AMERICAN CITIZENSHIP RIGHTS OF WOMEN

HEARING

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON IMMIGRATION UNITED STATES SENATE

SEVENTY-SECOND CONGRESS

SECOND SESSION

ON

S. 992

A BILL RELATING TO THE RESIDENCE REQUIREMENTS FOR NATURALIZATION PURPOSES OF ALIEN WIVES OF MEMBERS OF THE DIPLOMATIC AND CONSULAR SERVICE OF THE UNITED STATES AND WIVES OF OTHER EMPLOYEES OF THE UNITED STATES GOVERNMENT STATIONED ABROAD

S. 2760

A BILL RELATIVE TO THE ADMISSION UNDER THE IMMIGRATION LAWS OF WIVES OF AMERICAN CITIZENS

S. 3968

A BILL TO PROVIDE FOR THE CITIZENSHIP OF A CHILD BORN OF AN AMERICAN MOTHER AND AN ALIEN FATHER

AND

S. 4169

A BILL RELATIVE TO THE CITIZENSHIP OF MINOR CHILDREN, AND FOR OTHER PURPOSES

MARCH 2, 1933

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AMERICAN CITIZENSHIP RIGHTS OF WOMEN

THURSDAY, MARCH 2, 1933

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON IMMIGRATION,
Washington, D. C.

The subcommittee met, pursuant to call, at 10 o'clock a. m., in the committee room, Capitol, Senator Henry D. Hatfield presiding.

Present: Senators Hatfield (chairman) and Copeland.

The subcommittee had under consideration the following bills which are here printed in full as follows:

[S. 992, Seventy-second Congress, first session]

A BILL Relating to the residence requirements for naturalization purposes of alien wives of members of the Diplomatic and Consular Service of the United States and wives of other employees of the United States Government stationed abroad

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (b) of section 2 of the Act entitled "An Act relative to the naturalization and citizenship of married women," approved September 22, 1922, is amended by adding at the end thereof the following: "Residence by the alien wife of a member of the Diplomatic or Consular Service of the United States or any employee of any department of the Federal Government of the United States who is a citizen of the United States, at the official place of residence of her husband, shall be considered residence within the United States."

[S. 2760, Seventy-second Congress, first session]

A BILL Relative to the admission under the immigration laws of wives of American citizens

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subdivision (c) of section 13 of the Immigration Act of 1924, as amended by the Act of June 13, 1930, is amended by striking out the word "Chinese."

[S. 3968, Seventy-second Congress, first session]

A BILL To provide for the citizenship of a child born of an American mother and an alien father

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a child born without the United States since September 22, 1922, of an American mother and an alien father shall be a citizen of the United States upon the return to the United States of the American mother: *Provided,* That said American mother shall not have ceased at any time prior to her return to the United States to be a citizen of the United States.

[S. 4169, Seventy-Second Congress, First Session]

A BILL Relative to the citizenship of minor children, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1993 of the Revised Statutes is amended to read as follows:

"SEC. 1993. Any child hereafter born out of the limits and jurisdiction of the United States, whose father or mother is at the time of the birth of such child a citizen of the United States, is declared to be a citizen of the United States; but the rights of citizenship shall not descend to any such child unless the citizen father or citizen mother, as the case may be, has resided in the United States prior to the birth of such child."

(b) Section 5 of the act entitled "an act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907, as amended, is amended to read as follows:

"SEC. 5. That a child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization of or resumption of American citizenship by the father or the mother: *Provided,* That such naturalization or resumption takes place during the minority of such child: *And provided further,* That the citizenship of such minor child shall begin at the time such minor child begins to reside permanently in the United States."

(c) The amendments made by this section to section 1993 of the Revised Statutes and section 5 of the act of March 2, 1907, shall not terminate citizenship acquired under such sections before such amendments.

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(c) The amendments made by this section to section 1993 of the Revised Statutes and section 5 of the act of March 2, 1907, shall not terminate citizenship acquired under such sections before such amendments.

Senator COPELAND. Mr. Chairman, you will recall that we were appointed as a subcommittee of the Immigration Committee to hear Congressman John L. Cable. No man in the Congress since I have been here has been more active in the cause of good citizenship, particularly in preserving the rights of women in American citizenship, than Congressman Cable.

While I am glad the Democrats won the last election, yet I am regretful that, by reason of the landslide, we are to lose, for the time, at least, the eminent services of Mr. Cable. Frankly, I am sorry he is not to be in a position to give us the wise counsel he has in the past.

As I understand it, Mr. Chairman, Mr. Cable has made a careful compilation of the history of the battle of the women to preserve their rights, and of the laws relating to women in citizenship.

I think that is all I have to say, Mr. Chairman, and I suggest that Congressman Cable be permitted to proceed in his own way.

Mr. Cable. Mr. Chairman, I wish to thank you for the privilege of appearing this morning, and also in this manner to acknowledge the cooperation of members of this committee in the enactment of the original law of September 22, 1922, seeking to grant independent citizenship to women, as well as the two amendments of that act, namely, July 3, 1930, and March 3, 1931.

I submit for your consideration American Citizenship Rights of Women, giving, in chronological form, the laws of the United States, the decisions of the various courts, and the rulings of the executive departments on the rights of women in the United States relative to or based on their citizenship, with the historical background.

Senator Copeland, of New York, has been most effective in the passage of these laws by the Senate, and the women of America have expressed their appreciation and thanks for his work in assisting in placing on the statute books these laws now granting complete nationality and citizenship rights to women. In other words, women in America now have equal nationality and citizenship rights with men.

Bills pending before the Committee relative to the citizenship of minor children, I trust, will receive favorable consideration.

(The statement submitted by Mr. Cable is as follows:)

AMERICAN CITIZENSHIP RIGHTS OF WOMEN

By JOHN L. CABLE

Member of the Committee on Immigration and Naturalization in the United States House of Representatives during the Sixty-seventh, Sixty-eight, Seventy-first, and Seventy-second Congresses.

Member of the Bar of Ohio and the Supreme Court of the United States.

WITHIN FOUR YEARS OF THE CLOSE OF THE CIVIL WAR, SUFFRAGE WAS GRANTED TO WOMEN BY THE TERRITORY OF WYOMING. THEREAFTER IT WAS BUT A QUESTION OF TIME UNTIL THE WOMEN OF ALL THE STATES SHOULD OBTAIN SUFFRAGE BY AN AMENDMENT—THE NINETEENTH—TO THE CONSTITUTION OF THE UNITED STATES. THIS WAS IN 1920.

SINCE THAT TIME, THE HONORABLE JOHN L. CABLE, A MEMBER OF THE HOUSE OF REPRESENTATIVES FROM OHIO, HAS MADE IT HIS MISSION TO ENLARGE THE EQUALITY, WHICH THE WOMEN HAD OBTAINED THROUGH THE NINETEENTH AMENDMENT, BY STATUTES DEALING WITH EQUALITY IN THE MATTER OF NATIONALITY. THE FIRST BILL WHICH HE INTRODUCED IN THE HOUSE OF REPRESENTATIVES IS THE BASIS OF ALL SUBSEQUENT LEGISLATION IN THIS PHASE OF EQUALITY. IT IS RIGHTLY KNOWN AS THE "CABLE ACT," WHICH, SIGNED BY THE PRESIDENT OF THE UNITED STATES, TOOK EFFECT ON THE 22D DAY OF SEPTEMBER, 1922, GIVING TO THE WOMEN OF THE UNITED STATES THE RIGHT TO A NATIONALITY IN THEIR OWN BEHALF AND RECOGNIZING THEM AS CITIZENS INDEPENDENTLY OF THEIR HUSBANDS. IT WAS THUS MR. CABLE'S GOOD FORTUNE TO IMPLEMENT (TO USE A PHRASE OF THE DAY) THE NINETEENTH AMENDMENT, AND IT IS, AND DOUBTLESS ALWAYS WILL BE, A SOURCE OF PRIDE TO MR. CABLE TO KNOW THAT THE ACT WHICH BEARS HIS NAME IS WORTHY TO BE MENTIONED IN CONNECTION WITH THE AMENDMENT.

MR. CABLE'S HISTORY OF WOMEN'S RIGHTS STATES THE BATTLE FOR INDEPENDENT CITIZENSHIP, CULMINATING IN THE ACT WHICH BEARS HIS NAME, AND ALSO FURTHER MEASURES OF EQUALITY, WITH A RESUME OF THE EFFECT OF MARRIAGE ON THE CITIZENSHIP OF WOMEN. IT IS A DOCUMENT OF SOME THIRTY PAGES OF TEXT, WITH AN APPENDIX OF STATUTES, TABLES OF CASES AND INDEX—IN ALL BUT SEVENTY-SIX PAGES.

IT WAS AN EXCELLENT IDEA OF SENATOR COPELAND TO HAVE IT PRINTED IN THIS PUBLIC DOCUMENT BY THE SENATE OF THE UNITED STATES.

MR. CABLE, NOTWITHSTANDING HIS PRE-EMINENCE IN THE FIELD IN WHICH HE IS A PIONEER, IS NEVERTHELESS SO MODEST AND SO GENEROUS THAT ON OCCASION HE RECALLS, APPARENTLY WITH PLEASURE, THE DAYS WHEN HE WAS A STUDENT OF THE UNDERSIGNED

JAMES BROWN SCOTT,

PRESIDENT OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW,
PRESIDENT OF THE AMERICAN INSTITUTE OF INTERNATIONAL LAW,
FORMER PRESIDENT OF THE INSTITUT DE DROIT INTERNATIONAL.

TABLE OF CONTENTS

	Page
Chapter I. History of woman's rights	9
II. Separate citizenship under the common law	12
III. Trend toward the principle of national identity	14
IV. The principle of national identity adopted absolutely	20
V. The battle for citizenship independence	25
VI. Victory—The women's independent citizenship act	29
VII. Perfecting the law	34
Résumé of the effect of marriage on the citizenship of women	40

APPENDIXES

A. Authority of Congress to establish a uniform rule of naturalization	43
B. Who are citizens of the United States	43
C. Women's citizenship act of February 10, 1855	43
D. Women's citizenship act of March 2, 1907	43
E. Married women's independent citizenship act of September 22, 1922	44
F. Committee report on married women's independent citizenship act of September 22, 1922	44
G. Act of July 3, 1930 (first perfecting amendment of the married women's independent citizenship act of September 22, 1922)	46
H. House committee report on act of July 3, 1930	47
I. Senate committee report on act of July 3, 1930	50
J. Act of March 3, 1931 (second perfecting amendment of the married women's independent citizenship act of September 22, 1922)	58
K. House committee report on act of March 3, 1931	59
L. Senate committee report on act of March 3, 1931	61
M. Conference committee report on act of March 3, 1931	62
N. Married women's independent citizenship act, as amended	63
O. Right to terminate citizenship	64
P. Methods of terminating citizenship	65
Q. Naturalization treaties between the United States and other countries	65
Table of cases	67
Index	69

AMERICAN CITIZENSHIP RIGHTS OF WOMEN

CHAPTER I. WOMEN'S RIGHTS

A full appreciation of American women's recent citizenship victory is impossible without an understanding of the world-wide movement during the nineteenth century to liberate married women from the legal domination of their husbands and to grant them a legal status all their own.

Women have always had to fight for their rights, whether personal, civil, or political. At only one time prior to 1800, and that was during the later years of the Roman Empire, did they enjoy a status even approximating that of separate legal identity. Under the civil law of the continent a single woman was the ward of her father, and a married woman the ward of her husband. The common law of England was liberal with the unmarried woman, but not with the wife. In the eyes of the common law man and wife were one, and the man was that one.

Upon her marriage a woman's legal identity was submerged in that of her husband. The common law gave him all of his wife's personal property, and gave him the right to collect the rents and profits from her real estate. He could collect the debts due her. He was entitled to her companionship and services. If she worked for another her wages were his, and he could collect them from her employer. If she happened to suffer personal injury her husband could recover from the responsible person for the loss of her services.

The American Colonies followed the common law of England and subordinated married women to their husbands. This situation was unjust. Women's first great fight began in 1800, when they started their campaign for independent control of their own property and for a legal identity. After a long and hard struggle, some of the States in this country began in 1856 to enact laws which gave married women independent control of their property and permitted them to become parties to contracts and to sue in their own names. Women's fight for a legal identity was won. But even then they by no means enjoyed a status of equality with men.

Just as women were meeting with their first success in this fight, the campaign for equal suffrage began. For a long time interest in woman suffrage lagged, and the campaign seemed doomed to failure. New life was given the movement, however, by the famous trial of Susan B. Anthony in 1872.[1]

In 1871, when the laws of New York gave her no right to vote, Miss Anthony voted at Rochester, New York, for a candidate for election to Congress. Accompanied by several other women, she

[1] United States v. Anthony, 11 Blanchford 200; 24 Fed. 829.

went to the Board of Elections just before the election that year and demanded that she and the other women be registered as voters. She read to the election officials this portion of fourteenth amendment of the United States Constitution:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the state wherein they reside.

Then she told the members of the board that the provision of the New York constitution restricting the right of suffrage to "male citizens" was contrary to the fourteenth amendment of the Constitution of the United States, and therefore void. She warned the election officials that unless she and her friends were registered, she would have the officials arrested. Thereupon the ladies were registered and later permitted to vote.

After the election Susan B. Anthony was indicted, tried, and convicted in the Federal court sitting at Rochester for having voted unlawfully. The presiding judge instructed the jury that the privilege of voting is one conferred by the State governments only, and that they might restrict that privilege to whomsoever they pleased. The judge also declared that citizenship and suffrage are entirely different, and that while Miss Anthony was a citizen by birth in the United States, citizenship does not necessarily carry with it the right to vote.

A somewhat similar case arose in St. Louis during the same election campaign. Mrs. Virginia Minor went to the registrar of voters, Reese Happersett, and demanded that she be registered and permitted to vote as a citizen of the United States under the fourteenth amendment. Happersett refused. Thereupon Mrs. Minor went to court to compel Happersett to register her. She lost, and the case finally was carried to the Supreme Court of the United States.[2] That court conceded that Mrs. Minor was a citizen of the United States and pointed out that women, like men, have always been citizens by birth in this country. Then the court held that citizenship and suffrage are separate and distinct, and that what should be the requirements for voting is a matter for the States alone to determine.

Citizenship and suffrage must not be confused. There are two kinds of citizenship—State and United States citizenship. In this book only United States citizenship is of primary interest. Under the fourteenth amendment of the Constitution a citizen of the United States also is a citizen of the State wherein he resides, but it does not follow that a citizen of one of the States, because of his State citizenship, also is a citizen of the United States.

Citizenship is the relation one bears to his or her government. Suffrage, on the other hand, is merely the right to vote.

The requirements for American citizenship and the rules regulating that relationship are prescribed by the United States, and not by the States. Citizenship may be acquired in a number of different ways. Mrs. Minor and Miss Anthony were citizens because they were born in the United States. It is an old principle of our law that all persons born in the United States and subject to the jurisdiction of our Government are citizens. Ambassadors and other official representa-

[2] Minor v. Happersett, 88 U. S. (7 Wall.), 162.

tives of foreign governments are not subject to the jurisdiction of the United States, and their children, even though born in this country, therefore are not American citizens.

A child born abroad of an American father also is a citizen of the United States.

Many persons become Americans by naturalization. There are instances of group naturalization by treaty. Most naturalization, however, results from individual petition. The naturalization of an alien man also naturalizes his minor children. It used to naturalize his alien wife too, but now she does not have to become a citizen unless she wishes to do so. Marriage with an American formerly naturalized a foreign woman, but marriage no longer is a naturalization process.

Most of the States require that a person be a citizen of both the United States and the State wherein he resides, before he is permitted to vote. This, however, is not always necessarily true. Whether or not this requirement is prescribed is entirely up to the individual States.

The cases of Susan B. Anthony and Virginia Minor brought to light the true facts—women citizens were denied the right to vote by State statutes, and the courts afforded them no relief. After these decisions were handed down, the campaign for equal suffrage began in earnest. Miss Anthony drafted an amendment to the Constitution of the United States, and it was first introduced in Congress as a resolution by Senator A. A. Sargent in 1878.

For years thereafter determined women conducted a valiant struggle in Washington. But Congress was slow to act, and the results were discouraging. Meantime the women became active in all the State capitals, and in time 12 of the 48 States—Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New York, Oregon, Utah, Washington, and Wyoming—one by one granted women the right to vote. Finally the campaign gained great momentum, its influence became national in scope, and at last the nineteenth amendment to the Constitution of the United States was ratified in 1920. That amendment declares:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

While American citizenship is governed and regulated by the United States, the requirements for voting are, with the exception of the limitation laid down by the 15th and 19th amendments, exclusively prescribed by the individual States.

In the nineteenth amendment women had won another great victory. There still remained in our laws, however, many discriminations against them. Outstanding among these was the husband's predominance in matters of citizenship or nationality. After the nineteenth amendment was ratified, the husband still had the right, either by refusing to change his citizenship or by adopting a new one, to decide not only whether he, but also whether his wife should be a citizen of this country or of some other country. A married woman had absolutely no choice; in this matter she was still bound by her husband's will.

Chapter II. Separate Citizenship Under the Common Law

The rule that the wife should take the citizenship of her husband is said to be traceable to the Code of Justinian.[1] However that may be, from 1350 down to the middle of the nineteenth century, the common law of England gave married women a citizenship identity entirely separate and apart from that of their husbands. If an alien woman married a British subject, that marriage did not change her nationality; nor did marriage with a foreigner operate to deprive an English woman of her native citizenship.[2]

For nearly 80 years after the Declaration of Independence the English common law on this subject was followed in entirety by the courts in the United States. Marriage under the common law of this country also was not a naturalization process for the alien woman who married an American citizen. This point was decided in the case of Mick *v.* Mick, which arose in New York in 1833.[3]

There an alien woman, a native of Ireland, had married an American citizen in 1805. The man bought a farm in 1823. In 1830 he died, providing in his will that the farm should be the property of his wife. The law of New York at that time prohibited an alien from receiving real estate by will. In 1833, a son brought suit as one of his father's legal heirs to recover a one-ninth interest in the farm. The court held that the mother did not become an American citizen by virtue of her marriage to an American, and that the native-born son was entitled to the interest he claimed.

Further evidence of a married woman's citizenship independence under the common law lies in the fact that an alien married woman was permitted to become a naturalized American on her own petition, whether or not her husband wished her to become naturalized or to become naturalized himself.[4]

On the other hand, the courts held that under the common law marriage with a foreigner was not sufficient to expatriate an American-born woman, even though she went to reside with her alien husband in his native land. That was decided in Beck *v.* McGillis,[5] which also came up in New York. John Caldwell, an American citizen, died in 1848, willing certain real estate to his American-born daughter, Eliza, who had married a Canadian in 1836 and had resided in Canada with her foreign husband since that time. The court was confronted with the question whether Eliza, as legatee, could receive the land, or whether her marriage had made her an alien and therefore disqualified her under the laws of New York from holding real property in that State. The court decided in 1850 that "neither her marriage nor residence in a foreign country constitutes her an alien," and permitted her to receive the land.

The common law rule giving married women separate citizenship was an outgrowth of the feudal system. That system was built on the personal relationship between the king and his lords, the lords and their underlords, the underlords and their tenants. Because the

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[1] Prof. J. S. Reeves, University of Michigan, 17 American Journal of International Law, 97, 98
[2] Law of England with Reference to Conflict of Laws, A. V. Dicey, 1927 edition, pp. 174–175.
[3] Mick *v.* Mick, 1833, 10 Wend. (N. Y.) 379.
[4] Priest *v.* Cummings, 1837, 16 Wend. (N. Y.), 617.
[5] Beck *v.* McGillis, 1850, 9 Barb. (N. Y.), 35; accord—10 Op. of Atty Gen. 321 (1862, Atty. Gen. Edward Bates).

strength of the system depended upon maintaining those relationships, a rule of law grew up denying any subject or citizen the right to expatriate himself. As Blackstone said:

> It is a principle of universal law that the natural born subject of one prince can not by any act of his own, no, not by swearing allegiance to another, put off his natural allegiance to the former: * * * (he) may be entangled by subjecting himself absolutely to another * * * ; (but) it is unreasonable that by such voluntary act of his own, he should be able at pleasure to unloose those bands by which he is connected to his natural prince.[6]

The rule of separate citizenship under the common law was not a recognition of women's rights or a recognition of the dignity and individuality of a woman's citizenship. It was a rule of convenience only. And later, when circumstances had changed somewhat, the common law of convenience gave way to equally utilitarian statutory rules.

Marriage under the common law, then, did not affect a woman's citizenship. In one situation that rule was carried down in our law until after the beginning of the twentieth century. Until 1907 the American woman who married an alien and remained in this country after her marriage continued to be an American citizen whether her alien husband ever became naturalized or not. It was so held in 1896 in the case of Comitis *v.* Parkerson, which had arisen in Louisiana.[7] There an American-born woman had married an Italian immigrant by the name of Loretto Comitis in Louisiana in 1881. Mr. and Mrs. Comitis continued to live in Louisiana, having no intention at any time of going abroad to live. In 1891 Mr. Comitis was killed, and Mrs. Comitis sued Parkerson and the city of New Orleans for damages for Comitis' wrongful death. The case was taken into Federal court, and the question of the court's jurisdiction was raised. Had Annie Comitis become an alien because of her marriage, so that her case could be taken into the Federal court on the ground of diversity of citizenship?

The court held that an American woman in Mrs. Comitis' position could expatriate herself only by removal from the United States. Since she had never resided outside the United States, she had never ceased to be an American, and her petition in the Federal court was dismissed.

The same rule was laid down by Secretary of State Charles Evans Hughes in the case of Louise Gehring Marshall, January 24, 1925. Louise Gehring was born in Cleveland, Ohio, April 26, 1862. Some years before 1900 she married an Englishman by the name of Marshall. Mr. and Mrs. Marshall continued to reside in the United States from the time of their marriage until 1925.

At that time Mrs. Marshall applied for an American passport, and it became necessary for the Department of State to decide whether Mrs. Marshall had been deprived of her American citizenship by her marriage to a subject of Great Britain. Mr. Hughes quoted the Supreme Court of the United States to the effect that "a change of citizenship can not be arbitrarily imposed, that is, imposed without the concurrence of the citizen," [8] and held that in the absence of a statutory provision the American woman who married an alien before 1907 and continued to reside in the United States

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[6] Blackstone's Commentaries, Chase's 1927 edition, p. 117.
[7] Comitis *v.* Parkerson, 1896, 56 Fed. 556.
[8] Mackenzie *v.* Hare, 1914, 239 U. S. 299.

did not because of her marriage cease to be an American citizen. Being a citizen, therefore, Mrs. Marshall was entitled to receive a passport, and it was issued to her forthwith.[9]

While marriage alone did not deprive an American woman of her birthright, it was possible for her to terminate her native citizenship under our law prior to the 1907 act. Such an expatriation is well illustrated in the early case of Shanks *v.* Dupont, decided in 1830.[10] That case involved the settlement of the estate of Thomas Scott, a citizen of South Carolina, and a citizen of the United States after the formation of the union. Thomas Scott's daughter, Ann, a native of South Carolina, married a British officer by the name of James Shanks during the British occupation of Charleston in 1781. When the British forces evacuated in 1782, Ann went with Shanks to England, and lived there with him until his death in 1801.

Mr. and Mrs. Shanks had five children, all of them born in England. These children claimed Ann's share of her father's estate in South Carolina. A question as to Ann's citizenship and the effect of her marriage on her nationality came up during the consideration of the case. The court decided that neither Ann's marriage to a foreigner nor her removal to live with him in England had changed her citizenship. However, the fact that she had voluntarily participated in British affairs and had "adhered to the British side" had operated to deprive her of her native citizenship.

Despite Mrs. Shanks' expatriation, her children were permitted to enforce their claim and take possession of the land under the terms of the treaty of peace with Great Britain in 1794.

Before any statutes were enacted to control the decisions of the courts, therefore, it was a rule of the common law that marriage to an American or the naturalization of her alien husband before 1855 did not naturalize an alien woman. She was then permitted to be naturalized on her own petition. It has generally been held that where an American woman married an alien between 1789 and 1907 and continued to reside in the United States, she did not cease to be an American citizen.[11] But our courts early permitted an American woman to expatriate herself if she elected to do so after marriage to an alien.

The rule of perpetual allegiance, then, had broken down. In fact, the reason for the rule had long since disappeared. In the middle of the nineteenth century our first statutes on this subject were enacted. Thereafter the law was different.

Chapter III. Trend Toward the Principle of National Identity

During the nineteenth century the common law rule of separate citizenship for man and wife gave way to another rule of convenience. People were moving about more freely from one country to another, and that resulted in more frequent marriages between persons of different nationalities. Before 1800 a person could expatriate himself only if he or she first obtained the consent of his or her sovereign. It is an ancient principle of the Anglo-American law that citizenship is a compact between the individual and the sovereign, a mutual rela-

[9] Louise Oehring Marshall case; memorandum, office of solicitor, Department of State, Jan. 24, 1925.
[10] Shanks *v.* Dupont, 1830, 3 Pet. (U. S.) 242; accord—12 Op. Atty. Gen. 7 (1866, Atty. Gen. Henry Stanberry).
[11] Contra—Pequinot *v.* Detroit, 1883, 16 Fed. 211; in re Zogbaum, 1929, 32 Fed. 2d, 911.

tionship that can not be terminated by one without the consent of the other.[1] While there could be no expatriation, there are many instances where an individual would leave his or her native land, go abroad and swear allegiance to some foreign sovereign. Such acts invariably resulted in double allegiance or dual nationality. Embarrassing diplomatic controversies arose over dual nationality, and led to statutory changes in the law.

The first modern statute giving the wife the same citizenship as her husband, regardless of what her nationality may have been prior to marriage, or what her wishes in the matter may have been, was the Code of Napoleon, enacted in 1804. Article 12 of that code provided that the alien woman who married a Frenchman should thereby become a French citizen. Article 9 covered the reverse situation and stated that a French woman who married a foreigner should herself become a foreigner and assume her husband's nationality.

These provisions of the Napoleonic Code were widely adopted. During the nineteenth century and the first part of the twentieth, similar laws were enacted by Austria, Bolivia, Costa Rica, Cuba, Denmark, Dominican Republic, Germany, Great Britain, Italy, Mexico, Nicaragua, Portugal, Rumania, Russia, Spain, Sweden, and the United States.[2]

The rule of the English common law was first modified by the act of Parliament of August 6, 1844,[3] declaring that the alien woman who married a British subject should acquire British nationality. Shortly afterwards the United States adopted a similar rule in the act of February 10, 1855, which provided:

> Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen.[4]

After the passage of that act, the courts held uniformly that all alien woman became an American citizen upon marriage with an American whether he was a native-born or naturalized citizen of the United States. It was also held thereafter that the alien wife of an alien became a naturalized American through her husband's naturalization.

The operation of that statute came up in 1868 for consideration in in the case of Kelly *v.* Owen.[5] That case settled a dispute with regard to partition of the estate of Miles Kelly, a native of Ireland, who had come to the United States in 1848, and who had married Ellen Duffy, an alien by birth, in 1853. Kelly died in 1862, leaving as his heirs his wife and two sisters. Kelly's sisters claimed the whole estate, arguing that Ellen Kelly, his wife, was an unnaturalized alien and therefore not entitled to share in it.

Kelly had been naturalized in 1856, and the question for the court to decide was whether or not Kelly's naturalization had made his wife Ellen a citizen also and entitled her to receive part of the estate. That Ellen had married Kelly prior to his naturalization and prior to the passage of the new act, the court said, did not matter. The terms of the act referred to a state of marriage, rather than to the time when the marriage ceremony was celebrated. Thus, Ellen, an alien, had

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[1] Cf. Williams Case, 1788, Wharton's State Trial, 602.
[2] Nationality Laws, Richard W. Flournoy, jr., and Manley O. Hudson, 1929, Oxford University Press, New York.
[3] 17 Stats. L. 153; 7 and 8 Victoria, c. 66, XVI.
[4] 10 U. S. Stats. L. 604; R. S. Sec. 1994; cf. House Document No. 326, 59th Cong., for report on 1855 act; repealed by act of Sept. 22, 1922, Secs. 2 and 6.
[5] Kelly *v.* Owen, 1868, 7 Wall. (U. S.) 496.

become a citizen of the United States because of her husband's naturalization, despite the fact that she had married her alien husband before the new law went into effect. Consequently, Mrs. Ellen Kelly, as wife, was entitled to an interest in her deceased husband's property, and the partition she requested was granted. That act of 1855 had operated to make her a citizen of the United States automatically upon her husband's naturalization.

One clause of this act, "and who might herself be lawfully naturalized," came up very frequently for interpretation. This clause received very careful consideration in Leonard *v.* Grant,[6] which arose in Oregon in 1880. There the court was concerned with the citizenship of Mrs. D. G. Leonard, a woman who had been born in Switzerland, and who had married Leonard, a native-born American, in 1875. What qualifications for her naturalization had to be shown to prove that Mrs. Leonard became a naturalized American by marriage with Leonard? Did she have to prove that she was a free white person or one of African nativity or descent;[7] that she had resided in the United States five years before her marriage;[8] that she was of good moral character and attached to the principles of the Constitution, and that she had renounced all titles of nobility,[9] if any she had?

The court decided that it was not necessary for those things to be proved in order for her to be deemed a citizen. All that had to be proved, the court held, was that she was a free white person or one of African blood, for her to have acquired American citizenship upon her marriage to Leonard. In other words, the statute referred only to a race or class eligibility, and not to the residence and character prerequisites. Mrs. Leonard was a free white person, and for that reason was naturalized by her marriage.

Chinese women, of course, have not been eligible for naturalization since 1882.[10] Consequently, their marriage to Americans has not made them citizens.[11] The same rule has been applied to Arabians, Burmese, Hindus, Japanese, and Koreans.[12] They are not white persons.

In other respects, however, the 1855 act operated contrary to the best interests of the United States and her people.

Thus it was that the common law governing the citizenship of alien women who married Americans was changed by the statute of 1855. Thenceforth marriage to an American, or naturalization of the alien husband, automatically transformed the alien woman into an American citizen. This situation continued to exist until 1922.

From 1789 to 1907 marriage to an alien did not in itself deprive an American woman of her native citizenship. If she continued to reside in the United States, she remained an American. However, during the period from 1855 to 1907, despite the fact that no law

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[6] Leonard *v.* Grant, 1880, 5 Fed. 11.

[7] Race eligibility for naturalization by judicial process prescribed by the acts of March 26, 1790 (1 Stat. L. 103, c. 3) and July 14, 1870 (Stat. L. 16, 256), respectively; still prescribed.

[8] Residence requirement for naturalization prescribed first by the act of June 18, 1795 (1 Stat. L. 414, c. 20), raised to 14 years by the act of June 18, 1798 (1 Stat. L. 566), but restored by the act of April 14, 1802 (2 Stats. L. 153, c. 28); it has remained unchanged ever since, except as indicated in Chaps. V and VI, post.

[9] Requirements uniformly prescribed since 1790.

[10] Act of May 6, 1882, 22 Stat. L. 58, 61.

[11] Chang Chan *v.* Nagle, 1924, 268 U. S. 346.

[12] Other ineligible aliens: Arabians (7 Fed. 2d. 728), Burmese (28 N. Y. S. 383), Hindus (261 U. S. 204), Japanese (260 U. S. 178), and Koreans (273 Fed. 207).

was passed relating to the citizenship of American women who married aliens, there was a changed attitude on the part of the courts. They seem to have been influenced by the principle of the act of 1855 and by the act of July 27, 1868, which declared that it is an inherent right of all citizens to sever their allegiance to the United States.[13] The common-law rule of perpetual allegiance was abrogated by the act of 1868, and thereafter the courts searched for evidence of an American woman's election to expatriate herself after marriage to an alien.

Between 1855 and 1907 removal from the United States after marriage to an alien did operate to expatriate an American woman. It was so held, for instance in the case of Ruckgaber *v.* Moore in 1900.[14] In that case an American-born woman had married a Frenchman and, after the marriage, lived continuously in France until her death. She owned certain personal property in New York, and this she devised to her daughter, who had married a subject of Germany and had lived in his native country from the date of the marriage until this case came before the court. There was no evidence that the daughter had ever resided in this country.

Under what he thought was authority granted by the war revenue act of 1898, Moore, Federal internal revenue collector in New York, had levied a legacy tax on the property the mother had willed to her daughter. The daughter paid the tax under protest, and later brought suit in Federal court to recover the amount of the tax from the collector.

The court held that unless the United States had jurisdiction over the mother or the daughter, the tax could not lawfully have been levied. Since there was nothing to show that the daughter was born in the United States or even had ever lived here, the court as once turned to a consideration of the American-born mother's citizenship status at the time of her death. Unless she was a citizen of the United States when she died, our Government had no jurisdiction over her.

First, the court referred to the fact that three leading countries France, Great Britain, and the United States, then had laws which automatically naturalized the alien woman who married one of their citizens. Next, it referred to the act of 1868, which recognized the inherent right of all American citizens to expatriate themselves. Then the court held that the laws of a foreign country became operative if the American woman elected to take her alien husband's nationality. Removal from the United States and residence in her husband's country, the court said, indicated such an election. Since the American-born mother had elected to expatriate herself by going to reside in France after marriage with an alien, she had completely severed her ties of allegiance to this country and become an alien.

Inasmuch as the mother was a nonresident alien, the court held that the United States had no jurisdiction over her, and the tax had been levied and collected unlawfully. Subsequently the daughter recovered the legacy tax she had paid the revenue collector.

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13 Act of July 27, 1868, R. S. secs. 1999, 2000, and 2001; cf. Appendix O, p. 64, infra.

14 Ruckbager *v.* Moore, 1900, 104 Fed. 947; affirmed, 114 Fed. 1021. See also Jennes *v.* Landes, 1897, 84 Fed. 73; Wallenburg *v.* Mo. Pac. Ry. Co., 159 Fed. 217.

Thus, between 1776 and 1907 the marriage of an American woman to an alien alone was not sufficient to deprive her of her native citizenship. But if she took up a permanent residence abroad with her husband at any time before September 22, 1922, and if she acquired as a result of the marriage the nationality of the country of which her husband was a citizen or subject, she lost her American citizenship.

Suppose that during this period and prior to March 2, 1907, an American woman married an alien and lost her American citizenship by marriage and residence abroad with her alien husband, and that after he died she wished to return to the United States and regain her native citizenship. Could she do so? There was no statute on the subject, and but one court decision. (Moore *v.* Tisdale, 1848, 5 B. Mon., Ky., 352.) The practice of the Department of State, however, was to permit a woman who had lost her American citizenship in this manner, to reacquire it by resuming permanent residence in the United States subsequent to the termination of the marital status and prior to March 2, 1907.

An interesting case on repatriation during this period is that of Nellie Grant Sartoris, the only daughter of Ulysses S. and Mrs. Grant, who was born in Illinois in August of 1855. She came with her family to reside in Washington when General Grant assumed command of the Union Army in 1864. Scarcely had the Civil War ended, when Grant's magnificent record swept him, a man with but little political background, into the presidency. For a few years, however, her schooling fully occupied her time, and then, when she had finished that, her parents sent her with her brothers to visit relatives and travel in Europe. Aboard the S. S. *Russia*, returning home from a prolonged visit, Nellie met a young Englishman by the name of Algernon Charles Frederick Sartoris. Before the *Russia* had docked in New York, Nellie and Sartoris were engaged to be married.

On May 21, 1874, they were married at the White House. The certificate of their marriage is unique. It was countersigned by David K. Cartter, chief justice of the Supreme Court of the District of Columbia, and certified to by Hamilton Fish, Secretary of State, and Sir Edward Thornton, British ambassador to the United States.

A few hours after the ceremony Mr. and Mrs. Sartoris left Washington by special train for New York. Two days later they embarked on the S. S. *Baltic* for England. Their home was established in Hampshire, England, where they lived until Sartoris died in 1896.

Doubtless little thought was given at the time to the effect of Nellie's marriage upon her citizenship. Sartoris was an Englishman, and the law of Great Britain provided that if any alien woman should marry a native-born or naturalized subject of Great Britain, that woman herself should be deemed to be a naturalized subject of Great Britain.[15] By the operation of the English law, Nellie became an English subject upon her marriage with Sartoris. But did she cease to be an American citizen? While there was no statute governing this question at the time of her marriage, the act of 1868 had recognized an American citizen's right to expatriate himself, and the courts had taken it upon themselves to hold that an American woman's removal from this country after marriage with an alien operated to expatriate her.

[15] Same as note 3, p. 16, supra.

The operation of the laws already mentioned was supplemented by the terms of the treaty of May 13, 1870, between Great Britain and the United States.[16] In that treaty the United States and Great Britain mutually agreed that if a citizen of either country should become a naturalized citizen of the other, the country whose citizen the person had formerly been should recognize that naturalization as valid. Because Great Britain had not yet recognized the right of its citizens to expatriate themselves, as we had done in the act of 1868, this treaty was necessary to eliminate the conflict between the citizenship laws of the two countries. The United States had entered into similar treaties with a number of other countries,[17] so that by the time of Mrs. Sartoris' marriage the expatriation policy of the United States in those cases was well settled.

After Sartoris died in 1896, Mrs. Sartoris returned to the United States to reside. Resumption of permanent residence in the United States by a former American woman who had married an alien and acquired as a result of the marriage the nationality of the country of which her husband was a citizen or subject, under the practice of the Department of State, operated to restore her American citizenship. But there was no specific provision in our laws whereby a former woman citizen who had lost her citizenship by marriage and residence abroad, could regain it.

Nellie Grant Sartoris petitioned Congress for relief. That body, anxious to honor her illustrious father, as a tribute to his patriotism, on May 18, 1898, passed the following special act:

> "*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Nellie Grant Sartoris, daughter of General Ulysses S. Grant, be, and she is hereby, on her own application, unconditionally readmitted to the character and privileges of a citizen of the United States." [18]

Resumption of permanent residence in the United States had caused Mrs. Sartoris to reacquire American citizenship under the previously mentioned rules of the Department of State. The special act of Congress, therefore, was not necessary.

Congress had followed the lead of other nations and had passed the act of February 10, 1855, providing that upon marriage to an American the alien woman who might herself be lawfully naturalized ipso facto acquired American citizenship, if she herself were eligible for naturalization. This law remained in effect until 1922.

There was no statute directly covering the citizenship status of the American-born woman who married an alien between 1855 and 1907 It was held that an American woman who married an alien prior to March 2, 1907, lost her American citizenship (1) if she took up a permanent residence abroad with her husband at any time prior to September 22, 1922, and (2) if she acquired, as the result of the marriage, the nationality of the country of which her husband was a citizen or subject. She reaquired American citizenship if, subsequent to the termination of the marital status and prior to March 2, 1907, she resumed a permanent residence in the United States.

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[16] Treaties, conventions, etc., between the United States and Other Powers, Vol. I, p. 691. This treaty resulted in part from the War of 1812.

[17] Cf. Appendix Q, p. 64, infra.

[18] H. J. Res. 238, Fifty-fifth Congress, second session, May 18, 1898; 30 Stat. L. 1496.

Chapter IV. The Principle of National Identity Adopted Absolutely

In 1900 there was no statute regulating the citizenship of American women who married foreigners. Of course, the citizenship status of alien women who married Americans was governed by the act of February 10, 1855—marriage automatically made them citizens of the United States. The act of July 27, 1868, had recognized the right of Americans to expatriate themselves. When an American-born woman married a foreigner and went to reside permanently in her husband's country, if, as a result of that marriage she acquired the nationality of her husband's country, the courts held this to be evidence of her election to cut off her allegiance to her native country, and that she had ceased to be an American citizen. After her husband had died, she was repatriated by resuming a permanent residence in the United States.

There were many countries which had adopted the principle of single nationality, and this caused some conflict between the law of the United States and that of other countries.[1] To conform with the law of foreign countries, the act of March 2, 1907,[2] was duly enacted, and the United States also adopted the principle of single nationality. That law declared:

> Any woman who marries a foreigner shall take the nationality of her husband.[3]

Thenceforth American women were expatriated automatically by marriage. Without their wish or their consent, marriage became an expatriation process for them, just as it had since 1855 been a naturalization process for alien women who married citizens of the United States or whose husbands became naturalized Americans.

There was just one progressive provision in that law. While it expatriated the American woman who married an alien, it did provide her with a clear statutory means of repatriation after her husband had died or she had been divorced. So long as the martial status continued, however, she was compelled to remain an alien. After the marriage relation had been terminated, repatriation was possible for her in one of three ways.[3] The expatriated American woman residing in this country became an American citizen again merely by continuing to reside here. Such a woman, if residing outside the United States, could recover her lost citizenship by returning to this country to reside or by registering as an American citizen with a United States Consul abroad within one year after the marital relationship had been terminated by the death or divorce of her alien husband. The requirement of registering before a consul within one year after termination of the marriage is considered directory only, and not mandatory, and failure to register within the year, if satisfactorily explained, does not necessarily result in the loss of American citizenship or of the right of protection.

Just how the act of 1907 operated is shown by the case of Ethel Coope, who was born at Redwood City, Calif., December 3, 1885, and who has always resided in the United States. On March 14, 1909, she married Gordon Mackenzie, a British subject who had

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[1] Cf. H. Doc. 326, Fifty-ninth Congress, especially at p. 1; report of James Brown Scott, David J. Hill and Gaillard Hunt on "Citizenship, Expatriation and Protection Abroad."
[2] 34 Stat. L. 1228.
[3] Sec. 3, act of Mar. 2, 1907; repealed by the act of Sept. 22, 1922. Cf. Appendix E, p. 44, infra.

immigrated to the United States and who had resided continuously in California since that time, without any intention of returning to live in his native country.

Mr. and Mrs. Mackenzie established their home in San Francisco. By her marriage Mrs. Mackenzie had ceased to be an American citizen under the terms of the act of 1907. Nevertheless, she continued after her marriage to take a prominent part in civic affairs, just as she had done prior thereto. She was very active in the campaign which established woman suffrage in California long before the ratification of the nineteenth amendment to the United States Constitution.

However, the constitution of the State of California permitted only United States citizens to vote. When Mrs. Mackenzie went to register as a legal voter, she was not permitted to do so. She was told that although she had never lived outside the United States, the act of 1907 had made her an alien upon her marriage to Gordon Mackenzie, and that she therefore was prohibited the right to vote by the California constitution.

Mrs. Mackenzie was not satisfied with the decision of the San Francisco board of elections, and took the matter to court to compel the board of elections to register her as a legal voter of California. Eventually the case reached the Supreme Court of the United States,[4] and the decision of that court in 1914 is the outstanding court opinion interpreting the act of 1907.

It was argued in Mrs. Mackenzie's behalf that she had become a citizen of the United States by her birth in this country, as the fourteenth amendment to the United States Constitution provides:

> All persons born . . . or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

The court conceded that she was a citizen at birth, and would have been even before the ratification of the fourteenth amendment. Then Mrs. Mackenzie argued that citizenship is a twofold relationship with neither the Government nor the individual can terminate without the concurrence of the other.[5] This being so, she argued, Congress was without power and authority to enact such an expatriation law as that of 1907. In other words, she contended that the Constitution gave Congress the power to confer citizenship but not the power to take it away, except as a punishment for crime or upon the individual's own voluntary expatriation. A mere statute, she said, could not deprive her of a constitutional right.

Here Mrs. Mackenzie and the Supreme Court parted ways. The court stated that the dual relationship referred to was not involved in this particular case, and further stated that since the United States is invested with all the attributes of sovereignty, and since it has the character of nationality, it also has a power incidental to its sovereignty, the authority to deal with questions of nationality.

The court then pointed out that the terms of the 1907 act were clear and unequivocal, and that Mrs. Mackenzie's marriage with a subject of Great Britain had been entered into voluntarily, with notice of the consequences. In the opinion of the Supreme Court of the United States, therefore, this marriage indicated Mrs. Mackenzie's election

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[4] Mackenzie v. Hare, 1914, 239 U. S. 299.
[5] Cf. Williams's case, Wharton's State Trials, p. 602.

to expatriate herself, and her petition to compel the board of elections to register her was dismissed.

After the act of 1907, then, the American woman automatically lost her citizenship upon marriage to an alien, regardless of where she may have resided or what her wishes in the matter may have been. Before 1907 the American woman who married an alien lost her native citizenship only if she elected by affirmative act to sever her allegiance to the United States, or if she went with her husband to reside permanently in his native country and acquired as the result of the marriage the nationality of her husband's country. Under the 1907 law she lost her citizenship even though she continued always to live in the United States and never intended to move to another land.

While expatriation of married women was automatic under this law, there seemed to be some little compensation for the loss in the fact that upon the termination of the marital relationship a former American woman could readily resume her American citizenship. However, there were many women who found themselves unable to resume their citizenship under this law. The leading case of this kind is that of Augusta Louise de Haven-Alten, the names of whose ancestors and relatives are closely associated in American history with deeds of patriotism and valor. Augusta Louise was born in New York City, August 21, 1867. Her father was Capt. Joseph E. de Haven, one of the prominent naval commanders of the Civil War.

Augusta was only 3 years old when her mother died. For a few years after that she lived with her grandmother in Chicago, but later moved to Switzerland with her father. Shortly after her father's death in 1882, she met a young German officer by the name of Von Alten, who was studying in Geneva. Augusta and Von Alten were married in 1886.

At the time of their marriage, our statutes still said nothing about the effect of an American girl's marriage with a foreigner upon her citizenship status. Under the law of the North German Union, however, Augusta became a German subject by reason of her marriage. Then, too, as in the case of Nellie Grant Sartoris, a treaty, which had been signed by the United States and the North German Union, compelled the United States to recognize Augusta Louise as a naturalized subject of the North German Union.[6]

The German law not only made Augusta a citizen of that country because of her marriage to Von Alten, it also gave Von Alten full control of what property his wife had. As the legatee of a will, Mrs. de Haven-Alten had a $100,000 estate, and she also received a substantial annuity from a trust fund administered in Chicago. Von Alten, of course, could not appropriate his wife's income from the trust fund; but he did take custody of the $100,000 estate.

It appears that the marriage was an unhappy one. In 1906 Augusta and Von Alten entered into an agreement to live separately and apart. By that time Von Alten had dissipated all of the $100,000 estate except $25,000. In 1912 Augusta sued Von Alten for divorce; but the World War came on, and the case was left pending because of Von Alten's status as a German officer. By 1916 communications with Austria, where Mrs. de Haven-Alten was living, had become so

[6] Treaty between North German Union and the United States, Feb. 22, 1868; "Treaties, Conventions etc.," II, 1928.

disrupted by the war that payments of her trust income did not reach her. The next year the United States entered the war, and Augusta, although an American-born woman, was declared to be an alien enemy of the United States because of her residence and her expatriation by marriage to the German subject, Von Alten. The Alien Property Custodian of the United States thereupon took possession of the accumulated income from the trust fund, and ordered future payments to be made to him.

In October of 1919, Mrs. de Haven-Alten returned to the United States on a cretificate showing that she was a native-born American. She could not obtain an American passport because of her marriage with a German, and she refused to travel on a German passport. She was penniless when she arrived in this country, her husband had the money from her estate and the Alien Property Custodian had the accumulated income from the trust fund. She had not been able to bring her petition for divorce to trial. Furthermore, she could not recover her accumulated trust income from the Alien Property Custodian because she was a German subject in the eyes of our law, and because no provision had yet been made for the disposition of the property and money of alien enemies seized by the United States under the provisions of the trading with the enemy act of October 6, 1917.[7] If she could become an American citizen again, this money would be payable to her.

Inasmuch as she was destitute and she could nowhere obtain a divorce in this country in less than six months, Mrs. de Haven-Alten sought readmission to American citizenship. True, the expatriation act of March 2, 1907, in addition/to declaring that marriage with an alien should automatically give an American woman the status of her alien husband, had provided a way for a former American woman to resume her native citizenship upon the terminition of the marital status. Still, the act of 1907 was of no benefit to Mrs. de Haven-Alten, since her status as the wife of Von Alten had not been and could not immediately be terminated. The treaty of peace with Germany had not yet been signed, and no one could tell what might happen to her money if she did not recover it before the treaty should be signed and ratified. Mrs. de Haven-Alten could find relief in one way only, and that was by special act of Congress.

When the matter was presented to Congress, it was referred to the Committee on Immigration in the Senate. That committee considered her case in connection with the precedent which had been established by the special act readmitting Nellie Grant Sartoris to the status and privileges of a citizen. In fact, the act for the benefit of Nellie Grant Sartoris had served as a precedent not only for readmitting to citizenship other women in Mrs. Sartoris's position, but also for completing defective naturalization of certain men.[8]

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[7] 40 Stats. L, Vol. II, p. 411.

[8] Cases of naturalization by special act of Congress for which the Nellie Grant Sartoris act served as a precedent are as follows:

Women—Marguerite Mathilde Slidell d'Erlanger (S. 8075, 64th Cong., 2d sess., Mar. 4, 1917; 39 Stat. L. 1588). Frances S. Mumm (66th Cong., 1st sess., Oct. 14, 1919, 41 Stat. L. 1449). Augusta Louise de Haven-Altan (S. J. Res. 134, 66th Cong., 2d sess., Apr. 8, 1920; 41 Stat. L. 1463).

Men—Joseph Tousaint (S. 3694, 55th Cong., 3d sess., Feb. 14, 1899; 30 Stats. L. 1521). Fred Weddle (S. 1794, 56th Cong., 1st sess., June 6, 1900; 31 Stat. L. 1617). John Hornick (H. R. 8108, 57th Cong., 1st sess., June 30, 1902; 32 Stat. L. 1492). Augustus Trabing (S. 4348, 59th Cong., 2d sess., Jan. 26, 1907; 34 Stat. L. 2411). John B. Brown (H. R. 15594, 59th Cong., 2d sess., Feb. 9, 1907; 34 Stat. L. 2411). Eugene Prince (H. J. Res. 220, 62d Cong., 2d sess., July 19, 1912; 37 Stat. L. 1347). George Edward Lerrigo (S. 3419, 63d Cong., 1st sess., Feb. 23, 1915; 38 Stats. L. 1376). Joseph Beech (S. J. Res. 208, 64th Cong., 2d sess., Feb. 26, 1917; 39 Stats. L. 1495).

(Compiled from Cumulative Digest of International Law and Relations. American University Graduate School, Washington D. C., No. 8, Oct. 8, 1930.)

Following that precedent, the Senate committee passed favorably upon a bill to readmit Mrs. de Haven-Alten to United States citizenship, and the House committee did likewise shortly thereafter.

A few weeks later, after passing both House of Congress, the following special act became law on April 8, 1920:

> *Resolved* * * *, That Augusta Louise de Haven-Alten, a native-born citizen of the United States, who forfeited her citizenship by marriage with an alien, be, and she is hereby, on her own application, unconditionally readmitted to the character and privileges of a citizen of the United States.[9]

Mrs. de Haven-Alten thereupon immediately regained her American citizenship and recovered her property from the Alien Property Custodian.

Congress has at least a dozen times followed the precedent established by the special act passed in behalf of Nellie Grant Sartoris. Indeed, in colonial history we find that the States also had used this naturalization device. Shortly after the close of the Revolutionary War, both Maryland and Virginia passed special acts to make Lafayette and "his heirs male forever" citizens of those States.[10] In this connection, however, we must bear in mind that State citizenship and United States citizenship are separate and distinct. Thus, by virtue of the fourteenth amendment of the Constitution every person born or naturalized in the United States and subject to the jurisdiction thereof is a citizen of the United States and the State wherein he or she resides. State citizenship is established by residence, and it is not necessary to be a United States citizen in order to be a citizen of one of the States. Very frequently the two overlap, but they should not be confused.

Certain limitations on Congress's power to deal with United States citizenship are laid down in the Constitution. The Constitution declares that Congress shall have power "to establish an uniform rule of naturalization." [11] Obviously a rule of naturalization is not uniform unless it operates equally throughout the whole of territorial United States, and unless it applies equally to a given class of individuals. These two elements are essential. Without them, a rule of naturalization is not uniform, and therefore is contrary to the Constitution.

The private act readmitting Nellie Grant Sartoris to United States citizenship, and the many other special acts for which hers served as a precedent, including the one passed for Mrs. de Haven-Alten, are rules of naturalization. Each of them, however, was a private act for the benefit of one particular person. For that reason they did not fulfill either of the two essential requisites of a uniform rule of naturalization, and all of them exceeded the legislative authority granted Congress by the Constitution. As Chief Justice John Marshall said in Osborn *v.* United States Bank: [12]

> The simple power of the National Legislature is to prescribe a uniform rule of naturalization, and the exercise of this power exhausts it, so far as respects the individual.

After the de Haven-Alten act was passed, the question of Congress's power to pass such acts was raised in the House Committee on Immigration and Naturalization. The function of that committee is to

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[9] Cf. note 8 above, "Women."
[10] Maryland, act of General Assembly of Maryland, 1784, Ch. XII. Virginia, act of General Assembly of Virginia, 1785, Ch. V.
[11] United States Constitution, Art. I, sec. 8, clause 4.
[12] Osborn *v.* United States Bank (22 U. S. 737, 827).

pass on all such matters, and since 1921 it has consistently refused to approve any bills proposing naturalization of any person by special act of Congress.[13] Many meritorious cases came before the committee, demonstrating clearly the inadequacy and unfairness of the laws then governing the citizenship of married women.

Following the lead of other nations, the United States in 1907 adopted the principle of single identity absolutely. Alien women who married Americans or whose alien husbands became naturalized citizens thereby automatically became citizens also, whether they wished to do so or whether they were even qualified for citizenship. American women were subjected to even greater hardships by the act of 1907. When they married aliens, forthwith they were deprived of their birthright and became aliens. Of course, when their husbands died or were divorced, these women could be repatriated. There were many cases like that of Augusta Louise de Haven-Alten, for whom the means of repatriation provided by the act of 1907 proved wholly inadequate.

In time the need of general remedial legislation became apparent, and the individual cases which came before the committee finally led to the enactment of the married women's independent citizenship act of September 22, 1922.

Chapter V. The Battle for Citizenship Independence

For centuries, therefore, male legislators and jurists had jealously preserved the husband's dominance and had limited the wife to a negligible sphere of activity and assigned her to an inconspicuous position in the eyes of the law. This situation was not destined to continue forever, however. In 1800 married women began openly to fight for their rights. They met their earliest success in 1856 when statutes first were enacted to grant married women independent control of their own property and permit them to contract in their own right. Immediately following that came a valiant three-quarter century struggle for woman suffrage, which culminated in the United States in the nineteenth amendment to the Constitution.

Long before that amendment was ratified the fight for citizenship equality had already begun. As early as December 6, 1910, a bill to grant women citizenship, independence, and equality had been introduced in the House of Representatives by Congressman Edward Thomas Taylor of Colorado.[1] This bill was aimed at the repugnant act of 1907, which deprived of their native citizenship those American women who married foreigners, and compelled them to take the citizenship of their husbands, regardless of how these women may have felt about the matter or what they may have wished to do about their citizenship. Then it was that marriage had become a naturalization process not only for the alien woman who married an American, but also for the American woman who married an alien. If the husband changed his citizenship, his act changed that of his wife also. The wife had nothing at all to say about it; she could enjoy no citizenship status independent of or different from that of her husband.

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[13] Authority of Congress to pass a special act admitting individuals to the Status of citizens; cf. "Naturalization of Individuals by Special Acts of Congress," hearings before the Committee on Immigration and Naturalization, House of Representatives, Sixty-seventh Congress, first session, on H. J. Res. 79; serial 6, May 17, June 3 and 27, 1921.

[1] H. R. 27840, Sixty-first Congress, third session; "House bills." Sixty-first Congress, third sess.| vol. 2.

Such laws were grossly unjust. If the alien husband of an alien woman refused to petition naturalization, she was compelled to remain an alien so long as the marital relation continued. On the other hand, the alien woman who married an American citizen, by that marriage automatically became a citizen of the United States, without regard to her mental, moral, or physical fitness. If she could not speak or read English, it did not matter. Indeed, it made no difference whether she could read at all. Her one act, that of marrying an American man, compensated for all her other shortcomings.

But there was no reward for the American woman who married a foreigner. Instead, she was subjected to a heavy penalty, absolute loss of her birthright. Because she had become an alien by her marriage, in some States she could neither inherit nor buy real estate.

A still greater discrimination was thrust upon her. After 1900 many women began entering actively into commerce and the practice of the professions. The privileges enjoyed by citizens engaged in these occupations were closed to the native-born American woman who married a foreigner and automatically became an alien.

Treaties had been ratified by the United States, by the terms of which the nationals of the contracting parties were permitted to enjoy in the country of any one of the contracting parties the privileges enjoyed by the nationals of that country. Obviously, these reciprocal privileges were not available to the American woman whose marriage had terminated her United States citizenship and made her an alien against her will.

The same hardship confronted such a woman if she sought to practice law. For instance, there was a young woman in New York who had been born in the United States of American parents. After completing her college education, she obtained a law degree from the University of New York law school, passed the bar examination and became a member of the New York bar in regular standing. During the next few years she arduously toiled and carefully built up a remunerative practice of law. Later, however, she married a man of Dutch nationality and automatically became an alien. Not only did she lose her American citizenship, she also lost her law business and the right to practice law in New York, for the laws of that State required that in order to practice law there a person must be a citizen of the United States.

Such a woman also was prohibited in many States from practicing medicine. She could not teach in the public schools. She could neither take a State or Federal civil service examination nor hold any Government office, whether elective or appointive. These privileges were restricted to American citizens, and her marriage had taken her American citizenship away from her. In most States she could not vote, even after equal suffrage was granted. If she went abroad the United States Government would neither give her a passport nor protect her while outside the country. In fact, by exercising a power incidental to its sovereignty the United States could even have expelled her from this country as an alien, although she was native born and her ancestors had been closely connected with the early struggles of our great republic.

A case illustrating this predicament was mentioned by Senator Philander Chase Knox from Pennsylvania, during a debate on an amendment to the trading with the enemy act. He said:

I have in mind the case where a descendant of one of the earliest colonial families in my State did not marry a German title, but married a poor German professor in the University of Pennsylvania, and lost the fortune which her father and her grandfather and her great-grandfather had accumulated in Chester County, Pa.; people whose names have been recorded in every phase of Pennsylvania history, in every phase of Pennsylvania activity, in every phase of Pennsylvania philosophy.[2]

When we entered the World War many women who had never been outside the United States and who never for a moment had thought of any other than their native allegiance, awakened to find that they were alien enemies, merely because they happened to have married a resident foreigner whose country was at war with us. The Government seized their property, and these women were subjected to humiliating surveillance by Government officials for the duration of the war.

Certainly this state of the law was completely out of harmony with the modern increase of woman's freedom of action and self-expression. More than that, it jeopardized a married woman's rights. It belittled the dignity of her citizenship. Who can say that a woman has ever been less loyal, less patriotic, less proud of her native citizenship than a man?

To change this situation, bills had been introduced in Congress in 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, and 1921; but Congress continued to blink at injustice and refuse to change the law. At last, however, when the fight for equal suffrage had been won, the battle for citizenship independence and equality began in earnest. Renewed energy and force were injected into the battle by the victory convention of the National American Woman Suffrage Association in Chicago in 1920. That convention adopted a resolution which urged "Federal legislation insuring to the women of the United States the same independent status for citizenship as that which now obtains for men."

Forthwith representatives of many of the national women's organizations which had participated in the fight for equal suffrage appeared before the conventions of the national political parties and induced them to write into their 1920 platforms the principles of the victory convention resolution. Typical of the pledges and resolutions adopted in the political platforms that year in this:

We advocate * * * the independent naturalization of married women. An American woman, resident in the United States, should not lose her citizenship by marriage to an alien.[3]

Armed with these political party pledges and encouraged by their suffrage victory, the women concentrated their forces in Washington when the Sixty-seventh Congress convened in March of 1921. These women, representatives of national women's organizations 500,000 strong, were efficiently organized into the women's joint congressional committee. The joint congressional committee was formed by representatives of the American Association of University Women, Council of Jewish Women, Daughters of the American Revolution, General Federation of Women's Clubs, National Federation of Business and Professional Women, National League of Women Voters, National

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[2] Congressional Record, vol. 59, pt. 8, Sixty-sixth Congress, second session, p. 8473.
[3] Republican Party platform, 1920; cf. also the platforms of the Democratic, Prohibition, and Farmer-Labor Parties in 1920.

Women's Trade Union League, and the Women's Christian Temperance Union.[4]

The author had the privilege, as a member of the House Committee on Immigration and Naturalization, of introducing H. R. 12022, a bill conforming with the platform pledges of 1920 and containing the principles of citizenship equality for women.

Under the able leadership of Mrs. Maud Wood Park, chairman of the joint congressional committee, the most energetic lobby ever concentrated on Capitol Hill besieged the House committee and urged favorable action on H. R. 12022. In time a committee hearing was held. Mrs. Park appeared before the committee, and her statement is expressive of the spirit which prompted the introduction of the bill. She said:

> The underlying reason for this bill is that the right of citizenship should rest in the individual person and should not depend upon the marital status of that person. A woman is as much an individual as a man is, and her citizenship should no more be gained or lost by marriage than should a man's. To forfeit or acquire citizenship by the mere fact of marriage, without regard for the desires or the qualifications of the individual affected, belittles both the individual and the sacred right of citizenship.[5]

Subsequently the committee reported the bill favorably back to the House.[6]

During the debate in the House on H. R. 12022 Congressman Albert Johnson, Chairman of the House Committee on Immigration and Naturalization, cited the case of a native-born American woman who had married an Austrian. She had thereby become an Austrian under the act of 1907. The husband was killed in a mine accident in the State of Washington, and, under the workmen's compensation act of that State, the widow was to be paid compensation. However, war was declared against Germany and Austria, and this woman, although she was born and had always resided in the United States, was held to be an alien enemy. Thereupon the money was seized and held by the Alien Property Custodian.

After each Member of the House of Representatives had been interviewed by members of the determined women's organizations which were supporting the bill, it passed the House by an overwhelming vote on the 20th of June, 1922. Then the bill was sent to the Senate, and the battle was carried to that side of the Capitol. The Senate Committee on Immigration favorably reported the bill back to the Senate, September 1, 1922.

The Senate passed the bill on the 9th of September, 1922. Tirelessly the women had worked for this favorable action in Congress. Nor did they stop at that; they immediately carried their fight to the White House.

When the bill arrived at the Executive Mansion, President Harding found himself confronted by the demand of thousands of American women for his approval of the bill. On September 22, 1922, he signed H. R. 12022, and it became law.[7]

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[4] Congressional Record, vol. 62, pt. 12, Sixty-seventh Congress, second session, p. 13039; vol. 62, pt. 9, Sixty-seventh Congress, second session, p. 9043.

[5] Statement of Mrs. Maud Wood Park; hearings before the Committee on Immigration and Naturalization, Sixty-seventh Congress, second session, p. 570.

[6] Report on H. R. 12022, Report No. 1110, House or Representatives, Sixty-seventh Congress, second session; cf. Appendix F, p. 44, infra.

[7] 42 Stat. L. 1021–1022; for the different steps toward the enactment of H. R. 12022 cf. Congressional Record, Sixty-seventh Congress, fourth session, vol. 64, pt. 5, p. 5182. Cf. copy of law, Appendix E, p. 44, infra.

For the first time in the history of the United States there was written into our statute books the principle that marriage shall not affect a woman's citizenship.

Chapter VI. Victory—The Women's Independent Citizenship Act

By the women's independent citizenship act of September 22, 1922, America officially declared that marriage shall not affect a woman's citizenship. No longer does marriage with an alien deprive an American woman of her citizenship, any more than it does an American man. The law of the United States on this subject was completely reversed. This reversal and abrogation of our antiquated citizenship doctrines forcibly demonstrates the close adherence of this Nation to the principle that injustice in this country at least will not long prevail, a principle so fundamental that it has become inherent in our great Government.

Ours was a radical departure from the law existing in most of the countries of the world at that time.[1] Regardless of how backward the laws of other nations were, the United States had the courage of its convictions and to-day stands foursquare on this principle. Full credit for the changes in our law is due the valiant and tireless women who fought so courageously until their rights were recognized.

The women's independent citizenship act abolished many deplorable discriminations against women which had been carried over in our law as incidents to the Middle-Age doctrine that the husband and wife are one in the eyes of the law, and the husband that one. The new law declared that "a woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after the passage of this act." [2] Thereafter American women might enter into commerce or practice the professions with the same privileges as men. They no longer were constantly in danger of losing these privileges, as well as their American citizenship, in case they should marry men who happened to be aliens.

After the act of 1922 was passed American women whose husbands were aliens could hold real estate in those States which previously had prohibited them that privilege because they had been deprived of their native citizenship by marriage. Since the enactment of that law American women have been able to vote, to teach school, and to hold Government positions, whether their husbands are American citizens or not. Under that law they are entitled to the passport privileges and the protection of the United States Government. No longer are they deprived of their precious birthright.

There was but one exception to the rule that an American woman who married an alien should not lose her native citizenship. That exception was the case where such a woman married an alien ineligible for naturalization.[3] At the time the new law was passed all the members of Congress had not yet been completely won over, and this proviso was inserted by the committee to make sure of the passage of the bill. Since 1922, however, this provision has been stricken from the law.[4]

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[1] Cf. House Document 326, Fifty-ninth Congress, 1906: Report of James Brown Scott, David J. Hill, and Gaillard Hunt on Citizenship, Expatriation and Protection Abroad.
[2] Sec. 3, act of Sept. 22, 1922; 42 Stat. L. 1022.
[3] Ibidem.
[4] Sec. 4 (a), act of Mar. 3, 1931; Public No. 829, Seventy-first Congress.

It is particularly interesting to note that even if an American woman's husband expatriates himself, his act does not change his American wife's citizenship. For example, an American by the name of Neil Sanderson went with his American wife to Italy. In time he became prominent in the affairs of an Italian city and later became mayor of that municipality. By accepting that position, Mr. Sanderson lost his American citizenship and became an Italian. The change in his status, however, had no effect at all on the citizenship of his native-born American wife; she remained an American.

The Department of State holds the same to be true in the event the American husband becomes naturalized in a foreign country or takes the oath of allegiance to a foreign sovereign. The severance of his citizenship ties does not deprive his wife of her native citizenship.

Since many other nations still cling to their antiquated citizenship doctrines and make the wife of one of their citizens or subjects take the citizenship of her husband, and since our law does not deprive one of our women of citizenship when she marries an alien, it is true that some American women possess dual nationality. A woman in that situation is a citizen of both the United States and her husband's country. However, even in the absence of laws in other countries, our law provides her with a means of overcoming this difficulty. If she cares to do so, she may renounce her American citizenship.[5] Or, she may otherwise sever her allegiance to the United States; she may either become a naturalized citizen of her husband's country, or she may take the oath of allegiance of his sovereign.[6]

A case illustrating the ability of the American woman who marries an alien to renounce her American citizenship is that of Gwendolyn Field, daughter of Mr. and Mrs. Marshall Field, jr., of Chicago. Gwendolyn Field married Archibald Charles Edmonstone, an Englishman, April 5, 1923. Finding that she possessed dual nationality because of the conflict of the citizenship laws of Great Britain and the United States, she decided to sever her allegiance to the United States. In January of 1924, while she was in Edinburgh, she had her lawyers file a declaration of renunciation in the Federal district court in Chicago, and the court formally declared that she thereby terminated her American citizenship. Although she had not appeared personally before the court, the judge held that she had thereby relieved herself of dual nationality.

The section of the women's independent citizenship act applicable to this situation reads:

> A woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after the passage of this act, unless she makes a formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens * * *.

In view of the wording of this provision, it is questionable whether Mrs. Edmonstone's renunciation actually was valid and effective.

Can an American woman who has married an alien and thereby acquired his citizenship, and retained her own, renounce her American citizenship while she is outside the United States? This question came to the attention of the Department of State in the case of Ellen Stanton, an American woman who married Walter Hinton,

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[5] Sec. 3, act of Sept. 22, 1922, 42 Stat. L. 1022.

[6] Sec. 2, act of Mar. 2, 1907, 34 Stat. L. 1228; this portion of the 1907 act was not repealed by the act Sept. 22, 1922; of sec. 3, act of Sept. 22, 1922.

an Englishman, at Chefoo, China, October 23, 1922. Mrs. Hinton desired to renounce her American citizenship while she and her husband were in China. The Department of State pointed out that the act of 1922 permitted American women in Mrs. Hinton's situation to renounce their native citizenship only before a court having jurisdiction over the naturalization of aliens. Inasmuch as there were no such American courts in China, it was held that while residing outside the United States she could not renounce her citizenship. This ruling clearly expresses the intent of those who sponsored the act of 1922.

At any rate, the native-born woman citizen of the United States was permitted, after her marriage to a foreigner, to retain her American citizenship. This is exactly what Cornelia Vanderbilt did after she married Sir John F. Cecil, a subject of Great Britain.

The women's independent citizenship act enabled those unfortunate women who had been deprived of their American citizenship because of marriage to aliens under the act of 1907 [7] to regain their citizenship by a shortened naturalization process. Ordinarily, five years' residence in the United States is required for naturalization. But these women were required by the original 1922 act to have lived in the United States, Hawaii, Alaska, or Puerto Rico for one year only.[8]

A most interesting case of repatriation is that of Mrs. Ruth Bryan Owen, Congresswoman from the fourth district of Florida. Ruth Bryan, the daughter of William Jennings and Mary Baird Bryan, was born in Jacksonville, Ill., October 2, 1885. She lived continuously in the United States from the date of her birth until May 3, 1910, when she married Reginald Altham Owen, a British subject. At the time of the marriage the act of 1907 was still in effect and made Mrs. Owen "involuntarily and automatically a British subject." [9]

At all times Mrs. Owen was looked upon by her British friends as an American citizen, despite her actual legal status under the act of 1907. At no time did Mrs. Owen ever take the oath of allegiance to the British or any other foreign government. At no time did she ever renounce her allegiance to the United States. During the early part of the World War she was actively engaged in war organization work. Thereafter, for the balance of the war her time was spent, frequently with American women, in active nursing service in the war zone.

On September 1, 1919, Major and Mrs. Owen returned to the United States and established their home in Florida, where Mrs. Owen still lives. Major Owen died on the 12th of December, 1927. In the meantime Mrs. Owen on January 23, 1925, had petitioned the United States Federal Court for the Southern District of Florida for repatriation under the act of September 22, 1922. Ninety days afterward, a period then required to elapse after the filing of such a petition, Mrs. Owen was formally naturalized and restored to the legal status of an American citizen, although her husband remained a British subject.

November 6, 1928, Mrs. Owen was elected by an enormous majority to represent the fourth district of Florida in the United States House

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[7] Sec. 3, act of Mar. 2, 1907; 34 Stat. L. 1228.

[8] Sec. 4, act of Sept. 22, 1922; 42 Stat. L. 1022.

[9] Sitting Member's Brief of Facts and Authorities—Election Case, William C. Lawson, Memorialist, v. Ruth Bryan Owen, Seventy-first Congress, p. 32.

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of Representatives. Mrs. Owen was duly seated in the House, but her seat was contested by her election opponent, William C. Lawson. Mr. Lawson contended that since Mrs. Owen had been expatriated by marriage in 1910 and since she had not been repatriated by naturalization until 1925, she had not been a citizen of the United States for seven years prior to her election in 1928, and therefore had not met the requirements of the Constitution of the United States for a Representative in Congress.[10]

Each house in Congress is the sole judge of the qualifications of its members.[11] Consequently, the case came on for hearing before the House Committee on Elections No. 1. At the hearings it was pointed out that the independent citizenship act of 1922 contains this provision:

> After her naturalization she shall have the same status as if her marriage had taken place after the passage of this act.[12]

Did it, then, entirely wipe out the period during which Mrs. Owen was a subject of Great Britain?

Five members of the committee held that the seven years' residence need not to have been immediately preceding the election. The other four members held that it did have to be immediately before the election, and concluded that "Mrs. Ruth Bryan Owen, through naturalization, enjoys the same status as an American woman who marries an alien subsequent to the passage of the Cable Act, namely, the status of one who never loses her citizenship." As a whole the committee thus reported back to the House: "It is, therefore, the unanimous conclusion of your committee that Ruth Bryan Owen meets the requirements of one eligible to a seat in the House of Representatives, as set forth in * * * the Constitution."[13] Thereupon a resolution was passed by the House, permitting Mrs. Owen to retain her seat in the House of Representatives.

Thus it was that the independent citizenship act of 1922 provided women who had become expatriated by marriage under the act of 1907, to become repatriated by short process, and thereupon restored them to the status of natural born citizens.

This was not the only benefit in the new law. It also provided that American women should no longer be deprived of their native citizenship by marriage to aliens. They might enter unmolested into commerce or trade, or into the practice of the professions. When they went abroad they were assured of the passport privileges and protection of the United States Government.

The new law also is beneficial to alien women. It provided them with privileges they had not enjoyed for 67 years. Alien women, as well as American women, were granted a citizenship status entirely separate from and independent of that of their husbands. The new law was not a compromise between the conflicting principles of perpetual allegiance and of the husband's dominance over the legal status of his wife. It was an outright recognition of the fact that a woman's citizenship is as personal, dignified and sincere as is a man's.

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[10] United States Constitution, Art. I, sec. 2, Cl. 2.
[11] United States Constitution, Art. I, sec. 5.
[12] Sec. 4, act of September 22, 1922; 42 Stats. at L. 1022.
[13] "William C. Lawson–Ruth Bryan Owen Election Case; "Report No. 968, Committee on Elections No. 1, House of Representatives, Mar. 24, 1930, pp. 6 and 7; Seventy-first Congress, second session.

After 1855 and before 1922, an alien married woman could be naturalized only by her alien husband's naturalization, and could not be naturalized if her husband did not wish to become an American or could not qualify for citizenship.[14] The women's independent citizenship act repealed that law. It provides "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."[15] This provision of the law is clear and unequivocal.

The alien woman whose alien husband has not been naturalized may herself become a naturalized citizen of the United States on her own petition after five years's residence in this country, regardless of what her husband's wish in that matter may be. Now she is absolutely free to follow whatever course she wishes to follow.

For the alien woman whose husband, formerly an alien, has become a naturalized American, there is provided a shortened naturalization process. She is not required to file a declaration of intention to become a citizen, and it is necessary for her to reside in the United States only one year prior to the filing of her petition for naturalization.[16] The courts have held, however, that an alien woman can not enjoy this shortened naturalization proceeding unless her husband has been completely naturalized.[17]

The shortened naturalization process is also available to the alien woman who marries an American. She may be naturalized on her own petition, after residing in the United States for one year. This privilege is open to her even if she and her American husband have been divorced.

Since the act of September 22, 1922, alien women have become American citizens only on their own petitions. They become citizens only after they study for and pass the examinations. That in itself is an advantage for alien women. Before 1922 the alien woman automatically became an American upon the naturalization of her alien husband or upon her marriage to a citizen of the United States. The alien husband became Americanized through his contacts at work and through his preparation for his naturalization examination. The children learned of American history and ideals at school. But the alien wife and mother was left at home to do the work. She made few contacts with Americans and learned little about the new country of which she automatically became a citizen without any act of her own.

Alien women now do not enter upon a citizenship status they know nothing about. Before they become naturalized they have an opportunity to learn the history, principles, and ideals of our nation. They petition naturalization because they are eager to become Americans, and when they acquire citizenship, they cherish it.

Citizenship is the highest honor this country can bestow. Alien women realize that, and each year they are being naturalized in increasing numbers. For a year prior to the passage of the act of September 22, 1922, the number of unmarried alien women petitioning naturalization was 200 per month. Within 18 months after the

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[14] Act of Feb. 10, 1855; sec. 1994 R. S.; cf. In re Langtry, 1887, 31 Fed. 879, and In re Rionda, 1908, 164 Fed. 368; also cf. Ch. II, pp. 8 and 9, supra.

[15] Sec. 1, act of Sept. 22, 1922; 42 Stat. L. 1021.

[16] Sec. 2, act of September 22, 1922; 42 Stat. L. 1022.

[17] Cf. In re Colorossi, 1923, 292 Fed. 862; In re Attyah, 1926, 12 Fed. 2d, 323. Contra—In re Kontos, 1925, 12 Fed. 2d, 134.

act was passed, the number of all alien women, married and unmarried, had grown to over 1,000 per month. During 1923, the first year after the new act went into effect, 6,011 alien women were naturized. By 1930 the number had grown to 48,881. Over the same period of time the number of alien men naturalized annually fell from 148,000 to 127,000, a decrease of 21,000 per year.[18]

Independent citizenship likewise is beneficial to our country. Those women who now become American citizens must understand our Government, its aims and purposes. They are much better educated than they used to be. They are citizens of a different and higher type.

In some instances, due to the fact that the law of the alien woman's country still follows the archaic doctrine of single identity, the woman may lose her native citizenship by the marriage and not acquire American citizenship thereby. She may be stateless. In case such a woman wishes to go abroad for a visit, she can obtain a passport from neither her native country nor from the United States. However, the State Department has alleviated this situation by permitting such a woman to travel on a laissez passer or affidavit in lieu of passport.

Chapter VII. Perfecting the Law

Great as was the forward stride taken by the United States in the enactment of the independent citizenship act of 1922, and complete as appeared to be the removal of discriminations against women, the original act did not in fact grant women a citizenship status absolutely equal to that of men. It is impossible to foresee all the contingencies which will arise under a new law in operation. In fact, any new law governing the relations of a great number of people is bound to cause hardships in at least a few individual cases.

After the independent citizenship act had been in operation for several years it was apparent that some discriminations against women, difficulties to which men were not subjected, did persist in the citizenship law. Organized American women again became active, carried their campaign to the halls of Congress and fought until they had won.

One of the greatest discriminations against an American woman arose in the case where she had married an alien and gone abroad to live with her husband. The 1922 act privided: "If during the continuance of the marital status she resides continuously for two years in a foreign State of which her husband is a citizen or subject, or for five years continuously outside the United States, she shall thereafter be subject to" a presumptive loss of her American citizenship.[1]

This provision was contrary to the principle of the 1922 act that a woman should not be deprived of her American citizenship by marriage to an alien. Indeed, it subjected a native-born American woman who married an alien and went abroad to reside with him to the same presumption of loss of citizenship to which a naturalized American man or woman is subjected.[2] At no time has a native-born American man ever been subjected to presumptive loss of his citizenship, regardless of whom he may have married or where he may have lived.

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[18] Annual Reports of Commissioner of Naturalization from June 30, 1922, to June 30, 1931, inclusive.
[1] Sec. 3, act of Sept. 22, 1922; 42 Stats. L. 1022.
[2] Sec. 2, act of Mar. 2, 1907; 34 Stat. L. 1228.

A case illustrative of this situation is that of Miss Louise Ross, who was born in Troy, N. Y., April 11, 1902. She received her preliminary education in the public schools of Troy, but after completing her college work in this country went abroad to study art. At Rapallo, Italy, on the 22d of September, 1926, she married Signor G. Mariano, an Italian. Mr. and Mrs. Mariano established their home in Florence, Italy, and still reside there.

Because of the act of 1922 Miss Ross was not deprived of her American citizenship by her marriage to Mariano. She suffered a hardship in 1928, however, when she applied for a renewal of her passport, so that she might return to the United States to visit. Mrs. Mariano owns property in Darien, Conn., and had voted there even after her marriage. Prior to November, 1928, it had been financially and otherwise inconvenient for Mrs. Mariano to return to this country. And when she applied to the American consul for passport renewal, he advised her that he could neither renew her American passport nor issue her a new one because she had resided for more than two years in her husband's native country and therefore was, by presumption, no longer an American citizen.

Mrs. Mariano was forced to return to the United States on an Italian passport. This phase of the 1922 law failed to preserve for Mrs. Mariano the citizenship individuality and independence that had been intended.

Another unjust hardship was that suffered by the former American woman who had married an alien and lost her native citizenship under the act of 1907. By the independent citizenship act of 1922 she was extended the privilege of returning to the United States to be repatriated by a shortened process in a court having jurisdiction over naturalization.[3] However, after the enactment of this act the 1924 immigration quota law was passed. Since the former American woman had lost her own citizenship and acquired her husband's by the marriage, she was forced to return to this country as a quota immigrant. If the quota for her husband's country was exhausted, she could not get a visa and therefore could not come back to the United States for the purpose of repatriation.

Such a case is that of Gladys Drake, an American-born woman, who married an Italian by the name of Spiros Dilasos at Denver, Colo., in 1916. In 1922 Dilasos, who owned property in Denver, inherited additional property in Italy. Thereupon Mr. and Mrs. Dilasos took their small children and went to Italy to settle Dilasos' affairs. This required longer than had been expected. In 1924 Dilasos applied for a visa to return to the United States, but was advised that his return permit had expired because he had stayed out of the United States longer than six months.

Afterwards Mrs. Dilasos, whom the 1907 act had made an alien upon her marriage to her Italian husband, tried several times to return to the United States to be repatriated under the act of 1922, but each time was told that she would have to come in under the Italian quota and that it would be years before she could be permitted to come back to her native country.

As the law stood at that time, Mrs. Dilasos would have had difficulty in being repatriated even if she had been permitted to return to this

[3] Sec. 4 act of Sept. 22, 1922; 42 Stat. L. 1022.

country as a nonquota immigrant. While a woman in her position was permitted to be repatriated by a shortened process of naturalization, she was required to reside continually for one year in this country, Hawaii, Alaska or Puerto Rico before filing her petition. The courts had interpreted that to mean one year's continuous residence with the intention of residing here permanently.[4] This Mrs. Dilasos might have found difficult to prove.

A somewhat similar case is that of Mrs. Emily Martin. Mrs. Martin is a native-born American woman who married Ernest A. Martin, a German subject, before the passage of the 1922 act. Consequently, the act of 1907 had made her a German citizen because of her marriage. She and Mr. Martin established their home in Germany, and in 1924 Mrs. Martin returned to the United States to recover her American citizenship. After residing here for one year, she filed her petition for repatriation. When the court questioned her, she testified that she intended to return to her husband and children in Germany. For that reason, the court held that she had no intention of residing permanently in the United States, and refused to repatriate her, although she had stayed away from her family and resided in this country for a whole year.[5] This was a great injustice, one that had never befallen a man.

To remove these discriminations, the author introduced a bill, H. R. 10960, in the House of Representatives on March 20, 1930. Hearings on this bill were held in the House caucus room by the Committee on Immigration and Naturalization, and presided over by Congressman Albert Johnson, the chairman. At these hearings appeared representatives of strong national organizations. Miss Harlean James appeared in behalf of the American Association of University Women; Mr. James McGrady, for the American Federation of Labor; Miss Alice Edwards, for the American Home Economics Association; Mrs. Clarence Fraim, for the General Federation of Women's Clubs; Miss Dorothy Strauss, for the League of Women Voters; Miss Cecelia Razovsky, for the National Council of Jewish Women; Miss Margaret Lambie, for the National Federation of Business and Professional Women; Miss Maud Younger, for the National Woman's Party; and Miss Elizabeth Christman, for the National Women's Trade Union League. Mrs. Ella A. Boole and Mrs. E. E. Danby wrote letters to the committee expressing the approval of the Women's Christian Temperance Union and the Young Women's Christian Association in the passage of H. R. 10960.[6]

Later the House committee favorably reported H. R. 10960 back to the House.[7] After it had been passed by the House of Representatives without a single objection, it was sent to the Senate, which referred the bill to its Committee on Immigration. That committee added 15 new sections to the House bill and reported it back to the Senate with a recommendation that it pass.[8] The amendments proposed administrative changes in the law and presented a number of other changes wholly unrelated to the law governing citizenship of women.

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[4] Cf. In re Pezzl, 29 Fed. 2d, 999.

[5] U. S. v. Martin, 1925, 10 Fed. (2) 585.

[6] Cf. Hearings before the Committee on Immigration and Naturalization, House of Representatives, Seventy-first Congress, second session, on H. R. 10208, Mar. 6, 1930; subsequently reintroduced as H. R. 10960.

[7] House Report No. 1036, Seventy-first Congress, second session; cf. Appendix H, p. 47, infra.

[8] Senate Report No. 614, Seventy-first Congress, second session; cf. Appendix I, p. 50, infra.

Because of these fifteen riders, most of which were of a contentious nature, action on the bill was repeatedly objected to by Members of the Senate. Consequently, H. R. 10960 lay on the Vice President's desk from May 5 to June 30, 1930. On that day Senator Royal S. Copeland, a member of the Senate Committee on Immigration and long a sympathetic and energetic adovcate of citizenship equality for women, took charge of the debate, had the 15 amendments rejected en bloc, and persuaded the Senate to pass the bill in the form that it had been approved by the House.[9]

After H. R. 10960 had been signed by the Vice President and the Speaker, it was sent to the White House, where President Hoover signed the bill on July 3, 1930, and it thereupon became law.[10]

This first amendment of the independent citizenship act provides that the American woman who now marries an alien and goes abroad to reside with him shall no longer be subject to a presumption of loss of citizenship, any more than a man.[11] Of course, if a naturalized American woman goes abroad to reside, the same presumption of loss of citizenship that runs against a naturalized American man under the act of 1907 also runs against her. It also provides that the American woman who lost her native citizenship by marriage to an alien under the act of 1907 shall be permitted to return to the United States for repatriation as a nonquota immigrant.[12] The quota of her husband's country no longer bars or delays her. Then, too, such a woman is now permitted to be repatriated after her return to this country, without any proof of residence at all. She may now file her petition for repatriation as soon as she arrives, take the oath of allegiance and be restored to her American citizenship at once.[13]

Thus, hardships which had developed under the act of 1922 were removed by the 1930 amendment of that act. This amendment was a great benefit as far as it went, but it left much to be done before women should enjoy a citizenship status equal in all respects to that of men.

In the first place, no provision was made in the 1930 amendment for the repatriation of those American women who suffered a presumptive loss of their native citizenship. True, this amendment did repeal the presumptive loss provision of the act of 1922, but that was not enough. For instance, women in the situation of Mrs. Louise Mariano, who suffered presumptive loss of citizenship before 1930, were still without means of repatriation.

Another discrimination which persisted even after the amendment was this provision of the 1922 act:

> * * * any woman citizen who marries an alien ineligible to citizenship shall cease to be a citizen of the United States.[14]

Jane Addams, of Hull House, Chicago, criticized this provision of the independent citizenship act. She stated:

> A curious inconsistency of the Cable Act is that it takes away the birthright of an American-born woman if she marries an ineligible—i. e., a man from a country whose people can not be made citizens—although it is precisely under such circumstances that a woman most needs her citizenship.[15]

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[9] Legislative procedure, cf. Congressional Record, vol. 72, Seventy-first Congress, second session, pp. 5782, 6219, 6220, 7364, 7365, 7395, 8334, 8592, 8763, 9857, 9922, 10081, 10174, 10864, 11884, 12052, 12164, 12264, 12265, 12511.

[10] Act of July 3, 1930 (46 Stat. L. 854); cf. Appendix G. p. 46, infra.

[11] Sec. 1, act of July 3, 1930.

[12] Sec. 3, act of July 3, 1930.

[13] Sec. 2, act of July 3, 1930.

[14] Sec. 4, act of Sept. 22, 1922 (42 Stats. L. 1022).

[15] Graphic Survey, November, 1929, p. 136.

Then, too, against this class of American women there was another discrimination. The amended act of 1922 still specified "That no woman whose husband is not eligible to citizenship shall be naturalized during the continuance of the marital status."[16] This provision meant that the American woman who had been deprived of her citizenship by marrying an ineligible could not be repatriated, and that the eligible alien wife of an ineligible alien could not be naturalized so long as the marital status continued.

These provisions were unsatisfactory. No American man has ever been deprived of his American citizenship because he has married an ineligible alien, and no alien man has ever been denied naturalization because his wife happened to be of a class disqualified from naturalization.

As chairman of the subcommittee of the House Committee on Immigration and Naturalization, the author introduced H. R. 16975 on February 9, 1931, to remove these last remaining inequalities between the citizenship status of men and women. Among the many women's organizations which urged the introduction of this bill and threw behind it their united strength were the General Federation of Women's Clubs, National Association of Women Lawyers, National Council of Jewish Women, National Federation of Business and Professional Women's Clubs, National League of Women Voters, National Woman's Party, and the Woman's Bar Association of the District of Columbia.[17]

At the hearings on the bill Dr. Emma Wold, technical adviser to the United States delegates to The Hague Conference on Codification of International Law, made this observation:

> If the objection to removing the present discrimination against women in our Cable Act is due to sentiment against racial mixtures, let me call your attention to the fact that it largely fails of its purpose. It does not affect many white or Caucasian women. The provision in the law touches the large number of Chinese and Japanese girls born in the United States with the precious heritage of United States citizenship. If, unfortunately, but perfectly legitimately, such a girl falls in love with one of her own race who is an alien and marries him, she is the one who is penalized.
>
> So far as white women are concerned, the fact is that under the laws of many of our States, especially the Western States, where Japanese, Chinese, and Hindus are found in large numbers, the laws make illegal a marriage between a white person and a Mongolian or Asiatic person. A white woman who enters upon an attempted marriage of this sort may be punished for the violation of the laws on marriage, but the penalty of loss of citizenship can not fall upon her for the reason that there is no marriage.[18]

The report of the House Committee on Immigration and Naturalization recommended favorable consideration of H. R. 16975.[19] The interested women's organizations persistently backed the measure, but the House refused to take action. Earlier in the session, however, the House had approved H. R. 10672, a bill to eliminate the posting of notices in naturalization proceedings, and had sent it to the Senate. The Senate Committee on Immigration added to this bill the one to amend the act of 1922, H. R. 16975, and sent to the Senate a favorable

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[16] Sec. 5, act of Sept. 22, 1922, as amended (42 Stat. L. 1022).

[17] Hearings before the Committee on Immigration and Naturalization, House of Representatives, Seventy-first Congress, third session, on H. R. 14684, H. R. 14685, H. R. 16303; Dec. 17, 1930, and Jan. 23, 1931; subsequently reintroduced as H. R. 16975.

[18] House Report No. 2693, Seventy-first Congress, third session; cf. Appendix K, p. 59, infra.

[19] Ibidem.

report.[20] Thereafter both bills proceeded under the number, H. R. 10672.

When the bill with its amendments came up for consideration in the Senate, Senator David A. Reed, a member of the Senate Committee on Immigration, took charge of the debate and succeeded in having the bill and its amendments passed by the Senate on February 26, 1931. The House, however, refused to approve the Senate amendments, and asked for a conference. The bill as ameded by the Senate thereupon went to conference.

The conference committee made some changes and reported the bill, H. R. 10672, with its amendments back to the respective houses on March 2, 1931. The conference report on the combined bills [21] was adopted by both the House and the Senate as H. R. 10672 on March 3, 1931, and it then was sent to the President.[22]

Immediately the women went to the White House to urge the President to sign the bill and not to let it die because of a pocket veto. Late the night of March 3, 1931, just a few hours before the Seventy-first Congress adjourned, Mr. Hoover signed the bill and it became law.

The second amendment of the women's independent citizenship act did in fact place men and women on exactly the same footing, so far as citizenship is concerned. The last vestige of discrimination against women was eliminated. Our law for the first time now completely recognizes the dignity of an American woman's citizenship and permits her to feel that her allegiance to our government is as fine, intimate and sincere as a man's.

Within a decade this great transformation of our law has taken place. No longer will an American-born woman ever be deprived of her American citizenship, regardless of whom she may marry or where or how long she may reside, unless she herself formally renounces her allegiance to the United States, becomes naturalized in some foreign country or takes the oath of allegiance to another sovereign. The woman who lost her citizenship by marriage to an alien before 1922 or because of her residence abroad after marrying an alien subsequent to 1922, may now return to the United States as a nonquota immigrant and regain her native citizenship by a simple process of repatriation. No proof of residence here is required. She is no longer dominated by the will of her alien husband in this regard.

An alien woman who marries an American now is permitted to be naturalized by shortening proceedings requiring only one year's residence before filing her petition, instead of the customary five.

Whether an alien man wishes to be naturalized or not, his alien wife may become a citizen in her own right by the regular naturalization proceedings. That is true, even though her husband himself be ineligible for citizenship.

To-day women in America enjoy citizenship status truly equal to and independent of that of men. Woman's citizenship victory is complete.

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[20] Senate Report No. 1723, Seventy-first Congress, third session; cf. Appendix L, p. 86, infra.

[21] House Report No. 2937, Seventy-first Congress, Third Session; cf. Appendix M, p. 87, infra.

[22] Legislative procedure; cf. Congressional Record, vol. 74, pp. 1430, 1445, 4424, 5121, 5253, 5584, 6124, 6473, 6528, 6660, 6905, 6985, 7153, 7154, 7155, 7250, 7392.

Résumé of the Effect of Marriage on the Citizenship of Women

1. AMERICAN WOMEN

A. MARRIAGE PRIOR TO MARCH 2, 1907

1. Marriage to an alien, followed by continuous residence in the United States, did not affect her nationality; she did not lose her American citizenship.

2. Marriage to an alien, followed by residence abroad with her husband, if she took up permanent residence abroad with here husband at any time prior to September 22, 1922, and if she acquired as a result of the marriage the nationality of the country of which her husband was a citizen or subject, she lost her American citizenship.

3. If the American woman who was married to an alien continued to reside in the United States until after September 22, 1922, she did not lose her American citizenship by reason of such marriage; nor did she lose such citizenship if she took up permanent residence abroad with her husband prior to September 22, 1922, unless she acquired nationality of the country of which her husband was a subject or citizen under its laws.

B. RESUMPTION OF AMERICAN CITIZENSHIP LOST BY MARRIAGE PRIOR TO MARCH 2, 1907

1. When the marital relation terminated prior to March 2, 1907, American citizenship was resumed if, subsequent to the termination of the marital status, and prior to March 2, 1907, she resumed a permanent residence in the United States.

2. When the marital relation terminated between March 2, 1907, and September 22, 1922, American citizenship could be reacquired in any one of three ways:

(*a*) If abroad, by registering as an American citizen, or

(*b*) By returning to reside in the United States, or

(*c*) If residing in the United States, by continuing to reside therein.

3. After September 22, 1922

(*a*) It is not material whether the marital relation has terminated. American citizenship can be reacquired only by petition for naturalization in her own name. However, the woman who married an alien not eligible to citizenship could not be naturalized during the continuance of the marital status until after March 3, 1931.

C. MARRIAGE BETWEEN MARCH 2, 1907, AND SEPTEMBER 22, 1922

1. The American woman who married an alien took the nationality of her busband.

D. RESUMPTION OF AMERICAN CITIZENSHIP LOST BY MARRIAGE BETWEEN MARCH 2, 1907, AND SEPTEMBER 22, 1922

1. When the marital relation terminated prior to September 22, 1922, American citizenship could be reacquired in any one of the three ways set forth in I, B, 2, (*a*), (*b*), and (*c*), supra.

2. After September 22, 1922, it is not material whether the marital relationship has terminated. American citizenship may be reacquired only by petition for naturalization in her own name. How-

ever, the woman who married an alien not eligible to citizenship could not be naturalized during the continuance of the marital status, until after March 3, 1931.

E. MARRIAGE ON SEPTEMBER 22, 1922, AND SUBSEQUENTLY

1. Marriage of an American woman to an alien does not affect her nationality. She remains an American citizen unless—

(*a*) She has made formal renunciation of her citizenship by personal appearance before a court having jurisdiction over naturalization of aliens, or

(*b*) She has become naturalized under the laws of a foreign country, or

(*c*) She has taken the oath of allegiance to a foreign government, or

(d) She married an alien ineligible to citizenship prior to March 3, 1931.

2. In any of the foregoing cases—(*a*), (*b*), (*c*), or (*d*)—she ceased to be an American citizen.

3. The provisions of a naturalization treaty entered into before September 22, 1922, and her husband's naturalization in a foreign country after September 22, 1922, have no effect upon her citizenship status unless she gives assent on her part to be included in her husband's naturalization.

F. RESUMPTION OF AMERICAN CITIZENSHIP LOST BY MARRIAGE OF SEPTEMBER 22, 1922, OR SUBSEQUENTLY

1. The American woman who married an alien ineligible for citizenship could not be repatriated prior to March 3, 1931, unless the marriage relation was terminated and she was of a race eligible for naturalization. After March 3, 1931, she could be repatriated without regard to her marital status in event she was a native-born American citizen, even if she was not of a race eligible for naturalization.

2. The American woman who married an alien and during the continuance of the marital status, but prior to July 3, 1930, resided continuously for two years in a foreign state of which her husband is a citizen or subject, or for five years continuously outside the United States, was presumed to have ceased to be an American citizen, and was required to present satisfactory evidence to a diplomatic or consular officer to overcome such presumption.

II. ALIEN WOMEN

A. PRIOR TO FEBRUARY 10, 1855

1. Marriage to an American citizen or the naturalization of her alien husband did not confer American citizenship upon her. She could, if otherwise eligible, be naturalized in her own right without regard to her marital status.

B. BETWEEN FEBRUARY 10, 1855, AND SEPTEMBER 22, 1922

1. Any alien woman who could herself be lawfully naturalized and who married a citizen of the United States, or whose alien husband became a citizen of the United States through naturalization, automatically acquired American citizenship. She became a citizen as

fully as if naturalized. The alien wife of an alien husband could not become, by her own act, a naturalized citizen of the United States. She had no right of separate naturalization.

C. SINCE SEPTEMBER 22, 1922

1. The alien woman who married a citizen of the United States, or the alien woman whose alien husband became a citizen through naturalization, did not become a citizen of the United States by such marriage or naturalization; she remained an alien, but could, if eligible for citizenship, be naturalized. An alien married woman whose husband is not a citizen of the United States has the right (if eligible) to become an American citizen through naturalization proceedings, without regard to her husband's citizenship status. Her citizenship no longer depends upon the desire of her husband.

APPENDIXES

Appendix A

AUTHORITY OF CONGRESS TO ESTABLISH A UNIFORM RULE OF NATURALIZATION

The Congress shall have Power * * * To establish an uniform Rule of naturalization. (United States Constitution, Art. I, sec. 8, clause 4.)

Appendix B

WHO ARE CITIZENS OF THE UNITED STATES

1. *Persons born or naturalized in the United States.*—(*a*) All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States. (Act of Apr. 9, 1866; 14 Stat. 27; U. S. Code, Title 8, sec. 1.)

NOTE.—All Indians born in the United States are declared to be citizens by the act of June 2, 1924.

(*b*) All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. * * * (Amendment XIV, United States Constitution.)

2. *Children born of American fathers living outside the United States.*—All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States. (Act of February 2, 1855; 10 Stat. 604; R. S. 1993; U. S. Code, title 8, sec. 6.)

3. *Minor children whose parents are naturalized.*—A child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization of or resumption of American citizenship by the parent; *Provided,* That such naturalization or resumption takes place during the minority of such child: *And provided further,* That the citizenship of such minor child shall begin at the time such minor child begins to reside permanently in the United States. (Act of March 2, 1907; 34 Stat. 1229; U. S. Code, title 8, sec. 7.)

Appendix C

WOMEN'S CITIZENSHIP ACT OF FEBRUARY 10, 1855

Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen. (R. S. 2166; repealed by sec. 6, act of September 22, 1922.)

Appendix D

WOMEN'S CITIZENSHIP ACT OF MARCH 2, 1907

SEC. 3. That any American woman who marries a foreigner shall take the nationality of her husband. At the termination of the marital relation she may resume her American citizenship, if abroad, by registering as an American citizen within one year with a consul of the United States, or by returning to reside in the United States, or, if residing in the United States at the termination of the marital relation, by continuing to reside therein. (This section was repealed by sec. 7, act of September 22, 1922, 42 Stat. 1022; U. S. C. title 8, sec. 9.)

SEC. 4. That any foreign woman who acquires American citizenship by marriage to an American shall be assumed to retain the same after the termination

of the marital relation if she continue to reside in the United States, unless she makes formal renunciation thereof before a court having jurisdiction to naturalize aliens, or if she resides abroad she may retain her citizenship by registering as such before a United States consul within one year after the termination of such marital relation. (This section was repealed by sec. 6, act of September 22, 1922, 42 Stat. 1022; U. S. C. title 8, sec. 10.)

Appendix E

MARRIED WOMEN'S INDEPENDENT CITIZENSHIP ACT OF SEPTEMBER 22, 1922

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. (42 Stat. 1021–1022; U. S. C., title 8, sec. 367.)

Sec. 2. That any woman who marries a citizen of the United States after the passage of this act, or any woman whose husband is naturalized after the passage of this act, 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. (42 Stat. 1022; U. S. C., title 8, sec. 368.)

Sec. 3. That a woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after the passage of this act, unless she makes a formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens: *Provided,* That any woman citizen who marries an alien ineligible to citizenship shall cease to be a citizen of the United States. If at the termination of the marital status she is a citizen of the United States she shall retain her citizenship regardless of her residence. If during the continuance of the marital status she resides continuously for two years in a foreign State of which her husband is a citizen or subject, or for five years continuously outside the United States, she shall thereafter be subject to the same presumption as is a naturalized citizen of the United States under the second paragraph of section 2 of the act entitled "An act in reference to the expatriation of citizens and their protection abroad." approved March 2, 1907. Nothing herein shall be construed to repeal or amend the provisions of Revised Statutes 1999 or of section 2 of the expatriation act of 1907 with reference to expatriation. (42 Stat. 1022; U. S. C., title 8, sec. 9.)

Sec. 4. That a woman who, before the passage of this act, has lost her United States citizenship by reason of her marriage to an alien eligible for citizenship, may be naturalized as provided by section 2 of this act: *Provided,* That no certificate of arrival shall be required to be filed with her petition if during the continuance of the marital status she shall have resided within the United States. After her naturalization she shall have the same citizenship status as if her marriage had taken place after the passage of this act. (42 Stat. 1022; U. S. C., title 8, sec. 369.)

Sec. 5. That no woman whose husband is not eligible to citizenship shall be naturalized during the continuance of the marital status. (42 Stat. 1022; U. S. C., title 8, sec. 370; amended by acts of July 3, 1930, and March 3, 1931; cf. Appendixes G and I, infra.)

Appendix F

COMMITTEE REPORT ON MARRIED WOMEN'S INDEPENDENT CITIZENSHIP ACT OF SEPTEMBER 22, 1922

[House Report No. 1110, Sixty-seventh Congress, Second Session]

The Committee on Immigration and Naturalization, to whom was referred the bill (H. R. 12022) relative to the naturalization and citizenship of married women,

having considered the same, report it to the House with the recommendation that it do pass with the following amendments:

Page 1, lines 6, 7, and 8, after the word "who" in line 6, strike out the comma and the words "after the passage of this act," and after the word "States" in line 8 strike out the comma and the word "or" and insert in lieu thereof the words "after the passage of this act, or any alien woman."

Page 3, line 1, after the word "act" strike out the comma, all the remainder of line 1, all of line 2, and all of line 3 down to and including the word "marriage."

Page 3, line 15, after the period strike out all the remainder of the section.

This bill, declaring for the independent citizenship of married women, was introduced by Mr. Cable of Ohio, a member of the committee, and upon it hearings were held and extended consideration given by the committee. In the present Congress Mr. Raker, also a member of the committee, and Mr. Rogers of Massachusetts, and in previous Congresses Miss Rankin of Montana, and Mr. Anthony of Kansas, introduced bills containing somewhat similar principles, and extended hearings were also held on those bills.

The principles of this bill have been indorsed by both political parties in their platforms adopted at Chicago and San Francisco, respectively, in 1920. That portion of the Republican platform is as follows:

"*Naturalization.*—There is urgent need of improvement in our naturalization laws. No alien should become a citizen until he has become genuinely American, and adequate tests for determining the alien's fitness should be provided for by law.

"We advocate in addition the independent naturalization of married women. An American woman, resident in the United States, should not lose her citizenship by marriage to an alien."

That portion of the Democratic platform reads as follows:

"We advocate * * * Federal legislation which shall insure that American women resident in the United States, but married to aliens, shall retain their American citizenship, and that the same process of naturalization shall be required for women as for men."

In addition the principles of this bill have been indorsed by the following women's organizations: American Association of University Women, April, 1922; Business and Professional Women's Clubs, July, 1921; Council of Jewish Women; Daughters of the American Revolution, April, 1919; General Federation of Women's Clubs, January, 1922; National League of Women Voters, April, 1922; National Women's Trade Union League, June, 1922; Women's Christian Temperance Union, August, 1921.

The purposes of this bill are as follows:

Section 1 provides for the recognition of alien married women who desire and are qualified to bcome American citizens by permitting such women to become naturalized. Under existing law the alien wife is denied the privilege of citizenship unless her husband first goes through naturalization proceedings. It is estimated that there are two and a quarter million alien women in the United States unnaturalized. It is not known how many of this number are married women, but there must be a great many who, unless this bill becomes a law, will continue to be deprived of citizenship in the United States.

Section 2 is for the better protection of the United States by providing assurance that women as well as men shall be duly qualified before being admitted to the privilege of citizenship. Under existing law an alien woman who marries a citizen of the United States automatically becomes a citizen without being required to speak the English language, to understand our laws, Constitution, or form of government, without renouncing allegiance to her former ruler, and without even taking an oath of allegiance to the United States. This also applies to an alien married woman whose husband becomes naturalized. In the opinion of the committee the alien woman should live in this country at least a year before becoming a citizen, and she should go before a Federal naturalization examiner and show that she is qualified to be a citizen. Your committee, however, deems it inexpedient and undesirable to require the wife of a naturalized or native-born citizen to wait five years before she herself can become naturalized. In the first place, she will have every incentive to qualify herself as rapidly as possible, and, in the second place, if she can qualify, it is desirable to relieve her of the embarrassment of being without a country as soon as may be consistent with the welfare of the United States. The benefit of the wife's separate naturalization accrues to her as well as to the country, because she will be put on a par with her husband in learning the English language, which is the language of our courts, our press, and our schools, and which she should know in order to teach her children their rights and duties under the laws of the land.

Section 3 prevents the automatic loss of an American woman's citizenship by her marriage to an alien, which is the condition under existing law. Under the pending bill her American citizenship is not terminated by her marriage with an alien unless she makes a formal renunciation in court or unless she resides continuously during her marital status for two years in a foreign State of which her husband is a citizen or subject, or for five years continuously abroad. Under either of these conditions of residence she shall be subject to the same presumptions as to loss of citizenship as apply to naturalized aliens. This section is particularly designed to give to the citizenship of the American woman the dignity and individuality which has heretofore been the exclusive attribute of the male citizen. The section, however, provides that in case of the marriage of an American woman to a man who is ineligible to citizenship she shall herself cease to be an American citizen.

In furtherance of the foregoing purpose, section 4 provides for the naturalization, by the shortened process above referred to, of a woman who has heretofore lost her citizenship by marriage to an alien who was eligible for citizenship.

This bill in nowise affects the status of children. Those born here are citizens of the United States, under the Constitution, regardless of the allegiance of their parents. Those born abroad will, as heretofore, take the nationality of their fathers.

Sections 5 and 6 are repealing sections made necessary in order to carry out the proposed policy. The repealed sections are as follows:

"Section 1994, Revised Statutes: 'Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen.'

"Section 4 of the expatriation act of 1907: 'That any foreign woman who acquires American citizenship by marriage to an American shall be assumed to retain the same after the termination of the marital relation if she continues to reside in the United States, unless she makes formal renunciation thereof before a court having jurisdiction to naturalize aliens, or if she resides abroad she may retain her citizenship by registering as such before United States consul within one year after the termination of the marital relation.'

"Section 3 of the expatriation act of 1907: 'That any American woman who marries a foreigner shall take the nationality of her husband. At the termination of the marital relation she may resume her American citizenship, if abroad, by registering as an American citizen within one year with a consul of the United States or by returning to reside in the United States; or, if residing in the United States at the termination of the marital relation, by continuing to reside therein.'"

It will be noted that the pending bill expressly provides that the repeal of the last-quoted section shall not restore citizenship lost or terminate citizenship resumed thereunder.

Appendix G

FIRST PERFECTING AMENDMENT OF THE MARRIED WOMEN'S INDEPENDENT CITIZENSHIP ACT OF SEPTEMBER 22, 1922 (ACT OF JULY 3, 1930)

AN ACT To amend the law relative to the citizenship and naturalization of married women, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last three sentences of section 3 of the act entitled "An act relative to the naturalization and citizenship of married women," approved September 22, 1922 (relating to the presumption of loss of citizenship by married women by residence abroad), are repealed, but such repeal shall not restore citizenship lost under such section 3 before such repeal.

Sec. 2. (a) Section 4 of such act of September 22, 1922, is amended to read as follows:

"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."

(b) The amendment made by this section to section 4 of such act of September 22, 1922, shall not terminate citizenship acquired under such section 4 before such amendment.

Sec. 3. Subdivision (f) of section 4 of the Immigration Act of 1924, as amended, is amended to read as follows:

"(f) A woman who was a citizen of the United States and lost her citizenship by reason of her marriage to an alien, or the loss of United States citizenship by her husband, or by marriage to an alien and residence in a foreign country."

Appendix H

HOUSE COMMITTEE REPORT ON ACT OF JULY 3, 1930

[House Report No. 1036, Seventy-first Congress, second session]

The Committee on Immigration and Naturalization, to whom was referred the bill (H. R. 10960) to amend the law relative to the citizenship and naturalization of married women, and for other purposes, reports it back to the House without amendment and recommends that the bill do pass.

This bill would relieve certain native-born women who have married aliens, of some unnecessary naturalization requirements growing out of the expatriation act of March 2, 1907, and the woman's citizenship act of September 22, 1922, and hardships arising out of the restrictive immigration act of 1924.

Complete independent citizenship for women has not resulted from the act of September 22, 1922. After more than seven years of operation, the working of this legislation has developed certain more or less technical difficulties, which H. R. 10960 proposes to remedy.

PROPOSED LEGISLATION IN THE NATURE OF PERFECTING AMENDMENTS TO THE ACT OF SEPTEMBER 22, 1922

The native-born woman who married a foreigner on September 21, 1922, the day before that act became effective, and lost her American citizenship, was not, by the 1922 act, automatically restored to citizenship. She was given the right to repatriate herself by one year's residence in the United States, filing her petition in a court of competent jurisdiction, renouncing her doubtful allegiance to a country to which, in fact, she owed no allegiance, and whose nationality was thrust upon her without her consent, and by taking an oath of allegiance to the United States.

For example, Mrs. Emily Martin married an alien before the 1922 act and automatically lost her American citizenship. Later she returned to this country, resided here a year, as required by the law, but was denied naturalization because she told the court she might reside outside of the United States with her husband and children, the judge ruling that her year's residence here was not of the permanent character required by law.

This bill (H. R. 10960) repeals the year's residence requirement, also the permanent character of the residence now required of a woman who has lost her citizenship, and also the necessity of her going through the regular naturalization proceeding as if she were a foreign-born alien. Mrs. Ruth Bryan Owen, a Member of this Congress, for example, married a British officer before 1922 and lost her American citizenship through no express desire of her own. To regain her American citizenship she was required to go through the same naturalization proceeding as a foreign-born alien, and as if she were not native born. Such a requirement is not a just treatment of native-born women who have lost their citizenship without their wish by the provisions of the 1907 act. A simple affirmative act of a native-born woman should be sufficient to regain citizenship lost through marriage.

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If a native-born man marries an alien and resides abroad in her country the remainder of his life he does not lose his American citizenship. His children, although they are foreign born and never have been in the United States, likewise are American citizens, at least until they are 18 years of age. But if a native-born woman marries an alien and resides two years in her husband's country, or five years elsewhere abroad, she is presumed not to be an American citizen. The committee, realizing that there should not be one rule of law for men and another for women in the matter of expatriation, proposes in H. R. 10960 to repeal the provision in the 1922 act raising the presumption that native-born American women, who have been married to aliens and have resided abroad, have lost their citizenship, by striking out the last three sentences of section 3 of the act of 1922, which the Department of State finds extremely difficult to administer.

There are native-born women whose American citizenship was lost by marriage, prior to the 1922 act, who can not now return to the United States to repatriate themselves because of our immigration quota law. For example, if an American woman, prior to the 1922 act, married an Italian, she, under the 1907 act, took the nationality of her husband. Under the 1924 quota law she must come within the Italian quota in order to enter the United States to be naturalized. Since the quota for Italy is already taken up by a long list of applicants, practically, she is not able to return to the United States for the purpose of repatriation, and we thus have excluded from the United States by an act of Congress, a native-born American woman who wants to repatriate herself.

The present law, classifying aliens entitled to "nonquota" status, now reads, in part, as follows:

"Sec. 4 (f). A woman who was a citizen of the United States and who prior to September 22, 1922, lost her citizenship by reason of her marriage to an alien, but at the time of her application for an immigration visa is unmarried."

In other words, her foreign-born husband must either have died or there must have been a divorce, before she can reenter the United States outside the quota limitations. H. R. 10960 amends the above provision of law so that such native-born women or one who has lost her American citizenship by marriage and foreign residence since September 22, 1922, may reenter the United States outside the quota, notwithstanding the fact that the marriage relationship still exists.

On March 6, 1930, hearings were held by the committee, and the following appeared on behalf of all the changes contained in H. R. 10960, and of the general principle that a woman, married or unmarried, should have the same right as a man to determine her own citizenship. (Hearings held on H. R. 10208.) At that hearing Mrs. Ruth Bryan Owen, Representative from Florida, sat with and assisted the committee.

The witnesses were Miss Dorothy Straus, an attorney, New York City, who represented the National League of Women Voters, who had charge of the presentation of the testimony on behalf of the organizations; Miss Margaret Lambie, representing the National Federation of Business and Professional Women, New York City; Miss Harlean James, Washington, D. C., representing the American Association of University Women; Miss Alice Edwards, Washington, D. C., the American Home Economics Association; Miss Cecelia Razovsky, New York City, chairman of the department of service to the foreign born of the National Council of Jewish Women; Mrs. E. E. Danly, representing the national board of the Young Women's Christian Association; Mrs. Clarence Fraim, representing the General Federation of Women's Clubs; Mrs. Ellis Yost, representing the Woman's Christian Temperance Union; and Mr. Edward S. McGrady, Washington, D. C., representing the American Federation of Labor.

Communications in support of the same principle were received from Miss Elizabeth Christman, secretary of the National Woman's Trade Union League, and from Mrs. Adena Miller Rich, of the Immigrants' Protective League. H. R. 10960 is also indorsed by the National Woman's Party through their legislative representative, Mrs. Max Rotter, and Miss Maud Younger.

DIGEST OF PROVISIONS OF H. R. 10960

Section 1 strikes out of section 3 of the act of 1922 the presumption that a native-born woman loses her United States citizenship by residence abroad after her marriage to an alien.

Section 2 amends section 4 (a) of the 1922 act and provides a method whereby the native-born woman who lost her citizenship by marriage to an alien prior to September 22, 1922, may be repatriated by a simple affirmative act in a court of competent jurisdiction; that is, she may go before a naturalization examiner,

prove that she has lost her citizenship by marriage to an alien, that she is eligible to become a citizen under our naturalization laws, then go into court and take the oath of allegiance. This amendment repeals the one year's residence requirement, the permanent residence requirement, the posting of the name for 90 days, and the requiring of native-born women the same searching examination and naturalization process as is required of the foreign-born alien.

Section 3 would permit a native-born woman who had lost her citizenship by marriage to an alien to return to the United States outside of the quota, notwithstanding her marital status has been terminated.

CHANGES IN EXISTING LAW SHOWN

In compliance with paragraph 2 (a) of Rule 13 of the Rules of the House of Representatives, changes in existing law, act of September 22, 1922, made by the bill are shown as follows:

Existing law proposed to be repealed is included in black brackets; new matter is printed in italics; existing law in wich no change is proposed is shown in roman:

"SEC. 3. That a woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after the passage of this act, unless she makes a formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens: *Provided*, That any woman citizen who marries an alien ineligible to citizenship shall cease to be a citizen of the United States. If at the termination of the marital status she is a citizen of the United States, she shall retain her citizenship regardless of her residence. [If during the continuance of the marital status she resides continuously for two years in a foreign State of which her husband is a citizen or subject or for five years continuously outside the United States, she shall thereafter be subject to the same presumption as is a naturalized citizen of the United States under the second paragraph of section 2 of the act entitled "An act in reference to the expatriation of citizens and their protection abroad", approved March 2, 1907] *but such repeal shall not restore citizenship lost under section 3 before such repeal.*

"SEC. 4. (a) [That a] *A* woman who (before the passage of this act) has lost her United States citizenship by reason of her marriage to an alien eligible to citizenship *or by reason of the loss of the United States citizenship by her husband* may *if eligible to citizenship and if she has not acquired by any other nationality by affirmative act,* be naturalized (as provided by section 2 of this act, provided) *upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:* [*Provided*, That no certificate of arrival shall be required to be filed with her petition, if during the continuance of the marital status she shall have resided within the United States.]

" '(*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 [she] *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 [the passage of this act] *this section as, amended, takes effect.'*

"(c) The amendment made by this section to section 4 of such act of September 22, 1922, shall not terminate citizenship acquired under such section 4 before such amendment.

"SEC. 3. Subdivision (f) of section 4 of the immigration act of 1924, as amended, is amended to read as follows:

" '(f) A woman who was a citizen of the United States and [who prior to September 22, 1922] lost her citizenship by reason of her marriage to an alien, [but at the time for her application for an immigration visa is unmarried] *or the loss of United States citizenship by her husband, or by marriage to an alien and residence in a foreign country.' "*

Appendix I

SENATE COMMITTEE REPORT ON ACT OF JULY 3, 1930

[Senate report No. 614, Seventy-first Congress, second session]

The Committee on Immigration, to whom was referred the bill (H. R. 10960) to amend the law relative to the citizenship and naturalization of married women, and for other purposes, having considered the same, reports it to the Senate and recommends that the bill do pass with the following amendments:

(1) On page 3, line 2, strike out "effect." " and insert "effect."

(2) On page 3, after line 2, insert the following:

"(c) A child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization of the mother under the provisions of subdivision (a) of this section if (1) such naturalization takes place during the minority of such child, and (2) such child is at the time of such naturalization within the United States in pursuance of a legal admission, whether or not for permanent residence."

(3) On page 3, after line 6, insert the following:

"(c) Paragraph (b) of section 2 of such act of September 22, 1922, is amended to read as follows:

" '(b) In lieu of the five-year period of residence within the United States and the six-months' period of residence within the county where the petitioner resided at the time of filing the petition, she shall have resided continuously in the United States, Hawaii, Alaska, Porto Rico, or the Virgin Islands for at least one year immediately preceding the filing of the petition and after legal admission, whether or not for permanent residence.' "

(4) On page 3, line 13, after the word "country" insert a comma and the following: "and her unmarried minor children if accompanying or following to join her".

(5) On page 3, after line 13, insert the following new sections:

"Sec. 4. Subdivision (a) of section 1 of the act entitled "An act to supplement the naturalization laws, and for other purposes," approved March 2, 1929, is amended to read as follows: "That (a) the registry of aliens at ports of entry required by section 1 of the act of June 29, 1906 (34 Stat. L., Pt. I, p. 596), as amended, may be made as to any alien not ineligible to citizenship in whose case there is no record of admission for permanent residence prior to July 1, 1924, if such alien shall make a satisfactory showing to the Commissioner General of Immigration, in accordance with regulations prescribed by the Commissioner General of Immigration, with the approval of the Secretary of Labor, that he—

"'(1) First entered the United States prior to July 1, 1924;

"'(2) Has resided in the United States continuously since such entry;

"'(3) Is a person of good moral character; and

"'(4) Is not subject to deportation.'

"Sec. 5. Section 4 of such act approved March 2, 1929, is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: 'except that no such certificate shall be required if the entry was on or before June 29, 1906.'

"Sec. 6. The fourth subdivision of section 4 of the naturalization act of June 29, 1906, as amemded, is amended by adding at the end thereof the following new paragraphs:

"'Any alien who has entered the United States as a government official or as a member of the family of a government official or as an attendant, servant, or employee of a government official shall not acquire residence for naturalization purposes until he departs from the United States and thereafter is lawfully admitted to the United States for permanent residence.

"'Whenever in this act it is required that an affiant or witness must be a citizen of the United States, such affiant or witness shall not be competent unless during all of the five-year period immediately preceding the filing of the petition for citizenship he has been a citizen of the United States.'

"Sec. 7. The last proviso in the first paragraph of the seventh subdivision of section 4 of such act of June 29, 1906, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: 'except that this proviso shall not apply in the case of service on American-owned vessels by an alien who has been lawfully admitted to the United States for permanent residence.'

"Sec. 8. The twelfth subdivision of section 4 of such act of June 29, 1906, as amended, is amended by adding at the end thereof the following paragraph:

"'Any individual who claims to have resumed his citizenship under the provisions of this subdivision may, upon the payment of a fee of $1, make application

to the Commissioner of Naturalization, accompanied by two photographs of the applicant, for a certificate of citizenship. Upon proof to the satisfaction of the commissioner that the applicant is a citizen and that the citizenship was resumed as claimed, such individual shall be furnished a certificate of citizenship by the commissioner, but only if such individual is at the time within the United States. The certificate of citizenship issued under this subdivision shall have the same effect as a certificate issued by a court having naturalization jurisdiction, and the provisions of subdivisions (b) and (c) of section 33 shall apply in respect of proceedings and certificates of citizenship under this subdivision in the same manner and to the same extent, including penalties, as they apply in respect of proceedings and certificates of citizenship issued under such section.'

"SEC. 9. Section 5 of such act of June 29, 1906, as amended, is amended to read as follows:

"'SEC. 5. The clerk of the court shall, if the petitioner requests it at the time of filing the petition for citizenship, issue a subpœna for the witnesses named by such petitioner to appear upon the day set for the final hearing, but in case such witnesses can not be produced upon the final hearing other witnesses may be summoned upon notice to the Bureau of Naturalization in such manner and at such time as the Commissioner of Naturalization, with the approval of the Secretary of Labor, may by regulation prescribe.'

"SEC. 10. So much of section 6 of such act of June 29, 1906, as amended, as reads 'and in no case shall final action be had upon a petition until at least ninety days have elapsed after filing and posting the notice of such petition' is amended to read as follows: 'and in no case shall final action be had upon a petition until at least ninety days have elapsed after filing of such petition.'"

"SEC. 11. (a) Section 8 of such act of June 29, 1906, as amended, is amended to read as follows:

" 'SEC. 8. No alien shall be admitted to citizenship unless he is able to speak, read, and write the English language understandingly, and possesses a knowledge of United States history equivalent to that set forth in the citizenship textbook published and distributed by the Bureau of Naturalization; except that the above requirements shall not apply (1) to any alien who is physically unable to comply therewith, if he is otherwise qualified to become a citizen of the United States, nor (2) to any alien who, before or after the time this section, as amended, takes effect, has made a homestead entry unpon the public lands of the United States and complied in all respects with the laws providing for homestead entries upon such lands.'

"(b) The above requirements as to ability to read and write the English language and as to knowledge of United States history shall not apply to any alien if the declaration of intention upon which the petition for citizenship is based was made prior to the enactment of this act.

"(c) The Commissioner of Naturalization is authorized and directed—

"(1) To promote instruction in the English language and training in citizenship responsibilities of applicants for naturalization, by the public schools;

"(2) To procure the cooperation of official State and Federal educational and other agencies and organizations, including those concerned with vocational education, for the better administration of the provisions of this subdivision;

"(3) At the request of the public-school authorities, to send the names of candidates for citizenship to such authorities; and

"(4) To continued to publish the citizenship textbook and the manual for teachers, and the monthly naturalization bulletin; and to distribute the textbook to those applicants for naturalization who are in attendance upon citizenship classes in the public schools, and the manual to the teachers of such classes. The cost of printing and binding such publications shall continue to be paid from the printing and binding appropriations of the Department of Labor and such appropriations shall continue to be reimbursed on the records of the Treausry Department in the amount so paid, upon report thereof by the Public Printer, from the naturalization fees collected and covered into the Treasury.

"SEC. 12. Section 32 of such act of June 29, 1906, as amended, is amended by adding at the end thereof the following new subdivision:

" '(c) The provisions of sections 899 and 900 of the Revised Statutes shall not apply in respect of any part of the record of naturalization proceedings or of any certificate of citizenship or any declaration of intention.'

"SEC. 13. So much of subdivision (a) of section 33 of such act of June 29, 1906, as amended, as reads 'Upon obtaining a certificate from the Secretary of Labor showing the date, place, and manner of arrival in the United States,' is hereby repealed.

"SEC. 14. (a) Subdivision (a) of section 4 of the immigration act of 1924, as amended, is amended to read as follows:

" '(a) An immigrant who is the unmarried child under twenty-one years of age, or the wife, or the husband, of a citizen of the United States;'.

"(b) Clause (A) of paragraph (1) of subdivision (a) of section 6 of the immigration act of 1924, as amended, is amended to read as follows: '(A) Quota immigrants who are the fathers, or the mothers, of citizens of the United States who are twenty-one years of age or over;'.

"SEC. 15. The salary of each officer and examiner of the Natrualization Field Service shall hereafter be increased after each year of satisfactory service to the next higher salary in his grade as reported annually by the Bureau of the Budget in the estimates of appropriations. Such increased salaries shall become effective at the beginning of the next quarter following such year of satisfactory service. Upon reaching the maximum salary within the grade, promotion of any officer or examiner to the next higher grade shall be at the discretion of the Secretary of Labor, upon the recommendation of the Commissioner of Naturalization.

"SEC. 16. Section 24 of the immigration act of 1917, as amended, is amended by adding the following at the end of the section:

"'Clerks in the Immigration Service and the Naturalization Service, respectively, shall be divided into the following groups and grades: Gourp A (clerks whose duties consist of routine tasks and clerks whose duties consist wholly or mainly of typing or operating mechanical office devices)—grade 1, $1,600; grade 2, $1,700; grade 3, $1,800; grade 4, $1,900; grade 5, $2,000; grade 6, $2,100; grade 7, $2,300; and Group B (clerks whose duties consist wholly or mainly of taking and transcribing stenographic notes, and clerks whose duties involve a knowledge of other specialized subject matter)—grade 1, $1,700; grade 2, $1,800; grade 3, $1,900; grade 4, $2,000; grade 5, $2,100; grade 6, $2,300; grade 7, $2,500; and hereafter clerks shall be promoted successively in their respective groups to grades 2, 3, 4, 5, 6, and 7 at the beginning of the next quarter following one year of satisfactory service in the next lower grade. Clerks having seven or more years' satisfactory service before or after the enactment of this act may be promoted by the Secretary of Labor, upon the recommendation of the Commissioner General of Immigration, or the Commissioner of Naturalization, as the case may be, to higher salaries than those herein established for grade 7 of Groups A and B. Nothing in this act shall be construed to reduce the rate of compensation of any such clerk.'

"SEC. 17. Hereafter the Commissioner General of Immigration and the Commissioner of Naturalization shall each receive a salary of $10,000 a year.

"SEC. 18. The appropriation of such sums as may be necessary to carry out the provisions of this act is hereby authorized. Expenditures for equipment for use in the compilation of the statistics to show race, nationalities, and other information authorized to be prepared by the Commissioner of Naturalization shall be payable from the appropriation for miscellaneous expenses of the Bureau of Naturalization."

Following is the report of the Committee on Immigration and Naturalization of the House of Representatives on H. R. 10960:

"[House Report No. 1036, Seventy-first Congress, second session]

"The Committee on Immigration and Naturalization, to whom was referred the bill (H. R. 10960) to amend the law relative to the citizenship and naturalization of married women, and for other purposes, reports it back to the House without amendment and recommends that the bill do pass.

"This bill would relieve certain native-born women who have married aliens, of some unnecessary naturalization requirements growing out of the expatriation act of March 2, 1907, and the woman's citizenship act of September 22, 1922, and hardships arising out of the restrictive immigration act of 1924.

"Complete independent citizenship for women has not resulted from the act of September 22, 1922. After more than seven years of operation, the working of this legislation has developed certain more or less technical difficulties, which H. R. 10960 proposes to remedy.

"PROPOSED LEGISLATION IN THE NATURE OF PERFECTING AMENDMENTS TO THE ACT OF SEPTEMBER 22, 1922

"The native-born woman who married a foreigner on September 21, 1922, the day before that act became effective, and lost her American citizenship, was not, by the 1922 act, automatically restored to citizenship. She was given the right to repatriate herself by one year's residence in the United States, filing her petition in a court of competent jurisdiction, renouncing her doubtful allegiance to a

country to which, in fact, she owed no allegiance, and whose nationality was thrust upon her without her consent, and by taking an oath of allegiance to the United States.

"For example, Mrs. Emily Martin married an alien before the 1922 act and automatically lost her American citizenship. Later she returned to this country, resided here a year, as required by the law, but was denied naturalization because she told the court she might reside outside of the United States with her husband and children, the judge ruling that her year's residence here was not of the permanent character required by law.

"This bill (H. R. 10960) repeals the year's residence requirement, also the permanent character of the residence now required of a woman who has lost her citizenship, and also the necessity of her going through the regular naturalization proceeding as if she were a foreign-born alien. Mrs. Ruth Bryan Owen, a Member of this Congress, for example, married a British officer before 1922 and lost her American citizenship through no express desire of her own. To regain her American citizenship she was required to go through the same naturalization proceeding as a foreign-born alien, and as if she were not native born. Such a requirement is not a just treatment of native-born women who have lost their citizenship without their wish by the provisions of the 1907 act. A simple affirmative act of a native-born woman should be sufficient to regain citizenship lost through marriage.

"If a native-born man marries an alien and resides abroad in her country the remainder of his life, he does not lose his American citizenship. His children, although they are foreign born and never have been in the United States, likewise are American citizens, at least until they are 18 years of age. But if a native-born woman marries an alien and resides two years in her husband's country, or five years elsewhere abroad, she is presumed not to be an American citizen. The committee, realizing that there should not be one rule of law for men and another for women in the matter of expatriation, proposes in H. R. 10960 to repeal the provision in the 1922 act raising the presumption that native-born American women, who have been married to aliens and have resided abroad, citizenship, by striking out the last three sentences of section 3 of the act of 1922, which the Department of State finds extremely difficult to administer.

"There are native-born women whose American citizenship was lost by marriage, prior to the 1922 act, who can not now return to the United States to repatriate themselves because of our immigration quota law. For example, if an American woman, prior to the 1922 act, married an Italian, she, under the 1907 act, took the nationality of her husband. Under the 1924 quota law she must come within the Italian quota in order to enter the United States to be naturalized. Since the quota for Italy is already taken up by a long list of applicants, practically, she is not able to return to the United States for the purpose of repatriation, and we thus have excluded from the United States by an act of Congress, a native-born American woman who wants to repatriate herself.

"The present law, classifying aliens entitled to 'nonquota' status, now reads, in part, as follows:

"'SEC. 4 (f). A woman who was a citizen of the United States and who prior to September 22, 1922, lost her citizenship by reason of her marriage to an alien, but at the time of her application for an immigration visa is unmarried.'

"In other words, her foreign-born husband must either have died or there must have been a divorce, before she can reenter the United States outside the quota limitations. H. R. 10960 amends the above provision of law so that such native-born women or one who has lost her American citizenship by marriage and foreign residence since September 22, 1922, may reenter the United States outside the quota, notwithstanding the fact that the marriage relationship still exists.

"On March 6, 1930, hearings were held by the committee, and the following appeared on behalf of all the changes contained in H. R. 10960 and of the general principle that a woman, married or unmarried, should have the same right as a man to determine her own citizenship. (Hearings held on H. R. 10208.) At that hearing Mrs. Ruth Bryan Owen, Representative from Florida, sat with and assisted the committee.

"The witnesses were Miss Dorothy Straus, an attorney, New York City, who represented the National League of Women Voters, who had charge of the presentation of the testimony on behalf of the organizations; Miss Margaret Lambie, representing the National Federation of Business and Professional Women, New York City; Miss Harlean James, Washington, D. C., representing the American Association of University Women; Miss Alice Edwards, Washington, D. C., the American Home Economics Association; Miss Cecilia Razovsky,

New York City, chairman of the department of service to the foreign born of the National Council of Jewish Women; Mrs. E. E. Danly, representing the national board of the Young Women's Christian Association; Mrs. Clarence Fraim, representing the General Federation of Women's Clubs; Mrs. Ellis Yost, representing the Woman's Christian Temperance Union; and Mr. Edward S. McGrady, Washington, D. C., representing the American Federation of Labor.

"Communications in support of the same principle were received from Miss Elizabeth Christman, secretary of the National Woman's Trade Union League, and from Mrs. Adena Miller Rich, of the Immigrants' Protective League. H. R. 10960 is also indorsed by the National Woman's Party through their legislative representative, Mrs. Max Rotter, and Miss Maud Younger.

"DIGEST OF PROVISIONS OF H. R. 10960

"Section 1 strikes out of section 3 of the act of 1922 the presumption that a native-born woman loses her United States citizenship by residence abroad after her marriage to an alien.

"Section 2 amends section 4 (a) of the 1922 act and provides a method whereby the native-born woman who lost her citizenship by marriage to an alien prior to September 22, 1922, may be repatriated by a simple affirmative act in a court of competent jurisdiction; that is, she may go before a naturalization examiner, prove that she has lost her citizenship by marriage to an alien, that she is eligible to become a citizen under our naturalization laws, then go into court and take the oath of allegiance. This amendment repeals the one year's residence requirement, the permanent residence requirement, the posting of the name for 90 days, and the requiring of native-born women the same searching examination and naturalization process as is required of the foreign-born alien.

"Section 3 would permit a native-born woman who had lost her citizenship by marriage to an alien to return to the United States outside of the quota, notwithstanding her marital status has been terminated.

"CHANGES IN EXISTING LAW SHOWN

"In compliance with paragraph 2 (a) of Rule 13 of the Rules of the House of Representatives, changes in existing law, act of September 22, 1922, made by the bill are shown as follows:

"Existing law proposed to be repealed is included in black brackets; new matter is printed in italics; existing law in which no change is proposed is shown in Roman:

"SEC. 3. That a woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after the passage of this act, unless she makes a formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens: *Provided*, That any woman citizen who marries an alien ineligible to citizenship shall cease to be a citizen of the United States. If at the termination of the marital status she is a citizen of the United States, she shall retain her citizenship regardless of her residence. [If during the continuance of the marital status she resides continuously for two years in a foreign State of which her husband is a citizen or subject, or for five years continuously outside the United States, she shall thereafter be subject to the same presumption as is a naturalized citizen of the United States under the second paragraph of section 2 of the act entitled 'An act in reference to the expatriation of citizens and their protection abroad,' approved March 2, 1907.] *but such repeal shall not restore citizenship lost under section 3 before such repeal.*

"SEC. 4. (a) [That] *A* woman who (before the passage of this act) has lost her United States citizenship by reason of her marriage to an alien eligible to citizenship *or by reason of the loss of the 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 (as provided by section 2 of this act) [*Provided*, That no certificate of arrival shall be required to be filed with her petition, if during the continuance of the marital status she shall have resided within the United States] *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 country 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 [she] *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 [the passage of this act] *this section as, amended, takes effect.*'

"(b) The amendment made by this section to section 4 of such act of September 22, 1922, shall not terminate citizenship acquired under such section 4 before such amendment.

"SEC. 3. Subdivision (f) of section 4 of the immigration act of 1924, as amended, is amended to read as follows:

" '(f) A woman who was a citizen of the United States and [who prior to September 22, 1922] lost her citizenship by reason of her marriage to an alien [but at the time of her application for an immigration visa is unmarried] *or the loss of United States citizenship by her husband, or by marriage to an alien and residence in a foreign country.*' "

EXPLANATION OF COMMITTEE AMENDMENTS

The following is submitted in explanation of the amendments reported by your committee:

(1) This is a clerical change.

(2) The effect of this amendment is to make the minor child, born without the United States of alien parents, a citizen of the United States by virtue of the naturalization of the mother under the provisions of section 4 of the Cable Act, as amended by the bill, if the child is at the time of such naturalization within the United States in pursuance of a legal admission, whether or not for permanent residence. Under existing law a minor child does not become a citizen by virtue of the naturalization of the parent until he begins to reside permanently in the United States and even in that case authorities differ as to the effect of the naturalization of the mother.

(3) Section 2 of the Cable Act permits the alien wife of an American citizen to become naturalized after one year's residence with the United States, Hawaii, Alaska, or Porto Rico in lieu of the 5-year period of residence within the United States and the 1-year period of residence within the State. This amendment conforms to existing law with respect to the period of residence since the act of March 2, 1929, changes the one year's residence requirement within the State to six months within the county. The amendment also recognizes the residence of the alien wife as beginning after legal admission to the United States, whether or not for permanent residence, and permits residence in the Virgin Islands to be counted as residence within the United States, in conformity with the act of February 25, 1927, which gave full naturalization jurisdiction to the district court of the Virgin Islands and made residence by all eligible aliens within the Virgin Islands residence within the United States for naturalization purposes.

(4) Under the House bill a woman who was a citizen of the United States and lost her citizenship by reason of marriage to an alien or the loss of citizenship by her husband or by marriage to an alien and residence in a foreign country is permitted to come in as a nonquota immigrant. The effect of this amendment is to include the unmarried minor children of such a woman if accompanying or following to join her.

(5) Section 4: This section contains a provision which the Senate passed a year ago last February, but which was objected to by the House. The section proposed gives aliens in the United States who entered the country prior to July 1, 1924, opportunity to have their entries legalized. There are many aliens in this country who entered the United States innocently and regarding whom no record was made at the time of their entry. Many came into the country admittedly in conformity with the law. They can not be deported although some of them probably came into the country without a compliance with the immigration law at the time of their entry. Aliens who entered the United States irregularly after July 1, 1924, are subject to perpetual deportation. This is a resubmission to the Senate of its enactment of February, 1929, for reenactment, in the hope that the House will agree to this humane provision. It does not let aliens into the United States, but is simply to provide for those who are here and who can get no recognition, who can not leave the country by obtaining a permit to reenter, and to enable

them to straighten out their status in this country. They must subject themselves to rigid examination by the Immigration Service before they may be entitled to the relief which this measure proposes to give to them. The amendment entitles one who entered the United States prior to July 1, 1924, where no record was made of such entry, to have a record made of such entry, whether or not there is an entry of such person after June 30, 1924, that is recorded.

Section 5: This provision is to remedy a difficulty which existing law unwittingly imposed upon citizens of the United States and aliens who entered the United States prior to the time when the immigration records were sufficiently accurate to be relied upon. It has been impossible to obtain records of entries of aliens into the United States prior to June 29, 1906, the date of the naturalization law required entries to be made of every alien arriving in the United States.

Section 6: This amendment is to prevent the naturalization of aliens entering the United States under diplomatic exemptions as members of the suites, or in the employ in any way, of the foreign representatives accredited to this country. Instances have occurred where such individuals have left the employ of the representatives of the foreign government and, through no fault of those representatives, have remained in the United States without complying with the requirements of the immigration law for permanent admission. Others have entered the United States under representations of diplomatic exemption which enabled them to avoid the compliance with the immigration laws at the time of their entry for permanent admission. They do not have a residence in the United States in conformity with the immigration laws and should not be given a naturalization status. Of course, if a woman who has entered under diplomatic exemption marries a citizen of the United States, under section 2 of the Cable Act, as amended by your committee, she may be naturalized without departing from the United States.

The section also requires a naturalized citizen to be a citizen for five years in order to be competent to serve as a witness for an applicant who desires to secure citizenship under the naturalization laws.

Section 7: The purpose of this section is to enable aliens who are serving on vessels owned by American citizens to have the benefit of their service as seamen on such vessels in applying for naturalization. The records show in these cases that aliens have entered the United States regularly with their families, have raised their families in this country, and are in all respects desirable as applicants for citizenship. The present law prevents aliens from acquiring residence for naturalization purposes during service upon vessels of foreign registry. Prior to 1918 aliens came to the United States upon vessels of foreign registry, made declarations of intention, obtained addresses in American ports, and continued service upon vessels of foreign registry. After the necessary period of time they applied for and were admitted to citizenship. Congress in 1918 enacted the present law which excludes such service as residence under the naturalization law. However, there is a small number of American-owned vessels of foreign registry, with seamen legally admitted to the United States and whose families had been brought with them or were born here and continued to live in the United States. The provision proposed will afford relief to these bona fide residents of the United States whose vocation is carried on in American-owned vessels.

Section 8: This section proposes relief for American citizens who expatriated themselves by entering the military service of the armies of countries subsequently allied and associated with the United States during the World War. They entered these armies before the United States declared war. They were obliged to take an oath of allegiance to the sovereign, and thereby lost American citizenship but acquired no other citizenship. By a provision in the act of May 9, 1918, the twelfth subdivision of section 4 of the act of 1906 was added, by which these Americans regained their American citizenship status. No certificate of citizenship was provided, however, for them, and their status, while partially relieved, was not free from embarrassment. This amendment proposes to give to each such citizen a certificate of his citizenship for his use and protection.

Sections 9 and 10: The enactment of these provisions will accomplish the discontinuance of a great volume of unnecessary clerical work imposed upon clerks of courts which has been of no value in the administration of the naturalization law from the time it was required by the act of 1906. This provision is referred to in sections 5 and 6 of the naturalization act of 1906. The requirement for the

posting of notices is in section 5 and reference is made to it in section 6. The change proposed does not let down the restricting provisions of the naturalization law.

Section 11: This provision raises the standards of the present naturalization law which only requires an alien to speak the English language and to sign his name, by mark, or at most in his own handwriting, which often appears in foreign script. This provision requires all applicants for citizenship to read, speak, and write in the English language and to possess a knowledge of American history equivalent to that set forth in the citizenship textbook published by the Bureau of Naturalization under authority of Congress. This book is available to applicants for citizenship only who attend public schools. It should not be available for free distribution, as it would immediately become the source of misuse by self-serving individuals who would fraudulently obtain funds from their unsuspecting countrymen under the guise of instruction. Such instruction would, of course, be carried on under irresponsible supervision and where so accomplished would work more harm than advantage to the country and to the individuals. The requirements to read and write are not applicable to those who hold declarations of intention made prior to the operation of this proposed law. They do not apply to homestead entrymen or to those physically unable to comply with them.

The effect of subdivision (c) is to repeal and reenact the ninth subdivision of section 4 of the act of June 29, 1906, and is in conformity with the desire expressed by the Secretary of the National Advisory Committee on Illiteracy, with the approval of the committee, as a result of a study made of illiteracy as a national problem. This committee is one of two committees appointed by the Secretary of the Interior with the approval of the President to study American educational problems. This will enable the Commissioner of Naturalization to enlarge the activities of the Bureau of Naturalization in relation to the promotion of the organization by the public schools of classes of adult foreigners, to which the adult illiterate foreign born and the illiterate American born may come to secure the schooling which they need and instruction in citizenship responsibilities to enable them to be better citizens in the communities where they live, both as producers and consumers.

Section 12: The purpose of this section is to prevent the issuance to unsuspecting individuals of useless and worthless certifications regarding parts of naturalization records, as well as to prevent the issuance of certificates of citizenship or declarations of intention, except in accordance with the requirements of the naturalization law.

Section 13: This section repeals what was found to be an impracticable requirement upon citizens of the United States entitled to certificates of citizenship. No record of admission could be found for the reason that they came into the United States, many of them in the period from 1860 to 1906, during most of which time no records of any nature whatsoever were kept or authorized by law of incoming immigrants upon which dependence can be placed.

Section 14: This section permits husbands of American citizens to come in nonquota, placing them in the same position as wives in this respect. Under existing law only husbands by marriage occurring prior to June 1, 1928, may enter the United States as nonquota immigrants. The amendment removes the latter limitation.

Section 15: This section creates a method of advancement in compensation for officers and examiners in the Naturalization Service.

Section 16: This section amends section 24 of the immigration act of 1917, to establish a parity between the clerks in the Immigration and Naturalization Services where like duties are being performed as well as to permit periodical promotions.

Section 17: This section fixes the salaries of the Commissioner General of Immigration and the Commissioner of Naturalization at $10,000 a year.

Section 18: This section contains provisions authorizing appropriations.

In conclusion it may be said that many of the provisions added by your committee are contained in bills which have been introduced and favorably reported to the House. The inclusion of them as amendments in this bill will expedite legislation that is highly desirable of enactment.

Appendix J

SECOND PERFECTING AMENDMENT OF THE MARRIED WOMEN'S INDEPENDENT CITIZENSHIP ACT OF SEPTEMBER 22, 1922, ACT OF MARCH 3, 1931

An act to amend the naturalization laws in respect of posting notices of petitions for citizenship, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Naturalization Act of June 29, 1906, as amended, is amended to read as follows:

"SEC. 5. The clerk of the court shall, if the petitioner requests it at the time of filing the petition for citizenship, issue a subpœna for the witnesses named by such petitioner to appear upon the day set for the final hearing, but in case such witnesses can not be produced upon the final hearing other witnesses may be summoned upon notice to the Bureau of Naturalization in such manner and at such time as the Commissioner of Naturalization, with the approval of the Secretary of Labor, may by regulation prescribe."

SEC. 2. So much of section 6 of such act, as amended, as reads "and in no case shall final action be had upon a petition until at least ninety days have elapsed after filing and posting the notice of such petition" is amended to read as follows: "and in no case shall final action be had upon a petition until at least ninety days have elapsed after filing of such petition."

SEC. 3. (a) Any person, born in the United States, who had established permanent residence in a foreign country prior to January 1, 1917, and who has heretofore lost his United States citizenship by becoming naturalized under the laws of such foreign country, may, if eligible to citizenship and if, prior to the enactment of this act, he has been admitted to the United States for permanent residence, be naturalized upon full and complete compliance with all of the requirements of the naturalization laws, with the following exceptions:

(1) The five-year period of residence within the United States shall not be required;

(2) The declaration of intention may be made at any time after admission to the United States, and the petition may be filed at any time after the expiration of six months following the declaration of intention;

(3) 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 naturalization such person shall have the same citizenship status as immediately preceding the loss of United States citizenship.

SEC. 4. (a) Section 3 of the act entitled "An act relative to the naturalization and citizenship of married women," approved September 22, 1922, as amended, is amended to read as follows:

"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 effect, 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 effect, 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 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."

(b) Section 5 of such act of September 22, 1922, is repealed.

Approved, March 3, 1931.

Appendix K

HOUSE COMMITTEE REPORT ON ACT OF MARCH 3, 1931

[House Report No. 2693, Seventy-first Congress, third session]

The Committee on Immigration and Naturalization, to whom was referred the bill (H. R. 16975) to amend the law relative to the citizenship and naturalization of married women, and for other purposes, reports it back to the House without amendment and recommends that the bill do pass.

Representatives of the following organizations appeared before the subcommittee on naturalization in the Committee on Immigration and Naturalization in behalf of the measure: National Association of Women Lawyers, National Council of Jewish Women, General Federation of Women's Clubs, National League of Women Voters, National Woman's Party, Woman's Bar Association of the District of Columbia, Business and Professional Women's Clubs.

Communications in support of the principle of the bill were received by the committee from the representatives of other organizations interested in its enactment.

PROPOSED LEGISLATION TO AMEND THE ACT OF SEPTEMBER 22, 1922, AS AMENDED BY THE ACT OF JULY 3, 1930

In general, the purpose of the bill is to eliminate the remaining discriminations against married women in the statutes relating to citizenship and naturalization.

(1) The bill permits a woman who since September 22, 1922, has suffered an actual or presumptive loss of her United States citizenship because of foreign residence after marriage to an alien to resume her citizenship in the same manner now prescribed for the resumption of United States citizenship by American women who married aliens prior to September 22, 1922. It will be remembered than an act approved July 3, 1930, repealed the presumption of loss of United States citizenship by a woman on account of foreign residence after marriage to an alien; but since the repeal is not retroactive this bill indicates a way whereby the American woman whose citizenship rights were affected by the presumption may reestablish her citizenship. At the present time there are native-born American women who have presumptively lost their United States citizenship by foreign residence after marriage to foreigners and who have not been able to overcome to the satisfaction of the State Department the now obsolete presumption. Apparently they are not permitted United States passports and are not afforded protection abroad. Yet, since their loss of United States citizenship is merely presumptive, it is doubtful whether any court proceeding for naturalization is now available to them.

(2) The bill repeals the provision of the existing law by which a woman ceases to be a citizen of the United States by her marriage to an ineligible alien. Since a man citizen of the United States does not lose his citizenship by marriage to an ineligible alien, this repeal places the man and the woman citizen on the same footing.

(3) The bill stipulates that if any woman was a citizen of the United States at birth her race shall not preclude the resumption of United States citizenship heretofore lost by her because of her marriage to an ineligible alien. There are native born American women of a race ineligible for citizenship who have married men of their own race and thus lost their United States citizenship, their husbands not being American citizens. A man born in the United States and of a race ineligible to citizenship suffers no loss of his United States citizenship because of his marriage to a person of his race.

(4) The bill closes the simple method of resumption of United States citizenship (set forth in the act of July 3, 1930) to a woman originally an alien and who never possessed United States citizenship except by marriage to a citizen. She may, however, pursue the regular course of naturalization.

(5) The bill (sec. 2) repeals the existing law which declares "that no woman whose husband is not eligible to citizenship shall be naturalized during the continuance of the marital status." The repeal will equalize as between men and women the law on that point, since no man is refused naturalization as a citizen of the United States because his wife is not eligible to citizenship.

In the opinion of the committee, there should be no distinction between men and women with regard to nationality rights. The citizenship of the American man has never been affected by marriage; but the same privilege has not been enjoyed by the American woman. Congress has gradually removed all discriminations excepting those sought to be corrected by H. R. 16975.

Jane Addams, of Hull House, offers the following constructive criticism of the situation this bill is intended to correct:

"A curious inconsistency of the Cable Act is that it takes away the birthright of an American-born woman if she marries an ineligible—that is, a man from a country whose people can not be made citizens—although it is precisely under such circumstances that a woman most needs her citizenship."

The situation was graphically presented by Miss Laura Berrien, who represented the National Association of Woman Lawyers at the hearings. She said:

"Just as long as my Government takes the position that a woman's nationality is not as sacred and intimate as a man's, I feel that it is a reflection not only on me but on all women as well.

"Nationality is the relation one bears to one's country. You can not make one law for the man and another for the woman without making an attack on the woman by putting her in an inferior position and creating a sense of humiliation.

"We women of America wish to be able to feel, and wish the men to feel, that our relation to our country is as fine, intimate, and sincere as a man's."

Dr. Emma Wold, technical adviser to the United States delegates to the recent Conference on the Codification of International Law at The Hague, made the following statement:

"If the objection to removing the present discrimination against women in our Cable Act is due to sentiment against racial mixtures, let me call your attention to the fact that it largely fails of its purpose. It does not affect many white or Caucasian women. The provision in the law touches the large number of Chinese and Japanese girls born in the United States with the precious heritage of United States citizenship. If, unfortunately but perfectly legitimafely, such a girl falls in love with one of her own race who is an alien and marries him, she is the one who is penalized.

"So far as white women are concerned, the fact is that under the laws of many of our States, especially the Western States, where Japanese, Chinese, and Hindus are found in large numbers, the laws make illegal a marriage between a white person and a Mongolian or Asiatic person. A white woman who enters upon an attempted marriage of this sort may be punished for the violation of the laws on marriage, but the penalty of loss of citizenship can not fall upon her, for the reason that there is no marriage."

H. R. 16975 will remove the last vestige of discrimination as to nationality between men and women in America. Justice to American women demands that this bill be enacted into law. There is no other country in the world which deprives its women nationals of their citizenship for the sole reason that they marry aliens ineligible for naturalization.

CHANGES IN EXISTING LAW SHOWN

In compliance with paragraph 2 (a) of rule 13 of the Rules of the House of Representatives, changes in existing law, act of September 22, 1922, as amended by the act of July 3, 1930, made by the bill are shown as follows:

Existing law proposed to be repealed is included in black brackets; new matter is printed in italics; existing law in which no change is proposed is shown in roman:

"SEC. 3. That 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 [act] *section, as amended, takes effect,* unless she makes formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens. [*Provided*, That any woman citizen who marries an alien ineligible to citizenship shall cease to be a citizen of the United States.] *Any woman who has heretofore suffered an actual or presumptive loss of her United States citizenship by residence abroad after marriage to an alien or any woman who has heretofore ceased to be a citizen of the United States by marriage to an alien ineligible to citizenship may resume her United States citizenship in the manner prescribed in section 4 of such act of September 22, 1922, as amended, and if any woman was a citizen of the United States at birth her race shall not preclude the resumption hereunder of her United States citizenship. The provisions of such act of September 22, 1922, as amended, for the resumption of citizenship shall not apply to any woman whose United States citizenship originated solely by reason of her marriage to a citizen of the United States.*

"*SEC. 2. Section 5 of such act of September 22, 1922, is repealed.*

"[SEC. 5. That no woman whose husband is not eligible to citizenship shall be naturalized during the continuance of the marital status.]"

Appendix L

SENATE COMMITTEE REPORT ON ACT OF MARCH 3, 1931

[Seventy-first Congress, third session, Senate Report No. 1723]

The Committee on Immigration, to whom was referred the bill (H. R. 10672) to amend the naturalization laws in respect of posting of notices of petitions for citizenship, having considered the same, reports it back to the Senate with amendments and recommends that as amended the bill do pass.

The purpose of sections 1 and 2 of this bill is to eliminate a great deal of unnecessary work which is now being performed by the clerks of the various courts throughout the United States with no corresponding advantage to the public or the administration of the naturalization law. The present law requires the clerks of courts to make up a notice regarding each petition for citizenship, with information under an appropriate heading, giving the name, nativity, and residence of the alien, the date and place of his arrival in the United States, and the date, as nearly as may be, for the final hearing of his petition, and the names of the witnesses whom the applicant expects to summon in his behalf.

These notices are generally posted in a suitable location in the office or building in which the office of the clerk of the court is located. Where there is any considerable number of names, the notices are generally pasted one on top of the other.

It has been stated by representatives of the Labor Department that these posted notices have made no contribution to the successful administration of the naturalization law during the entire period that they have been required by the act of June 29, 1906, and the repeal of this provision of the law has been recommended, as wholly unproductive of good.

Your committee has added three new sections to the bill.

The purpose of section 3 is to permit persons born in the United States, who have lost United States citizenship by naturalization in a foreign country, but who have returned to the United States for permanent residence, to become naturalized without compliance with the 5-year residence requirement. In lieu thereof the petition may be filed at any time after the expiration of six months following the declaration of intention. Of course, all other requirements of the naturalization laws such as good moral character and attachment to the principles of the Constitution must be complied with. It is believed that the proposed short method of naturalization will benefit a very limited number of persons.

The purpose of section 4 is to eliminate the remaining discrimination against married women in the statute relating to citizenship and naturalization, summarized as follows:

(1) The section permits a woman who since September 22, 1922, has suffered an actual or presumptive loss of her United States citizenship because of foreign residence after marriage to an alien to resume her citizenship in the same manner now prescribed for the resumption of United States citizenship by American women who married aliens prior to September 22, 1922. It will be remembered that an act approved July 3, 1930, repealed the presumption of loss of United States citizenship by a woman on account of foreign residence after marriage to an alien; but since the repeal is not retroactive this bill indicates a way whereby the American woman whose citizenship rights were affected by the presumption may reestablish her citizenship. At the present time there are native-born American women who have presumptively lost their United States citizenship by foreign residence after marriage to foreigners and who have not been able to overcome to the satisfaction of the State Department the now obsolete presumption. Apparently they are not permitted United States passports and are not afforded protection abroad. Yet, since their loss of United States citizenship is merely presumptive, it is doubtful whether any court proceeding for naturalization is now available to them.

(2) The section also repeals the provision of the existing law by which a woman ceases to be a citizen of the United States by her marriage to an ineligible alien. Since a man citizen of the United States does not lose his citizenship by marriage to an ineligible alien, this repeal places the man and the woman citizen on the same footing.

(3) The section stipulates that if any woman was a citizen of the United States at birth her race shall not preclude the resumption of United States citizenship heretofore lost by her because of her marriage to an ineligible alien. There are native-born American women of a race ineligible for citizenship who have married men of their own race and thus lost their United States citizenship, their

husbands not being American citizens. A man born in the United States and of a race ineligible to citizenship suffers no loss of his United States citizenship because of his marriage to a person of his race.

(4) The section closes the simple method of resumption of United States citizenship (set forth in the act of July 3, 1930) to a women originally an alien and who never possessed United States citizenship except by marriage to a citizen. She may, however, pursue the regular course of naturalization.

(5) The bill subdivision (b) repeals the existing law which declares "that no woman whose husband is not eligible to citizenship shall be naturalized during the continuance of the marital status." The repeal will equalize as between men and women the law on that point, since no man is refused naturalization as a citizen of the United States because his wife is not eligible to citizenship.

Section 5 is proposed in the interests of veterans of the World War. On March 4, 1931, the privilege of simplified naturalization now granted the veterans of the World War will expire. It is understood that many hundreds, if not thousands, are still laboring under the belief that they became citizens by reason of their service, or upon demobilization. Whether there be few or many, the privilege should be granted for another two years.

Appendix M

CONFERENCE COMMITTEE REPORT ON ACT OF MARCH 3, 1931

[House Report No. 2937, Seventy-first Congress, third session]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10672) to amend the naturalization laws with respect to posting of notices of petitions for citizenship, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Sec. 4. (a) Section 3 of the act entitled 'An act relative to the naturalization and citizenship of married women,' approved September 22, 1922, as amended, is amended to read as follows:

" '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 effect, 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 effect, 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 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.'

"(b) Section 5 of such act of September 22, 1922, is repealed."

And the Senate agree to the same. That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

Albert Johnson,
John L. Cable,
Managers on the part of the House.

Hiram W. Johnson,
David A. Reed,
William H. King,
Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10672) to amend the naturalization laws with respect to posting of notices of petitions for citizenship, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: This amendment permits persons born in the United States who have established permanent residence in a foreign country prior to 1917, and who have heretofore become naturalized under the laws of such country, and who have heretofore been admitted to the United States for permanent residence, to become naturalized without compliance with the 5-year residence requirement. In lieu thereof it is provided that the petition may be filed at any time after the expiration of six months following the declaration of intention but within the statutory 7-year period. The House recedes.

Amendment No. 2: This amendment amends the Cable Act of 1922, as follows:

(1) A woman citizen who hereafter marries an alien ineligible to citizenship shall not lose her citizenship by reason of such marriage.

(2) A woman who heretofore has lost her citizenship by residence abroad after marriage to an alien or by marriage to an ineligible alien may become naturalized according to the short method provided in section 4 of the Cable Act as amended July 3, 1930, and by virtue of subdivision (b) of such section, as amended. After her naturalization she will have the same citizenship status as if her marriage had taken place after the passage of this bill.

(3) A woman who was a citizen of the United States at birth shall not be denied naturalization under section 4 of the Cable Act, as amended, by reason of her race.

(4) The quick method of naturalization given to certain classes of women by the Cable Act, as amended, is denied to women whose citizenship originated solely by reason of marriage to a citizen of the United States.

(5) This amendment also repeals the provision of the Cable Act denying naturalization to a woman married to an alien ineligible to citizenship.

The House recedes with an amendment limiting the benefits set forth in paragraph (2) of this statement to women who have not acquired any other nationality by affirmative act, and with other amendments making clarifying changes.

Amendment No. 3: This amendment extends for two years more the time in which alien veterans may become naturalized under the short method of naturalization, this privilege under the existing law expiring on March 4, 1931. The Senate recedes.

The Senate amended the title of the House bill, and the House recedes from its disagreement to this amendment.

ALBERT JOHNSON,
JOHN L. CABLE,
Managers on the part of the House.

APPENDIX N

MARRIED WOMEN'S INDEPENDENT CITIZENSHIP ACT, AS AMENDED

Naturalization and citizenship of married women

Be it enacted, etc., 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 act, or any woman whose husband is naturalized after the passage of this act, 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 5-year period of residence within the United States and the 1-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 Puerto Rico for at least one year immediately preceding the filing of the petition.

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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 effect, 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 effect 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 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.

(c) The amendment made by this section to section 4 of such act of September 22, 1922, shall not terminate citizenship acquired under such section 4 before such amendment.

SEC. 5. (Repealed by act of March 3, 1931.)

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.

(Act of September 22, 1922 (42 Stat. 1021, 1022) as amended by the acts of July 3, 1930 (46 Stat. 854; U. S. C. Sup. IV, title 8, secs. 9 and 369) and March 3, 1931 (Public, 829, 71st Cong.).)

APPENDIX O

RIGHT TO TERMINATE CITIZENSHIP

Whereas the right to expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this Government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed: Therefore any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs, or questions the right of expatriation, is declared inconsistent with the fundamental principles of the Republic. (Act of July 27, 1868; R. S. 1999; U. S. Code, title 8, sec. 15.)

Appendix P

METHODS OF TERMINATING CITIZENSHIP

* * * any American citizen shall be deemed to have expatriated himself (or herself) when he (or she) has been naturalized in any foreign state in conformity with its laws, or when he (or she) has taken an oath of allegiance to any foreign state. (Sec. 2, act of March 2, 1907; 34 Stat. 1229; U. S. Code, title 8, sec. 17.)

* * * a woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after the passage of this act, unless she makes a formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens. (Sec. 3, act of September 22, 1922; 42 Stat. 1022; U. S. Code, title 8, sec. 9.)

Appendix Q

NATURALIZATION TREATIES BETWEEN UNITED STATES AND OTHER COUNTRIES

Great Britain-United States, May 13, 1870; "Treaties, Conventions, etc., Between United States and Other Powers"; I, 691.

North German Union-United States, February 22, 1868; "Treaties, Conventions, etc.," II, 1298; Flournoy & Hudson, "Nationality Laws," p. 661.

Bavaria-United States, May 26, 1868; "Treaties, Conventions, etc.," I, 60; Flournoy & Hudson, p. 661.

Grand Duchy of Baden-United States, July 19, 1868; "Treaties, Conventions, etc.," I, 53; Flournoy & Hudson, p. 663.

Kingdom of Wurttemberg-United States, July 22, 1868; "Treaties, Conventions, etc.," II, 1895; Flournoy & Hudson, p. 665.

Grand Duchy of Hesse-United States, August 1, 1868; "Treaties, Conventions, etc.," I, 949; Flournoy & Hudson, p. 666.

Belgium-United States, November 16, 1868; "Treaties, Conventions, etc.," I, 80; Flournoy & Hudson, p. 667.

Norway and Sweden-United States, May 26, 1869; "Treaties, Conventions, etc.," II, 1758; Flournoy & Hudson, p. 667.

Austro-Hungarian Empire-United States, September 20, 1870; "Treaties, Conventions, etc.," I, 45; Flournoy & Hudson, p. 670.

Denmark-United States, July 20, 1872; "Treaties, Conventions, etc.," I, 384; Flournoy & Hudson, 673.

Treaty between Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, United States of Mexico, Nicaragua, Panama, El Salvador, United States of America, and Uruguay; August 13, 1906; "Treaties, Conventions, etc.," III, 2882, Flournoy & Hudson, p. 645.

Treaty between Haiti and the United States, March 22, 1902; "Treaties, Conventions, etc.," I, 939; Flournoy & Hudson, 681.

Peru-United States, May 7, 1908; "Treaties, Conventions, etc.," II, 1449; Flournoy & Hudson, 683.

Portugal-United States, May 7, 1908; "Treaties, Conventions, etc.," II, 1468; Flournoy & Hudson, 684.

Bulgaria-United States, November 23, 1923; 17 Stat. 1759; Flournoy & Hudson, p. 698.

Czechoslovakia-United States, July 16, 1928; "United States Treaty Series," No. 804; Flournoy & Hudson, 705.

Note—The above treaties provide that each of the signatories shall recognize the naturalization of its citizens or subjects in the country of any of the other signatories.

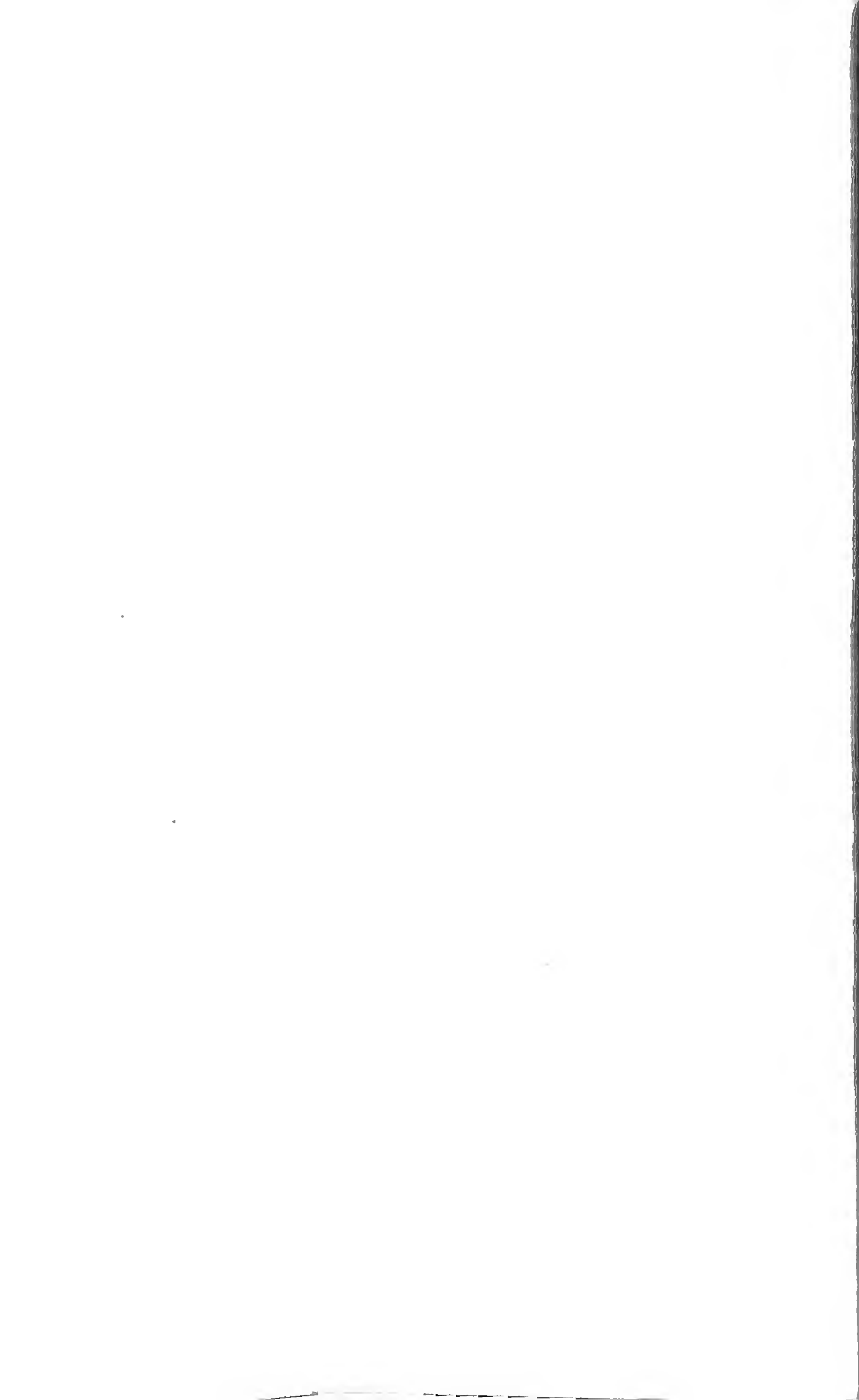

TABLE OF CASES

A

	Page
Anthony *v.* United States (11 Blanchford 200; 24 Fed. 829)	9
Arabs (7 Fed. (2d) 728 (ineligible))	16
Attyah, in re (14 Fed. (2d) 323)	33

B

Beck *v.* McGillis (9 Barb. (N. Y.) 35; 10 op. Atty. Gen. 321)	12
Burmese (28 N. Y. S. 383) ineligible	16

C

Chang Chan *v.* Nagle (268 U. S. 346)	16
Colorossi, in re (292 Fed. 862)	33
Comitis *v.* Parkerson (56 Fed. 556)	13
Cummings *v.* Priest (16 Wend. (N. Y.) 617)	12

D

Detroit *v.* Pequinot (16 Fed. 211)	14
Dupont *v.* Shanks (3 Pet. (U. S.) 242; 12 op. Atty. Gen. 7)	14

H

Happersett *v.* Minor (88 U. S. (7 Wall). 162)	10
Hindus (261 U. S. 204) ineligible	16

J

Japanese (260 U. S. 178) ineligible	16

K

Kelly *v.* Owen (7 Wallace (U. S.) 496)	15
Kontos, in re (12 Fed. (2d) 134)	33
Koreans (273 Fed. 207) ineligible	16

L

Langtry, in re (31 Fed. 879)	33
Lawson, Wm. C. *v.* Owen, Ruth Bryan (Rept. No. 968)	32
Leonard *v.* Grant (5 Fed. 11)	16

M

Mackenzie *v.* Hare (239 U. S. 299)	21
Marshall, Louise Gehring, case: Memorandum, Office of Solicitor, Department of State, January 24, 1925	13
Mick *v.* Mick (10 Wend. (N. Y.) 379)	12
Minor *v.* Happersett (88 U. S. (7 Wall.) 162)	10
Moore *v.* Ruckgaber (104 Fed. 947)	17

Mc

McGillis *v.* Beck (9 Barb. (N. Y.) 35; 10 op. Atty. Gen. 321)	12

N

Page

Nagle *v.* Chang Chan (268 U. S. 346) 16

O

Osborn *v.* United States Bank (22 U. S. 737) 24
Owen *v.* Kelly (7 Wallace (U. S.) 496) 15
Owen, Ruth Bryan *v.* Lawson, Wm. C. (Rept. No. 968) 32

P

Parkerson *v.* Comitis (56 Fed. 556) 13
Pequinot *v.* Detroit (16 Fed. 211) 14
Pezzi, in re (29 Fed. (2d) 999) 36
Priest *v.* Cummings (16 Wend. (N. Y.) 617) 12

R

Rionda, in re (164 Fed. 368) 33
Ruckgaber *v.* Moore (104 Fed. 947) 17

S

Shanks *v.* Dupont (3 Pet. (U. S.) 242; 12 op. Atty. Gen.) 7 14

U

United States Constitution (Art. I, sec. 8, cl. 4) 24
U. S. *v.* Anthony (11 Blanchford 200; 24 Fed. 829) 9
U. S. *v.* Martin (10 Fed. (2d) 585) 36
U. S. Bank *v.* Osborn (22 U. S. 737) 24

W

Williams case (Wharton's State Trial, 602) 15–21

Z

Zogbaum, in re (32 Fed. (2d) 911) 14

INDEX

A

Act of: Page

February 2, 1855 ... 43
February 10, 1855 ... 43
April 19, 1866 ... 43
July 27, 1868 ... 64
Parliament, August 6, 1844 ... 12
March 2, 1907 ... 20
September 22, 1922. *See* Women's independent Citizenship Act, 1922.
July 3, 1930 ... 46
March 3, 1931 ... 58

Addams, Jane ... 37
Affidavit in lieu of passport ... 34
Alaska, residence ... 36
Alien:

Civil-service examination ... 26
Ineligible for naturalization, American woman married to ... 37, 39
Marriage to ... 13, 16, 20, 22, 35, 38

Citizenship loss. *See* Expatriation.
Discrimination against American women married to aliens removed ... 39
Expatriation. *See* Expatriation.
Citizenship retained ... 39
Foreign residence ... 14, 18, 34, 37
Passport ... 35
Real estate ... 26

Naturalization. *See* Naturalization.
Occupations and professions ... 26
Office holding ... 26
Real estate ... 26
Return visa to United States ... 35
Vote ... 20
Enemy, World War ... 23
Enemy, expatriated American woman ... 23
Enemy, workmen's compensation ... 28
Husband, refusing to petition naturalization, wife must remain alien ... 25
Married woman, naturalized on own petition ... 14
Property, recovery upon repatriation ... 24
Property, seizure ... 23
Wife of naturalized citizen ... 15
Wife of naturalized citizen, naturalization ... 15
Woman, married to American ... 15
Woman, married to American, naturalization. *See* Naturalization, shortened process.
Woman, naturalization right, not denied because husband not citizen ... 39
Woman, petition for naturalization ... 39

Alten, Augusta Louise de Haven ... 22
Ambassadors, children of. *See* Children, of foreign diplomatic representatives.
American Association of University Women ... 27, 66
American colonies, subordination of married women ... 9
American Federation of Labor ... 36
American Home Economics Association ... 36
Anthony, Susan B., trial ... 9, 10
Arabians, citizenship ineligibility ... 9, 10, 11
Arizona, grants equal suffrage ... 11
Austria ... 15

B

Page

Beck *v.* McGillis 12
Birth, citizenship by, women 11
Bolivia 15
Boole, Mrs. Ella A 36
Burmese, citizenship ineligibility 16

C

Cable, John L 28, 36, 38
Cable Act. *See* Women's Independent Citizenship Act, 1922.
Caldwell, John 11
California, grants equal suffrage 11
Canada, subject of, marriage to 11
Cecil, Sir John F 31
Children:
  Born abroad, American father 11
  Of foreign diplomatic representatives, born in United States, not citizenship of United States 11
  Of naturalized alien man 11
Chinese:
  Citizenship ineligibility 16
  In United States 38
Christman, Elizabeth 36
Citizens, becoming naturalized citizens of other countries, recognized by United States 19
Citizens of Great Britain, becoming citizens of United States, recognized by treaty 19
Citizenship:
  Acquiring 11
  Alien wife 11
  Automatic 15
  By birth 11
  By birth, women 11
  By marriage 15
  By marriage to native-born American 15
  By marriage to naturalized citizen 15
  By naturalization 11
  Change of, by husband 26
  Children born abroad, of American father 11
  Compact between individual and sovereign 14
  Independent 29, 39
  Independent, common law 12
  Independent, early fight for 25
  Independent, faults of women's independent citizenship act 34
  Independent, passage of bill 28
  Jure soli. *See* Citizenship, by birth.
  Limitation of power of Congress 24
  Loss of. *See* Expatriation.
  Loss of, marriage to alien. *See* Expatriation.
  Loss of, not incurred by marriage to alien 29
  Married women, inadequacy of laws 34
  Of children. *See* Children, citizenship.
  Power of Congress to confer 21
  Power of Congress to deprive 21
  Renunciation, formal, American women 30
  Renunciation by woman residing outside United States 30
  Restoration upon renewed citizenship, repatriation. *See* Repatriation.
  Restoration upon renewed residence 19
  Resumption by former American women, special act of Congress necessary 19
  Resumption of. *See also* Repatriation.
  Separate. *See* Citizenship, independent.
  State and national, voting requirement 10
  State *v.* citizenship, United States 10
  State governments 10
  Termination of 15

Citizenship—Continued. Page
United States *v.* citizenship, State 10
Women, discriminations entirely removed 39
v. suffrage 10
Civil-service examination, by alien 26
Code of Napoleon, 1804 15
Collection of wife's rents, profits, and debts, common law 9
Colorado, grants equal suffrage 11
Comitis *v.* Parkerson 13
Committee on Immigration. *See* House Committee on Immigration, Senate Committee on Immigration.
Common law, independent citizenship under 12, 13, 20
Companionship and services of wife, common law 9
Congress:
Legislative authority exceeded 25
Limitations on power to deal with United States citizenship 25
Power of, to deal with questions of nationality 24
Power of depriving citizenship 24
Power to confer citizenship 24
Uniform rule of naturalization 24
See also Special act of Congress.
Constitution, naturalization power invested in Congress 24
Contract, right to, married women 9
Control of property by married women 9
Copeland, Royal S 37
Costa Rica 15
Council of Jewish Women 27
Cuba 15

D

Danby, Mrs. E. E 36
Daughters of the American Revolution 27
Debts of wife, common-law 9
De Haven-Alten, Augusta Louise 22, 23
Denmark 15
Dilasos, Spiros 35
Divorce, repatriation after 40
Dominican Republic 15
Double allegiance 15
Drake, Gladys 35
Dual nationality 15
Dual nationality, American women 30

E

Edmonstone, Archibald Charles 30
Edwards, Alice 66
Equal suffrage 9, 11
Expatriated American woman, alien enemy of United States 23
Expatriated American woman, property of 23
Expatriation 15
Expatriation, automatic, marriage to alien 20
Expatriation, foreign residence, presumptive loss of citizenship 34
Expatriation, of husband, not affecting wife's citizenship 39
Expatriation, right to 30
Expatriation, to Great Britain, repatriation upon renewed residence in United States 19
Expatriation act. See act of March 2, 1907.

F

Federal court decisions, Susan B. Anthony 9
Field, Gwendolyn 30
Fish, Hamilton 18
Flournoy, R. W 15
Foreign residence. *See also* Expatriation, foreign residence, presumptive loss of citizenship.
Foreigner. *See* Alien.

Page
Fourteenth amendment ... 10
Fraim, Mrs. Clarence ... 36
France, automatic naturalization law ... 15
France, subject of, marriage to ... 15

G

General Federation of Women's Clubs ... 27
Germany ... 15
Germany, subject of, marriage to ... 36
Grant, Nellie. *See* Sartoris, Nellie Grant.
Great Britain ... 15
  Automatic naturalization law ... 15
  Subject of, marriage to ... 15
  Treaty of Peace with, 1794 ... 14
Group naturalization by treaty ... 11

H

Hague Conference for the Codification of International Law, Mar. 15, 1930 38
Happersett, Reese ... 10
Harding, Warren G ... 28
Hawaii, residence in ... 36
Hindus, citizenship ineligibility ... 16
Hindus in United States ... 16
Hoover, Herbert ... 39
House Committee on Elections No. 1 ... 32
House Committee on Immigration ... 36
House Committee on Immigration, refuses to approve special naturalization acts ... 25
Hudson, Manley O ... 15
Hughes, Charles Evans ... 13
Husband, change of citizenship ... 19, 30

I

Idaho, grants equal suffrage ... 11
Immigration, Committee on. *See* House Committee on Immigration, Senate Committee on Immigration.
Immigration restriction, quota law, 1924 ... 35
Independent citizenship. *See* Citizenship, independent.
Independent citizenship act. *See* Women's independent citizenship act, 1922.
Independent control of property, married women, early statutes ... 9
Intermarriage with Asiatic ... 37
Intermarriage with Mongolian ... 37
Ireland:
  Native woman of, married to American ... 15
  Subject of, marriage to ... 15
Italy ... 11
Italy, subject of, marriage to ... 35

J

James, Harlean ... 36
Japanese, citizenship ineligibility ... 16, 27
Japanese in United States ... 38
Johnson, Albert ... 28, 36
Joint Congressional Committee. *See* Women's Joint Congressional Committee.
Jure soli. *See* Citizenship, by birth.
Justinian code, wife takes citizenship of husband ... 12

K

Kansas, grants equal suffrage ... 11
Kelly *v.* Owen ... 15
Knox, Philander Chase ... 26
Koreans, citizenship ineligibility ... 16

L

Page
Lafayette and male heirs, citizens of Maryland and Virginia by special acts 24
Laissez passer 35
Lambie, Margaret 36
Law, practice of, by alien 35
Lawson, Wm. C 32
Legal identity, woman's 9
Legal status of married women 9
Leonard *v.* Grant 16

M

McGrady, James 36
Mackenzie, Ethel Coope 20, 21
Mariano, Signor G 35
Marital relationship, termination of. *See* Repatriation.
Married woman, ward of husband 9
Marshall, John 24
Marshall, Louise Gehring 13
Martin, Mrs. Emily 36
Maryland, special act conferring citizenship upon Lafayette 24
Medicine, practice, by alien 35
Mexico 15
Mick *v.* Mick 12
Minor, Mrs. Virginia 10, 11
Montana, grants equal suffrage 11

N

Napoleonic code, 1804 15
National American Woman Suffrage Association, Victory Convention, Chicago, 1920 27
National Association of Women Lawyers 36
National Council of Jewish Women 36, 70
National Federation of Business and Professional Women 27, 36, 70
National Identity 14
National League of Women Voters 27, 36, 70
National Woman's Party 36, 70
National Women's Trade Union League 28, 36
Nationality, dual. *See* Dual nationality.
Nationality, questions of, power of Congress to deal with 24
Nationality laws 43
Naturalization 11
Alien man, minor children of 11
Alien wife 11
Alien wife, husband not naturalized 39
Alien wife of naturalized American 12
American born women. *See* Repatriation, shortened process.
Automatic 15
Eligible classes 16
Group, by treaty 11
In foreign country, of American husband 30
Independence of wife 39
Independent. *See* Citizenship, independent.
Individual petition 11
Individuals, by special acts of Congress, legality questioned 25
Ineligible classes 16
Not affected by marriage 11
Petition, alien women 32
Posting of notices, bill to omit 38
Presumptive loss of citizenship. *See* Expatriation, foreign residence, presumptive loss of citizenship.
Naturalization, race eligibility. *See* Naturalization, eligible classes.
Requirements 16
Requirements, character 16
Requirements, interpretation 16
Requirements, residence 16
Requirements, residence. *See* also, Naturalization, shortened process.
Right to, not denied by alien's husband wish 33

Naturalization, race eligibility—Continued. Page
Shortened process 33
Shortened process, alien woman married to American 33
Special act of Congress 23
Uniform rule 24
Naturalized American, presumptive loss of citizenship 37
Nevada, grants equal suffrage 11
New York, grants equal suffrage 11
New York State constitution, restricting right of suffrage to male citizens 10
Nicaragua 15
Nineteenth amendment 11
Nineteenth century, world-wide movement for women's right 9
Nonquota immigrants 37
North German Union, citizenship law 22

O

Oath of allegiance, to foreign sovereign, by American husband 30
Oregon, grants equal suffrage 11
Overcoming presumptive loss of citizenship. *See* Expatriation, foreign residence, presumptive loss of citizenship.
Owen, Mrs. Ruth Bryan 31, 32

P

Park, Mrs. Maud Wood 28
Perpetual allegiance 14
Personal injury of wife, common law 9
Personal property of wife, common law 9
Puerto Rico, residence in 36
Portugal 15
Presumptive loss of citizenship. *See* Expatriation, foreign residence, presumptive loss of citizenship.
Private acts, readmission to citizenship, legality questioned 24
Profits from wife's real estate, common law 9
Property independent control of, married women, early statutes 9

Q

Quota law. *See* Immigration restriction, quota law.

R

Race eligibility for naturalization. *See* Naturalization, eligible classes.
Razovsky, Cecilia 36
Real estate of wife, common law 9
Reciprocal privileges, treaties 65
Reed, David A 39
Reeves, Prof. J. S 12
Registering as voters, women demanding 10
Removal from United States, expatriation. *See* Expatriation, foreign residence.
Rents of wife, common law 9
Renunciation of citizenship. *See* Citizenship, renunciation.
Repatriation 40, 42
After divorce or death of alien husband 40
American woman, married to alien, proof of residence 36
By continued residence in United States 40
By registration with American consul 40
Divorce 40, 41
Nonquota immigrants 37
Proof of residence 37
Residence, act of 1922 36, 68, 72
Residence requirement repealed 37
Shortened process 37, 53, 60
Wife of ineligible alien 37
Repatriation procedure 39
Representative to Congress, requirements 32
Residence, foreign. *See* Foreign residence.

Page

Residence with alien husband. *See* Alien, marriage to, foreign residence.
Resumption of citizenship. *See* Repatriation.
Right to contract, married women's 9
Right to sue, married women's 9
Rochester, N. Y. 9
Rochester, N. Y., trial of Susan B. Anthony 9
Roman Empire, married women, status of 9
Ross, Louise 35
Rumania 15
Russia 15

S

Sanderson, Neil 30
Sargent, Senator A. A 11
Sartoris, Nellie Grant 18, 23
Sartoris, Nellie Grant. *See also* Special act of Congress, Nellie Grant Sartoris 18, 19
Scott, Thomas, estate 14
Scott, Dr. James B 20
Seizure of alien property 14
Senate Committee on Immigration 38
Separate citizenship. *See* Citizenship, independent.
Services of wife, common law 9
Severing allegiance to United States, inherent right to 30
Shanks *v.* Dupont 14
Single identity 14
Single identity, principle of, adopted by United States 20
Single identity, trend toward 14
Single woman, ward of father 9
Spain 15
Special act of Congress:
- Mrs. de Haven-Alten 21, 22
- Nellie Grant Sartoris 18, 19

Special acts of Congress, naturalization of individuals, House committee refuses to approve 25
State citizenship. *See* Citizenship, State.
State governments, restricting privilege to vote 10
Strauss, Dorothy 36
Sue, married women's right to 9
Suffrage, campaign for equal 9
Suffrage right, conferred by State governments only 10
Suffrage versus citizenship 10
Sweden 15

T

Taxation, double. *See* Double taxation.
Taylor, Edward Thomas 25
Teaching in public schools, by alien 26
Termination of citizenship 15
Termination of marital relationship. *See* Repatriation.
Trading with the enemy act, October 6, 1917 26
Treaties, reciprocal privileges 65
Treaty, group naturalization by 11
Treaty of peace with Great Britain, 1794 14

U

Uniform rule of naturalization 24
United States:
- Sovereignty of 26
- Treaty with North German Union 22

Unmarried woman, common law of England 9
Utah, grants equal suffrage 11

V

Page

Vanderbilt, Cornelia 31
Victory Convention, National American Woman Suffrage Association, Chicago, 1920 27
Virginia, special act conferring citizenship upon Lafayette 24
Von Alten 22
Vote:
  Aliens. *See* Alien, vote.
  Requirements to, prescribed by States 10
  Right to, conferred by State governments only 10
  Unlawful, Susan B. Anthony 9

W

Wages of wife, common law 9
Washington:
  Grants equal suffrage 11
Wife:
  Alien, naturalization 34
  Assuming husband's nationality 20
Wold, Dr. Emma 38
Woman's Bar Association of the District of Columbia 38
Women:
  American, electing expatriation 30
  American, married to aliens. *See* Alien, marriage to.
  Citizenship, by birth 11
  Citizenship, marriage not affecting. *See* Citizenship, independent.
  Discriminations in American citizenship, abolished 39
  Expatriated, alien enemy of United States 22
  Inadequacy of citizenship laws 26
  Married, independent control of property, 1856 9
  Married, right to contract 9
  Married, right to sue 9
  Repatriation. *See* Repatriation.
  Roman empire, separate legal identity 9
  Separate citizenship. *See* Citizenship, independent.
  Stateless by marriage, passport 59
Woman's Christian Temperance Union 28, 66
Women's independent citizenship act, 1922 44
  Advantages 39
  Amendments 46, 58
  As amended 63
Women's joint congressional committee 28
Women's rights, history of 9, 10
Workmen's compensation, alien enemy 28
World War 27
Wyoming, grants equal suffrage 11

Y

Young Women's Christian Association 36
Younger, Maud 36

O