

Read cleaned NBER files

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15:00

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I Read files

NHGIS (IPUMS) has marriage related data sets.

NBER has a project that compiled marriage data between 1968-1988 (<https://www.nber.org/research/data/marriage-and-divorce-data-1968-1995-0>).

Create state names in divorce and marriage data with a reference to marr88.pdf. StNum in usst data is state in divorce data.

I.1 Plots

FIGURE 1: NUMBER OF MARRIAGES BY STATE (NBER)

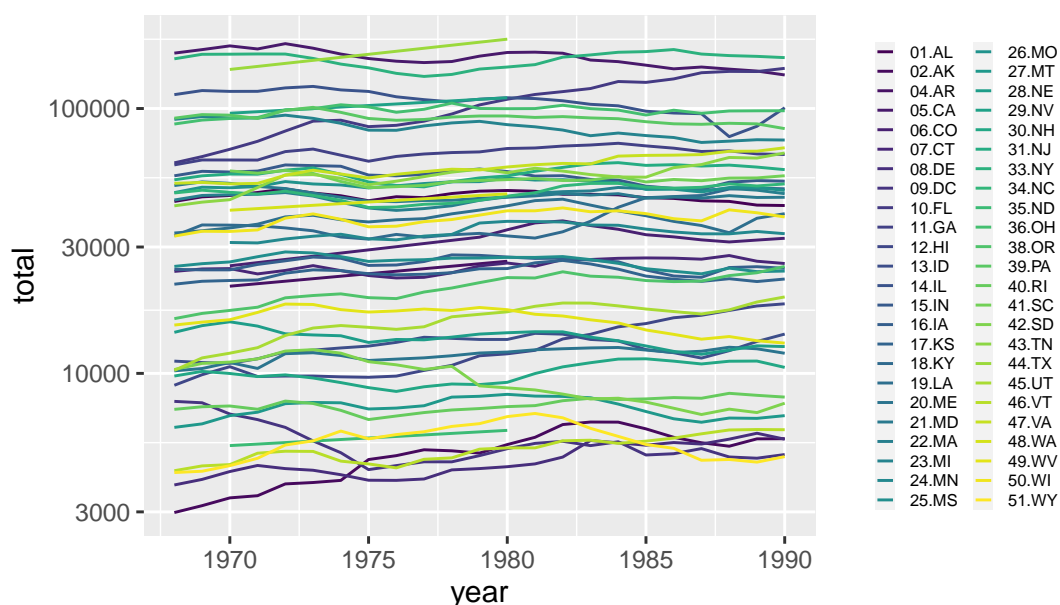
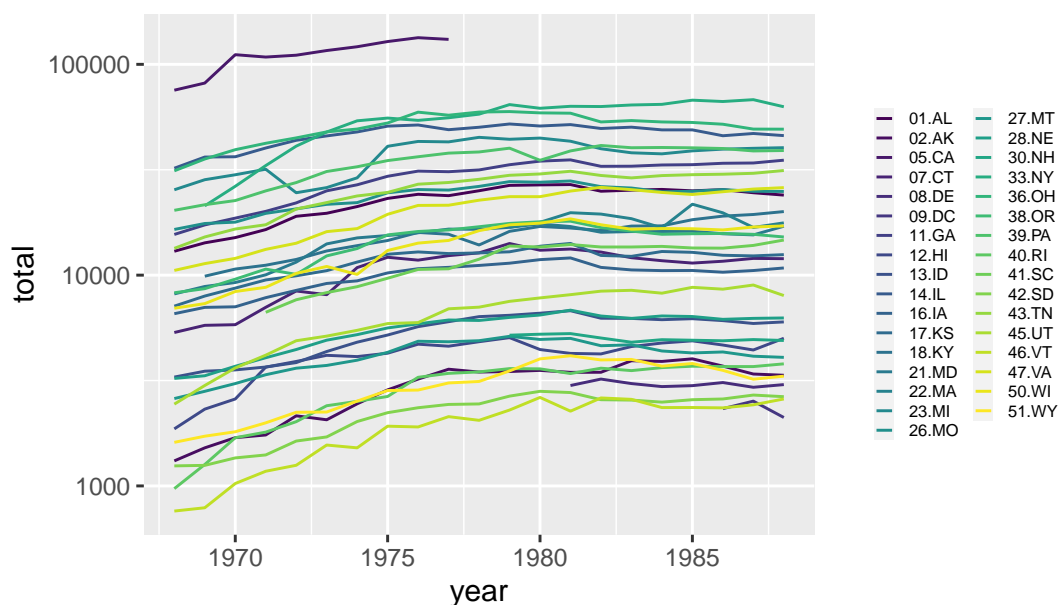


FIGURE 2: NUMBER OF DIVORCES BY STATE (NBER)



II Legal cases and political activities

By 1971, Department of State’s position: “[t]he legal name of a married woman is her husband’s surname.” In addition, to quote from *Walker v. Jackson*, 391 F. Supp. 1395 (E.D. Ark. 1975),

[T]he Supreme Court of the United States has recognized that a State may constitutionally require a married woman to use her husband’s surname as her own for certain purposes, as for example obtaining a driver’s license, if the State has a sufficiently compelling interest in imposing the requirement. *Forbush v. Wallace*, Governor, 405 U.S. 970, 92 S. Ct. 1197, 31 L. Ed. 2d 246 (1972), aff’g without opinion, *Forbush v. Wallace*, Governor, 341 F. Supp. 217 (M.D.Ala.1971).

Such a position in public offices have slowly changed. According to [Augustine-Adams \(1997, p.6\)](#), legal challenges in the 1970’s “firmly established that ... her name is unchanged by the fact that marriage had occurred.” “By the late 1970’s and early 1980’s many state legislatures codified a woman’s right to name herself.”

The leading case was *Dunn v. Palermo* in Tennessee (1975) that the State Supreme Court affirmed that women can register to vote under her maiden names. Additionally, in 1976, Florida District Court of Appeals noted that women are not compelled to change her name upon marriage (*Marshall v. State*). Another leading case that recognizes the women’s right to name is in Nebraska in 1978 (*Simmons v. O’Brien*). In this case, the woman retained her former surnames during the marriage, then filed a divorce (marriage dissolution) to which the District Court denied the appeal because she did not file under husband’s surname. The Trial Court reversed the District Court’s decision and remanded with directions to accept the filing.

Other scholar notes that a 1973 case in Maryland (*Stuart v. Bd. of Supervisors of Elections for Howard County*) served as a guide, and a 1975 decision in Wisconsin (*Kruzel v. Podell*) played a pivotal role across the US ([MacDougall, 1985, fn 4](#)). TABLE II lists all the formal cases and informal opinions by state judicial or state attorney generals affirming the right after 1972. In principle, one can date the year when the official common law practice shifted to affirm the right.^{*2}

^{*2} *Allen v. Lovejoy*, concluded in October 1975, however, notes that a woman who was suspended without pay due to noncompliance with Health Department’s name change policy should not get compensation because she did not follow Department’s advice to first change the name and appeal to the internal Merit System Council. Given the uncertainty of how MSC might have responded to plaintiff’s appeal, the women’s name right had not been fully protected until

Following is a summary of political activities that promote women's name rights (MacDougall, 1985, fn 5):

- The Center for a Woman's Own Name was established in 1973 after *Kruzel v. Podell* case was appealed, and started distributing *Booklet For Women Who Wish To Determine Their Own Names After Marriage*.
- In 1974, Olympia Brown League was formed to aid women in Milwaukee affected by the lower court's ruling. In 1972, Massachusetts women formed Name-Change at the time of *Forbush* case^{*3}. They also distributed a booklet titled *Fact Sheet For Women Who Wish To Retain Their Own Name After Marriage*.
- In 1973, the *Committee To Encourage Richard H. Austin To Give Michigan Women Their Middle Names For The Holidays (CERHA)* was formed with Attorney Jean L. King to support the right of women to obtain drivers' licenses using their birth names as middle names.
- In California, the *Name Choice Center* distributed a fact sheet and promoted the issue with the Attorney General and the Legislature. The Center had a mailing list of over 15,000 by 1974.
- In 1974, *The Women's Legal Defense Fund* in Washington, D.C. established a committee on names which published and distributed a booklet on women's names for D.C. area residents.

state	case	reference	year
1: Texas	Rice v. State	37 Tex. Crim. 36, 38 S.W. 801	(1897) 1897

TABLE 1: REFERENCES IN AUGUSTINE-ADAMS (1997)

case	ref	state	year	remark
Stuart v. Bd. of Supervisors of Elections for Howard County	295 A.2d 223	Maryland	1972	Holding that marriage did not, as a matter of law, change the wife's surname to that of the husband.
Custer v. Bonadies	318 A.2d 639 Conn. Super. Ct.	Connecticut	1974	Finding that neither common law nor statute compels a married woman to take her husband's surname, although it is the custom.
Marshall v. State	301 So. 2d 477 Fla. Dist. Ct. App.	Florida	1974	Allowing a married woman to claim her non-marital name as her legal name.
In re Hauptly	312 N.E.2d 857	Indiana	1974	Holding that a married woman has the same right to change her name as anyone else.
MAss. Op. ATr'y GEN.	Number 5 at 48	Massachusetts	1974	Finding that Massachusetts law does not compel a woman retaining her maiden name after marriage to assume her husband's surname for any purpose.
In re Halligan	361 N.Y.S.2d 458 App. Div.	New York	1974	Holding that the potential confusion which might arise when a woman bore a name different from her husband's was an insufficient reason to deny her application for judicial name change.
In re Natale	527 S.W.2d 402, 404-05 Mo. Ct. App.	Montana	1975	Noting that restricting a woman's right to use the name of her choice is inconsistent with developments granting women equal legal rights.

1974 when the suspension was decided.

^{*3} *Forbush v. Wallace* (1972): A supreme court case that conceded that a woman's legal name is her husband's name.

case	ref	state	year	remark
In re Lawrence	337 A.2d 49, 51 N.J. Super. Ct. App. Div.	New Jersey	1975	Finding a "woman may retain her maiden name by antenuptial agreement or by holding herself out consistently by that name after marriage."
In re Mohlman	216 S.E.2d 147 N.C. Ct. App.	North Carolina	1975	Stating that at marriage a woman does not give up her right to change her name as anyone else might change his or hers.
In re Strikwerda	220 S.E.2d 245	Verginia	1975	Finding that nothing in the wording of statute purports to exclude a married woman from petitioning the court to change her name from her married name to her maiden name.
Kruzel v. Podell	226 N.W.2d 458,459	Wisconsin	1975	Finding error in an election board's purging of voter registration where a woman did not take her husband's surname at marriage.
Weathers v. Superior Court of Los Angeles	126 Cal. Rptr. 547 Ct. App.	California	1976	Allowing a married woman to sue for divorce in her own name.
FLA. ATr'y GEN. ANN. REP.	§076-66 at 120	Florida	1976	Advising that for purposes of voter registration, the "true" name of a married woman who chooses to retain her birth surname is her given name and her birth surname, not her given name and her husband's surname.
Brown v. Brown	384 A.2d 632, 632	District of Columbia	1977	Finding no limitation in the common law for "any adult or emancipated person" to change his or her name at will.
Secretary of the Commonwealth v. City Clerk of Lowell	366 N.E.2d 717	Massachusetts	1977	Recognizing that a woman may change her name at will, without resort to legal proceedings.
Ball v. Brown	450 F. Supp. 4 N.D.	Ohio	1977	Finding error in an election board's purging of voter registration where a woman did not take her husband's surname at marriage.
ME. Op. ATr'Y GEN.	WL 33940 Me.A.G.	Maine	1978	Ruling that both women and men have option of retaining their surnames after marriage.
Simmons v. O'Brien	272 N.W.2d 273	Nebraska	1978	Finding error in lower court's refusal to grant a divorce in wife's separate surname because common law did not compel married woman to bear the same surname as her husband.
In re Miller	243 S.E.2d 464	Verginia	1978	Noting that no statute in Virginia requires a married woman to assume her husband's surname, despite custom.
Traugott v. Petit	404 A.2d 77	Rhode Island	1979	Upholding the common law right of a divorced woman to use the name of her choice.
Malone v. Sullivan	605 P.2d 447	Arizona	1980	Finding error in a trial court's refusal to entertain a woman's divorce petition unless she amended her pleading to reflect her surname as her husband's.
State v. Taylor	415 So. 2d 1043, 1047	Alabama	1982	Finding that "in view of the fact that the common law regarding 'names' has not been altered by the legislature." Alabama adopts the common law of England that a woman's change of name upon marriage is in fact rather than in law.

TABLE 3: REFERENCES IN MACDOUGALL (1985)

state	year	case	reference
Alabama	1982	State v. Taylor	415 So. 2d 1043 (Ala. 1982)
Alaska	1976	Op. Att’y Gen.	Alaska (May 5, 1976)
Arizona	1975	Laks v. Laks	25 Ariz. App. 58, 540 P.2d 1277 (1975) [Seiro added: Divorced mother’s right to rename children as MotherMaidenName-FatherSurName was rejected by the court.]
Arizona	1980	Malone v. Sullivan	124 Ariz. 469, 605 P.2d 447 (1980)
Arkansas	1974	Op. Att’y Gen.	Ark. No. 74-123 (Oct. 8, 1974) [Seiro added: Under Arkansas law a married woman may retain her maiden name, and if Pamela Walker did not change her name when she married she was entitled to be registered under her maiden name. https://law.justia.com/cases/federal/district-courts/FSupp/391/1395/1494569/]
Arkansas	1974	Op. Att’y Gen.	Ark. No. 74-75 (April 19, 1974)
Arkansas	1975	Walker v. Jackson	391 F. Supp. 1395 (E.D. Ark. 1975)
California	1974	Op. Atty Gen.	Cal. (March 12, 1974)
California	1976	Weathers v. Superior Court	54 Cal. App. 3d 286, 126 Cal. Rptr. 547 (1976)
Connecticut	1974	Custer v. Bonadies	30 Conn. Supp. 385, 318 A.2d 639 (Super. Ct. 1974)
Connecticut	1975	Op. Att’y Gen.	Conn. (Jan. 23, 1975)
Delaware	1974	Op. Att’y Gen.	Del. (Aug. 7, 1974)
District of Columbia	1975	Op. Corp. Counsel D.C.	(1975)
District of Columbia	1978	Brown v. Brown	382 A.2d 1038 (D.C. 1978), vacating 384 A.2d 632 (D.C. 1977)
Florida	1974	Marshall v. State	301 So. 2d 477 (Fla. Dist. Ct. App. 1974)
Florida	1976	Davis v. Roos	326 So. 2d 226 (Fla. Dist. Ct. App. 1976)
Florida	1976	1976 Op. Att’y Gen.	Fla. 076-66 (March 24, 1976)
Florida	1983	In re Hooper	436 So. 2d 401 (Fla. Dist. Ct. App. 1983)
Florida	1984	Pilch v. Pilch	447 So. 2d 989 (Fla. Dist. Ct. App. 1984)
Georgia	1975	Op. Att’y Gen.	Ga. No. 75-49 (June 3, 1975)
Georgia	1985	Ga. Code Ann.	§19-3-33.1 (Supp. 1985)
Hawaii	1976	Hawaii Rev. Stat.	§574-1 (1976)
Hawaii	1979	Jech v. Burch	466 F. Supp. 714 (D. Hawaii 1979)
Illinois	1974	Op. Att’y Gen.	Ill. No. S-711 (Feb. 25, 1974)
Illinois	1974	Op. Att’y Gen.	Ill. S-695 (Feb. 13, 1974), both opinions indicating that Illinois does not follow Rago v. Lipsky, 327 Ill. App. 63, 63 N.E.2d 642 (1945) (country’s sole case holding that a married woman takes her husband’s surname as her ”legal” name at common law)
Indiana	1974	In re Hauptly	262 Ind. 150, 312 N.E.2d 857 (1974)
Iowa	1980	Op. Att’y Gen.	Iowa (March 25, 1980)
Iowa	1981	Iowa Code Ann.	§595.5 (West 1981)

state	year	case	reference
Kansas	1973	Op. Att’y Gen.	Kan. No. 73-47 (Feb. 1, 1973) following Gallop v. Shanahan No. 120, 456 (Dist. Ct. Shawnee County, Nov. 2, 1972), noted in Note, Constitutional Law-Equal Protection and Right of Suffrage Prohibits State From Cancelling Voter Registration of Newly Married Woman-Women Upon Marriage Do Not Necessarily Abandon Maiden Name, 21 U. Kan. L. Rev. 588 (1972-73)
Kentucky	1974	Op. Att’y Gen.	Ky. No. 74-902 (Dec. 26, 1974)
Kentucky	1974	Op. Att’y Gen.	Ky. No. 74-349 (May 14, 1974)
Kentucky	1977	Op. Att’y Gen.	Ky. No. 77-334 (May 23, 1977)
Kentucky	1977	Op. Att’y Gen.	Ky. No. 77-239 (April 13, 1977)
Kentucky	1981	Memorandum Ky. Dept. Transportation	(Oct. 30, 1981) (Kentucky Department of Transportation relinquishes position that a married woman must obtain driver’s license in her husband’s surname unless she has a court-ordered name “change”)
Louisiana	1931	Succession of Kneipp	172 La. 411, 134 So. 376 (1931)
Louisiana	1975	Boothe v. Papale	No. 74-939 (E.D. La. Feb. 12, 1975) (Order granting plaintiffs Motion for Summary Judgment)
Louisiana	1977	Pugh v. Theall	342 So. 2d 274 (La. Ct. App. 1977), cert. denied 344 So. 2d 1055 (La. 1977)
Louisiana	1984	La. Rev. Stat. Ann.	§40:34.A.(1)(a)(iii) (West 1984) (statute relating to naming children at birth)
Maine	1974	Op. Atty. Gen.	Me. (April 12, 1974)
Maine	1975	In re Reben	342 A.2d 688 (Me. 1975)
Maine	1978	Op. Att’y Gen.	Me. (April 4, 1978)
Maryland	1972	Stuart v. Board of Supervisors	266 Md. 440, 295 A.2d 223 (1972), noted in The Right of a Married Woman To Use Her Birth-Given Surname For Voter Registration, 32 Md. L. Rev. 409 (1973)
Maryland	1972	Op. Att’y Gen.	Md. (Nov. 30, 1972)
Maryland	1974	Op. Att’y Gen.	Md. (May 7, 1974)
Maryland	1974	Op. Atty. Gen.	Md.(March 30, 1974)
Maryland	1977	Klein v. Klein	36 Md. App. 177, 373 A.2d 86 (Ct. Spec. App. 1977)
Maryland	1981	Goldin v. Goldin	48 Md. App. 154, 426 A.2d 410 (Ct. Spec. App. 1981)
Maryland	1983	Op. Att’y Gen.	Md. (Jan. 20, 1983)
Massachusetts	1977	Secretary of the Commonwealth v. City Clerk of Lowell	373 Mass. 178, 366 N.E.2d 717 (1977)
Massachusetts	1983	Mass. Ann.	Laws ch. 46 §1D (Law. Co-op. Supp. 1983)
Michigan	1974	Op. Att’y Gen.	Mich. No. 4834 (Oct. 2, 1974)
Michigan	1976	Piotrowski v. Piotrowski	71 Mich. App. 213, 247 N.W.2d 354 (1976)
Michigan	1980	Wood v. Detroit Edison	409 Mich. 279, 294 N.W.2d 571 (1980)

state	year	case	reference
Michigan	1980	Mich. Comp. Laws Ann.	§333.2824(1) (West 1980) (statute relating to naming children at birth)
Michigan	1983	Jones v. Sanilac County Road Comm'n	128 Mich. App. 569, 342 N.W.2d 532 (1983)
Minnesota	1985	Minn. Stat. Ann.	§517.08 (West Supp. 1985)
Missouri	1975	In re Natale	527 S.W.2d 402 (Mo. Ct. App. 1975)
Missouri	1983	Johnson v. Pacific Intermountain Expr. Co.	662 S.W.2d 237 (Mo. 1983), cert denied 104 S. Ct. 2349 (1984)
Missouri	1984	Miller v. Miller	670 S.W.2d 591 (Mo. Ct. App. 1984)
Montana	1974	Op. Att'y Gen.	Mon. (May 1, 1974)
Nebraska	1978	Simmons v. O'Brien	201 Neb. 778, 272 N.W.2d 273 (1978)
Nebraska	1984	Neb. Rev. Stat.	§71-640.01 (1984) (statute relating to naming children at birth)
New Hampshire	1978	Moskowitz v. Moskowitz	118 N.H. 199, 385 A.2d 120 (1978)
New Hampshire	1983	N.H. Rev. Stat. Ann.	§126.6-a (1983) (statute relating to naming children at birth)
New Jersey	1975	In re Lawrence	133 N.J. Super. 408, 337 A.2d 49 (1975)
New Jersey	1975	Op. Att'y Gen.	N.J. No. 20-1975 (Aug. 26, 1975)
New York	1974	In re Halligan	46 A.D.2d 170, 361 N.Y.S.2d 458 (App. Div. 1974)
New York	1985	N.Y. Dom. Rel. Law	§§14-a(1), 15(1), 240-a (McKinney Supp. 1985)
New York	1985	N.Y. Civ. Rights Law	§§64, 65 (McKinney Supp. 1985)
North Carolina	1975	In re Mohlman	26 N.C. App. 220, 216 S.E.2d 147 (1975)
North Carolina	1981	O'Brien v. Tilson	523 F. Supp. 494 (E.D.N.C. 1981)
North Carolina	1983	N.C. Gen.	Stat. §130-A-101(c) (Supp. 1983) (statute relating to naming children at birth)
North Dakota	1974	Op. Att'y Gen.	N.D. (March 20, 1974)
Ohio	1961	Krupa v. Green	144 Ohio App. 497, 177 N.E.2d 616 (1961)
Ohio	1977	Ball v. Brown	450 F. Supp. 4 (N.D. Ohio 1977)
Oklahoma	1975	Op. Att'y Gen.	Okla. (Nov. 14, 1975)
Oklahoma	1978	Sneed v. Sneed	585 P.2d 1363 (Okla. 1978)
Oregon	1983	Ore. Rev. Stat.	§106.220 (1983)
Pennsylvania	1973	Op. Att'y Gen.	Pa. No. 72 (Oct. 25, 1973)
Pennsylvania	1973	Op. Att'y Gen.	Pa. No. 62 (Aug. 20, 1973)
Pennsylvania	1974	Op. Att'y Gen.	Pa. No. 8 (Jan. 31, 1974)
Rhode Island	1979	Traugott v. Petit	122 R.I. 60, 404 A.2d 77 (1979)
South Carolina	1974	Op. Att'y Gen.	S.C. (Dec. 12, 1974)
South Carolina	1975	Op. Atty. Gen.	S.C. (June 6, 1975)
South Dakota	1977	Op. Att'y Gen.	S.D. No. 77-31 (April 15, 1977) (interpreting Ogle v. Circuit Court 89 S.D. 18, 227 N.W.2d 621 (1975))

state	year	case	reference
Tennessee	1975	Dunn v. Palermo	522 S.W.2d 679 (Tenn. 1975)
Tennessee	1983	Tenn. Code Ann.	§68-3-305 (1983) (statute relating to naming children at birth)
Texas	1897	Rice v. State	37 Tex. Crim. 36, 38 S.W. 801 (1897)
Texas	1974	Op. Att’y Gen.	Tex. No. H-432 (Oct. 25, 1974)
Texas	1980	Op. Att’y Gen.	Tex. No. MW-225 (Aug. 21, 1980) (says that a married woman may vote under a hyphenated last name, of her “maiden name” and her husband’s name)
Vermont	1974	Op. Att’y Gen.	Vt. No. 179 (Feb. 4, 1974)
Virginia	1973	Op. Att’y Gen.	Va. (June 6, 1973) (re voting)
Virginia	1975	In re Strikwerda	216 Va. 470, 220 S.E.2d 245 (1975)
Virginia	1978	In re Miller	218 Va. 939, 243 S.E.2d 464 (1978)
Washington	1927	Op. Att’y Gen.	Wash. 507 (1927-28) (right of married woman to use husband’s name even though she is not living with him)
Washington	1976	Doe v. Dunning	87 Wash. 2d 50, 549 P.2d 1 (1976)
West Virginia	1975	Op. Att’y Gen.	W. Va. (April 30, 1975)
Wisconsin	1975	Kruzel v. Podell	67 Wis. 2d 138, 226 N.W.2d 458 (1975)
Wisconsin	1977	Op. Att’y Gen.	Wis. No. 7-77 (Jan. 31, 1977)
Wisconsin	1982	Op. Att’y Gen.	Wis. (Sept. 21, 1982)

TABLE II lists official opinions of judiciary on women’s name right shown in MacDougall (1985, fn 9). The six states not listed, Colorado, Idaho, Nevada, New Mexico, Utah, and Wyoming, all recognize the right but have not circulated the opinions by 1985. State level recognition of women’s name right led to a federal level consensus in 1982 that women should not be denied to open financial accounts under her birth-given surname as an interpretation of Equal Opportunity Credit Act [12 C.F.R. §202.7 (b) Designation of names].

According to Augustine-Adams (1997, p.8), state legal codes have been ammended that a married woman has a right to retain her maiden name.^{*4}

Year	State	Law
1997	Georgia	GA Code Annex 19-3-33.1
1996	Guam	Code 3018-3109
1996	Iowa	Code Annex 595.5
1995	North Dakota	Cent. Code 14-03-20.1
1995	Oregon	Revised Statute 106.220
1993	Hawaii	Revised Statute 574-1
1993	Massachusetts	General Law Annex Chapter 46, 1D

^{*4} Louisiana is unique that it takes a civil law perspective that “[m]arriage does not change the name of either spouse” (Augustine-Adams, 1997, p.8).

References

- Augustine-Adams, Kif**, “The beginning of wisdom is to call things by their right names,” *Southern California Review of Law & Women’s Studies*, 1997, 7, 1.
- MacDougall, Priscilla Ruth**, “The right of women to name their children,” *Law & Inequality*, 1985, 3, 91.