

“THAT’S LEAVING IT PRETTY MUCH UP TO JANE”

Gendered Citizenship, Explicit Feminism, And Implicit Racism In The 1922 Cable Act

In 1922, Congress passed the Cable Act, which allowed women who married foreigners eligible for naturalization to retain their U.S. citizenship. However, women who married aliens racially excluded from the naturalization process lost their U.S. citizenship. This study examines newspapers, periodicals, and Congressional debate from 1920-1923 to determine the presence of implicit and explicit racial reasoning in commentary surrounding the Cable Act. In doing so, this research builds upon an existing body of literature that addresses the power of racial hierarchy in gendered conceptions of citizenship. In addition, it will consider what scholars have failed to address: the absence of overt racial dialogue in public discourse surrounding the Cable Act.

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Silent Sentinels picketing the White House (1917)

Source: Library of Congress

“I sympathize with the point of view of the women in America who demanded the legislation embodied in the Cable Act... Under the law as it was before 1922, an American man might marry an alien woman. He might go and live with her in her own country. He never lost his American nationality. The American government would protect him. On the other hand, an American who married an alien lost her American citizenship even when she remained here in the United States.”¹

In 1922, Congress passed the Cable Act, or the Married Women’s Independent Nationality Act. This legislation replaced the 1907 Expatriation Act, which had mandated that a woman must assume her husband’s nationality upon marriage. The 1922 Act declared that all women married to foreigners eligible for naturalization could retain their American citizenship, effectively establishing independent citizenship for women from their spouse.² At the time, feminists and their supporters vociferously lauded this perceived victory both for the furtherance of gender equality and the reversal of gendered citizenship.

Nevertheless, this legislation perpetuated extreme inequality, since the act did not prevent *all* women from losing their citizenship through marriage. In fact, many women continued to be denied their citizenship when they married men “ineligible” to apply for naturalization.³ Though the Cable Act itself did not incorporate any overtly racially exclusive language, well-known naturalization and immigration laws defined those “ineligible” as only non-white groups, such as Native Americans and immigrants from Asia and the Pacific.⁴ In effect, marrying a non-white individual barred from U.S. citizenship cost women their rights, personhood, and material opportunity. Some “aliens ineligible for citizenship” could not possess property rights, and as a result, neither could their wives. They frequently faced employment discrimination. Wives of “ineligible aliens” could not vote, and they could even face deportation for legal infractions.⁵ First-wave feminists largely turned a blind eye to these proceedings, focusing instead on the victory for women who married white foreigners. The deprivation of women’s citizenship based on the racial background of their husbands stands as

a testament to the strength of racial hierarchies in gendered conceptions of citizenship in the first half of the twentieth century.

While this topic remains esoteric, scholars of feminist, gender, and sexuality studies have recently explored the influence of racial hierarchies on women's citizenship. Perhaps the most comprehensive work on women's attainment of independent citizenship is Martha Gardener's *The Qualities of a Citizen: Women, Immigration, and Citizenship: 1870-1965*. Gardner affirms that the "1922 act also reinforced ideas of race difference that were equally important to the way Americans understood both citizenship and marriage... and race status remained a marital quality long after citizenship had become an independent one."⁶ Likewise, Evelyn Glenn, author of *Unequal Freedom: How Race and Gender Shaped American Citizenship and Labor*, argues that the Cable Act did not address nationality concerns as much as it did racial fears. According to Glenn, "Race and gender have continuously been organizing principles of American citizenship; concomitantly, race and gender have been primary axes for contesting boundaries and rights."⁷ Despite these significant academic contributions to the literature on race, gender, and citizenship, Ian Haney López's *White by Law* noted that the Cable Act and similar legislation "deserves significant study in its own right."⁸

If race and gender were the organizing principles behind American citizenship in the first half of the twentieth century, as the aforementioned scholars claim, then where is the racial language in both the legislation and discussion over the Cable Act in the early 1920s? Why did race, if it was such a predominant factor in these gender politics, remain in the semantic shadows? An analysis of newspapers, periodicals, and Congressional debate from 1920-1923 can determine the presence of racial reasoning in commentary about the Cable Act. In doing so, this research builds upon an existing body of literature that addresses the power of racial hierarchy in gendered conceptions of citizenship. In addition, it will consider what scholars have failed to properly analyze: the absence of racial dialogue in public discourse around the Cable Act.

From a twenty-first-century perspective, it would seem clear that the Cable Act was intended to maintain racial hierarchies by strict, punitive control over women's sexual behavior with non-white groups through gendered citizenship; what is less evident is how race was present in debates over women's citizenship when it was almost never overtly mentioned. In this issue supposedly revolving around nationality, historians and political scientists have neglected to properly explicate the paradoxical relationship between implicit racism and explicit feminism. Feminist dialogue over the Cable Act eschewed the patriarchal gendering of citizenship and defined a married woman through her husband's status. The act prioritized liberation for some instead of all, relegating



Crystal Eastman, American feminist and socialist
Source: Library of Congress Prints and Photographs

race questions to the back and bringing political equality of women to the forefront.⁹ Yet, in subtly expressing their approbation of the exclusion of "race traitors" from this same freedom that they sought, feminists and their supporters were complicit in the reinforcement of racial hierarchies that fortified the very gendered citizenship and marital inequality that they were attempting to transcend.

BACKGROUND

The intersection of race and gender in definitions of citizenship extends back to the founding of the United States. In the late eighteenth and early nineteenth century, Congress debated laws of naturalization, defining those eligible for citizenship based on their race. The first act regarding naturalization, passed in 1790, declared, "That any alien, being a free and white person," who had lived in the United States for two years could become a citizen. Other stipulations included that this person demonstrate "good character" and swear to the laws of the United States. The final provision of the act indirectly commented on the status of women: "the right of citizenship shall not descend to persons whose fathers have never been resident in the United States."¹⁰ While women were not yet deprived of their own citizenship for marrying a non-American, their gender precluded them from passing on their citizenship to their offspring. Citizenship was inherited exclusively from the father, so if a woman wed a free

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black man, indentured servant, slave, or Native person, her children would not be citizens. Although this provision did not directly deprive women of their citizenship, it did punish them and their family for marrying outside of their race.

The spate of naturalization laws that followed the first further limited citizenship based on gender. The 1795 Naturalization Act set the requirement for residency at higher than five years and maintained the gendered requirements of the previous act.¹¹ The 1798 law replacing the 1795 Act required fourteen years of residency but still reaffirmed that citizenship could only be inherited from the male line.¹² Congressional debates in 1855 led to legislation that provided American citizenship to foreign women marrying American citizens, and in 1907, Congress determined that a woman’s nationality was completely dependent on who she wed. A woman marrying a foreigner would assume his nationality regardless of whether or not they were eligible or ineligible to naturalize. Subsequently, the question of citizenship almost wholly depended on an individual’s gender and marital status.¹³

The legislation that would replace this dehumanizing 1907 Expatriation Act—the 1922 Cable Act—arrived at a moment when first-wave feminism was gaining ground in the battle for gender equality. Nearly a year and a half before, the Women’s Suffrage Movement had reached victory with the ratification of the Nineteenth Amendment. As one columnist noted in 1921, before the right to vote, “citizenship, as it applied to women, had little meaning.”¹⁴ The swaths of women now flocking to the poll booths and the political sphere made it necessary for Congress and the American public to reconsider the role of its female citizens and who could possess such citizenship in the first place. This right to political par-

1921, “naturalization laws are still based on the old idea that a woman has no individual rights and that her status as a citizen becomes extinct the moment she enters the matrimonial state.”¹⁶ Even for men in 1922, “the idea that a woman entirely submerges her individuality to her husband [was] obsolete,” especially considering that “citizenship is a precious responsibility” and it was “scarcely logical in making these things subservient to any other vows, even matrimony; for one-half of the population.”¹⁷ Likewise, feminists invoked their newfound political clout to assert their First Amendment rights: “This is a free country is it not? We are taught to marry those of our choice and should be given the freedom, as much so, as to the church we belong in.”¹⁸

While women’s rights were swiftly accelerating, racial resentment was rapidly rising. In the post-WWI period, racial tensions were at a boiling point. White Anglo Saxon Protestants (WASPs) organized to prevent immigration of peoples to the United States who were not white, from Western Europe, or Protestant. In the same month as the passage of the Cable Act, the first Anglo-Saxon Club of America assembled in Virginia and began demanding an act to prohibit marital unions between white and non-whites.¹⁹ Meanwhile, the Ku Klux Klan had amassed five million members since its revival in 1915, and Jim Crow was in full force. D.W. Griffith’s *Birth of a Nation* became the *de facto* anthem of the Klan, focusing on the threat of miscegenation to encourage membership. The alleged attempted rape of a white woman in Tulsa ignited a race riot in 1921 that was the spark for multiple other riots that summer and those subsequent.²⁰ Given this immense organizational and institutional opposition to non-whites, specifically concerning sexual encounters, it is clear that discussion of race was not just explosive—it was everywhere.

“While women were not yet deprived of their own citizenship for marrying a non-American, their gender precluded them from passing on their citizenship to their offspring.”

ticipation contributed to the passage of the Cable Act more than any other factor, an assertion that is corroborated by contemporary newspapers.¹⁵ The idea of foreign women who had become naturalized citizens through marriage being able to vote while women born and raised in the United States remained unable to if they had married foreigners made the majority of Americans apoplectic and thus spurred action.

Additionally, this desire to replace a foreign voting block with one that better represented nativist interests coincided with changes in the conception of a woman’s personhood in marriage. With the obtainment of the vote, the popularity and propagation of female “individualism” in the public and private sphere augmented. One lawyer lamented in

Perhaps the greatest evidence of the virulent racism of the 1920s was in the Nativist naturalization legislation intended to exclude non-WASPs from citizenship. In May 1921, Congress passed the Emergency Quota Act to restrict immigration. The Emergency Immigration Act, as it was also known, restricted immigration into the United States to three percent of the number of residents from a country currently living in the United States. This quota system favored Northern and Western European immigrants while limiting Eastern European, Southern European, and non-white immigrants. The Senate passed the legislation with overwhelming support of 78 votes in favor to one vote opposed.²¹ At the time, the 1882 Chinese Exclusion Act was already in effect, prohibiting the immigration of Chinese laborers. Additionally, the 1917 Im-

**Federal Fuel Dis-
tributor.**
Created to facilitate
interstate movement of
coal, assist Commission
in executing Act, etc.

SEC. 3. Because of such emergency and to assure an adequate supply and an equitable distribution of coal and other fuel, and to facilitate the movement thereof between the several States and with foreign countries, to supply the Army and Navy, the Government of the United States and its several departments, and carriers engaged in interstate commerce with the same during such emergency, and for other purposes, and for the further purpose of assisting in carrying into effect the orders of the Interstate Commerce Commission made under existing law or under section 2 hereof there is hereby created and established an agency of the United States to be known as Federal Fuel Distributor, whose appointment shall be made and compensation fixed by the President of the United States. Said distributor shall perform his duties under the direction of the President.

Appointment, etc.

The Statutes at Large of The United States of America from April, 1921, to March, 1923

Source: Library of Congress

migration Act, just a few years prior to the Emergency Immigration Act, had created an "Asiatic Barred Zone Act." This act made it nearly impossible for immigration from Asian and Pacific Islands to occur. Lastly, Native Americans were not granted citizenship until the 1924 Indian Citizenship Act, and others deemed as not white or black could not maintain citizenship either. With this existing racist language in place, the Cable Act did not need to contain overt racist language to be racist in nature.

NARRATIVES OF THE CABLE ACT

Coverage of the Cable Act concentrated on stories of women who married Western European immigrants rather than those married to non-WASP men ineligible for citizenship; such tales were intended to be an explicit expression of feminist victory over the patriarchal system, but the absence of racial difference in these stories attested to the whitewashing of this supposed triumph. One white woman living abroad in London, Crystal Eastman, applauded the Cable Act in an article titled, "What Am I?" She recounted how she "started life as an American Citizen" and lived in the United States for all of her life, but "by marrying an Englishman, [she] became willy-nilly a British subject." Eastman chipped, "I think I shall let the lawyers worry over this problem of dual citizenship. I am busy enough rejoicing at the genuine feminist achievement involved."²²

For the American public, Eastman represented the quintessential reason for the Cable Act's inception. Her innocuous language, background in the United States, and affiliation with the U.S.'s closest foreign ally served not only to assuage anxiety about woman marrying aliens being eligible for citizenship but also to highlight the ridiculousness of her "willy-nilly" expatriation. Her commendation of the legislation as a "genuine feminist achievement" reflected the view of many white women, who could now self-determine the answer to their question, "What Am I?" Their identity crises were over.

Nonetheless, these stories only focused on women marrying foreigners from predominantly white, English-speaking allies, such as Great Britain and Canada.²³ For the women marrying non-WASP foreigners, their struggle to decide their own identity remained in limbo. Their stories did not belong in the feminist enthusiastic effusions for the act or anywhere in public for that matter.

Women were not the only ones to contemplate the question of independent female citizenship; John L. Cable, a Republican Representative from Ohio, wrote books on the subject and shepherded his eponymous act through Congress. In order to obtain greater public backing for the law, the male supporters of the Cable Act failed to note its deleterious erasure of the identity of women married to ineligible aliens; they focused on the positive inclusion rather than on the negative exclusion. For instance, one headline blared, "Expatriation will no longer be a penalty for marriage as far as American women are concerned," but it was a penalty for *some* American women.²⁴ The namesake of the legislation explained that an "American citizen who marries an alien girl still retains his citizenship so also should the American girl who marries the alien man," yet Cable could not even bring himself to publicly discuss the racial qualification to his statement.²⁵

This rhetorical tactic of aversion seemed to function perfectly, as support for these women's independent citizenship was nearly unanimous. The vote for legislation in the House of Representatives only had nine opposed. Likewise, a Texas newspaper observed that the proposed "changes in naturalization laws to require alien women to become citizens in their own right are entirely approved by the press, and that American women shall not lose their citizenship when married to aliens is greeted as a means of righting an injustice."²⁶ A North Dakota newspaper proclaimed that the "most important discrimination against women under our federal law has just been wiped out by the passage of the Cable bill which

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provides for the independent citizenship of married women.”²⁷ “Wiped out” is certainly not the phrase that American women married to ineligible aliens had in mind, except perhaps to say that they were eliminated from all the dialogue surrounding the passage of the act. Legally, politically, and socially, they found themselves muted by the overwhelming support for the act.

The majority of newspapers did not include any direct reference to the Cable Act’s exclusionary racist caveat.²⁸ Moreover, even publications in the South, the West, the Midwest, and the Southwest that did only mention the ineligibility of women who married ineligible men at one sentence at the end of the article, without explanation of who was racially eligible for citizenship and who was not.²⁹ The only article that cited race explicitly in this situation was “a woman citizen shall not lose her citizenship by marriage to a foreigner unless such foreigner himself is not eligible to citizenship. Under regulation of the citizenship laws, all white persons and negroes born in Africa are eligible to become citizens.”³⁰ Nonetheless, even this statement did not explain the harsh exclusion of other groups from this opportunity, since it only names the in-group.

The coded mention and dismissal of the Cable Act’s racism illustrates the subtle role of race in justification of feminist endeavors. An Oregonian reporter noted the legislation’s “exemptions and privileges do not extend to an American woman who marries an alien ineligible to citizenship... I believe the benefits of this new legislation far outweigh any of its disadvantages. It certainly recognizes the entity and individualism of woman as has never been done before.”³¹ The author recognized that the legislation was an improvement for some women but not all. He acknowledged the presence, as did many others, of the very gendered inequities that their independent citizenship project had attempted to undo. Yet, to him, the dehumanization of women who married outside of established racial boundaries was worth the personal rights gained by women marrying WASP males. His implicit assent to the racism underpinning the act juxtaposes his explicit approval of its feminist overtones, speaking to how individualism was only available for those buying into the idea of whiteness-contingent citizenship.

This emphasis on individualism and independence pervaded feminist appraisals of the Act. It was popular in periodicals and newspapers to focus on the female identity and its ability to exist separately from that of her husband. One female Washington newspaper columnist tackled this question of “how to be human though married” in its discussion of “the problem the present Republican congress has helped the women of the United States to solve. Jane Doe has been declared an individual.”³² Like many newspapers of the era, this publication proudly propped up the ability of every woman to maintain her individuality—and by extension, her nationality—in spite of her marital status. “Jane doesn’t believe that

loyalty to country can be secured by proxy through a husband. She thinks that women should speak for themselves on the matter of citizenship. And now Congress agrees with her,” proclaimed the author. This bold spirit of feminism speaks to the progress of women in attempting to eliminate gendered citizenship.

Yet, those trying to destroy this form of gendered oppression were also responsible for reinforcing it in their support of punishing those “race traitors” marrying ineligible aliens. The columnist illustrates this paradoxical logic when she writes, “Under the new law an American woman will not lose her citizenship through marriage unless she formally renounces her government. An exception is made in the case of women who marry aliens ineligible to American citizenship. That’s leaving it pretty much up to Jane.”³³ The writer never directly refers to race, but the message is clear: If a woman marries a non-white ineligible for citizenship, that was her poor decision, and she must suffer the consequences. Wedding an alien “outside the race” was tantamount to formally renouncing your government while marrying an alien who met citizenship requirements did not impinge on one’s loyalty. Some could “speak for themselves on the matter of citizenship”; others could not. Thus, in this framework, feminists pushing against gendered citizenship and deprivation of identity through marriage undermined their argument by forcing these same policies on women who they saw as having the audacity to violate established racial hierarchies in the United States—namely that of miscegenation. Just as Martha Gardner observed, “The movement to recognize sexual equality under the law and the movement to define the racial and ethnic parameters of the nation were at once contradictory and mutually reinforcing. While one called for inclusion and the other exclusion, arguments for sexual equality were rooted in racial hierarchy and arguments for racial determinism often had sexual fears at their root.”³⁴ This shows that “Jane” never truly had a choice; these arguments had “pretty much” left it up to the racialized system, propped up by feminists, to dictate whether or not she could participate as a citizen.

Those suffering the consequences of Jane’s dilemma were largely left out of the press, but the tale of one woman’s loss of identity is sufficient to demonstrate the dehumanization of those electing to betray the racist feminist stance. Of the hundred of newspapers reviewed for this study mentioning the words “citizenship” and “marriage,” only one 1922 case pertained to a woman who married an “ineligible.” According to the North Dakota publication, Mabel Kawabata “threw away her citizenship when she married Roy Kawabata, under the new laws governing the citizenship of married women in the United States.”³⁵ The use of “threw away” underscores the author’s conviction that Mabel’s act of marrying an ineligible alien was wasteful, shameful, and unnecessary. Her offense was so egregious in the author’s eyes that the author erroneously called her the “Jap” Mabel Kawabata, refusing to

acknowledge that she was white because she had married a Japanese man.³⁶ In the author's eye, she had not just forfeited her citizenship, she had forfeited her white identity.

This privilege was so significant that Mabel sought to terminate her marriage so as to preserve her citizenship. She sued for an annulment of her marriage with Roy when she learned that he had fraudulently concealed his ineligibility for citizenship, and as a result, her citizenship had been taken—at least, those were her stated reasons. The ensuing court case revealed that if the two were to divorce, she would be able to regain her citizenship because of the change in her marital status. The court refused to grant the annulment solely on Mabel's claims of fraud, but reflected on Mabel's sad life and those like hers:

It would seem that, if such unfortunates feel that they cannot, after their liberation face the world unless again in the possession of their citizenship; that if they regard themselves without it as unable to survive in the waves of scorn which they encounter as they again take up the voyage on life's ocean, if they consider themselves without it as a pilotless bark on an angry sea—can it be said that it is not fraud to take such a privilege from one who, so far as the record shows, is a reasonably good citizen?³⁷

This poetic description of the trials and tribulations of a woman denied her independent citizenship because of her spouse presents an extended metaphor indirectly referencing the racism that Mabel would experience as a non-citizen married to a racial Other. The “waves of scorn” would be directed at her for multiple reasons. Although unstated, perhaps the largest reason for earning the contempt would be for her abandoning her race and her nation for an ineligible alien. This scorn would be so derisive that some would be “unable to survive.” The “angry sea” alluded once again to the racist masses who could identify her as a traitor for forfeiting her citizenship. Such people would include one newspaper columnist, who wrote of women who married: “America is but the land of her birth; some other nation that of her choice. How utterly inane, then, to talk of according her continued citizenship privileges.”³⁸ Expatriation was not just a statement of political alignment; it was a punishment for marrying those outside of the white race. In fact, “a pilotless bark on an angry sea” is almost certainly doomed. Thus, the court recognized that a life without the privilege of citizenship and the taint of racial mixing was no life at all.

CONCLUSION

While proponents of racist policies were strident elsewhere, such as in debates about anti-miscegenation laws, they were largely silent in discourse on the Cable Act. Given this observation, scholars could contend that this illustrates the weakness of racial hierarchies in the construction of gender, sexuality, and citizenship in 1920s America. Nevertheless, a closer reading of the rhetoric in Cable Act conversations hints at the subtle yet sinister power of race to reinforce gendered citizenship and patrol women's marital unions. Proponents of



Jeannette Rankin, the first woman elected to Congress and U.S. Representative of Montana (1917)

Source: *Library of Congress*

the Cable Act focused on the benefits of inclusion of women married to eligible aliens, a whitewashed picture that served to highlight the feminist achievement of greater rights on the coattails of Women's Suffrage successes. Feminist supporters praised this political gain and women's ability to shape their own identity directly while only briefly alluding to the deprivation of some women's rights because of the ineligibility of their spouse. Their exclusion was justifiable because this legislation seemingly benefited the feminists' cause, and it also punished those who, like Mabel, made the choice to “betray their race” by engaging in a sexual relationship with a minority ineligible for citizenship. The power of this implicit racial argument inadvertently reinforced the very gendered citizenship and racialized importance of marriage that feminists had sought to obliterate.

One central question remains: why did discussion around the Cable Act reveal implicit racism instead of explicit racism? I propose two theories, both of which could be partially answer this confounding query. The first is that the feminist rhetoric of equality necessary for the passage of this bill was not coherent with the inequality of racism. Subtle language was imperative because one could not logically endorse egalitarian principles in the same bill that obviously pro-

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John L. Cable, congressman from Lima, Ohio
Source: *Harris-Ewing collection, Library of Congress*

moted undemocratic exclusion. The second related theory is that more explicit appeals were not required because people were familiar with the racist policies underlying citizenship requirements. Facially neutral phrases like “ineligible for citizenship” indirectly referred to racist naturalization legislation that had established a racial hierarchy that most were familiar with and supported. In either case, this study contradicts the literature that largely labels the pre-Civil rights era as a time of old-fashioned, overt racism and racist appeals.

Historian Tali Mendelberg contends that political communication today still makes race implicit and gender explicit to further racist agendas.³⁹ She states that this trend began in the 1930s but was not firmly entrenched until the 1960s, a view commonly espoused by other scholars studying the phenomena of racist implicit messages. Other scholars have also contended that since the 1960s, when racial egalitarian principles became the norm, implicit racial communication has allowed political campaigns to “prime racial stereotypes, fears, and resentments while not appearing to do so. When

an implicit appeal is rendered explicit—when others bring the racial meaning of the appeal to voters’ attention—it appears to violate the norm of racial equality.”⁴⁰ Alternatively, my study suggests that infusing gender legislation and debate that seemingly is racially neutral with concealed racial meaning was even an effective form of political communication forty years before the Civil Rights Era. While the norm of racial equality certainly did not exist in 1922, the normative expectation of rhetorical equality existed for feminists and their supporters. They nominally emphasized the humanity of all peoples but were willing to narrow the definition of what peoples constituted humanity if it benefited their agenda.

The appeal of implicit racism in the support for and text of the Cable Act—an act ostensibly made to promote sexual equality and non-gendered citizenship that actually reinforced the role of race in limiting both—somewhat parallels the white support for facially neutral yet racially exclusive policies today. One such example would be supporting Voter ID laws, which contain no explicitly racial language and are explicitly intended to eliminate voter fraud, but are widely known to disenfranchise people of color. Clearly, the power and utility of this implicit racial language seen almost one hundred years ago in the Cable Act’s citizenship discourse has not faded.

A 1920 pamphlet discussing married women’s right to citizenship noted, “good citizenship demands a knowledge of the issues as they arise. To understand any important issue one must know its origin, its age, theories about it, policies that have in the past shaped themselves around it...a knowledge of history gives force to counsel, provides inspiration, and, above all, gives to present politics its proper setting.”⁴¹ Similarly, this study has endeavored to propose a theory about the mutually reinforcing nature of racial hierarchies and gendered citizenship. Racial thinking twisted the liberal ideal of independent citizenship to make it contingent on a person’s whiteness, which could be invalidated through marital mixture with ineligible minorities. Thus, documents about the Cable Act suggest that feminism could only extend so far in 1922. Feminists made compromises to achieve their political objectives, and if Jane Doe defied the hierarchy that they helped enforce, she could lose her racial identity and white privilege. The explicit feminist arguments that simultaneously justified her forfeiture were implicit, but that did not make them any less powerful—or racist. III

Endnotes

- [1] American Society of International Law, "[General Discussion]," *Proceedings of the American Society of International Law at Its Annual Meeting (1921-1969)* 20 (1926): 97, <http://www.jstor.org/stable/25656708>.
- [2] U.S. Congress, Senate, *An Act Relative to the naturalization and citizenship of married women*, 67th Congress, 2d sess., September 22, 1922, S. Rep. 413-414, <http://www.loc.gov/law/help/statutes-at-large/67th-congress/c67.pdf>.
- [3] Though, some courts did not honor the naturalization of these foreign wives. See Marian L. Smith, "Any woman who is now or may hereafter be married...": Women and Naturalization, ca. 1802-1940," *Prologue* 30, no. 2 (Summer 1998), *National Archives*, <http://www.archives.gov/publications/prologue/1998/summer/women-and-naturalization-1.html>.
- [4] Native Americans were not granted citizenship until the 1924 Indian Citizenship Act. Some Native women had obtained citizenship by marrying white men or other special statutes, but an overwhelming majority of Native peoples were not considered citizens. See Bruyneel, Kevin. "Challenging American Boundaries: Indigenous People and the 'Gift' of U.S. Citizenship." *Studies in American Political Development* 18 (Spring 2004): 30-43.
- [5] For more on deportation for legal infractions, see: Nancy F. Cott, "Marriage and Women's Citizenship in the United States, 1830-1934," *The American Historical Review* 103, no. 5 (December, 1995): 1440-1474.
- [6] Martha Gardner, *The Qualities of a Citizen: Women, Immigration, Citizenship, 1870-1965* (Princeton: Princeton University Press, 2005), 124.
- [7] Evelyn Nakano Glenn, *Unequal Freedom: How Race and Gender Shaped American Citizenship and Labor* (Cambridge, MA: Harvard University Press, 2002), 26.
- [8] Ian Haney López, *White by Law: The Legal Construction of Race* (New York University Press, 2006), 33.
- [9] Louise Michele Newman, *White Women's Rights: The Racial Origins of Feminism in the United States* (New York: Oxford University Press, 1999), 6. Newman contends that white leaders of the suffrage movement viewed race questions as "irrelevant to the woman movement's foremost goal of 'political equality of women.'" Primary source documents regarding the Cable Act further epitomize this opinion.
- [10] U.S. Congress, Senate, *An Act to establish an uniform Rule of Naturalization*, 1st Congress, 2d sess., March 26, 1790, S. Rep. 103-104, <http://library.uwb.edu/static/USImmigration/1%20stat%20103.pdf>.
- [11] U.S. Congress, Senate, *An Act to establish an uniform Rule of Naturalization; and to repeal the act heretofore passed on that subject*, 3rd Congress, 2d sess., January 29, 1795, S. Rep. 413-414, <http://library.uwb.edu/static/USImmigration/1%20stat%20414.pdf>.
- [12] U.S. Congress, Senate, *An Act supplementary to and to amend the act intituled [sic] "An act to establish an uniform rule of naturalization; and to repeal the previous act,"* 5th Congress, 2d sess., June 22, 1798, S. Rep. 566-569, <http://library.uwb.edu/static/USImmigration/1%20stat%20566.pdf>.
- [13] Marian L. Smith, "Any woman who is now or may hereafter be married...": Women and Naturalization, ca. 1802-1940," *Prologue* 30, no. 2 (Summer 1998), *National Archives*, <http://www.archives.gov/publications/prologue/1998/summer/women-and-naturalization-1.html>.
- [14] "Law Changes to Affect Women Achievement of Citizenship by Women Results in Need for Corrections by Congress," *Lexington Herald*, no. 277 (October 4, 1921): 9, <http://infoweb.newsbank.com>.
- [15] "Women Get Citizenship," *The Evening News* 77, no. 147 (June 21, 1922): 10; "More Rights to Alien Women. House Bill Provides Same Citizenship Privileges as Men Enjoy," *Kansas City Star* 42, no. 277 (June 21, 1922): 7.
- [16] Fred H. Peterson, "The Rights of Women as Citizens," *The Central Law Journal (1874-1927)* 92, no. 7 (February 18, 1921): 120, <http://search.proquest.com/docview/125540283?accountid=14026>.
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[32] Lois Whitcomb, “For Thurston County Women,” *Morning Olympian* 31, no. 182 (October 15, 1922): 5, <http://infoweb.newsbank.com>.

[33] Whitcomb, “For Thurston County Women,” 5.

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[35] “Peculiar Case of Jap Woman Will Test Naturalization Law,” *Grand Forks Daily Herald* 41, no. 300 (October 15, 1922): 3, <http://infoweb.newsbank.com>.

[36] It is my claim that Mabel was white. Neither the court documents nor the newspapers specifically state her race. However, she was a citizen prior to her marriage to Kawabata, and her maiden name was Mabel Jones. There is no remote indication that she was Japanese. Furthermore, the newspapers always identify Roy Kawabata as “a Japanese” in a particularly pointed way to indicate his difference from Mabel. Based on these factors, it is most likely that she was white. For more evidence, see “No Marriage Annulment in This Case,” *The Bismarck Tribune* (July 3, 1922): 2, <http://www.newspapers.com/newspage/55703069/>.

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[38] “Why American Citizenship for Women Residing Abroad?” *Colorado Springs Gazette* (June 27, 1922): 4, <http://infoweb.newsbank.com>.

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[40] *Ibid.*, 4.

[41] “Women and Citizenship,” *Outlook* (1893-1924) (August 4, 1920): 599, <http://search.proquest.com/docview/136656066?accountid=14026>.