

long time to be harking back for evidence in support of the legendary presumptions against him.

Of late there has been a great deal of broadcasting from Washington throughout the Naturalization realm of the country. To some it probably sounded like music, but to others it emitted the sound of spattering static, disturbing whatever of peaceful procedure that had been (hitherto) commonly enjoyed by all. Promulgation of recent rulings, countenanced only by bureaucratic authority and quite apparently out of harmony with the Naturalization act itself, is responsible for the sweeping change in a procedure rigidly fixed by known law. Should we hastily acclaim them as inspired by beneficent and humane motives, we would first do well to ponder, lest we be criticized for doing violence to the truth. If the published words of the Commissioner of Naturalization himself were not available, we might, with reluctance, venture upon the dangers of a post hoc, propter hoc style of reasoning and ascribe the acts of his Department to a desire, by collateral and illegal methods to enforce a set of Immigration laws, recently enacted.

For the edification of those who are interested permit me to quote from page 11 of the Commissioner's Annual Report:

At the present time an alien may declare his intention to become a Citizen immediately upon landing in the United States, regardless of lawful entry therein. No alien who entered the United States unlawfully should be allowed to declare his intention, particularly if he entered since May 1, 1917, the date the immigration act of February 5, 1917 became operative. Discretion should be given to the Commissioner of Naturalization to issue a certificate of arrival for purposes of declaration and also for petitioning in case of entry prior to June 3, 1921, where willful, unlawful entry is not proved, upon satisfactory proof of continuous residence.

Yet in the face of the solemn truth recited in the first sentence of this quotation, the Commissioner seemingly assumed the discretion he craved in the last, and accordingly, in August, 1924, issued instructions to Clerks of Courts throughout the country henceforth to demand of applicants a Certificate of Arrival before the issuance of a First Paper.

Since the subject of this ruling is a first paper, which, under the law, is issued by the clerk, and not a second paper, which can be granted only by the Judge in open court, it has almost universally been followed as a matter of course. Only in cases where the applicants have questioned the legality of this ruling, has it been formally brought to the attention of the court itself. So far as known, the order has been declared unreasonable and unfair by every court where its legality has been questioned.

Opinions to this effect have been published by the Superior Court of Oneida County, N. Y., the Federal Court at Detroit, Mich., the Common Pleas Court at Cleveland, Ohio and in the Federal Court of San Francisco.

What has already been said about the pre-emption of legislative authority by the bureau of Naturalization in its efforts to enforce the Immigration Law through the Naturalization act, might be applied with equal propriety to two other very recent rulings, namely an order to suspend the issuance of **Nunc Pro Tunc Certificates of Arrival** to unfortunate aliens whose actual entry could not be verified on the steamer manifests,

and a further order to examiners to object to the admission of a petitioner who had not already brought his family to America.

The latter instruction is extremely significant in view of the fact that relatives of Naturalized Citizens in Europe under the new quota Immigration law, are granted certain preferences and privileges over all other immigrants. As a rule, the Department—prior to the passage of the last quota immigration act—interposed no objection in cases of this nature but apparently had always been satisfied with a compliance of the spirit of the law, if not its letter.

It is indeed a pity that the Department's well established practice, based on the well approved precedent of more than twenty years, in issuing **Nunc Pro Tunc Certificates of Arrival**, has all at once been found to be all wrong by the members of the Department's present personnel who seem to have discovered that the "law" did not permit such procedure. Almost every one will agree that so long as the Certificate of Arrival remains a necessary adjunct to Naturalization procedure, a most humane and necessary ruling of the Department would require that it be furnished on adequate proof of legal entrance and residence. It is an undeniable fact that pursuant to this ruling, even clerical errors and defects, for which the applicants are in no way responsible, will, henceforth mean that thousands of aliens will be denied the privilege of Citizenship. Having entered the country at a time when they were illiterate, of tender age, or wrote with difficulty—in an unintelligible foreign script—to after-school-term clerks who were likely to make erroneous transcriptions, they can have but very little idea of the way their names were spelled when entered in the Government records.

If the Bledsoe decision is law, and expresses a new and acceptable definition of our long cherished ideals of American Citizenship, if the revocation of **Nunc Pro Tunc Certificates of Arrival** represents the best

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