

Citizenship by Committee: Women's Nationality Rights in the Post-Suffrage Era

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This paper for the *Centenary of the 19th Amendment* is part of book project that chronicles America's struggle to determine the relationship between family, sovereignty, and citizenship. The book, titled *Blood and Nation*, focuses on the place of the parent-child relationship in the development of the laws governing American citizenship. This draft chapter, "Citizenship by Committee," is set in the interwar period, during American feminists' post-suffrage campaign for "equal citizenship rights." As part of that campaign, feminists sought a right for mothers that fathers had always possessed: the right to transmit citizenship to their foreign-born children.

Historians consistently portray American feminists' quest for equal citizenship as one of their few post-Nineteenth Amendment victories. In many respects it was, but this chapter tells a very different story, one of backlash and retrenchment. Immigration officials from the Departments of State and Labor were concerned that recognizing citizenship-by-descent for the foreign-born children of American mothers would largely destroy the exclusionary immigration laws, from the Asian exclusion laws to the national-origins quotas. Thus, they set out to undo one of the feminists' key victories by restoring traditional gender-based restrictions on citizenship-by-descent. They accomplished this task by seizing the legislative pen to draft an elaborate citizenship statute intended in part to help preserve America's racist and ethnically selective immigration laws. Ironically, Congress enacted that statute – the Nationality Act of 1940 – just before the United States deployed millions of troops to join the Allies in their bloody effort to defeat the Nazis.

This previously unexamined story of how early twentieth-century administrators quietly restored traditional gender-based regulation of citizenship-by-descent helps us reconsider the enduring question of what American women achieved by winning the vote. It does so by illuminating anew how American feminists' post-suffrage efforts to improve women's legal status were directly at odds with the pervasive ethno-racial restrictions on the formal rules governing citizenship – and the institutions created to enforce those rules. Relatedly, this mid-century story of conservative resistance to women's push for sex equality also shows how women's effective exercise of political power in the post-suffrage era required deft negotiation of the rapidly expanding administrative state. The women did not always prevail. Finally, this story makes clear that gendered regulation of citizenship-by-descent today, often characterized by its modern defenders as natural and inevitable, is neither.