

The Naturalization Act of 1790

Naturalization is a legal process by which individuals not born in the United States obtain U.S. citizenship. The first federal naturalization law, excerpted here, was passed on March 26, 1790. The original law was limited to those who fulfilled the requirement of being a “free white person” and excluded those who fell outside this categorization--for instance, Native Americans, indentured servants, free African Americans, slaves, Asians, and people from Latin America. The racial requirement for naturalized citizenship was amended in 1870 to include those “free white persons” and individuals of “African descent.” However, Asian immigrants, who fell between these two racial poles (as being neither white nor black) were deemed “aliens ineligible for citizenship” in a series of Supreme Court cases (Ah Yup, Ozawa, and Thind). Racial restrictions for naturalized citizenship would remain until the passage of the McCarran-Walter Act in 1952. (The Naturalization Act of 1790 [An Act to Establish an Uniform Rule of Naturalization]. Chap. 3; 1 Stat 103. 26 Mar. 1790.)

Section 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien, being a free white person, who shall have resided within the limits and under the jurisdiction of the United States for the term of two years, may be admitted to become a citizen thereof, on application to any common law court of record in any one of the states wherein he shall have resided for the term of one year at least, and making proof to the satisfaction of such court, that he is a person of good character, and taking the oath or affirmation prescribed by law, to support the Constitution of the United States, which oath or affirmation such court shall administer; and the clerk of such court shall record such application, and the proceedings thereon; and thereupon such person shall be considered as a citizen of the United States. And the children of such persons so naturalized, dwelling within the United States, being under the age of twenty-one years at the time of such naturalization, shall also be considered as citizens of the United States. And the children of citizens of the United States, that may be born beyond sea, or out of the limits of the United States, shall be considered as natural born citizens: Provided, That the right of citizenship shall not descend to persons whose fathers have never been resident in the United States: Provided also, That no person heretofore proscribed by any state, shall be admitted a citizen as aforesaid, except by an act of the legislature of the state in which such person was proscribed.

Approved, March 26, 1790.

Source: Schlund-Vials, Cathy J., Wong, K. Scott, and Chang, Jason O. *Asian America: A Primary Source Reader* (Yale UP 2015)