

# THE LITERARY DIGEST

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## SOME IMMIGRANT "GOATS" WHO CAN'T BE NATURALIZED

**A**BOUT 19,000 foreign-born residents of the United States were refused American citizenship in 1921. Suppose, in order to find out what that means to the general pursuit of happiness in these United States, that the fortunes of each of these would-be but barred-out Americans are linked up with a family of four. That's 76,000 people—enough to populate a considerable city—disappointed by our Government in the last fiscal year. The total for the last ten years would be 760,000, which is more people than there are in North Dakota. The bearing of all this on our national well-being, observes Paul Lee Ellerbe, formerly Chief Naturalization Examiner at Denver, lies in the fact that "disappointed people are a kind of nuisance, even when they are as voiceless and patient and forgiving as the foreign-born population of America. They are a kind of slow poison." A standard of reasonable efficiency demands that we turn out no more of them than necessary, says Mr. Ellerbe. He proceeds, in the *Outlook* (New York), to present a question, and some answers:

Was it necessary to disappoint these 760,000? If it was, we've got a good thing in our elaborate protective machinery, with its official force of 2,772, its 393,888 documents examined, its million pieces of mail handled, and half a million people interviewed per annum.

Well, it wasn't.

Of the fifteen reasons for denial enumerated by the Commissioner, two go unequivocally into the merits of the matter. "Immoral Character" and "Ignorance." "Immoral Character" speaks for itself. And "Ignorance" covers those who didn't appear to know enough to exercise the rights of citizenship intelligently. Those are real reasons why we need a naturalization service: to keep out the morally undesirable and those who don't care enough about us to understand our system of government. How many of them did that official force of 2,772 find during 1921? A little more than half a one apiece. One thousand eight hundred and thirty-nine, out of 182,637 who applied. A trifle more than one per cent.

What were the other 17,142 citizenship seekers denied for?

By far the largest number, 5,215, almost one-third, for—what would you suppose? "Want of Prosecution." That is, they paid their money, filed their petitions for naturalization, and then gave up. If there was any way to make Congress realize the poignancy and the volume of deferred hope hidden behind those figures (for one year alone!), things might be changed. It can only be suggested here.

Why did they give up, these 5,215 alien friends who spent their money and their time getting themselves legally on record to the effect that they wanted to be Americans? Out of an intimate and extended personal knowledge I give you the answer for nearly all of them in two words: Red tape. If you had it wound about your neck as tightly as I used to have to help wind it about theirs, you'd give up too.

The whole of the naturalization routine

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is printable only in a neat gray pamphlet, but consider the simplest possible statement of the most important parts of it.

Leaving entirely out of consideration the great gaunt West, where some of the naturalization courts hold hearings only once a year, and where I have known homesteaders, too poor to own horses and waiting for citizenship in order to prove up on their land, walk twenty-five miles every time they were called to court—leaving all that out entirely, consider what you'd have to do if you were an alien and applied for citizenship anywhere in the United States.

The actual work of naturalization is done by the courts. The report before me says that there were 2,265 of them attending to it in 1921. The first thing would be to go before the clerk of one within whose jurisdiction you resided, pay a dollar, and file a declaration of intention, or first paper, declaring your intention to renounce your own country and, in due time, to join this one.

Then, not less than two nor more than seven years thereafter, you'd follow that up by paying four dollars and filing in the same or, in case you had moved, in another court a petition stating that you had been in the United States at least five years and in the State of filing at least one year, and that you were attached to the principles of the Constitution, and a good deal more. You'd have to have two witnesses, citizens of the United States, verify your petition by signing affidavits to the effect that they had known you five years in this country and had personal knowledge that you were a person of good moral character, etc.

That done, you and your witnesses—who might very possibly have stood in line for many hours to get to the clerk's desk—would have to go to the office of the Chief Naturalization Examiner and be thoroughly examined all over again. This might be the same or another day. Very frequently it's another day, and takes the whole of it, for you and your witnesses. And often you have to pay the wages your witnesses lose, and their traveling expenses, if a journey is necessary on filing day and then on examination day.

Yes, and then again on hearing day, and if your case happens to be continued, on two hearing days, or more. For the next step is the hearing of your case in open court before the judge, at least three months after you filed your petition.

You'd have to see all that in terms of human beings, says the ex-examiner, to know what it means. But perhaps the foregoing bare outline will give a hint of why 5,215 petitions were denied in 1921 for "want of prosecution" and at the same time serve as a background for explanation of the other causes of denial. The next largest cause is labeled "Miscellaneous":

Four thousand six hundred and fifty-two under that. One thousand seven hundred and thirty-six of these, the Commissioner says, were "reported denied because claimed exemption from military service on account of alienage." The reasons for the denial of the other 2,916 would required an article in themselves. They are akin to those examined here.

Then comes "Incompetent Witnesses" Three thousand and fifty-eight cases denied for that. The witnesses turned out not to have the personal knowledge of the applicants required by the statute. Nearly all of them thought they had it; swore they had it; acted in good faith. I have examined thousands of them, and I know

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that to be true. Wouldn't you think that when it was discovered that they were honestly mistaken the men whose petitions they verified would be allowed to go out and get other, competent witnesses to take their places and go on and complete the process begun so often at the cost of so much time and money and inconvenience? How would the great Republic suffer? But not a bit of it. The 3,058 petitions so verified all had to be denied, the time spent wasted, and the (at least) \$12,232 paid in lost. (Heaven only knows what the amount really was—it might easily have run to \$100,000 with wages what they were.)

And the only thing the applicants could do was to begin again by filing new petitions. And in the meantime of course the declarations of intention of many of them had expired and had to be renewed, and that meant an additional delay of just two years. No wonder some of them feel that they are caught in a vicious circle of alienage, from which there is no escape.

Perhaps you will turn hopefully to the next most important heading in the Commissioner's table of figures. You will not find sustenance there for our American quality of optimism. You will learn from it that during the fiscal year ended June 30, 1921, 1,848 petitions for naturalization were denied on account of "Declaration Invalid." "Declaration" is declaration of intention, or first paper. Most of these 1,848, and all other invalid declarations, were either invalid the day they were made, on account of the mistakes of the clerks who issued them, or became invalid by the lapse of the statutory seven years, and in either event should not have been accepted by the clerks, who subsequently permitted their holders to use them as bases for petitions for naturalization. But just the same this whole army of people had to go through all the process I have outlined and get an official order of denial over the hand of the Court before they could find that out.

Six hundred and twenty-five cases were denied because of "Petitioners' Motion": that is, the people who filed them asked that they be denied—for some reason or other gave up hope and withdrew.

"Deceased." Five hundred and thirty-three of those in 1921. One would like to know how long their petitions had been pending when they died.

Then comes "Insufficient Residence," with 313 turned back for that. They had not "resided continuously within the United States for five years and within the State for one year immediately preceding the dates of their petitions." Some of them went back to the old countries for visits, some of them left the States in which their petitions were filed on business trips and for other reasons. But they didn't conceal it. If they couldn't be naturalized, why not tell them so and save them all that journeying and standing in line and filing and paying and oath taking?

I suppose it's because they aren't Americans and rarely protest, and the rest of us are too concerned with other matters to protest for them.

"Already a Citizen." Doesn't it seem that we could devise some way whereby a man who was already a citizen of a nation as intelligent as this one could establish his title to that status without going through the complicated process of applying for what he already had and setting in motion the whole machinery of a court? Yet 274 citizens of the United States, in order to prove themselves such, had to do just that during the year under considera-

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tion. They were people the record of whose naturalization had been destroyed, who came into citizenship through the operation of some obscure or ambiguous statute, etc., etc. The Naturalization Service investigated the facts in the case of every one of them. Why not confer upon that service the power to issue immediately at the close of such investigations satisfactory proofs of citizenship? It is very much better equipped to pass upon points of this kind than are the courts, which in 99 per cent. of such cases only follow its recommendations, anyhow.

To carry on the story, 261 of them were denied without protest in 1921 for "No Jurisdiction." Which simply means that careless clerks let them file (and pay!) in the wrong courts, or else that they had to move to other parts of the country after filing and were penalized for it.

