

Who Belongs? American Citizenship



Key Question:

Who gets to be a citizen of the United States and what does it mean to be a citizen if you are not a white Christian?

Background:

The question “*What does it take to become a citizen?*” has been a question asked and answered since the start of immigration legislation across our country and throughout the world. With this in mind, the intersection of race and immigration has been a long running theme. The United States has recognized two means for citizenship: citizenship by birthplace (*jus soli*), given by the 14th Amendment, and citizenship by blood (*jus sanguinis*), given if one parent is a U.S. citizen. What happens if you can’t claim either and want to become a U.S. citizen?

In the 1900s, there was another way: through action. Over 18% of the U.S. Army was made up of immigrant soldiers during World War I, either being drafted or by volunteering themselves. As a result, Congress passed legislation that helps non-citizen soldiers have a faster path to citizenship. The Naturalization Act of 1790 set the scene for immigration policies and laws to come, stating that “any alien, being a free white person,” was eligible for citizenship, as long as they have lived in the U.S. for at least two years, and within the state they filed to be a citizen in, for at least a year. From this, we can already see that the Black and Indigeneous people who had lived in the U.S. for generations were not legally allowed citizenship. Though the 13th Amendment abolished slavery in 1865, it did not give citizenship to those who were previously enslaved. In addition, though the Naturalization Act stated that children of American citizens were citizens as well, citizenship could not be given to people whose “fathers have never been resident in the United States,” therefore, not all free people living in the United States could claim citizenship. When Congress passed the Indian Citizenship Act of 1924 as a result of high enlistment rates from Native Americans during World War I, Native Americans born within the country were the last to be declared citizens. From the start in the U.S., citizenship had always been a privilege of race. Takao Ozawa was born in Japan and tried filing for citizenship in the United States District Court for the Territory of Hawaii, but when his request was turned down by the District Attorney, he brought his case to the Circuit Court of Appeals. Both in the District Court and Court of Appeals, the question of what makes a citizen was brought up. Ozawa’s lawyers defended his case for citizenship, citing that he had “educated his children in American schools, his family had attended American churches and he had maintained the use of the English language in his home.” This was what was described as being “well qualified” for citizenship. Does being an American citizen require the complete wipe of one’s culture? How does America view naturalized immigrants who continue to embrace their cultural identity?

We may claim that our country has come a long way from these policies, but even within the past century, we have seen that this may not be the case.

Case Study:

Bhagat Singh Thind, a Sikh born in the Punjab region of India, came to the United States in 1913, where he sought a life similar to many others, furthering his education and finding work, in this case, in the lumber mills of Oregon. Thind joined the US military during World War I in 1918 and was granted citizenship in the state of Washington. Following this grant, his citizenship was taken away by the Immigration and Naturalization Service, and when he applied for citizenship in Oregon a year later, his request was turned away. That is when he brought his case to the Supreme Court in 1922.

Who Belongs? American Citizenship



When the case was taken on by the Supreme Court, Justice George Sutherland delivered the opinion of the Supreme Court, first highlighting the two main questions: whether or not a “high caste Hindu of full Indian blood” was in fact “a white person,” and whether the Immigration Act of 1917 (Asiatic Barred Zone Act) should affect Thind, though he entered the U.S. before the Act was passed.

The 1870 revisions to Section 2169, Revised Statutes was brought up throughout the case. These revisions to the Naturalization Act relate to “aliens being free white persons and to aliens of African nativity and to persons of African descent.” William R. King, Thind’s lawyer uses this revision followed by the description of the words “white persons” and “Caucasian” being synonyms, stating that since Thind is technically Caucasian, he should also be considered as white. Rejecting King’s first statement, Sutherland stated that the word “Caucasian” wasn’t used in the statute, instead, the word “white persons” was, and should be defined by what is “popularly” viewed and understood by the “common man.” He believed that race should be applied to those who now possess and show the “requisite characteristics,” instead of those who can claim relation to “some remote, common ancestor.” Though Thind could claim to be of Caucasian descent, he wasn’t physically white, and therefore, couldn’t claim citizenship in the eyes of the Court.

The Supreme Court differed in opinion from the District Court in stating that Thind could not claim citizenship under Section 2169, as he is a “native Hindu.” Sutherland believes Thind’s only eligibility relies on being a “high caste Hindu,” and even then, he states that in India there was a mix between the Aryan race and Dravidian people, so the “purity of the ‘Aryan’ blood” is affected. Continuing in the Court’s opinion, Sutherland stated that European people are able to “merge into the mass of our population” while people of Indian origin in this country would “retain indefinitely the clear evidence of their ancestry,” as if that is a reason enough to keep people of Indian origin out. He claims this isn’t a discussion of superiority or inferiority on the basis of race, but rather “racial difference,” but through this mindset of maintaining the ideal societal make-up, it is in fact a matter of superiority.

When discussing the second question brought up by the Court, it is important to understand what this 1917 Act includes. The Immigration Act of 1917 banned people who wanted to emigrate from what was considered the “Asiatic Barred Zone,” with a few exceptions: Japanese immigrants were already limited from the Gentlemen’s Agreement, Filipino immigrants were U.S. nationals since the Philippines was a U.S. colony, and China was not considered a part of the “Asiatic Barred Zone,” but the Chinese Exclusion Act didn’t allow for entry. India was a country affected by the 1917 Act, so the questions brought up wonders if Thind is affected though he came to the U.S. prior to the Act. Justice Sutherland stated that the first question discussed was answered and he is not identified as a white person under Section 2169, therefore, the second question becomes irrelevant. The Supreme Court ruling was unanimous: his request for citizenship was turned down in 1923.

Following the Nye-Lea Act of 1935, Thind was able to claim citizenship. This Act allowed for veterans of Asian ancestry to claim citizenship.

While immigration in the 1920s was based on the “national-origin quota system,” which limits the number of immigrants that enter the country by national origin and each nationality was assigned a specific amount for entry based on the past U.S. census.

In 1965, the Immigration and Naturalization Act of 1965 was passed, changing how immigration into the U.S. would be viewed and allowed. Following this Act, the number of immigrants coming from Asia, Africa, and Latin America grew compared to the number coming from Europe. When the bill was passed, it shifted the basis of entry from the quota system to those who had U.S. citizen relatives, skills that would be useful to the country, or those who were

Who Belongs? American Citizenship



refugees. This greatly impacted the number of people of color coming into the United States. In the 1950s, more than half the number of immigrants were Europeans, where in the 1990s, only 16% came from Europe. The trend differed when looking at immigrants of color. In the 1990s, the numbers of immigrants coming from Latin America and Africa jumped, as well as the number coming from Asia, where 31% of Asian immigrants came in the 1990s, a leap from the 6% that arrived in the 1950s.

As fears of terrorism grew in the late-1990s and 2000s, more laws were put in to combat terrorism and undocumented entry, with an increase in border control and tighter eligibility requirements for entering the country. From this point forward, the topic of immigration, especially undocumented immigration, has seen many efforts throughout the years, both to support undocumented immigrants in the country and to criminalize them.

The summer of 2019, the Trump administration tried adding a citizenship question to the 2020 Census. If this question was included, it was estimated that around nine million people from Latinx and Asian communities would not fill out their forms, fearing the information would fall into the hands of law enforcement and used against them. Along with the realization that the people that wouldn't have been counted, are typically from metropolitan, urban areas, where government assistance funds would not be equally distributed.

This same summer, Trump's words to four congresswomen of color highlight the same mentality that citizenship and whiteness should align. Though all four are U.S. citizens and three were born in the U.S., Trump implied that they should "go back" to where they came from. Clearly, though the United States has continually changed its laws on immigration and citizenship, there is still a great deal of change that needs to be done, especially looking at the ideas passed down and reformatted from the first legislation that determined naturalization.

Reflection Questions:

1. Has the desire to become a citizen of the United States changed over generations? Why or why not?

2. What does citizenship have to do with eligibility to vote? Does that make sense nowadays where someone who is uneducated, but a citizen, has the privilege to vote in an election whereas a knowledgeable person, who is not a citizen, is ineligible to cast a vote?

**VOTE RUN LEAD presents YOUR KITCHEN CABINET:
Radical Leaders Uncovering the Past to Build the Democracy We All Deserve**

Who Belongs? American Citizenship



References

["1924: American Indians granted U.S. citizenship." *National Library of Medicine*, Accessed 27 July 2020.](#)

[Cohn, D'VERA. "How U.S. immigration laws and rules have changed through history." *Pew Research Center*, 30 Sept. 2015](#)

["Defining Citizenship." *Smithsonian*, Accessed 27 July 2020.](#)

[Deslippe, Philip. "Bhagat Singh Thind in Jail." *SAADA*, 19 Feb. 2018.](#)

[Frey, William, "America wins as Trump abandons the citizenship question from the 2020 census." *Brookings*, 12 July. 2019](#)

[Glass, Andrew. "U.S. enacts first immigration law, March 26, 1790." *POLITICO*, 26 March. 2020.](#)

[Gross, Ariela, and de la Fuente, Alejandro. "Citizenship once meant whiteness. Here's how that changed." *The Washington Post*, 18 July. 2019.](#)

["History." *Japanese American Citizens League*, Accessed 21 July 2020.](#)

["TAKAO OZAWA v. UNITED STATES." *Legal Information Institute*, Accessed 10 July 2020.](#)

["The Immigration Act of 1924 \(The Johnson-Reed Act\)." *Office of The Historian*, Accessed 27 July 2020.](#)

["The Immigrant Army: Immigrant Service Members in World War I." *U.S. Citizenship and Immigration Services*, 5 March. 2020.](#)

["U.S. Citizenship & Naturalization Overview." *FindLaw*, 13 May, 2020.](#)

["U.S. Immigration Since 1965" *HISTORY*, 5 March, 2010.](#)

["U.S. Reports: United States v. Thind, 261 U.S. 204 \(1923\)." *Library of Congress*, 1922.pdf.](#)