

Essay: Citizenship and Race Challenged in the Courts*By The Asian American Education Project***Background:**

For most of the first century of the United States' existence, only free white people could become citizens. Following the Civil War, Black people gained citizenship through the Fourteenth Amendment and the right to naturalize under the Naturalization Act of 1870. However, other non-white people in the U.S., such as the APIDA community, were left uncertain about what protections and rights extended to them. They turned to the courts to test and expand their rights. In 1886, a Chinese immigrant and laundry owner Lee Yick won the historic case *Yick Wo v. Hopkins* in which the Supreme Court ruled that a law applied discriminatorily along racial lines was unconstitutional, as all people in the U.S. were entitled to equal protection of the law under the Fourteenth Amendment, regardless of citizenship status. In 1898, the flagship case on birthright citizenship, *Wong Kim Ark v. United States*, was decided, after Wong was denied re-entry into the U.S. after a visit to China, claiming that he was a U.S. citizen because he had been born in this country. The case went all the way to the Supreme Court where it ruled that the Fourteenth Amendment guaranteed citizenship to all those born in the U.S. regardless of their race or parents' national origin. These Supreme Court decisions had serious ramifications for not only Asian immigrants, but all Americans, citizens or otherwise, and paved the way for future court challenges by APIDAs.

Vocabulary:

- **Anthropologists:** experts who study the science of human beings
- **Caucasian:** of or relating to a race of people native to Europe, North Africa, and southwest Asia in an area called Caucasus; often used to mean whiteness
- **Discrimination:** the prejudicial treatment of different categories of people on the basis of race, age, or sex
- **Legal:** of or relating to law
- **Naturalization:** the admittance of a foreigner to the citizenship of a country
- **Race:** the idea that the human species is divided into distinct groups on the basis of inherited physical and behavioral differences
- **Unanimously:** with the agreement of all people involved
- **The Supreme Court:** the highest court in the United States; it consists of nine justices and is the court of final appeal

Read the text. Underline or highlight important ideas.**In this space, write down notes and questions:**

Since the late 1800s, Asian immigrants began facing increasing levels of hostility, discrimination, and exclusion from the United States. To protect themselves and their communities, Asians and Asian Americans found ways to resist and fight back. Legal challenges were particularly important for Asian Americans fighting for their rights because many of the obstacles they faced were created by laws rooted in discrimination.

The question of citizenship was addressed in the cases of *Takao Ozawa v. United States* (1922) and *United States v. Bhagat Singh Thind* (1923). Together, these cases



illustrate how the social constructs of race and whiteness were manipulated to deny naturalization rights to Asian immigrants.

When the U.S. government attempted to limit citizenship only to whites, Asian Americans quickly moved to prove that they themselves were “white” in one way or another. For example, Takao Ozawa, a Japanese American who had lived in the United States for twenty years, claimed that “whiteness” was a matter of skin color. He argued that his skin was just as pale as white Americans; as such, he wanted to be treated the same as a white person, which meant being granted citizenship. He also emphasized his personal values and beliefs, namely his honesty and industriousness, as a demonstration of being “a true American” at heart. The Supreme Court unanimously denied Ozawa citizenship, stating explicitly that whiteness only extended to those of “the Caucasian race.”

Three months later, the Supreme Court changed its own reasoning in order to deny citizenship to Bhagat Singh Thind, an Indian man. Thind was from the northern region of Punjab and moved to the United States as a young man and joined the U.S. Army during World War I. He argued that he should be eligible for naturalization and citizenship because he was of the Caucasian race, as specified by the *Ozawa* decision. At the time, people from India were sometimes considered members of the “Caucasian race” by anthropologists because they came from the area of Caucasus.

In Thind’s case, the Supreme Court found that even though he was Caucasian (meaning from the area of Caucasus), he was not considered white. The Court claimed that whiteness must “be interpreted in accordance with the understanding of the common man, synonymous with the word ‘Caucasian’ only as that word is popularly understood.” In other words, there was a “common sense” definition of being white, which meant having white skin, round eyes, narrow noses, and other such features.

The *Thind* decision had serious consequences for Indian Americans, with many Indian immigrants having their naturalized citizenship revoked. As non-citizens, they were further stripped of their property as well. One tragic example is Vaishno Das Bagai, whose citizenship and store were taken away after the *Thind* decision, leading him to take his own life.

With these two rulings, the Supreme Court demonstrated it was more concerned about safeguarding white citizenship than maintaining their own line of reasoning or

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upholding justice for non-white immigrants. For Asian Americans, not having citizenship meant being denied access to full participation in U.S. society. They couldn't vote for leaders to represent them and own land or property. This marginalization allowed them to be excluded from and harassed by this country.

In this space, write a summary of the text in 2-3 sentences:

Bibliography:

Imai, Shiho. "Ozawa v. United States." Densho Encyclopedia, 16 April 2014, [https://encyclopedia.densho.org/Ozawa v. United States](https://encyclopedia.densho.org/Ozawa_v._United_States).

Mahajan, Karan. "The Two Asian Americas." *The New Yorker*, 21 Oct. 2015, <https://www.newyorker.com/books/page-turner/the-two-asian-americas>.

Shih, David. "White Happened to You." Arcade: A Digital Salon, Stanford University, 27 January 2015, <https://arcade.stanford.edu/blogs/white-happened-you>.

Wagner, Ella. "Bhagat Singh Thind." National Park Service, U.S. Department of the Interior, 1 November 2021, <https://www.nps.gov/people/bhagat-singh-thind.htm>.

