When Saying “I Do” Meant Giving Up Your U.S. CITIZENSHIP

By Meg Hacker
nestled among the records from almost every federal court in America is a small body of records documenting women swearing allegiance to the United States—to be more accurate, re-swatching their allegiance. When the massive amount of naturalization records in the National Archives present similar information—people pledging loyalty to America—what is special about this group?

The women in these records were all born in America. Some most likely never left this country, let alone their hometown, and yet they were swearing allegiance back to the United States. Why would these women not already be considered American?

Since the earliest days of our nation, millions of people have gone through the process of becoming a U.S. citizen. Naturalization is a choice, not a requirement, and no rule mandates that one must complete the naturalization process once it has been started. There is also no regulation promising the reinstatement of one’s lost American citizenship.

At certain times in our country’s history, marriage—at least for the woman—could affect one’s citizenship status. If an American woman married a foreigner before 1907 and the married couple continued to reside in the United States, she did not, because of her marriage, cease to be an American citizen. The American woman remained a U.S. citizen even after her marriage to a non-U.S. citizen.

An act of March 2, 1907, also known as the Expatriation Act, changed all this. Congress mandated that “any American woman who marries a foreigner shall take the nationality of her husband.” Upon marriage, regardless of where the couple resided, the woman’s legal identity morphed into her husband’s.

"I lost, or believe that I lost, United States citizenship solely by reason of my marriage on October 25, 1917 to Julius H. Westphal, then an alien, a citizen or subject of Germany and my marital status with such person was terminated on January 27, 1932 by divorce."

Date: March 11, 1942

Amelie Pizani Westphal
Applicant
If a (former) American woman’s alien husband became a naturalized U.S. citizen after the marriage, she would regain her citizenship through the very husband with whom she had lost it. If the same woman wanted her American citizenship restored, and her husband had not naturalized, she had to go through the entire naturalization process as a true immigrant, with all of its standard rules and regulations.

Even then, she was still tethered to her husband through his political or legal standing. If the United States, for whatever reason, would not grant him citizenship, it would not extend any repatriation opportunities to his wife.

This inequity in citizenship rights prompted Ohio Congressman John L. Cable to act. He sponsored legislation to give American women “equal nationality and citizenship rights” as men.

The Cable Act (also known as the “Married Women’s Independent Nationality Act” or the “Married Women’s Act”) passed on September 22, 1922, and repealed the 1907 Expatriation Act.

An American woman who married a non-U.S. citizen after September 22, 1922, would no longer lose her citizenship if her husband was eligible to become a citizen. The Cable Act was great news for couples marrying after 1922.

**Cable Act Confusing For Some Women**

But what about women who had already lost their citizenship—what could they do? They would still have to follow the full standard naturalization process.

The Cable Act’s restrictions caused some confusion.

A wife’s citizenship status no longer changed automatically upon the husband’s naturalization—in fact, it did not change at all. Some women who had married before passage of the act understandably believed they had either never lost their citizenship in the first place or assumed that they held the same status as their husbands (and, no doubt, children).

After 1922, women who thought they had lost citizenship by marriages due to the 1907 act had to file a petition for naturalization if they wished to regain it.

**To learn more about**

- Locations of and contact information for National Archives research facilities nationwide, go to [www.archives.gov/locations/](http://www.archives.gov/locations/).
- Naturalization records in the National Archives, go to [www.archives.gov/research/naturalization/](http://www.archives.gov/research/naturalization/).
Martha Empey’s July 1939 application for an oath of allegiance lists the documents she submitted, including her birth and marriage certificates and a copy of her divorce decree.

To the Honourable, the District Court of the United States

Before the District Judge, C. A. W. Van Sinderen

Applicant, Martha Empey, an alien of the United States


A woman’s suitability for citizenship still depended on her husband’s status—he had to be “eligible” whether he wanted to swear allegiance or not.

The act did not affect expatriated women who had formally renounced their citizenship by personally appearing before a U.S. court. Nor did it affect women who had become naturalized under the laws of another country. In these cases, she remained a citizen of the other country. American men who expatriated themselves by swearing an allegiance to another nation during World War I had it easier—they only had to file an oath of allegiance to restore their U.S. citizenship.

The changing laws could cause unexpected citizenship flip-flopping. John Henry Pengally arrived in New York in 1914 from England and started his naturalization process in 1916. According to his naturalization papers, he divorced his first wife in 1919 and married Bertha Anna Haak (born in Bayside, New York) sometime thereafter. Bertha Anna, upon this marriage, became a British subject. John Henry finally naturalized in September 1923—but what was the status of Bertha Anna? Because of the Cable Act, she remained a British citizen who happened to be married to an American citizen. Two years later, Bertha Anna naturalized and became a United States citizen.

Another obstacle faced women who wanted to reclaim their American citizenship. The Cable Act permitted a woman who was living abroad and lost her citizenship due to the 1907 act to return to the United States to regain her citizenship. Due to the 1924 Immigration Quota Law, however, she would have to return to the United States as a quota immigrant. If the quota for her husband’s country had been exhausted for that year, she could not get a visa and therefore could not return to the United States to repatriate.

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TO THE HONORABLE THE DISTRICT COURT OF ORLANDO, FLORIDA

PETITION FOR NATURALIZATION

I, MARTIN STEED HUMPHREYS, being 69 years old, and a citizen of the United States of America, do hereby make and file this petition for naturalization, and respectfully state:

1. My full, true, and correct name is MARTIN STEED HUMPHREYS.

2. My present place of residence is 221 Melbourne Avenue, Winter Park, Orange County, Florida.

3. My occupation is that of a farmer.

4. I was born on May 15, 1886, in Lawrence, Massachusetts.

5. My personal description is as follows: Sex: Male; Complexion: Fair; Color of Hair: Brown; Height: 5 feet 3 inches; Weight: 93 pounds; Visible distinctive marks: None.

6. My country of nativity is Great Britain; my former nationality was British; and I was born on Jan. 15, 1938, at Kuala Lumpur, Malaya.

7. I am a wife of HARLEY EDWARD STEED, my husband, and we were married on May 13, 1961, at London, England.

8. I have no children, and the name, sex, date, and place of birth, and present place of residence of each of said children who is living, are as follows:

9. I entered the United States at New York, New York, under the name of MARTIN STEED, on May 16, 1950, and I have resided continuously in the United States since that date.

10. I have resided in the United States for a period of 5 years or more, except for the periods of 3 months or less, and continuously in the State in which this petition is made and in the United States for at least half of that time.

11. It is my intention in good faith to become a citizen of the United States and to renounce absolutely and entirely all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or of which at this time I am a subject or citizen.

12. I am and have been a citizen of the United States since the date on which I entered the United States.

13. I have been a citizen of the United States for a period of at least 10 years immediately preceding the date of this petition.

14. I am able to read, write, and speak the English language, and I understand the fundamental terms of the Constitution of the United States.

15. I am and have been during the period required by law, a person of good moral character, and I am willing to obey the laws of the United States.

16. I have not been a habitual drunkard, and I have not been an alcoholic.
1940 Law: All Women Can Regain Citizenship

An act of 1936 provided marital expatriates—whose marriages to aliens had ended through death or divorce—with an opportunity to regain their lost citizenship by filing an application. Upon approval, women could resume citizenship simply by taking an oath of allegiance. This act required the proof of her U.S. birth or naturalization as well as proof that the marriage had ended. Women flocked to the courts to file their applications. Women involved in ongoing marriages continued to file the regular paperwork for naturalization until 1940.

The act of July 2, 1940, provided that all women who had lost citizenship by marriage could repatriate regardless of their marital status. They only had to take an oath of allegiance—no declaration of intention was required. But they still had to show that they had resided continuously in the United States since the date of the marriage.

How do you find these records? Since women could repatriate at any court—county, state, or federal—the records could be anywhere. Some of the federal court records have even been digitized and are available on National Archives partner sites: Ancestry.com, Fold3.com, and FamilySearch.org.

Repatriation records that have not been digitized are found among the naturalization records in Records of District Courts of the United States, Record Group 21. The records cover the years 1939–1981 and are housed at National Archives locations across the country (a list of them is on the inside back cover of this magazine).

The courts often kept the repatriation oaths separate from other naturalization records, and when they did, the series titles usually include the word “repatriation.” Examples of series titles include Applications to Regain Citizenship and Repatriation Oaths, Naturalization Repatriation Applications, Naturalization Repatriation Proceedings, Repatriation Cases, Naturalization Repatriations of Native Born Citizens, Repatriation Orders, Repatriation Case Record, Repatriation Certificates, and Repatriate Oaths of Allegiance.

Once all of the repatriation oaths are digitized and uploaded onto our partner sites, searching for these women should become much easier. Until then, keep in mind that the federal courts across the nation maintained repatriation oaths in different ways: separately with an index; separately without an index; combined with all of the naturalization records with an index; or combined with all of the naturalization records without an index.

If you believe your ancestor repatriated and you cannot locate her on our online partner sites, contact the National Archives research facility responsible for the state in which your ancestor resided.

Opposite: Marion Steed’s petition for naturalization provides useful family information as well as her claim that she lost her U.S. citizenship when she voted in an election in Sussex, England, in July 1945.

The best place to start a search for women’s repatriation records is online. Several series of records have been digitized and can be found in the National Archives Online Public Access catalog and on our partner websites Ancestry.com, Fold3.com, and FamilySearch.org.

Keep in mind that the different sites will have different sets of records. On Ancestry, select the search category “immigration and travel.” On Fold3, select “non-military collections,” and then “naturalization petitions (1700–mid 1900s). On FamilySearch, you can choose a filter by collection after you have typed in the person’s name and dates.

All of these online sources continually add material, so it helps to check regularly.

Meg Hacker, a Prologue contributing editor, has been with the National Archives at Fort Worth since 1985 and is now Director of Archival Operations there. She received her B.A. in American history from Austin College and her M.A. in American History from Texas Christian University. Texas Western Press published her thesis, Cynthia Ann Parker: The Life and the Legend.