

Bhagan Singh Thind: Citizen or Alien?

Summary: One of the major legislative tests of eligibility for citizenship was the case of Bhagat Singh Thind, a Punjabi who had come to the U.S. in 1913. He had been granted a certificate of naturalization but it was later contested. The case went to the U.S. Supreme Court, which ruled that Bhagat Singh Thind was not white and therefore his citizenship was revoked. As a result of the ruling, the Justice Department began proceedings to de-naturalize Sikhs who had already obtained citizenship. Since Sikhs were no longer considered citizens, they were not allowed to own land.

In the first two decades of the 20th century, Sikhs were affected by the debate over eligibility for citizenship. According to statutes enacted in 1790, free “white” persons were eligible for naturalization. After the Civil War, people of African descent were included by exception. But “white” remained the norm. By 1915, courts across the nation were adjudicating cases, with Japanese, Syrians, Bengalis and Punjabis all pressing claims for “whiteness.”

One of the major legislative tests of eligibility for citizenship was the case of Bhagat Thind, a Punjabi who had come to the U.S. in 1913, married an American woman, and served in the armed forces during World War I. He had been granted a certificate of naturalization by the District Court of Oregon. But the Oregon Bureau of Naturalization contested the matter. The case went to the U.S. Supreme Court.

The Supreme Court ruled against Thind’s citizenship on the basis of race, despite the argument that Indian and European peoples shared a common “Indo-European” racial background. Although experts testified that Thind was a Caucasian, the court ruled that not all Caucasians are “white,” at least in the perception of the “common man.” The framers of the naturalization law, the judges maintained, did not have Indians in mind. “The words of familiar speech, which were used by the original framers of the law, were intended to include only the type of man whom they knew as white.”

The case was clearly about race, not about religion, but it deeply affected the Sikh community. In the wake of the *Thind* decision, the Justice Department began proceedings to de-naturalize some of the 69 Indians, mostly Sikhs, who had already obtained citizenship. There were also moves, especially in California, to take land from Indians who owned or leased property. Suddenly the 1913 law that forbade

aliens from owning land applied, without ambiguity, to the Sikhs. Some Sikhs were able to circumvent the act by joint ownership with American wives or partners, but the climate was not conducive to the further growth of the Sikh community. As a “white wall” went up in America, the early era of immigration from the Punjab came to an end.