

CUMBERSOME NATURALIZATION METHODS

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In one sense of the word, we have as many naturalization laws as naturalization judges and there are said to be about two thousand of these. All courts are in perfect accord with the principles of a law but the application of it to particular cases is so divergent that between the extremes of liberality and rigor of interpretation, there is, in fact, no guiding principle at all. The injustices of such a practice is readily apparent; conferring benefits upon some and working hardships upon others of equal merit can do nothing more than to complicate excessive complications and in general amplify a chaos which is already unbecoming a generous democratic people.

Permit me to illustrate by example. There are two naturalization courts in Cleveland; the Federal Court for the North Eastern District of Ohio, and the Common Pleas Court. One possesses certain advantages over the other for the petitioner. The jurisdiction of the Common Pleas Court is limited to the boundaries of the county whereas that of the United States District Court extends over a series of counties in Northern Ohio. It is obvious therefore, how difficult and expensive may be the progress for a petitioner who has filed in the United States Court when his witness has moved to Toledo and therefore must be brought back for the final hearing, when compared with a similar situation, had he filed in the Common Pleas Court, which permits a substitution.

Very soon after the Armistice the Common Pleas Court ruled, that all aliens who were classified as Bulgarians, Turks, Austrians, Germans, Hungarians,

etc., otherwise known as alien enemies, but who later by the re-districting of Europe, became residents of such new political units, as Czechoslovakia, Jugoslavia, Roumania, Poland, etc., were subjects of the latter nations and therefore were no longer considered alien enemies and were subject to immediate naturalization without Presidential exemptions. In the United States District Court, on the other hand, a German, Austrian, or Hungarian, under the old classification though he were racially and politically a Pole, Czech, or Serb was still considered a German, Austrian, or Hungarian and was not eligible for naturalization, because technically we were still at war, peace having not yet been formally declared. This is an example of the uniform naturalization law at work as applied in Cleveland and this condition obtained from November 11, 1918, down to a time previous to July 2, 1921, when

the Treaty of Peace was concluded with the Central Powers.

In cases of the naturalization of the heads of families whose wives are living in foreign countries, we find further conflicting interpretations of our uniform law. The United States District Court at Cleveland, notwithstanding the Independent Citizenship granted to women by an act of Congress September 22, 1922, the husband is usually denied citizenship unless his wife and children are also residents of America. The ruling seems to be in this court that it is not only necessary for the wife but for the whole family to be residents of this country.

In one case a man who had a stepson living in Europe was denied citizenship although his wife and his natural children were all residing in America. In the Cleveland Common Pleas Court a man whose wife is residing in the old country will be admitted if he can show

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