

The Case of the United States vs. Bhagat Singh Thind

By Amanda McGrath

Continuing our celebration of inspiring Asian American figures for Asian American and Pacific Islander (AAPI) Heritage Month, we bring you the story of Dr. Bhagat Singh Thind. Dr. Thind is known for his activism for Indian independence from British colonial rule, prolific spiritual and intellectual teachings, and three-time quest for U.S. citizenship in the face of racial barriers.

Thind was born into a Sikh community in Punjab, India where he received his early and college education. He immigrated to the U.S. in 1913 to continue his studies, obtaining his PhD at U.C. Berkeley studying religion and literature. Thind paid his way through school by working summers in Oregon lumber mills.

Thind first applied for U.S. citizenship while serving in the U.S. Army in World War I. The U.S. District Court of Washington approved his petition for citizenship. Days later, the Bureau of Naturalization opposed his naturalization, and the Court overturned its previous approval by finding that Thind failed to meet the definition of “free white person(s)...of good character” under the Naturalization Act of 1790.

His second attempt at applying for citizenship was just one year later, this time in Oregon. Thind argued that people from India are considered part of the “Caucasian race” and that Caucasian was the same as “white.” The judge considered this argument, together with a favorable view of Thind’s military service, and granted citizenship. The Bureau of Naturalization again opposed Thind’s citizenship and appealed the case to the Ninth Circuit Court of Appeals, which ultimately landed the case before the U.S. Supreme Court.

In *United States vs. Bhagat Singh Thind*, 261 U.S. 204 (1923), Justice Sutherland delivered the unanimous opinion of the Court finding against Thind on the basis that the popular and common man’s understanding of “white person” under the statute did not include “Hindus” (never mind the fact that Thind was not Hindu but rather Sikh):

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. As so understood and used, whatever may be the speculations of the ethnologist, it does not include the body of people to whom the appellee belongs. It is a matter of familiar observation and knowledge that the physical group characteristics of the Hindus render them readily distinguishable from the various groups of persons in this country commonly recognized as white. The children of English, French, German, Italian, Scandinavian, and other European parentage, quickly merge into the mass of our population and lose the distinctive hallmarks of their European origin. On the other hand, it cannot be doubted that the children born in this country of Hindu parents would retain indefinitely the clear evidence of their ancestry. It is very far from our thought to suggest the slightest question of racial superiority or inferiority. What we suggest is merely racial difference, and it is of such character and extent that the great body of our people instinctively recognize it and reject the thought of assimilation.

The rest of the Court’s opinion can be viewed [here](#).

The impact of the Court’s ruling caused the revocation of Thind’s citizenship as well as the denaturalization of dozens of other Indian Americans at the time. The loss of citizenship and classification of Indians under “alien” status also caused issues with land ownership. Many Sikhs in California had to resort to joint ownership or front-man ownership to maintain their lands.

The third and final attempt Thind made at obtaining U.S. citizenship was successful. In 1935, Thind applied for citizenship in the State of New York under the Nye-Lea Act, which made World War I veterans eligible for naturalization regardless of race.

Although Dr. Thind may be best-known for his immigration cases, he was also a prolific writer and lecturer throughout the U.S. on the topics of metaphysics, spirituality, and religion. He is also recognized to be the first turbaned soldier serving in the U.S. military. Through Dr. Thind's story, we can easily see the racial discrimination of the past; it is incumbent on us all to recognize the present-day impact of that racial discrimination and to stand against the discrimination that continues today.