High School Lesson on Citizenship: Thind & Ozawa
By Sohyun An

GA Social Studies Standards:

SSCG13 Demonstrate knowledge of the operation of the judicial branch of government.

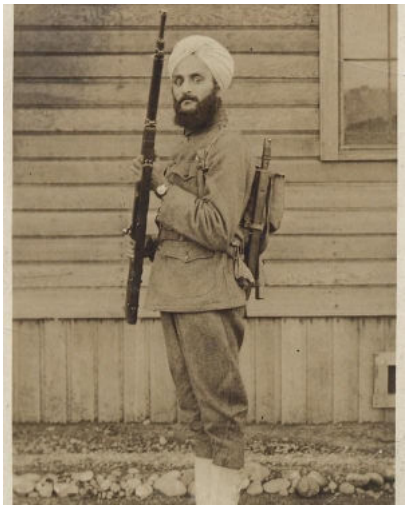
Background Information:

At its formation, the United States defined citizenship as the province of white male property owners. The Naturalization Act of 1790 limited naturalization of immigrants to "free white persons" of "good character." Then, the Naturalization Act of 1870 extended to "aliens of African nativity and persons of African descent," which stayed the same in the 1906 Naturalization Act. Two Supreme Court cases contesting this discriminatory law were brought by two Asian immigrants: Takao Ozawa v. US (1922) and US v. Bhagat Singh Thind (1923).



Born in Japan in 1875, Takao Ozawa moved to California in 1894. He applied for naturalization in 1914. Because only "free white persons" and "aliens of African nativity and persons of African descent" were allowed to become naturalized citizens, Ozawa argued that his skin was "whiter than the average Italian, Spaniard, or Portuguese" (Ozawa v. US, 1922, p. 178) and thus he was eligible for citizenship as a free white person. The Supreme Court unanimously denied him, saying that being white meant being "the Caucasian race," not the white skin color, and as a Mongolian race, Ozawa was not white.

Born in India in 1892, Bhagat Singh Thind migrated to the United States in July 1913. He studied at the University of California at Berkeley and enlisted into the Army in 1918 when the United States entered World War I. After being honorably discharged, Thind petitioned for naturalization in 1919 and was granted citizenship. His citizenship was later revoked, and he appealed. Thind's case was heard by the Supreme Court in 1923 in *Thind v. US.* Thind argued that he should be eligible for naturalization because he was of the Caucasian race. He even appealed to white people by stating that "The high-class Hindu regards the aboriginal Indian Mongoloid in the same manner as the American regards the negro, speaking from a matrimonial standpoint. The caste system prevails in India to a degree unsurpassed elsewhere" (US v. Thind, 1923, p. 204).



Contradicting the logic behind its ruling in the Ozawa case, the Supreme Court denied Thind, stating 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" (US v. Thind, 1923, p. 215). The Supreme Court was indeed more concerned about safeguarding white citizenship than maintaining its own line of reasoning.

Taken together, Ozawa and Thind cases reveal how race and whiteness are constructs that shift depending on which definition will best uphold white supremacy. The cases also show Asian American resistance against discrimination as well as complexity in the struggle. In their quest for equal rights, both Ozawa and Thind did not challenge the racist laws that restricted naturalization only to

white and African immigrants. Instead, they argued that their ethnicities should be considered white. Understandably, if Thind and Ozawa had tried to gain citizenship by challenging the preexisting racial statutes, their cases might not have even reached the Supreme Court in the first place. However, by choosing to resort to white supremacy and distance themselves from Blackness, they were complicit in sustaining the oppressive structure.

Instructional Resources and Suggestions:

- Have students read and watch stories of Takao Ozawa and Bhagat Singh Thind.
    - PBS video clip: How A Supreme Court Case Redefined Whiteness
    - PBS video clip: Racial Identity and American Citizenship in the Court
    - Ozawa story from Densho
    - Thind story from National Park Service

- Analyze court cases.
    - Takao Ozawa v. US (1922) court ruling
    - US v. Bhagat Singh Thind (1923) court ruling

  *** Guiding questions for court case analysis:
    - What was Ozawa's argument for his right to naturalized citizenship?
    - What was the Supreme Court's argument to deny Ozawa naturalized citizenship?
    - What was Thind's argument for his right to naturalized citizenship?
    - What was the Supreme Court's argument to deny Thind naturalized citizenship?
    - How did the Supreme Court's definition of "white" change from the Ozawa case to the Thin case?

- Share analysis and discuss the cases.

  *** Guiding questions for court case analysis:

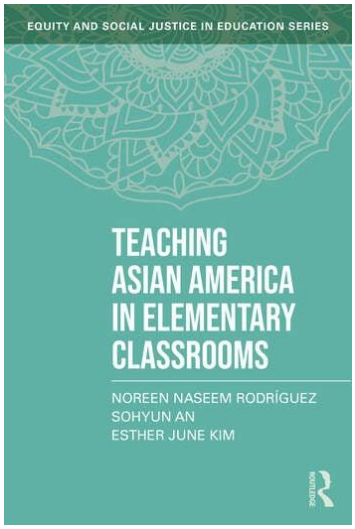
    - Viewed together, what do the two cases say about citizenship and its relationship to race in the U.S. in the early 20th century?Why do you think the court changed the definition of "white" from the Ozawa case to the Thind case? Do you think it was fair or right?
    - Why do you think both Ozawa and Thind argue that they were white instead of challenging the racist laws itself that excluded Asian immigrants in the first place?
    - If you were Ozawa or Thind, what would you have responded to the racist law and why?

- Suggestions for student differentiation of primary/secondary sources can be found in the book Teaching Asian America for Elementary Classrooms (pages 89 and 168). Also see below.

Short Biographies	
Takao Ozawa	Bhagat Singh Thind
Ozawa was born in Japan in 1875. He immigrated to the United States in 1894. He attended high school and college in California and then moved to Hawaii. He was fluent in English, practiced Christianity, and worked for an American company. He was married to a Japanese woman who was educated in America. The couple had two children. In 1914, Ozawa applied for naturalization. During that time, only white and African immigrants were allowed to become naturalized citizens. Ozawa argued that because his skin was as white as other white people, he should be allowed to become a US citizen. The Supreme Court denied him, saying that being white meant the Caucasian race, and as a Mongolian race, Ozawa was not white.	Bhagat Singh Thind was born in 1892 in India. He came to the United States in July 1913. He studied at a university and served in the US Army during WWI. After the war, he applied and was granted citizenship in 1920. However, the Bureau of Naturalization appealed the case, which went up to the US Supreme Court. Thind thought he was going to win because a few months ago, the Court had said being white meant being Caucasian in the Ozawa ruling. Thind, as most North Indians, was Caucasian. However, the Supreme Court changed the definition of being white from being Caucasian to what most people believed as white. The Court said although Thind was Caucasian, most people wouldn't see him as white and so denied Thind's request.

Court Cases Summary	
Naturalization Act of 1906: Only "free white persons" and "aliens of African nativity and to persons of African descent" have the right to naturalized citizenship.	
Ozawa v. US (1922) **Ozawa's argument** Ozawa argued his skin was as white or whiter than many other white people and thus, he was eligible for naturalization. **Supreme Court's argument** "The federal and state courts, in an almost unbroken line, have held that the words 'white person' were meant to indicate only a person of what is popularly known as the Caucasian race." "The appellant, in the case now under consideration, however, is clearly of a race which is not Caucasian…"	**US v. Thind (1923)** **Thind's argument** Thind argued that he should be eligible for naturalization because he was of the Caucasian race. **Supreme Court's argument** "It may be true that the blond Scandinavian and the brown Hindu have a common ancestor in the dim reaches of antiquity, but the average man knows perfectly well that there are unmistakable and profound differences between them today…" "What we now hold is that the words 'free white persons' are words of common speech, to be interpreted in accordance with the understanding of the common man, synonymous with the word 'Caucasian' only as that word is popularly understood".

The info included in the tables above was excerpted from Teaching Asian America for Elementary Classrooms with permission from Routledge.



Images Used:

1. Takao Ozawa (1875-1936). Courtesy Japanese American National Museum (Gift of the Takeya Family, 99.208.1).
2. Bhagat Singh Thind via National Park Service
3. Noreen Naseem Rodríguez, Sohyun An, and Esther June Kim, *Teaching Asian America in Elementary Classrooms* (Routledge, 2023)