



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

By Meg Hacker



In line for a marriage license, undated. With an act of 1907, women lost their U.S. citizenship when they married a foreigner. They had to reapply for naturalization. Below: Amelia Pizani Westphal explained the reason for her application in 1942.

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-swearing* 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*

Amelia 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

- Women in naturalization records, go to www.archives.gov/publications/prologue/1998/summer/.
- Locations of and contact information for National Archives research facilities nationwide, go to www.archives.gov/locations/.
- Naturalization records in the National Archives, go to www.archives.gov/research/naturalization/.

The Cable Act of 1922 allowed women to repatriate or reapply for their citizenship. Betty Mundy certifies her continuous residence in Florida in her application recorded December 20, 1922,

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ORIGINAL
(To be retained as the court record)

Form 2034
U. S. DEPARTMENT OF LABOR
IMMIGRATION AND NATURALIZATION SERVICE

APPLICATION TO TAKE OATH OF ALLEGIANCE TO THE UNITED STATES UNDER THE ACT OF JUNE 25, 1936, AND FORM OF SUCH OATH (PUBLIC—NO. 793—74th CONGRESS)

This form is for use under the Act of June 25, 1936 (Public—No. 793—74th Congress) by a woman residing within or under the jurisdiction of the United States, who was a native-born citizen of the United States and who has, or is believed to have, lost United States citizenship solely by reason of marriage prior to September 22, 1922, to an alien, and whose marital status with such alien has terminated. A woman, residing elsewhere, who is otherwise qualified should take up her case with an embassy, legation, or a consular officer of the United States. The oath of allegiance prescribed herein may be administered by any naturalization court in the United States to which this application is made. This form, which constitutes the court record of the transaction, should be executed in triplicate. The original should be retained as the record of the court. The duplicate, duly certified by the clerk of court, should be forwarded to the Commissioner of Immigration and Naturalization, Washington, D. C., through the proper District Director or Divisional Director of Immigration and Naturalization on the first day of the succeeding month. The clerk of court shall furnish to the applicant, upon her demand, at a cost not exceeding \$1, a certified copy of the proceedings, under the seal of the court, including a copy of the oath administered. The triplicate copy of this form, which should be duly certified by the clerk, may be furnished to the applicant who makes such demand. If no such demand be made, the triplicate, uncertified, shall be forwarded with the duplicate as provided above.

In the United States District Court at Seattle, Washington

Before District Judge, John C. Bowen, J., presiding.

I, Martha Empey-nee Kuhnke, was born at Sprague, Washington on January 4, 1893, and was married on July 26, 1916 to Oswald Empey then an alien, a citizen or subject of Canada. I lost, or believe that I lost, United States citizenship solely by reason of such marriage. My marital status with such alien terminated on February 25, 1926 by divorce. The following available documents which support the foregoing facts are herewith exhibited by me: Baptismal certificate dated May 21, 1893, showing my birth January 4, 1893, Sprague, Wash.; Certified copy of marriage certificate, Oswald Empey and Martha Kuhnke on July 26, 1916; Certified copy of divorce from said husband on February 25, 1926.

I hereby apply to take the oath of allegiance as prescribed in section 4 of the Act of June 29, 1906 (34 Stat. 500; U. S. C., t. 8, sec. 100), to become repatriated and obtain the rights of a citizen of the United States.

Subscribed and sworn to before me this 24th day of July, 1939.

Martha Empey (Signature of applicant)
Elmer Dover Clerk.
Truman Caer Deputy.

By John C. Bowen District Judge.

Upon consideration of the foregoing facts it is hereby ORDERED and DECREED that the above application be granted; that the applicant named therein be repatriated as a citizen of the United States, upon taking the oath of allegiance to the United States; and that the clerk of this court enter these proceedings of record.

Dated July 24, 1939.

OATH OF ALLEGIANCE

I hereby declare on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to George VI, by the Grace of God, of Great Britain, Ireland, and the British Dominions beyond the Seas, King, Defender of the Faith, and Supreme Governor of India or may have heretofore been a subject (or citizen); that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely without any mental reservation or purpose of evasion; SO HELP ME GOD. In acknowledgment whereof I have hereunto affixed my signature.

Martha Empey (Signature of applicant)

The foregoing oath was administered to the applicant in open court this 24th day of July, 1939.

[SEAL]

By Truman Caer Deputy.

U. S. GOVERNMENT PRINTING OFFICE 16-3273

Left: 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. Right: Yetta Ostrovsky applied to take the oath of allegiance under the act of 1936. She lost her citizenship through marriage to a Russian national in Florida in 1919 despite the fact that she had "resided continuously" in the United States since her birth.

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 woman 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.

ORIGINAL
(To be retained as a court record)
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Form N-415
(Old 226)
U. S. DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
(EDITION OF 9-15-41)

APPLICATION TO TAKE OATH OF ALLEGIANCE TO THE UNITED STATES UNDER THE ACT OF JUNE 25, 1936, AS AMENDED, AND FORM OF SUCH OATH

To the Honorable, the District Court of the United States

This application, hereby made and filed, respectfully shows:

(1) My full, true, and correct name is Yetta Ostrovsky (Full, true name, without abbreviation, and any other name which has been used, must appear here)

(2) My present place of residence is 1127 Pennsylvania Ave., Miami Beach, Florida (Number and street) (City or town) (State)

(3) My occupation is housewife

(4) I am 50 years old. (5) I was born on May 1, 1901 in New York (Month) (Day) (Year) (City or town) (Country, district, province, or state) U.S.A. (Country)

(6) My personal description is as follows: Sex female; color white; complexion fair; color of eyes hazel; color of hair brown; height 5 feet 2 inches; weight 134 pounds; visible distinctive marks mole on right cheek

(7) I am not married; the name of my husband is Samuel Ostrovsky; we were married on December 20, 1919 at Brooklyn, N.Y.; he was born at Kamensk, Russia on January 10, 1900 and now resides at 1127 Pennsylvania Ave., Miami Beach, Fla. (City or town) (Country, district, province, or state) (Country) (Month) (Day) (Year) (City or town) (State) (Country)

(8) I lost, or believe that I lost, United States citizenship solely by reason of my marriage on Dec. 20, 1919 to Samuel Ostrovsky then an alien, a citizen or subject of Russia and my marital status with such person was not terminated on _____ (Month) (Day) (Year) (State by what means marital status terminated)

(9) I have not resided continuously in the United States since the date of my marriage shown in paragraph 8 hereof, to wit, since May 1, 1901 date of birth (Month) (Day) (Year)

(10) I hereby apply to take the oath of renunciation and allegiance as prescribed in Section 335 (4) of the Nationality Act of 1940 (54 Stat. 1187) to become repatriated and obtain the rights of a citizen of the United States.

Subscribed and sworn to before me by the above-named applicant, in the office of the clerk of said court at Miami Florida this 8th day of November, Anno Domini 1951.

Yetta Ostrovsky (Full, true, and correct signature of applicant, without abbreviation) [SEAL]

By Edwin R. Williams Clerk.
Aprion L. Boyer Deputy Clerk.

THE UNITED STATES OF AMERICA vs. In the District Court of the United States

Southern District of Florida vs. In the District Court of the United States

Upon consideration of the foregoing, it is hereby ORDERED and DECREED that the above application be granted; that the applicant named therein be repatriated as a citizen of the United States, upon taking the oath of renunciation and allegiance to the United States; and that the clerk of this court enter these proceedings of record.

By the Court: Edwin R. Williams

OATH OF ALLEGIANCE

I HEREBY DECLARE, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States or perform noncombatant service in the Armed Forces of the United States when required by law; and that I take this obligation freely without any mental reservation or purpose of evasion—SO HELP ME GOD. In acknowledgment whereof I have hereunto affixed my signature.

Yetta Ostrovsky (Full, true, and correct signature of applicant, without abbreviation)

The foregoing oath was administered to the petitioner in open court this 13th day of November, 1951.

[SEAL]

Note to Clerk of Court: No fee is to be collected in connection with the filing of this application. The applicant, upon demand, should be furnished with the triplicate copy, duly certified, for which a fee not in excess of \$1 may be collected.

By Edwin R. Williams Clerk.
Aprion L. Boyer Deputy Clerk.

16-3269-1 U. S. GOVERNMENT PRINTING OFFICE

UNITED STATES OF AMERICA
 PETITION FOR NATURALIZATION

No. 1372

ORIGINAL
 (To be retained
 by Clerk of Court)

To the Honorable the District Court of the United States at Orlando, Florida

This petition for naturalization, hereby made and filed, respectfully shows:

(1) My full, true, and correct name is MARION STEED Nee HUMPHREYS
(Full, true name, without abbreviation, and any other name which has been used, together with:
 (2) My present place of residence is 224 Nelbourne Avenue, Winter Park, Florida
(Number and street) (City or town) (County) (State) (3) My occupation is home
 (4) I am 69 years old. (5) I was born on May 6, 1886
(Month) (Day) (Year) in Lawrence, Massachusetts
(City or town) (County, district, province, or state) (Country)
 (6) My personal description is as follows: Sex female, complexion medium fair, color of eyes grey, color of hair brown gray
 height 5 feet 3 inches, weight 93 pounds, visible distinctive marks none; country of which I am a citizen
 subject, or national Great Britain (7) I am a widow, the name of my ~~husband~~ was Harry Edward Steed,
 we were married on Jan. 15, 1938, at Kuala Lumpur, Malaya
(Month) (Day) (Year) (City or town) (County, district, province, or state) (Country)
 he or she was born at London, England, on May 13, 1881
(City or town) (County, district, province, or state) (Country) (Month) (Day) (Year)
 and entered the United States at never on _____ for permanent residence in the United States
(City or town) (State) (Month) (Day) (Year)
 and now resides at deceased and was naturalized on not
(Number and street) (City or town) (County and State) (Month) (Day) (Year)
 at _____ certificate No. _____; or became a citizen by _____
(City or town) (State)

(7a) (If petition is filed under section 319 (a), Immigration and Nationality Act.) I have resided in the United States in marital union with my United States citizen spouse for at least 3 years immediately preceding the date of filing this petition for naturalization, and have been physically present in the United States at least half of that time.

(7b) (If petition is filed under section 319 (b), Immigration and Nationality Act.) My husband or wife is a citizen of the United States, is in the employment of the Government of the United States, or of an American institution of research recognized as such by the Attorney General of the United States, or an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States, or subsidiary thereof or of a public international organization in which the United States participates; and such husband or wife is regularly stationed abroad in such employment. I intend in good faith upon naturalization to live abroad with my spouse and to resume my residence within the United States immediately upon termination of such employment abroad.

(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:
I lost my United States citizenship under Sec. 401(3) of the Nationality Act of 1940 by voting in the General Election held at St. Leonard's-on-Sea, Sussex, England on July 5, 1945

(9) My lawful admission for permanent residence in the United States was at New York, New York under the name of MARION STEED on May 16, 1950 on the S. S. VEENDAM
(City or town) (State) (Month) (Day) (Year) (Name of vessel or other means of conveyance)

(10) Since my lawful admission for permanent residence I have not been absent from the United States, for a period or periods of 6 months or longer, except as follows:

| DEPARTED FROM THE UNITED STATES | | | RETURNED TO THE UNITED STATES | | |
|---------------------------------|-------------------------|-------------------------------------|-------------------------------|-------------------------|-------------------------------------|
| PORT | DATE (Month, day, year) | VESSEL OR OTHER MEANS OF CONVEYANCE | PORT | DATE (Month, day, year) | VESSEL OR OTHER MEANS OF CONVEYANCE |
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| | | | | | |
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(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 which at this time I am a subject or citizen. (12) It is my intention to reside permanently in the United States. (13) I am not and have not been for a period of at least 10 years immediately preceding the date of this petition a member of or affiliated with any organization proscribed by the Immigration and Nationality Act or any section, subsidiary, branch affiliate or subdivision thereof nor have I during such period engaged in or performed any of the acts or activities prohibited by that Act. (14) I am able to read, write and speak the English language (unless exempted therefrom). (15) I am, and have been during all the periods required by law, a person of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States. I am willing, if required by law, to bear arms on behalf of the United States, or to perform noncombatant service in the Armed Forces of the United States, or to perform work of national importance under civilian direction (unless exempted therefrom). (16) I have resided continuously in the United States since May 16, 1950 and continuously in the State in which this petition is made for the term of 6 months at least immediately preceding the date of this petition and I have been physically present in the United States for at least one-half of the 5 year period immediately preceding the date of this petition. (17) I have not heretofore made petition for naturalization: No. _____ on _____ at _____ in the _____ Court, and such petition was denied by that Court for the following reasons and causes, to wit:
(Month) (Day) (Year) (City or town) (County) (State) (Name of court)

(18) Attached hereto and made a part of this, my petition for naturalization, are the affidavits of at least two verifying witnesses required by law.

(19) Wherefore I, your petitioner for naturalization, pray that I may be admitted a citizen of the United States of America, and that my name be changed to no change. I, aforesaid petitioner, do swear (affirm) that I know the contents of this petition for naturalization subscribed by me, and that the same are true to the best of my knowledge and belief, and that this petition is signed by me with my full, true name: SO HELP ME GOD.

ALIEN REGISTRATION NO. A-7 477 264

Marion Steed
(Full, true, and correct signature of petitioner, without abbreviation)

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. **P**



Author

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*.

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.

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.