

Citizenship and Naturalizations

By David S. Bloomfield Sr. and Orsolya Hamar-Hilt

I wonder when was the last time you asked yourself the question: “What does citizenship mean to me?” Probably, it was a long time ago, maybe in grade school or not at all. However, citizenship is at the heart of modern debates about personal autonomy, nationhood and the nature of individual and collective responsibility.

Citizenship can be acquired at birth or at some later time. Throughout the world, two definite principles are established that grant citizenship. One is *jus soli*, meaning the right of the land. It is associated with the English Common Law. *Jus soli* confers citizenship on persons born within that nation’s territory. The Immigration and Naturalization Act 301 (a) states that a person born in the United States and subject to the jurisdiction thereof shall be a citizen of the U.S. Now comes the question whether those who were born on an Indian reservation or in one of the United States’ outlying possessions are citizens or not. The law states that a person born on an Indian reservation is also a citizen.

The other principle that grants citizenship is *jus sanguinis*, citizenship by derivation. The Constitution does not mandate citizenship by descent, but it has been the concept of U.S. statutory law since 1790. *Jus sanguinis* grants citizenship after birth.

According to INA 301, every person born in the United States is a U.S. citizen. The law, however, reaches out to other individuals and grants them citizenship as well. INA 301 grants citizenship to those who were born outside of the U.S. but to citizen parents. It also includes those who were born outside of the U.S. to a citizen and a national parent but requires that the citizen parent reside in the U.S. for a period of one year prior to the birth. The law goes even further when it states that a person is a U.S. citizen if he or she was born outside the geographical limits of the U.S. but one of the parents is a citizen, the other one is an alien and the citizen parent was physically present in the U.S. for five years.

The United States Constitution declares that the president be not merely a citizen, but a “natural-born citizen.” The qualifier “natural-born” is not defined in the Constitution. This became an issue during the 2008 presidential campaign. Republican nominee John McCain was born in the Panama Canal Zone to two U.S. citizens. Some argued that McCain did not become a U.S. citizen until Congress passed a Canal Zone citizenship law one year later, and therefore, McCain was not a “natural-born” citizen.

INA 301 (g) grants citizenship to persons born outside of the U.S. and its territories if they were born to U.S. citizens. The issue is whether they are “natural-born” or not with respect to the constitutional requirement. The short answer is that we do not know.

If someone satisfies the above requirements, he or she becomes a U.S. citizen without any further application. The law treats them as if they were born in the U.S.

Acquiring U.S. citizenship by *jus sanguinis* could have been easy at one point. Originally, those born outside of the U.S. to U.S. citizens became U.S. citizens as well. It meant citizenship could have been transmitted in perpetuity

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without the requirement of ever being physically in the United States. To prevent this result, Congress attached two limits to this principle. First, the parents had to meet certain physical presence requirements in the U.S. before the child’s birth; second, the child had to be in the U.S. and remain for a certain period of time. This latter requirement is called the retention requirement, which was abolished by Congress in 1978. However, it was not abolished retroactively; therefore, all of those who lost their citizenship by descent for failure to reside in the U.S. did not benefit from the change.

INA 320 governs the requirements of becoming a U.S. citizen without filing for naturalization. Obviously, under INA 301 the person does not need to be a legal permanent resident, while INA 320 requires that the person be physically present in the U.S. and be a permanent resident of the U.S.

A child born outside of the U.S. automatically becomes a U.S. citizen when all of the following conditions have been met:

1. The child has, at least, one parent who is a U.S. citizen by birth or through naturalization,
2. The child is under 18 years of age,
3. The child is a legal permanent resident, also known as green card holder, and
4. The child is residing in the U.S. in the legal custody of the U.S. citizen parent.

An adopted child by a U.S. citizen automatically becomes a citizen when the child comes into the U.S. with a green card. In cases of doubt of whether a person is a U.S. citizen at birth or becomes a U.S. citizen automatically after birth, the question is whether either the mother or father is a U.S. citizen.

What does it mean to be naturalized? Naturalization is the process by which U.S. citizenship is granted to a foreign citizen after he or she fulfills the requirements established by Congress in the Immigration and Nationality Act. Those persons who are lawfully admitted for permanent residence may apply for citizenship by filing an application. INA 316

(a) provides that a person is eligible for naturalization if he or she has been residing in the U.S. for five years prior to application and has been physically present in the U.S. at least two and a half years prior to the application for naturalization. Further requirements include that the person has to reside continuously in the U.S. from the date of application up to the time of admission for citizenship. Besides the residency requirements, a good moral character is a major requirement to be eligible for naturalized citizenship.

A Tabloid Tale

By Lloyd E. Fisher Jr.

Anna Marie Hahn has the dubious distinction of being the first woman to die in “Old Sparky,” the Ohio electric chair. Convicted of multiple murders in 1937, she was executed on Dec. 7, 1938.

The youngest of 12 children, her tabloid-story life began at her birth in Bavaria in 1906. As a teenager, she had an out-of-wedlock son, Oscar, whom she left in Bavaria in 1927, when she came to Cincinnati to live with relatives. She later brought Oscar to Ohio during a failing marriage and, after the break-up, needing money to support a gambling addiction, she began to offer her “nursing” services to elderly men in the Cincinnati German community. Her first patient was Ernest Koch, who died on May 6, 1932. Ernest’s will left Anna his house which also included a doctor’s office. The office apparently was a source of the blank prescriptions which Anna later used to obtain drugs.

Anna’s next patient was Albert Parker, from whom she borrowed money prior to his death. In quick succession, Jacob Wagner and George Gsellman both died under Anna’s “care.” Wagner included Anna in his will for a gift of \$17,000 and Gsellman provided her with \$15,000.

Anna’s apparent last victim was George Oberdoerfer with whom she and Oscar had traveled to Colorado in 1937. While there, George died an inexplicable death, and doctors notified the local authorities. Their investigation revealed that, posing as Mrs. Oberdoerfer, Anna had tried to obtain George’s funds and had attempted to pawn diamonds stolen from the hotel.

The Colorado authorities obtained a warrant for Anna’s arrest but, by that time, she had returned to Cincinnati. Confronted by local police, Anna claimed that she had met George on the train to Colorado. She said that they had agreed to share a hotel room but then he became ill.

Suspicious, the Hamilton County authorities obtained orders for autopsies of the bodies of several of Anna’s “patients.” All of the tests revealed poisoning. In August 1937, Anna was charged with the murder of Jacob Wagner.

The trial began on Oct. 11, 1937 and the state presented a solid case. A newspaper account stated that a chemist testified that the victim had enough arsenic in him “to kill four men.” The evidence also included jars containing the organs of two of the other victims. The prosecutor gave a vivid and dramatic closing argument, while the defense attorney said, “Although she is no angel, she is not guilty of the murder of Jacob Wagner.”

After only two hours of deliberation, the jury, consisting of 11 women and one man, found Anna guilty, with no recommendation for mercy. Following extensive but futile appeals, on Dec. 7, 1938, Anna was strapped in the electric chair in the Ohio State Penitentiary in Columbus and was electrocuted, holding the prison chaplain’s hand.

Anna’s last letters were sold to the Cincinnati Enquirer under an agreement that placed the payments into a trust for Oscar. His later life was never made public except to note that he served in the U.S. Navy during World War II.

Anna’s story is detailed in the book “The Good-Bye Door” by Diana Britt Franklin, a winner of the Governor Thomas Worthington Award for Ohio Biography.



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