

Ozawa and Thind: Inconsistencies at the Court?

Racial Identity and American Citizenship in the Court

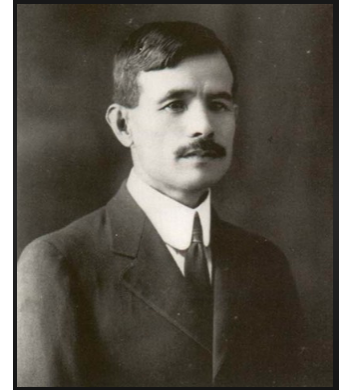
The Asian American Education Project

Ozawa (1922): <https://www.law.cornell.edu/supremecourt/text/260/178> excerpt:

“Hence to adopt the color test alone would result in a confused overlapping of races and a gradual merging of one into the other, without any practical line of separation....**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 effect of the conclusion that the words 'white person' means a Caucasian is not to establish a sharp line of demarcation between those who are entitled and those who are not entitled to naturalization, but rather a zone of more or less debatable ground outside of which, upon the one hand, are those clearly eligible, and outside of which, upon the other hand, are those clearly ineligible for citizenship.

The appellant, in the case now under consideration, however, is clearly of a race which is not Caucasian and therefore belongs entirely outside the zone on the negative side. A large number of the federal and state courts have so decided and we find no reported case definitely to the contrary. **These decisions are sustained by numerous scientific authorities, which we do not deem it necessary to review.** We think these decisions are right and so hold.”



Thind (1923): <https://supreme.justia.com/cases/federal/us/261/204/> excerpt:

“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, and it is not impossible, if that common ancestor could be materialized in the flesh, we should discover that he was himself sufficiently differentiated from both of his descendants to preclude his racial classification with either. **The question for determination is not, therefore, whether,** by the speculative processes of ethnological reasoning, **we may present a probability to the scientific mind that they have the same origin, but whether we can satisfy the common understanding that they are now the same or sufficiently the same to justify the interpreters of a statute -- written in the words of common speech, for common understanding, by unscientific men -- in classifying them together in the statutory category as white persons.”**

