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**Index to
Naturalization Petitions
of the
United States District Court
for the
Eastern District of New York
1865–1957**

**Records of
District Courts
of the United States
Record Group 21**



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INDEX TO NATURALIZATION PETITIONS
OF THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK, 1865-1957

INTRODUCTION

On the 142 rolls of this microfilm publication (M1164) is reproduced a card index to naturalization petitions that were filed in the United States District Court for the Eastern District of New York from 1865 to 1957. The index and the naturalization petitions to which it pertains are part of the Records of the District Courts of the United States, Record Group 21, and are in the custody of the National Archives-Northeast Region.

Background

The naturalization process in what is now the United States has been a concern of its inhabitants since the 17th century. Although the legal authority of colonial governments to confer on foreigners the status of English subjects was questionable, the need to attract newcomers prompted the colonies to exercise this power almost from the beginnings of settlement. Decisions made by the British during the early 1700's helped standardize these diverse procedures, and in 1740 Parliament established a mechanism allowing the colonies to naturalize aliens without having to obtain a special act in London. The statute of 1740, however, failed to end disputes over the jurisdiction and authority of colonial governments, which continued to pass their own acts until English officials in 1773 disallowed naturalization acts from Pennsylvania and New Jersey and, through an order-in-council, instructed colonial governors to cease assenting to such statutes. It was this policy which prompted the charge in the Declaration of Independence that George III had endeavored to limit the population growth of the United States by "obstructing the laws for the naturalization of foreigners." With the adoption of the Constitution, the problem of naturalization received renewed attention. Article I, section 8, supplied a basis for action by providing that "the Congress shall have the Power. . . To establish a uniform Rule of Naturalization. . ."

The first naturalization act, passed by Congress on March 26, 1790 (1 Stat. 103.), provided that any free white persons who had resided for at least two years in the United States might be admitted to citizenship on application to any common law court in any State where they had resided for at least one year. Citizenship was granted to those who satisfied the court that they were of good character and who took an oath of allegiance to the Constitution. Their children under age 21 also became citizens.

Five years later, feeling that it had set the conditions for naturalization too low, Congress repealed the 1790 act and passed another on January 29, 1795 (1 Stat. 414), providing that a free white alien might be admitted to citizenship under certain conditions. It required applicants to declare in court their intention to become citizens of the United States and to renounce any allegiance to a foreign prince, potentate, State, or sovereignty three years before admission as citizens. It increased the period of residence required for citizenship from two to five years. The act also required one year's residence in the State in which the court was held and to which application was made. Aliens who had "borne any hereditary title, or been of any of the orders of nobility" were required to renounce that status. These actions could be taken before the supreme, superior, district, or circuit court of any State or of the territories northwest or south of the Ohio River, or before a circuit or district court of the United States. As with the 1790 act, citizenship was automatically granted to the children of those naturalized.

During the undeclared naval war with France (1798-1800), Federalist leaders pushed through Congress four Alien and Sedition Acts curbing freedom of speech and of the press and curtailing the rights of foreigners in the United States. One of the statutes, approved June 18, 1798 (1 Stat. 566), required the filing of a declaration of intention at least 5 years before admission to citizenship, and residence of 14 years in the United States and 5 years in the State or Territory where the court was held. Reaction against the harshness of this law finally became so strong that on April 14, 1802, Congress supplanted it with a new naturalization law (2 Stat. 153) reasserting the basic provisions of the 1795 act. The act of 1802 specified that free white aliens might be admitted to citizenship provided they: (a) declared their intention to become

citizens before a competent State, Territorial, or Federal court at least three years before admission to citizenship (b) took an oath of allegiance to the United States (c) had resided at least five years in the United States and at least one year within the State or Territory where the court was held (d) renounced allegiance to any foreign prince, potentate, state, or sovereignty, and (e) satisfied the court that they were of good moral character and attached to the principles of the Constitution.

The act of 1802 was the last major piece of legislation affecting the basic nature of admission procedures until 1906. Revisions during this period merely altered or clarified details of evidence and certification. Substantive changes focused on the essential matter of eligibility. An act of February 10, 1855, granted citizenship to alien wives of citizens if they "might lawfully be naturalized under the existing laws" (10 Stat. 604). With the ratification of the Fourteenth Amendment to the Constitution on July 28, 1868, "All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and the State in which they reside." Through a law approved July 14, 1870, the naturalization process was opened to persons of African nativity or descent (16 Stat. 256).

By the turn of the 20th century, the steadily increasing number of immigrants entering the United States each year prompted both procedural and substantive changes. To relieve the added burden on clerks of courts, who did most of the work related to naturalization, Congress passed an act on June 29, 1906 (34 Stat. 596), establishing a Bureau of Immigration and Naturalization responsible for examining petitions. Earlier, New York, Massachusetts, and Pennsylvania had used the police power to exclude criminals, paupers, and some immigrants, but Congress did not move to regulate immigration until 1882, when it enacted legislation excluding Chinese laborers and denying citizenship to aliens of that nationality. In 1900 nativism and economic considerations similarly led to Japanese exclusion through an agreement in which Japan assented to limit emigration by refusing to issue passports to emigrant laborers. Affirmed in the "Gentlemen's Agreement" of 1907 this informal but official understanding continued until superseded by the National Origins Act in 1924 (43 Stat. 153).

Immigration statutes in 1921 and 1924 established quotas specifically designed to reduce the number of immigrants from southern and eastern Europe. In the 1924 act Congress set annual quotas for countries outside of the Western Hemisphere based temporarily on the proportion of descendants of each nationality resident in the United States in 1890 and later according to a ratio computed from the 1920 census. The law in effect terminated the Gentlemen's Agreement by failing to include a quota for Asian countries and forbidding the entry of anyone not eligible for citizenship. The Supreme Court had ruled earlier the Japanese could not be naturalized under existing law since they were neither "free white persons" nor persons of African birth or origin. Restrictions on Asians remained largely intact until World War II, when an act of December 17, 1943, repealed the 1882 statute and added "Chinese persons or persons of Chinese descent" to the classes of persons eligible to be naturalized (57 Stat. 601). An act of July 2, 1946, added Filipinos and those indigenous to India (60 Stat. 416). Later the broader codification of immigration laws in the 1952 McCarran-Walter Act (66 Stat. 239) retained the quota system but removed the ban against Asian and Pacific peoples.

An act of September 22, 1922 (42 Stat. 1021), had significant effects on the status of women. By this act a woman could not become a citizen by virtue of her marriage to a citizen, but, if eligible, might be naturalized by compliance with the naturalization laws. No declaration of intention was required. The act specifically provided that "any woman citizen who marries an alien ineligible to citizenship shall cease to be a citizen" (section 3). Further, no woman whose husband was not eligible to become a citizen was to be naturalized during the marriage (section 5). An act of March 3, 1931, repealed section 5 of the 1922 law, and section 3 was amended so that citizenship was not to be lost by a woman solely through marriage (46 Stat. 1511).

In the early years American Indians were admitted to citizenship through treaty provisions and under special statutes. Prior to 1924, the most important law relating to Indian citizenship was the Allotment Act of February 8, 1887 (24 Stat. 387). This Statute conferred citizenship on (1) every Indian born in the United States to whom allotments were made by this act or any law or treaty and (2) every Indian born in the United States who had

voluntarily taken up within its limits a residence that was "separate and apart from any tribe of Indians" and had "adopted the habits of civilized life." By the act of August 9, 1888, every Indian woman who was a member of a tribe of Indians and married a United States citizen was declared to be a citizen (25 Stat. 392). The act of June 2, 1924, provided that all Indians born in the United States were to be citizens (43 Stat. 253).

The Role of the Court

The Judiciary Act of September 24, 1789 (1 Stat. 73), provided for a system of district and circuit courts in addition to the Supreme Court of the United States. The act divided the country into 13 judicial districts and established in each a district court with one district judge. The districts were grouped into three circuits--eastern, middle, and southern.

The State of New York constituted one of the 13 judicial districts established under the Judiciary Act of 1789. Part of the Eastern Circuit, the District of New York had its seat in New York City.

An act of April 9, 1814 (3 Stat. 120), divided the District of New York into a northern and a southern district with a court in each. By an act of February 25, 1865 (13 Stat. 438), the Southern District was further divided, creating the U.S. District Court for the Eastern District of New York. This act provided that the counties of Kings, Queens, Suffolk, and Richmond constituted a separate judicial district to be known as the Eastern District of New York. What is currently Nassau County was separated from Queens County effective January 1, 1899, and made a part of the judicial district of the Eastern District of New York. Within the boundaries of the Eastern District of New York resides one of the largest alien populations in the country, and the U.S. District Court for this district is one of the busiest in the nation with respect to the naturalization of aliens. During the period 1865-1957 approximately 650,000 aliens petitioned for and were admitted to United States citizenship before this Court.

Records Description

The microfilmed records consist of approximately 650,000 3- by 5-inch cards that index bound and

unbound naturalization petitions. The cards are arranged in three groups covering the periods July 1865-September 1906, October 1906-November 1925, and November 1925-December 1957. Cards for naturalizations that occurred in November 1925 are divided between the second and third groups. The cards within each group are arranged alphabetically by the name of the person naturalized.

Index cards in the first group always include the name of the naturalized individual, the date of naturalization, and the volume and record number of the naturalization petition. These cards may also contain such information as the address, occupation, birth date or age, former nationality, and port and date of arrival of the person naturalized, and the name of the witness to the naturalization.

The cards for the second and third groups show the name and the petition and certificate numbers of the person naturalized and generally include the address, age, and date of admission to citizenship.

The petitions to which these microfilmed index cards relate are in the National Archives-Northeast Region. They have not been microfilmed.

Petitions for the period from July 1865 to September 1906 are arranged in bound volumes. The information on each petition varies. Petitions dated July 1, 1865-July 5, 1895, show: name of city of residence, former nationality of petitioner, name of witness, dates of petition, admission to citizenship. Petitions dated from July 5, 1895, through September 26, 1906, may also contain information on the petitioner's occupation, date and place of birth, and port and date of arrival in the United States; the name, address, and occupation of the witness; and the signature of the alien.

Petitions filed after September 1906 are unbound, arranged numerically by petition number. They usually show the occupation, place of embarkation, and date and port of arrival of the petitioner; name of the vessel or other means of conveyance into the United States; names of the court in which the alien's declaration of intention was filed and filing date; marital status; name and place of residence of each of the applicant's children; date of the beginning of the alien's continuous United States residence; length of residence in United

States; names, occupations, and addresses of witnesses and signatures of alien and witnesses.

Military service by aliens led Congress to pass a law on May 9, 1918 (40 Stat. 542) simplifying the administrative process for those who wished to become citizens. This act provided immediate naturalization for a serviceman on active duty and eliminated the declaration of intention, certificate of arrival, and the payment of a fee. Indexed in the second group of cards, October 1906-November 1925, therefore, are naturalization petitions filed by alien volunteers who had joined the armed forces of the United States. The petitions, dated August 12, 1918-September 24, 1920, generally contain the same information as any other filed after September 1906 as described above.

Related Records

The index reproduced on this microfilm publication refers only to those aliens who sought naturalization in the U.S. District Court for the Eastern District of New York, located in Kings County, New York. An alien, however, could become a naturalized citizen through any court of record, making it possible for those living in any of the five counties that made up the eastern district to seek naturalization through the city or county courts in the counties in this district. This index, therefore, does not contain the names of all individuals naturalized in the counties of Kings, Queens, Richmond, Suffolk, and Nassau. The clerks of these county courts will, as a rule, have custody of the naturalization records of aliens who became citizens in their courts.

Joel Buckwald wrote this introduction and arranged the records for filming by the Genealogical Society of Utah.

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