

ist von der Praxis anerkannt, daß der Präsident kraft eigenen Rechts mit auswärtigen Mächten einen *modus vivendi* abschließen darf⁷⁾. Ein unzulässiger Eingriff in die Finanzgewalt des Kongresses aber ist im vorliegenden Falle nicht gegeben, da sich der Präsident zuvor vergewissert hatte, daß im Kongreß eine sichere Mehrheit für das Ermächtigungsgesetz⁸⁾ vorhanden war.

Friede.

Gesetzgebung

Bundes-Gesetz betreffend die Naturalisation und Staatsangehörigkeit der Ehefrauen. 22. September 1922/3. Juli 1930/3. März 1931

An Act Relative to the naturalization and citizenship of married women. Sept. 22, 1922 (c. 411, 42 Stat. 1022), as amended July 3, 1930 (c. 826, 46 Stat. 849; c. 835, 46 Stat. 854) and Mar. 3, 1931 (c. 442, 46 Stat. 1511).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of any woman to become a naturalized citizen of the United States shall not be denied or abridged because of her sex or because she is a married woman.

Sec. 2. That any woman who marries a citizen of the United States after the passage of this Act¹⁾, or any woman whose husband is naturalized after the passage of this Act¹⁾, shall not become a citizen of the United States by reason of such marriage or naturalization; but, if eligible to citizenship, she may be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(a) No declaration of intention shall be required;

(b) In lieu of the five-year period of residence within the United States and the one-year period of residence within the State or Territory where the naturalization court is held, she shall have resided continuously in the United States, Hawaii, Alaska, or Porto Rico for at least one year immediately preceding the filing of the petition.

Sec. 3. (a) A woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after this section, as amended, takes effect²⁾, unless she makes a formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens.

(b) Any woman who before this section, as amended, takes effect²⁾, has lost her United States citizenship by residence abroad after marriage to an alien or by marriage to an alien ineligible to citizenship may, if she has not acquired any other nationality by affirmative act, be

⁷⁾ Moore, l. c. p. 397; Mathews, l. c. p. 171, 177 ff.

⁸⁾ Vgl. Joint Resolution vom 23. Dezember 1931 (Public Res. — No. 5 — 72 d Congress).

¹⁾ I. e. September 22, 1922.

²⁾ I. e. March 3, 1931.

naturalized in the manner prescribed in section 4 of this Act, as amended. Any woman who was a citizen of the United States at birth shall not be denied naturalization under section 4 on account of her race.

(c) No woman shall be entitled to naturalization under section 4 of this Act, as amended, if her United States citizenship originated solely by reason of her marriage to a citizen of the United States or by reason of the acquisition of United States citizenship by her husband.

Sec. 4. (a) A woman who has lost her United States citizenship by reason of her marriage to an alien eligible to citizenship or by reason of the loss of United States citizenship by her husband may, if eligible to citizenship and if she has not acquired any other nationality by affirmative act, be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(1) No declaration of intention and no certificate of arrival shall be required, and no period of residence within the United States or within the county where the petition is filed shall be required;

(2) The petition need not set forth that it is the intention of the petitioner to reside permanently within the United States;

(3) The petition may be filed in any court having naturalization jurisdiction, regardless of the residence of the petitioner;

(4) If there is attached to the petition, at the time of filing, a certificate from a naturalization examiner stating that the petitioner has appeared before him for examination, the petition may be heard at any time after filing.

(b) After her naturalization such woman shall have the same citizenship status as if her marriage, or the loss of citizenship by her husband, as the case may be, had taken place after this section, as amended, takes effect 3).

Sec. 5. [Repealed]

Sec. 6. That section 1994 of the Revised Statutes and section 4 of the Expatriation Act of 1907 are repealed. Such repeal shall not terminate citizenship acquired or retained under either of such sections nor restore citizenship lost under section 4 of the Expatriation Act of 1907.

Sec. 7. That section 3 of the Expatriation Act of 1907 is repealed. Such repeal shall not restore citizenship lost under such section nor terminate citizenship resumed under such section. A woman who has resumed under such section citizenship lost by marriage shall, upon the passage of this Act, have for all purposes the same citizenship status as immediately preceding her marriage.

Sec. 8. That any woman eligible by race to citizenship who has married a citizen of the United States before the passage of this amendment 4), whose husband shall have been a native-born citizen and a member of the military or naval forces of the United States during the World War, and separated therefrom under honorable conditions; if

3) I. e. July 3, 1930.

4) I. e. July 3, 1930.

otherwise admissible, shall not be excluded from admission into the United States under section 3 of the Immigration Act of 1917, unless she be excluded under the provisions of that section relating to —

(a) Persons afflicted with a loathsome or dangerous contagious disease, except tuberculosis in any form;

(b) Polygamy;

(c) Prostitutes, procurers, or other like immoral persons;

(d) Persons convicted of crime: *Provided*, That no such wife shall be excluded because of offenses committed during legal infancy, while a minor under the age of twenty-one years, and for which the sentences imposed were less than three months, and which were committed more than five years previous to the date of the passage of this amendment;

(e) Persons previously deported;

(f) Contract laborers.

That after admission to the United States she shall be subject to all other provisions of this Act.

Rechtsprechung

Supreme Court

1) Russian Volunteer Fleet v. United States. Feb. 24, 1931. (282 U. S. 481, 51 S.Ct. 229).

Eigentumsschutz — Fremdenrecht — Anerkennung einer Regierung — Klagen gegen den Bund — 5. Amendment der Bundesverfassung — Bundesgesetz vom 15. Juni 1917 — sec. 155 des Judicial Code.

1. *Der nichtfeindliche Ausländer genießt den Schutz des 5. Amendment der Bundesverfassung, der das Eigentum garantiert und gerechte Entschädigung im Falle einer Enteignung gewährleistet, selbst dann, wenn in seinem Heimatstaat das Eigentum amerikanischer Staatsangehöriger konfisziert werden kann.*

2. *Eine russische Gesellschaft hat das Recht, ihre Entschädigungsansprüche gegen die Vereinigten Staaten auf Grund des Gesetzes vom 15. Juni 1917 vor dem Court of Claims zu verfolgen, obwohl nach der Vorschrift der sec. 155 des Judicial Code Ausländern die Klage vor dem Court of Claims nur gestattet ist, wenn ihr Heimatstaat die Geltendmachung von Ansprüchen amerikanischer Staatsangehöriger gegen ihn vor seinen Gerichten zuläßt. Dieses Recht wird durch die Nichtanerkennung der russischen Regierung durch die Vereinigten Staaten nicht berührt.*

Mr. Chief Justice Hughes delivered the opinion of the Court.

The petitioner brought this suit against the United States in the Court of Claims to recover just compensation for the requisitioning by the United States Shipping Board Emergency Fleet Corporation,