declaration of intention. Too many use the declaration as a means of escaping something or obtaining employment; after expiration, the old declaration is surrendered and a new one requested. The declaration should disclose the scope of the educational attainments of the declarant and a willingness to attain practical working knowledge of the English language, as well as an insight into our system of government and the names of public officials, their manner of election and most important duties.

Let it be borne in mind that this is a very different matter from the question of restrictions upon immigration, literacy, and sanitary tests for mere admission to the country. The declarant is making his initial

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application for fellow membership with us; he desires to become flesh of our flesh, to share our sovereignty. The essential value of the declaration of intention is that it registers as of a certain date a state of mind toward our country and its citizenship. It has a moral value for the declarant in putting him on notice that he has definitely determined to put off his old allegiance; it ought to warn him also that he is passing under scrutiny by his neighbors and by the government; that his behavior has become in a special way important to him and to the community. It is conclusive evidence of at least two of the necessary five years of residence. Rightly safeguarded and estimated, it would be a most precious possession.

But the corollary of this is that the process of final naturalization should be greatly simplified. The great number of denials for "want of prosecution" is in itself an index of the degree to which the procedure is surrounded by vexatious technicalities, delays, expense, discouragements which drive the petitioners and their witnesses out of the business, mostly during the ninety days' interval between the filing of the petition and the time for the final hearing. In the normal case, the witnesses should appear once for all; the record should come before the court complete, in writing, and once for all, except in disputed or appealed cases when a deeper inquiry is called for. Make the standards of admission as severe as you please—the procedure of complying with them should be simple, direct, as inexpensive as possible, and readily understood by anyone of ordinary intelligence.

### A FUNCTION ADMINISTRATIVE OR JUDICIAL?

It may be debatable whether the whole function of naturalization should be taken out of the hands of the

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courts and made a purely administrative activity of the executive department of government. A good many students of the subject favor such a course. The present study has not led to this conclusion. The judges generally, while they would be glad to be relieved of a peculiarly exacting and vexatious duty, do not favor it. From the beginning of our history the function has been judicial, and very sound reasons should be advanced for making so radical a change. It would require the establishment of an enormous machinery at a time when every consideration cries out for the simplification of the government. The present Naturalization Bureau, if adequately manned and properly directed, and required to attend to its own business rather than to expand itself into an educational institution, could save the time of the courts to a great extent, and at the same time save to the situation the dignity and solemnity purporting at least to abide in the judicial atmosphere.

There has been a proposal to create a system of traveling naturalization commissions, sitting from time to time at the various county seats and passing upon petitions. But it is vitally important to the petitioners, who are almost always folk of limited means and time, that the place to which they must go shall be as near at hand as possible, and the necessary traveling for themselves and their witnesses as little as is absolutely necessary.

Another consideration, too often overlooked, especially by those to whom the naturalization problem is seen chiefly from the point of view of the great cities, lies in the fact that in the rural districts the judges have a wide acquaintance, and are likely to know, or to have direct means of knowing, all about the petitioner. Once we rid our minds of the current impression that ignorant immigrants rush from the landing

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port to the ballot box, and remember that in the average case the petitioner has been in this country more than ten years, and in a vast majority of cases has lived for five years in the same state, if not in the same community, the matter takes on a wholly different aspect. It is quite conceivable that in the great cities a special court, or a special term of court, might be set aside for the consideration of naturalization cases.

### PHYSICAL CONDITIONS AND DIGNITY

What is most needed is a better arrangement for taking care of this business—a physical as well as an administrative arrangement. The physical surroundings leave much to be desired. Merton A. Sturges, Chief Naturalization Examiner at New York, thus describes<sup>1</sup> the conditions under which final hearings are conducted in some of the courts.

. . . In many instances the court-room has a seating capacity for less than half the number of persons notified to appear, and often there is barely space enough to crowd the applicants and witnesses into the court-room in a standing position. . . . The applicants and witnesses are sometimes rushed through as fast as one hundred cases in half as many minutes. The natural query, especially on the part of witnesses, is, "Why have we been brought here and kept standing in a crowded court-room for hours for no apparent reason?"

Of course, in connection with a small percentage of applications, some question arises which it is desirable to present for determination by the judges, but aside from these few instances there is no good reason for witnesses to appear in court, except that the law requires their appearance. . . .

The oath of allegiance is administered in anything but a dignified and impressive manner. In fact, the whole pro-

<sup>1</sup> In an article in *Better Times*, organ of the United Neighborhood Houses of New York City.



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ceeding is lacking in that solemnity and impressiveness which should be the characteristic of so important a ceremony. Would it be a great innovation to inaugurate and maintain orderly and patriotic ceremonies for the conferring of final naturalization? Invite the applicants to appear in court, accompanied by members of their family; have the certificates prepared in advance; provide an appropriately decorated court-room with seating capacity for as many as are present; call the applicants and their families in groups by nationality before the judge's bench; have the judge administer the oath of allegiance to each group in a fittingly dignified manner, and present the certificates of naturalization to each new citizen; have the judge, and perhaps one other prominent and esteemed citizen, deliver addresses dealing with the responsibilities and duties of good citizenship.

The tendency in the past few years has been in the direction indicated by Mr. Sturges. Increasingly, all over the country, judges have awakened to the need of a greater solemnity in the conferring of citizenship; a few judges have, at their own expense, furnished a printed address or book of instructions to the new citizens, and even a small American flag which is enormously prized by the recipients. In one court in North Dakota the judge serves upon each declarant, at the time of his filing of his declaration of intention, the following formal notice under seal of the court:

State of North Dakota }  
County of Cass }<sup>ss</sup> In District Court  
Judicial District

Give this notice your most careful attention and respect.  
....., Take notice:

That your Declaration of Intention to become a citizen of the United States, made this.....day of....., A. D., 19.... in this County, Judicial District and State, gives notice to our Government that your intent is to fit yourself for citizenship before the time arrives to make your application for your final adoption. That you will, in good faith,

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inquire into and acquaint yourself with not only our form of Government, but the intent and purpose of its formation and the duties and responsibilities that will be yours when you are finally adopted. That you believe in, and will at all times faithfully and energetically uphold, the principles of our people and the various government agencies. That you will be prepared, at the time of the hearing of your application for final adoption, to prove to the Court before which the hearing is had, and to the representatives of the Government of the United States then present, that this application is made in good faith and all sincerity and with love and respect for the Government of which you are seeking to become a part

(Signed).....

Clerk of the District Court,  
Cass County, North Dakota.

By order of.....

Judge of said Court.

In this court there is a ceremony just such as Mr. Sturges recommends—a talk by some one selected by the presiding judge, on the history and meaning of the flag and government, and what it means to take on the new citizenship. Then there is offered, and of course taken by all the accepted petitioners, the following pledge, devised by the judge:

### OBLIGATION OF FIDELITY

(Taken voluntarily)

I....., of....., being this day about to be adopted into the full citizenship of the United States, and believing in a people's form of government as exemplified by our now common Government, do solemnly pledge myself to devote a considerable portion of my spare time for not less than three years hereafter to inquire into and more fully understand our form of government, its purposes and practices, the method and manner of selecting all public officials in this country, the manner in which and

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the method by which we can change our laws as changes become necessary, in a peaceful and lawful manner, all of which is for the purpose of fitting myself to become a loyal and useful citizen of this, my adopted country.

This pledge is solemnly taken by me, and is made one of the representations as to my good intent and purpose in asking to become a fellow citizen, with the rights, duties, and responsibilities coming to and depending upon me as a loyal citizen.

Dated at Fargo, N. D., this . . . . . day of . . . . ., 19 . . .

(Signed) . . . . .

In many parts of the country it has become a custom to hold public ceremonies, at which the new citizens naturalized within the past year or other definite period are assembled with their families to hear addresses, join in patriotic singing, and otherwise celebrate their adoption into the new fellowship.

### FUNCTION OF THE NATURALIZATION BUREAU

The Naturalization Bureau should be, as it is now, the watchdog of all this business, the investigating agency of the government. But its work should not be confined, as it is now to so great an extent, to picking flaws in papers, straining shrewd technical points of law and procedure, or trying to find something wrong with the two witnesses or the intellectual attainments of the petitioner. Being informed at least two years in advance that George Kristopoulos, whose address is registered with the court and in its own files, has declared his intention to apply for citizenship, it can ascertain affirmatively at all times what he is about, and present to the court at the time of the final application a complete record of his conduct, upon which the court can act intelligently. Its functions in this direction should be materially expanded.

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The naturalization examiner should represent the court, in the relation of a master, taking the necessary testimony, examining depositions, and presenting to the court at last a record complete in writing, upon which, in the great majority of cases, the judicial order would be entered without further ado. This would seem to be indeed its logical function. The Bureau needs a real job; in fact, has a real job instead of its present largely self-assumed adventures in the field of public education, for which it is not properly equipped, which has bedeviled its legitimate work and demoralized its correspondence and its whole system of records, upon which the proper administration of the law so greatly depends.

Except as the carrying out of the existing procedure has unjustly or unreasonably affected the individual petitioner for citizenship, it has not been conceived as the purpose of this study to investigate the Naturalization Bureau as an exhibit of public administration. Neither the available time nor the space in this volume has permitted such a study as would have been adequate in scope or just to the Bureau. Generally speaking, the thing which has been impressed upon those who have carried on this branch of the Americanization Study has been the zeal and honesty and vigilance for the public welfare with which the Bureau has done its work ever since its establishment in its present functions by the Act of 1906.

No serious charge or insinuation of corruption or willful misconduct of any kind on the part of any member of that service has come to the attention of the Study, and it may be predicted without reservation that no such charge or insinuation would be sustained by the facts. For fifteen years and more the Bureau has "carried on," under conditions of great difficulty, generally undermanned and insufficiently appropriated



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for—although its business has from the beginning not only been self-supporting, but brought into the treasury of the United States money ample to have paid for adequate *personnel*—except during the war, when the prevailing hysteria about immigrants and the ill-informed rage for all manner of things that might be called “Americanization” led to the hasty and extravagant subsidizing of anything that could be tagged with that word. The Bureau deserves great credit for what it has accomplished. More than that, it is in no capacious spirit that any demurrer has been entered here to what it has gone out of its way to attempt.

The time is ripe now to review and construct to better purpose on the basis of this long and informing experience, for an overhauling of the whole process by which aliens are taken into our political system. The Naturalization Law of 1906 and the amendments thereto should be revised as a whole, and what has been learned should be built into a new Act, retaining the substance which experience has abundantly justified, and sloughing off the excrescences which have grown up and accumulated. This should be done on the basis of a thorough investigation under the authority of Congress, and in a wholly constructive spirit.

Such an investigation would disclose the utter insufficiency of the force now available at headquarters and in the field; the lack of precision in the scope and technic of the Bureau; the chaos existing in its records; the need of intelligent and consistent direction of the field force by a supervising chief examiner or similar officer; the waste of effort and money in directions having nothing substantial or logical to do with the main work of the Bureau; the need of one or more competent law officers to unify the policy of the service in its practice under the decisions of the courts; the crying need of a simplification of the standards and

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procedure of admission and of the practices of the clerks of courts in handling the papers and records upon whose sufficiency and accuracy hang the welfare of thousands of well-intending human beings who desire to join us and are needed in our citizenry. The whole subject has gone too long without due understanding by the public and its representatives in Congress.

Meanwhile our would-be citizens have been chased from pillar to post and back again, losing in hundreds of thousands of cases their affection and respect for the country to whose fellowship they asked only the privilege of contributing what they might with all good will.

# APPENDIX

## TABLE LV

DISTRIBUTION OF PETITIONS STUDIED, BY COURTS

CODE NUMBER	NAME OF COURT	LOCATION OF COURT	NUM- BER OF PETI- TIONS TABU- LATED
01	New York Co. (N. Y.) Supm. Ct....	New York City	11,058
02	U. S. Dist. Ct. for S. Dist. of N. Y...	New York City	2,401
03	U. S. Dist. Ct. for E. Dist. of N. Y...	Brooklyn, N. Y.	1,553
04	Bronx Co. (N. Y.) Supm. Ct.....	New York City	1,355
05	Queens Co. (N. Y.) Supm. Ct.....	Jamaica, N. Y.	598
06	Westchester Co. (N. Y.) Supm. Ct...	White Plains, N. Y.	647
07	Nassau Co. (N. Y.) Supm. Ct.....	Mineola, L.I., N. Y.	135
08	Passaic Co. (N. J.) Ct. of Com. Pls...	Paterson, N. J.	742
09	Fairfield Co. (Conn.) Supr. Ct.....	Bridgeport, Conn.	410
10	Knox Co. (Ill.) Circ. Ct.....	Galesburg, Ill.	29
12	Johnson Co. (Iowa) Dist. Ct.....	Iowa City, Iowa	13
13	Androscoggin Co. (Me.) Supm. Judi- cial Ct.....	Auburn, Me.	52
14	Tompkins Co. (N. Y.) Supm. Ct.....	Ithaca, N. Y.	23
15	Middlesex Co. (N. J.) Ct. of Com. Pls.	New Brunswick, N. J.	389
16	U. S. Dist. Ct. for N. Dist. of Ohio..	Cleveland, Ohio	1,175
17	Cuyahoga Co. (Ohio) Ct. of Com. Pls.	Cleveland, Ohio	1,703
18	Multnomah Co. (Ore.) Circ. Ct.....	Portland, Ore.	714
19	Monroe Co. (N. Y.) Supm. Ct.....	Rochester, N. Y.	813
20	U. S. Dist. Ct. for W. Dist. of Wash- ington.....	Seattle, Wash.	703
21	King Co. (Wash.) Supm. Ct.....	Seattle, Wash.	143
22	Chemung Co. (N. Y.) Supm. Ct.....	Elmira, N. Y.	19
23	Summit Co. (Ohio) Ct. of Com. Pls.	Akron, Ohio	199
24	Northampton Co. (Pa.) Ct. of Com. Pls.	Easton, Pa.	115
25	Worcester Co. (Mass.) Supr. Ct.....	Worcester, Mass.	635
26	Middlesex Co. (Conn.) Supr. Ct.....	Middletown, Conn.	74
27	Rensselaer Co. (N. Y.) Supr. Ct.....	Troy, N. Y.	104
28	U. S. Dist. Ct. for S. Dist. of Ohio...	Cincinnati, Ohio	363
29	New London Co. (Conn.) Supr. Ct...	Norwich, Conn.	119
All courts .....			26,284

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**TABLE LVI**  
**SEX AND MARITAL CONDITION OF PETITIONERS**

CODE NUM- BER OF COURT	TOTAL PETI- TIONERS	SEX				MARITAL CONDITION						PETITIONER'S WIFE BORN IN UNITED STATES	
		Male	Fe- male	No Infor- mation	Married		Single		Widowed		No Infor- mation	Num- ber	Per Cent
					Num- ber	Per Cent	Num- ber	Per Cent	Num- ber	Per Cent			
Total	26,284	26,117	154	13	18,017	68.5	8,084	30.8	164	0.6	1,632	9.1	
01	11,058	10,989	69	.....	7,191	65.0	3,824	34.6	43	0.4	322	4.4	
02	2,401	2,377	24	.....	1,286	53.6	1,093	45.5	22	0.9	155	12.0	
03	1,553	1,542	10	1	1,097	70.6	441	28.4	12	0.8	43	3.9	
04	1,355	1,347	8	.....	975	72.0	374	27.6	6	0.4	94	9.6	
05	598	596	.....	2	499	83.5	96	16.1	3	0.5	67	13.4	
06	647	642	5	.....	488	75.4	158	24.4	1	0.2	60	12.3	
07	135	135	.....	.....	98	72.6	36	26.7	1	0.7	9	9.1	
08	742	741	.....	1	579	78.0	162	21.8	1	0.1	42	7.3	
09	410	406	3	1	297	72.4	108	26.3	2	0.2	17	5.7	
10	29	29	.....	.....	22	75.9	7	24.1	.....	.....	4	18.2	
12	13	13	.....	.....	7	53.1	6	46.9	.....	.....	1	14.2	
13	52	52	.....	.....	41	78.8	10	19.2	.....	.....	14	34.1	
14	23	23	.....	.....	13	56.5	6	26.1	.....	.....	5	38.5	
15	389	388	.....	1	310	79.7	76	19.5	.....	.....	33	10.6	
16	1,175	1,173	2	.....	933	79.4	229	19.5	12	1.0	86	9.2	
17	1,703	1,701	2	.....	1,386	81.4	312	18.3	5	0.4	178	12.8	
18	714	714	4	.....	496	69.5	204	28.6	14	2.0	141	28.4	
19	813	808	4	1	595	73.2	216	26.6	1	0.1	88	14.8	
20	703	688	10	5	384	54.6	300	42.7	14	2.0	84	21.9	
21	143	138	5	.....	96	67.1	38	26.6	9	6.3	29	30.2	
22	19	19	.....	.....	13	68.4	6	31.6	.....	.....	.....	.....	
23	199	199	.....	.....	156	78.4	41	20.6	1	0.5	16	8.0	
24	115	115	.....	.....	99	86.1	16	13.9	.....	.....	23	23.2	
25	635	634	1	.....	473	74.5	160	25.2	2	0.3	53	11.2	
26	74	74	.....	.....	53	71.6	21	28.4	.....	.....	2	3.8	
27	104	101	1	2	68	55.4	34	32.7	2	1.9	8	11.8	
28	363	358	5	.....	270	74.3	85	23.4	8	2.2	50	18.5	
29	119	119	.....	.....	92	77.3	27	22.7	.....	.....	8	8.7	



# APPENDIX

## TABLE LVII

NUMBER AND NATIVITY OF PETITIONERS' CHILDREN UNDER TWENTY-ONE YEARS OF AGE

CODE NUM- BER OF COURT	MARRIED PETITIONERS								TOTAL NUM- BER OF FOR- EIGN- BORN CHIL- DREN UNDER 21	
	TOTAL	Having Children		Having Native- born Chil- dren Only		Having Foreign- born Chil- dren Only		Having Both Na- tive and Foreign-born Children		
		Num- ber	Per Cent	Num- ber	Per Cent	Num- ber	Per Cent	Num- ber		Per Cent
Total	18,017	14,371	79.8	10,563	73.5	1,441	10.0	2,367	16.5	4,843
01	7,191	5,760	80.1	3,960	68.8	683	11.8	1,117	19.4	2,380
02	1,286	943	73.3	754	80.0	100	10.6	89	9.4	153
03	1,097	866	78.9	647	74.7	97	11.3	122	14.1	245
04	975	776	79.6	673	86.7	36	4.7	67	8.6	114
05	499	409	82.0	338	82.6	20	4.9	51	12.5	76
06	488	387	79.3	299	77.3	22	5.6	66	17.1	124
07	98	73	74.5	61	83.6	3	4.1	9	12.3	21
08	579	506	87.4	354	70.0	65	12.8	87	17.2	197
09	297	250	84.2	205	82.0	10	4.0	35	14.0	69
10	22	16	72.7	9	56.3	3	18.8	4	25.0	6
12	7	4	57.1	2	50.0	1	25.0	1	25.0	2
13	41	28	68.3	23	82.1	1	3.6	4	14.3	6
14	13	6	46.1	4	66.7	1	16.6	1	16.7	2
15	310	262	84.5	201	76.7	21	8.0	40	15.3	97
16	933	754	80.8	568	75.3	75	10.0	111	14.7	254
17	1,386	1,191	85.9	878	73.7	101	8.5	212	17.8	412
18	496	363	73.2	301	82.9	19	5.2	43	11.8	104
19	595	469	78.8	311	66.3	59	12.6	99	21.1	203
20	384	291	75.8	230	79.0	20	6.9	41	14.1	68
21	96	60	62.5	45	75.0	7	11.7	8	13.3	21
22	13	7	53.8	2	28.6	3	42.9	2	28.6	3
23	156	120	76.9	70	58.3	18	15.0	32	26.7	46
24	99	81	81.8	58	71.6	7	8.6	16	19.8	28
25	473	385	81.4	312	81.0	26	6.8	47	12.2	85
26	53	39	73.6	33	84.6	.....	.....	6	15.4	10
27	68	47	69.1	35	74.5	5	10.6	7	14.9	12
28	270	212	78.5	143	67.5	29	13.7	40	18.8	79
29	92	66	71.7	47	71.2	9	3.6	10	15.2	21

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## TABLE LVIII

AGE OF PETITIONERS AT ARRIVAL, AND TIME ELAPSING BETWEEN  
TWENTY-ONE YEARS OF AGE (OR LATER ARRIVAL) AND PETITION,  
1913-14.

AGE AT ARRIVAL	PETITIONERS		TIME BETWEEN 21 YEARS (OR LATER ARRIVAL) AND PETITION
	Number	Per Cent	
All ages.....	26,284	...	....
1.....	149	0.6	6.2
2.....	114	0.4	7.4
3.....	127	0.5	7.3
4.....	118	0.5	7.7
5.....	120	0.5	8.5
6.....	118	0.5	7.5
7.....	155	0.6	7.0
8.....	168	0.6	7.9
9.....	169	0.6	6.9
10.....	213	0.8	7.4
11.....	219	0.8	7.3
12.....	285	1.1	7.5
13.....	396	1.5	9.5
14.....	556	2.5	7.2
15.....	812	3.1	7.1
16.....	1,244	4.7	7.0
17.....	1,626	6.2	7.7
18.....	1,999	7.6	8.7
19.....	1,779	6.8	9.5
20.....	2,036	7.7	10.8
21.....	1,736	6.6	10.6
22.....	1,470	5.6	10.7
23.....	1,371	5.2	10.9
24.....	1,290	4.9	10.8
25.....	1,240	4.7	10.6
26.....	987	3.8	10.6
27.....	827	3.1	10.8
28.....	723	2.8	10.4
29.....	598	2.3	10.5
30.....	530	2.0	10.9
31.....	402	1.5	10.6
32.....	387	1.5	10.6
33.....	336	1.3	10.6
34.....	296	1.1	10.3
35.....	248	0.9	10.3
36.....	204	0.8	9.8
37.....	197	0.7	10.0
38.....	137	0.5	10.0
39.....	118	0.4	9.5
40.....	118	0.4	9.7
41.....	109	0.4	9.7
42.....	87	0.3	9.9
43.....	86	0.3	9.1
44.....	64	0.2	9.0
45.....	61	0.2	9.7
46.....	41	0.2	8.7
47.....	45	0.2	9.4
48.....	36	0.1	10.3
49.....	31	0.1	10.0
50.....	22	0.1	8.6
Over 50.....	68	0.3	....
No information.....	16	...	....

ALREADY A CITIZEN		NO CERTIFI- CATE OF ARRIVAL		PREMATURE PETITION		MISCEL- LANEOUS		NO IN- FORMATION	
im- er	Per Cent	Num- ber	Per Cent	Num- ber	Per Cent	Num- ber	Per Cent	Num- ber	Per Cent
9	0.3	14	0.5	7	0.2	147	4.8	16	0.5
3	0.2	.....	.....	1	0.08	62	4.7	3	0.2
1	1.5	.....	.....	.....	.....	19	6.8	.....	.....
1	0.6	.....	.....	1	0.6	10	5.0	4	2.0
.....	.....	.....	.....	.....	.....	14	9.0	.....	.....
.....	.....	.....	.....	.....	.....	7	5.9	.....	.....
.....	.....	.....	.....	.....	.....	4	3.9	.....	.....
.....	.....	.....	.....	.....	.....	3	10.0	.....	.....
.....	.....	.....	.....	.....	.....	1	2.1	3	6.2
.....	.....	.....	.....	.....	.....	6	12.8	1	2.1
.....	.....	.....	.....	.....	.....	2	50.0	.....	.....
.....	.....	1	12.5	.....	.....	1	12.5	1	12.5
.....	.....	1	2.7	.....	.....	.....	.....	.....	.....
.....	.....	3	3.7	.....	.....	1	1.2	.....	.....
2	1.6	2	1.6	.....	.....	1	0.8	3	2.3
1	1.1	1	1.5	.....	.....	1	1.5	.....	.....
.....	.....	2	2.2	1	1.1	5	5.4	.....	.....
.....	.....	.....	.....	.....	.....	1	4.0	1	4.0
.....	.....	.....	.....	1	3.7	.....	.....	.....	.....
1	1.4	3	11.1	2	2.9	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	1	2.5	1	2.5	1	2.5	.....	.....
.....	.....	.....	.....	.....	.....	8	30.8	.....	.....





NUMBER AND PER CENT OF PETITORS

CODE NUMBER OF COURT	TOTAL PETITIONERS	TOTAL DENIALS	PER CENT PETITIONERS DENIED	WANT OF PROSECUTION		INCOMPETENT WITNESS		DECLARATION INVALID		IGNORANCE		IMMORAL CHARACTER		INSUFFICIENT RESIDENCE			
				Number	Per Cent	Number	Per Cent	Number	Per Cent	Number	Per Cent	Number	Per Cent	Number	Per Cent	Number	Per Cent
All Courts	26,284	3,033	11.5	689	22.7	422	13.9	1,296	42.7	220	7.2	59	1.9	68	2.6		
1	11,058	1,308	11.8	203	15.5	107	8.2	879	67.2	20	1.5	13	1.0	8	0.7		
2	2,401	278	11.6	73	26.3	39	14.0	59	21.3	77	27.7	2	0.7	2	0.8		
3	1,553	200	12.9	35	17.5	6	3.0	87	43.5	51	25.5	3	1.5	3	1.5		
4	1,355	155	11.4	22	14.2	54	34.8	52	33.5	2	1.3	4	2.6	3	1.9		
5	598	119	20.0	19	16.0	11	9.2	57	47.9	23	19.3	1	0.8	1	0.8		
6	647	103	15.9	30	29.1	11	10.7	49	47.5	6	5.8	2	1.9	1	1.1		
7	135	30	22.2	9	3.0	6	20.0	9	30.0	2	6.7	1	2.1	1	3.0		
8	742	48	6.5	13	27.1	15	31.3	7	14.6	1	2.1	1	2.1	7	14.6		
9	410	47	11.5	14	29.8	2	50.0	21	44.2	1	2.1	1	2.1	3	7.3		
10	29	4	13.8	1	12.5	1	12.5	1	25.0	1	2.7	1	2.7	1	3.4		
12	13	2	15.4	1	17.4	1	17.4	1	5.4	2	2.4	4	4.8	4	4.8		
13	52	8	15.4	17	32.7	10	11.9	4	4.8	2	2.4	3	3.7	5	5.6		
14	23	4	17.4	43	52.4	13	15.9	5	6.1	2	1.6	16	12.4	2	2.6		
15	389	37	9.5	15	11.6	55	42.6	11	8.5	3	4.6	2	3.1	5	5.6		
16	1,175	84	7.1	35	53.8	12	18.5	15	16.1	6	6.5	1	4.0	4	4.0		
17	1,703	82	4.8	26	28.0	27	29.0	1	4.0	2	8.0	1	4.0	4	4.0		
18	714	129	18.1	6	24.0	7	28.0	1	4.0	1	4.0	1	4.0	1	4.0		
19	813	65	8.0	1	50.0	1	50.0	1	3.7	11	40.7	1	1.4	3	11.5		
20	703	93	13.2	15	55.6	7	25.9	20	28.6	1	14.3	1	14.3	1	14.3		
21	143	25	17.5	1	3.7	8	29.6	1	3.7	1	14.3	1	14.3	1	14.3		
22	19	2	10.5	5	71.4	10	14.3	1	14.3	1	14.3	1	14.3	1	14.3		
23	199	27	13.6	1	3.7	8	29.6	1	3.7	11	40.7	1	1.4	3	11.5		
24	115	27	23.5	1	3.7	8	29.6	1	3.7	11	40.7	1	1.4	3	11.5		
25	635	70	11.0	31	44.3	10	14.3	20	28.6	1	14.3	1	14.3	1	14.3		
26	74	7	9.5	5	71.4	10	14.3	1	14.3	1	14.3	1	14.3	1	14.3		
27	104	13	12.5	2	15.4	1	7.7	5	38.5	4	30.8	1	7.7	1	7.7		
28	363	40	11.0	22	55.0	4	10.0	1	2.5	5	12.5	1	3.8	4	11.0		
29	119	26	21.8	3	11.5	1	4.1	9	26.9	1	8.5	1	8.5	1	8.5		









1	22	23	24	25	26	27	28	29
3	19	199	115	635	74	104	363	119
1								
8	4	22	16	23	11	7	18	5
								2
2		1		85	5	4	4	5
			1	1				
8		4	1	2		3	1	1
2		8	7	36	2	3	7	8
6				68				
1			1	1				
8	2	11	10	13	4	18	100	7
2	1	1						4
1		1	1	2		1		1
1		98	34			4	85	7
				3				1
3	2	8		80	3	12	12	10
7	1	10	30	54	22	24	27	12
						1		
8		2		6	1			1
8	7	17	13	162	13	19	11	40
							83	
4		4		10	1	1	3	5
		3					1	
7		5		65	6	1		1
2		2	1		2		4	
	1	1		23	1	2	2	3
	1					2	1	4
		1					3	
				1				
4					3	2	1	2



TABLE LXI  
DISTRIBUTION OF PETITIONERS BY COURTS AND COUNTRY OF BIRTH

COUNTRY OF BIRTH	ALL COURTS	CODE NUMBER OF COURTS																														
		1	2	3	4	5	6	7	8	9	10	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29			
All countries.....	26,284	11,038	2,401	1,553	1,355	598	647	135	742	410	29	13	52	23	389	1,175	1,703	714	813	703	143	19	199	115	635	74	104	363	119			
Australia.....	31	11	1		2	1													1	1	8											
Austria.....	3,875	1,966	293	126	175	68	45	7	74	27		4			36	294	541	35	33	37	8	4	22	16	23	11	7	18	5			
Belgium.....	41	5	4		1	1			10	4								6	3	5									2			
Bulgaria.....	10	3	1															3	1	2												
Canada.....	385	23	14	12	3	2	5		3	5					2	20	28	41	39	40	12					1		85	5	4	4	5
Central America.....	10	5	2			1																		1	1							
China.....																																
Cuba.....	15	10	4	1																						4	1	2				
Denmark.....	200	36	9	7	12	11	6	7	1	7	3				20	8	7	21	2	23	8											
England.....	831	167	93	59	29	33	36	12	19	21	2		1	2	20	38	46	51	51	55	22				8	7	36	2	3	1	1	
Finland.....	144	5	6	3	1	1	2			1					1	18		14		18	6							68				
France.....	86	45	11	2	2	2	4	3	2			1	1					3	5	1						1	1					
Germany.....	2,305	673	280	204	122	182	41	18	94	27	1	2	1	1	26	84	123	90	91	72	8	2	11	10	13	4	18	100	7	7		
Greece.....	90	32	17	4				1	4				2	2				6	4	5	2											
Holland.....	189	17	14	2	4	2	2	1	36									8	10	27	3	1				1	1	2				
Hungary.....	2,443	719	148	38	93	44	31	8	81	77			2	3	116	441	374	12	17	10	1		98	34				4	85	7		
India.....	10	1		2					1									1		1								3				
Ireland.....	1,773	801	304	86	84	30	82	13	17	29	1	2	3		9	16	64	37	26	39	3	2	8			80	51	3	12	12	10	
Italy.....	3,591	1,391	303	430	266	128	236	27	104	63	1		5	4	36	42	89	33	283	23	7	1	10	30	54	22	24	27	12	12		
Japan.....	4	2																														
Luxemburg.....	6	1	2							1									1		1											
Mexico.....	4	2																	1		1											
Montenegro.....	4	1								1									1	1												
Newfoundland.....	1					1																										
Norway.....	389	24	15	54	6	2	2	1	1						5	10		8	66	4	163	18				2		6	1		1	
Portugal.....	8	3	2																2		1											
Rumania.....	569	390	60	23	41	1	4	2	247	3					1	7		4	3	10												
Russia.....	7,864	4,434	665	416	538	74	86	22	247	95	2	3	4	2	98	146	330	110	185	45	8	7	17	13	162	13	19	83	40			
South America.....	19	7	10	1																												
Scotland.....	288	38	26	21	13	4	33	2	15	4	1				2	6	16	19	26	10	24											
Serbia.....	6	1		1																												
Spain.....	23	10	4												1					1	1											
Sweden.....	616	95	31	13	16	4	21	6	8	32	17				2	1	12	26	91	9	110	27		5		65	6	1	1	1		
Switzerland.....	177	49	20	9	4		7	3	2	14	1		1		1	10	13	40	4	8	2		2	1								
Turkey in Asia.....	142	34	23	31			1	4	2	7	8				3		1	1	5	2												
Turkey in Europe.....	92	43	27		1							1	1	2		3		1	3	1		1										
Wales.....	32	11					2		7	8					1			5	6	3												
Persia.....	6	3																														
Iceland.....	6	1		1												1																
No information.....	23		1		1		1			3	2										2	4					3	2	1	2		







OF BIRTH

AVERAGE LENGTH  
OF TIME FROM  
ARRIVAL TO  
PETITION.  
PETITIONERS AR-  
RIVING AT

5 to 20 Years of Age	21 Years of Age and Over
Years 11.0	Years 10.6
17.3	9.4
10.6	10.5
17.4	11.0
13.5	17.0
17.3	7.3
4.5	16.4
15.5	9.0
12.2	10.2
13.6	11.7
11.7	10.5
17.7	11.9
14.1	11.9
9.7	8.6
12.2	10.1
10.8	9.9
7.5	8.2
11.5	9.6
10.8	11.4
25.0	9.0
6.0	12.3
12.0	10.0
12.0	8.3
15.0	14.5
11.3	10.8
6.6	8.3
10.2	9.8
9.9	9.6
12.7	10.6
.....	8.3
10.2	7.9
10.3	10.7
12.7	13.1
15.6	12.2
9.0	8.5
7.9	8.1
14.1	10.1
7.5	9.8
.....	9.0
.....	.....

TABLE LXIII

DISTRIBUTION OF PETITIONERS BY OCCUPATION AND COURTS

CODE NUMBER OF COURTS	TOTAL	AGRICULTURE, FORESTRY AND ANIMAL HUSBANDRY	EXTRACTION OF MINERALS	MANUFACTURING AND MECHANICAL INDUSTRIES	TRANSPORTATION	TRADE	PUBLIC SERVICE	PROFESSIONAL SERVICE	DOMESTIC AND PERSONAL SERVICE	CLERICAL	NO INFORMATION
All Courts	26,284	444	40	15,384	1,054	4,403	180	1,007	2,377	1,352	43
1	11,058	15	3	6,064	406	2,244	54	456	1,211	605	.....
2	2,401	11	.....	1,065	147	437	46	149	314	232	.....
3	1,553	7	2	854	87	279	16	63	149	91	5
4	1,355	1	.....	779	45	253	16	64	111	75	1
5	598	8	.....	396	18	75	5	25	47	24	.....
6	647	29	1	392	46	97	6	11	49	16	.....
7	135	15	.....	69	8	22	.....	4	11	6	.....
8	742	7	.....	552	8	94	1	15	36	27	2
9	410	24	.....	225	9	70	2	14	46	19	1
10	29	3	.....	18	5	1	.....	1	1	.....	.....
12	13	3	.....	6	.....	1	.....	2	.....	.....	1
13	52	2	.....	29	.....	8	.....	2	3	8	.....
14	23	.....	.....	8	1	3	.....	5	5	.....	1
15	389	.....	.....	274	10	73	.....	3	13	5	3
16	1,175	16	.....	897	36	102	1	22	55	33	13
17	1,703	27	1	1,242	57	190	7	38	82	59	.....
18	714	76	2	347	42	125	10	23	52	36	1
19	813	20	.....	610	19	77	6	25	45	11	.....
20	703	101	23	329	60	64	4	32	54	36	.....
21	143	17	6	72	6	11	.....	5	13	13	.....
22	19	.....	.....	9	4	5	.....	1	.....	.....	.....
23	199	10	.....	135	4	25	.....	2	17	6	.....
24	115	3	2	81	1	12	.....	5	7	3	1
25	635	14	.....	510	19	36	.....	13	7	23	13
26	74	6	.....	50	3	6	.....	3	5	1	.....
27	104	4	.....	59	3	15	2	4	9	7	1
28	363	5	.....	239	8	57	1	17	27	9	.....
29	19	.....	.....	72	8	11	.....	2	8	7	.....

# APPENDIX

## TABLE LXIV

AVERAGE NUMBER OF YEARS FROM DATE OF ARRIVAL TO DATE OF  
PETITION, BY OCCUPATION

OCCUPATION	NUMBER OF PETITIONERS ARRIVING AT		AVERAGE LENGTH OF TIME FROM ARRIVAL TO PETITION (YEARS). ARRIVING AT	
	15 to 20 Years of Age	21 Years of Age and Over	15 to 20 Years of Age	21 Years of Age and Over
All occupations.....	9,494	13,851	10.7	10.5
Agriculture, Forestry, etc....	139	314	14.3	14.2
Manufacturing.....	5,735	8,352	10.3	10.5
Bakers.....	170	255	12.0	10.7
Cabinetmakers and carpenters.....	372	921	10.3	10.4
Laborers.....	751	1,193	11.0	11.3
Managers, supts., mfgs., and officers.....	344	444	17.6	10.8
Plumbers.....	112	94	9.8	10.4
Tailors.....	1,072	1,205	10.1	10.5
All others.....	2,914	4,240	10.3	10.2
Transportation.....	387	552	10.3	9.7
Trade.....	1,511	2,266	11.6	10.7
Retail dealers.....	911	1,646	12.2	10.7
Salesmen.....	346	254	10.4	9.6
All others.....	254	366	12.1	10.9
Public service.....	21	112	13.4	10.3
Professional service.....	342	508	11.0	9.9
Clergymen.....	10	83	11.4	10.3
Musicians.....	37	91	11.5	10.3
All others.....	295	334	11.0	9.8
Domestic and personal service.....	917	1,246	10.8	10.3
Barbers.....	224	225	10.4	10.2
Bartenders.....	136	164	10.4	9.3
All others.....	557	857	11.4	10.9
Clerical.....	442	501	9.6	9.3



PROFESSIONAL SERVICE			DOMESTIC AND PERSONAL				CLERICAL OCCUPATIONS	No INFORMATION
Clergymen	Musicians	All Others	Total	Barbers	Bar-tenders	All Others		
99	143	784	2,382	510	335	1,537	1,388	92
6	21	99	336	47	40	249	161	.....
5	2	38	21	1	1	19	44	.....
.....	.....	9	18	.....	2	16	15	.....
6	9	26	98	2	6	90	96	.....
.....	.....	.....	3	3	.....	.....	6	.....
5	18	77	295	28	66	201	156	.....
.....	1	3	13	.....	1	12	6	.....
10	7	55	218	47	43	128	106	.....
6	1	16	269	4	77	188	132	.....
13	28	66	589	313	66	210	117	.....
.....	.....	6	13	1	2	10	37	.....
2	.....	29	24	5	2	17	40	.....
34	48	295	265	55	19	191	384	.....
.....	.....	5	14	.....	.....	14	19	.....
5	1	16	55	2	4	49	15	.....
1	1	10	37	1	2	34	10	.....
2	1	6	16	1	.....	15	9	.....
4	5	28	98	.....	4	94	35	.....

TABLE LXVI

RATIO BETWEEN NUMBER OF NATURALIZATION PETITIONS FILED IN 1913-14 AND TOTAL FOREIGN-BORN WHITE MALES TEN YEARS OF AGE AND OVER IN 1910, BY OCCUPATIONS, FOR SEVEN CITIES

1—Number foreign born in 1910.  
2—Number of petitioners in 1913-14.  
3—Ratio of 2 to 1.

CITY	BAKERS	BARBERS	BAR-TENDERS	BLACK-SMITHS	BRICK AND STONE MASONS	CAR-PENTERS	CHAUF- FEURS	CLERGY- MEN	LABOR- ERS	MANA- GERS AND SUPPS.	MNFO. AND OFFI- CIALS	MOTOR- MEN	PAINT- ERS AND GLAZ- IERS	PLUMB- ERS	RETAIL DEALERS	SALES- MEN	TAILORS	TOTAL	
Total for 7 cities—																			
1.....	10,458	11,608	6,826	5,962	10,170	25,924	3,007	1,425	8,426	2,175	16,779	3,855	16,772	5,404	67,204	21,404	39,918	335,176	
2.....	328	372	248	161	219	779	176	67	1,362	154	511	92	514	193	2,103	591	2,120	9,930	
3.....	3.1	3.2	3.6	2.7	2.2	3.0	5.9	4.7	1.5	7.1	2.7	2.4	3.1	3.6	3.1	2.8	5.3	3.0	
Bridgeport—																			
1.....	151	181	129	179	350	637	.....	.....	2,735	43	103	.....	221	133	886	177	266	6,191	
2.....	5	12	6	4	3	25	5	3	35	.....	1	.....	3	5	54	10	16	193	
3.....	3.3	6.6	4.7	2.2	0.9	3.9	.....	.....	1.3	.....	1.0	.....	4.1	3.8	6.1	5.7	6.0	3.1	
Cincinnati—																			
1.....	605	303	226	202	270	730	35	.....	2,488	101	568	53	437	101	1,977	526	1,120	9,802	
2.....	20	6	4	3	5	13	3	3	20	5	9	1	11	2	45	9	24	183	
3.....	3.3	2.0	1.8	1.0	1.9	1.8	8.6	.....	0.8	5.0	1.6	1.9	2.5	2.0	2.2	1.7	2.1	1.9	
Cleveland—																			
1.....	675	631	401	1,222	1,356	3,879	150	.....	839	274	1,148	247	1,339	544	5,125	1,131	2,824	37,779	
2.....	30	40	39	58	53	219	10	5	488	8	39	4	42	27	213	17	182	1,477	
3.....	5.8	6.3	9.7	4.7	3.9	5.6	6.4	.....	2.9	2.9	3.4	1.6	3.1	5.0	4.2	1.5	6.4	3.9	
New York—																			
Bor. of Man. and Bronx:																			
1.....	7,715	9,271	5,310	3,198	6,540	15,318	2,663	1,247	4,211	1,339	14,944	3,178	12,865	3,948	52,323	17,573	33,101	235,745	
2.....	218	273	155	57	77	323	147	40	397	120	421	75	385	139	1,569	508	1,754	6,658	
3.....	2.8	2.9	2.9	1.8	1.2	2.1	5.5	3.2	0.9	9.0	2.8	2.4	3.0	3.5	3.0	2.9	5.3	2.8	
Bor. of Queens:																			
1.....	673	549	307	388	730	1,986	61	.....	4,861	155	810	168	790	273	2,853	630	602	15,836	
2.....	22	13	13	13	13	31	3	1	63	3	6	3	31	6	50	8	17	286	
3.....	3.2	2.4	4.2	3.4	1.8	1.6	4.9	.....	1.3	1.9	0.7	1.8	2.7	2.2	1.8	1.3	2.8	1.8	
Paterson—																			
1.....	188	268	99	132	225	617	.....	.....	713	84	483	.....	272	106	1,197	259	288	5,931	
2.....	7	15	6	7	18	38	2	1	72	9	24	1	10	8	77	9	20	337	
3.....	3.7	4.1	15.2	4.5	8.0	6.2	.....	.....	4.2	10.7	5.0	.....	7.0	7.5	6.4	3.5	6.9	5.7	
Portland—																			
1.....	205	161	225	265	199	1,549	35	106	5,831	85	254	84	376	149	1,391	672	437	13,024	
2.....	8	8	7	12	7	87	4	11	96	4	.....	4	17	5	42	22	29	354	
3.....	3.9	5.0	3.1	4.5	3.5	5.6	11.4	10.4	1.4	4.7	.....	4.8	4.5	3.4	3.0	3.3	4.6	2.7	
Rochester—																			
1.....	246	244	129	306	500	1,208	57	72	3,626	94	469	125	474	150	1,452	436	1,280	10,868	
2.....	9	9	9	8	43	43	2	3	137	5	11	4	10	1	53	8	87	442	
3.....	3.7	3.7	7.0	2.6	8.6	3.6	3.5	4.2	3.8	5.3	2.3	3.2	2.1	0.7	3.6	1.8	6.8	4.1	



TE MALES TEN YEARS OF AGE AND

	PLUMBERS	RETAIL DEALERS	SALES-MEN	TAILORS	TOTAL
	5,404 193 3.6	67,204 2,103 3.1	21,404 591 2.8	39,918 2,120 5.3	335,176 9,930 3.0
	133 5 3.8	886 54 6.1	177 10 5.7	266 16 6.0	6,191 193 3.1
	101 2 2.0	1,977 45 2.2	526 9 1.7	1,120 24 2.1	9,802 183 1.9
	544 27 5.0	5,125 213 4.2	1,131 17 1.5	2,824 182 6.4	37,779 1,477 3.9
	3,948 139 3.5	52,323 1,569 3.0	17,573 508 2.9	33,101 1,754 5.3	235,745 6,658 2.8
	273 6 2.2	2,853 50 1.8	630 8 1.3	602 17 2.8	15,836 286 1.8
	106 8 7.5	1,197 77 6.4	259 9 3.5	288 20 6.9	5,931 337 5.7
	149 5 3.4	1,391 42 3.0	672 22 3.3	437 29 4.6	13,024 354 2.7
	150 1 0.7	1,452 53 3.6	436 8 1.8	1,280 87 6.8	10,868 442 4.1



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