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The Color of Citizenship: Asian Immigrants to the United States and Naturalization between 1870 and 1952¹

Introduction

Penning his veto message of the McCarran-Walter Bill in 1952, US President Harry S. Truman admitted that the proposed piece of legislation had at least one merit: “All racial bars to naturalization would be removed” (Truman 441). The measure aimed at reiterating the bigoted national origins system that had been discriminating against prospective immigrants from Eastern and Southern European countries since the 1920s. Yet, it also intended to revoke the 1924 ban on immigration from Japan (the so-called Japanese Exclusion Act) and to put a definitive end to the prohibition of naturalization for the subjects of a few Asian countries, primarily Japan, the only category of aliens who had not been theretofore entitled to apply for American citizenship after the required five consecutive years of legal residence on US soil. The two provisions were strictly intertwined because the standstill of the Japanese inflows explicitly resulted from the disqualification of Tokyo’s nationals for naturalization (see Ichihashi 63-64).

It was, therefore, hardly by chance that, as a memorandum to the President pointed out, Japanese Americans were the only ethnic minority that supported the McCarran-Walter Bill while all the other “major nationality groups” opposed it (Ewing n. pag.).² Actually, Tut Yata, the chairperson of the Pacific Southwest District Council of the Japanese American Citizens League (JACL), encouraged Truman to sign the bill into law on the grounds that it would delete “restrictions that have branded and stigmatized persons of Japanese ancestry as both undesirable and ‘not good enough’ for American citizenship” (Yata n. pag.). Likewise, Abe Hagiwara, the national president of the JACL, backed the bill because his “mother

who has resided in the United States for 35 years will at long last become eligible for citizenship. To many people like her America is home. This is where they have worked and lived. This is where they will rest forever” (Hagiwara n. pag.). Similarly, referring implicitly to Japanese Americans’ allegiance to the United States during World War II, Joseph R. Farrington, the US delegate from the territory of Hawaii, contended that “it would be most unfortunate if, after all the sacrifices that have been made particularly by the Americans of Oriental ancestry in demonstrating their loyalty to this country, the fight to remove racial restrictions from our immigration laws is lost” (Farrington n. pag.).

Naturalization privileges and a token immigration quota for the Japanese, as the McCarran-Walter Bill provided for, were good politics in strengthening the relations between Tokyo and Washington within the context of the Cold War. Overall, however, the drawbacks seemed to overcome the benefits for US foreign policy. Truman vetoed the McCarran-Walter Bill because he concluded that its national origins quotas were too prejudiced against prospective newcomers from Greece, Italy, and Turkey, three countries that were key to Washington’s containment of communism in Europe as members of the North Atlantic Treaty Organization. However, Congress eventually overturned Truman’s veto. Consequently, the biased national origins quotas continued to be implemented. But the last vestiges of racial discrimination in the bestowal of US citizenship were swept away from American statutes in 1952.

At the time of the political debate about the McCarran-Walter Bill, joining forces with fellow officers Yata and Hagiwara, Mike Masaoka, the national legislative director and chief lobbyist of the JACL, reminded Truman’s secretary that his ethnic association had been “dedicated to trying to secure naturalization privileges for our alien parents and repeal of the Japanese Exclusion Act of 1924 for more than a quarter of a century” (Masaoka n. pag.). Nonetheless, legislative lobbying by itself was unable to cause major revisions of the naturalization legislation. Actually, by the time the McCarran-Walter Act rescinded the “aliens ineligible to citizenship” clause for Asian immigrants (qtd. in Parker 25), several previous court rulings had already reassessed this provision and had managed to limit its effects for other-than-Japanese newcomers.

The legal identification of an Asian person was not intuitive. The contours of Asia turned out to be somehow blurred when it came to peoples residing in regions bordering with Europe and Africa. So was the color of Asians' complexion. Both ambiguities paved the way for court litigation on the part of immigrants from these regions who wanted to overcome restrictions on naturalization. By drawing primarily upon a few landmark cases before the Supreme Court and lower federal courts, this article highlights the efforts of a few Asian-born applicants who endeavored to exploit loopholes in the law to become US citizens. It also examines the racial and religious criteria to which federal judges eventually resorted in order to establish who was Asian and, thereby, not eligible for naturalization and accommodation within US society.

Actually, jurisprudence was not only a means of disentangling from often inconsistent and conflicting biological criteria for the definition of whiteness, as Ian F. Haney López has argued while extending the contingent notion of race from the field of social sciences to the legal sphere and Tom K. Wong has more recently reiterated, suggesting that "race in the United States is a legally constructed concept" (Wong 27). Since naturalization is "a significant index of the integration of the foreign born into American life" (Bernard 100), it can be easily suggested that the action of granting immigrants the host country's citizenship was also the quintessential instrument by which the adoptive land accommodated newcomers. Therefore, the standards set for naturalization were tantamount to the criteria for the acceptance or rejection of strangers and, consequently, can aptly cast light on the profile of the ideal immigrants by the standards of the US mainstream of the time.

This article focuses on how the socio-cultural construction of races helped shape jurisprudence about the Asian immigrants' right to acquire US citizenship and, accordingly, on how courts' rulings contributed to defining the level as well as the range of inclusiveness of American society on the basis of a number of criteria that comprised skin complexion, religion, and culture as a whole. The essay also shows that Asian newcomers endeavored to exploit loopholes in the US naturalization legislation and tried to be classified as whites on the grounds of their blood, phenotype, Christian faith or cultural background, causing the courts to constantly

redefine the criteria to assess who was “Oriental.” Finally, the article points to the influence of Washington’s foreign policy on both the judicial pronouncements and the laws regulating naturalization.

Other-than-African “People of Color” and the Challenge to the Jus Soli

At the dawn of the Republic, to most legislators debating the rules for immigrants’ prospective naturalization in the first Congress in 1790, US citizenship was to be regarded as a privilege that had to be restricted to a few qualified individuals (*Annals of Congress* 561-67). Consequently, in a primarily white society, where more than four fifths of residents were of Caucasian extraction and slaves from African background accounted for a majority of the remaining inhabitants according to the 1790 census, it was not surprising that naturalization was initially restricted on racial grounds to “free white persons” under the 1790 Naturalization Act, although this piece of legislation did not define exactly what made a white individual. After all, a few years earlier, when Benjamin Franklin deplored the alleged Germanization of Pennsylvania, he made a point of questioning the whiteness of immigrants from Germany on the grounds that they had a “swarthy complexion” to challenge the legitimacy of their presence in the territory that was still a British colony (Franklin 10).

In 1870, in the wake of the Civil War, radical Republicans tried to speed up the integration of former slaves within American society and to sweep away any possible discrimination against people of African origin and ancestry. In this context, the 1870 Naturalization Act extended the benefits of US citizenship also to newcomers who were “persons of African descent.” This black-oriented measure, however, maintained the ambiguities about who a white individual was. It did not provide for Asian immigrants either, even though at that time more than 63,000 Chinese lived in the United States, where they had begun to settle, especially in the western regions, following California’s 1848 gold rush (see Coolidge 146, 501).

In spite of the endeavors for the accommodation of people of African descent, postbellum US immigration policies continued to be racially

biased and xenophobic toward other-than-Caucasian newcomers. But, after the formal opening to blacks, the only remaining targets were Asians. Not only did Congress suspend the entry of Chinese workers in 1882: it extended it in 1892, and made it permanent in 1902. The 1882 Chinese Exclusion Act also designated these nationals as aliens ineligible for citizenship, reiterating the ban of naturalization for immigrants who were neither white nor from African background (Lyman 172).

Furthermore, federal authorities tried to interfere with the bestowal of American citizenship on Oriental newcomers' US-born children. The latter were supposed to be US nationals pursuant to the Fourteenth Amendment in their condition of "persons born [...] in the United States, and subject to the jurisdiction thereof." This provision, however, was specifically conceived within the legislative frame aiming at African Americans' incorporation. Its purpose was to nullify the Supreme Court's 1857 notorious decision that even "a free negro of the African race, whose ancestors were brought to this country and sold as slaves, is not a 'citizen' within the meaning of the Constitution of the United States" (*Dred Scott v. Sandford* 393). The Fourteenth Amendment was not intended for the progeny of Asian aliens and, therefore, attempts were made to understand it so as to prevent the measure from being applied to the offspring of Oriental immigrants.

Wong Kim Ark's experience offered a case in point. Born of Chinese immigrants in San Francisco in 1873, Wong was an American citizen by birthright. Yet, when he tried to return to the United States in 1895 after a visit to his parents' native country, his admission was denied. According to US district attorney Henry S. Foote, who argued the case on behalf of the federal administration, Wong had "been at all times, by reason of his race, language, color, and dress, a Chinese person" and, as such, was barred from entering the country by the 1882 statute (qtd. in Lee 72). The wording of the Fourteenth Amendment's citizenship clause apparently allowed an alternative interpretation to the *jus soli*. "Subject to the jurisdiction" of the United States might identify people who were not subject to the jurisdictions of another country. After all, the Civil Rights Act of 1866 – which the Fourteenth Amendment intended to shield from charges of unconstitutionality, thus providing insights into the legislators' intentions – granted US citizenship to "all persons born in the United States and not

subject to any foreign power” (Lash 115). This was not Wong’s case on the grounds that he had inherited his parents’ Chinese citizenship *jure sanguinis* and, therefore, was a subject of such another entity as China.

When the controversy reached the Supreme Court in 1898, for the bestowal of American citizenship on the children of other-than-white newcomers who were given birth in their parents’ adoptive land, race – rather than nativity – became the litmus test in the words of Chief Justice Melville Weston Fuller. Actually, he contended that otherwise the US-born sons of a Mongolian or a Malay “were eligible to the presidency, while children of our citizens, born abroad, were not.” Associate Justice John Marshall Harlan concurred because, in his view, the Chinese were “a race utterly foreign to us and never will assimilate with us” (qtd. in Przybyszewski 120-21). Remarkably, two years earlier, Harlan had fought – albeit in vain – against the “separate but equal” doctrine that had legitimized African Americans’ segregation (see Luxenberg). His position on the rights of Chinese Americans as opposed to those of blacks provided additional evidence that color made the difference in the treatment of other-than-white nationals.

Yet, Fuller and Harlan were in the minority. Eventually, by a six to two decision, the Supreme Court upheld a federal district court ruling that had acknowledged Wong’s citizenship by birthright. However, dissenters outside the legal arena continued to play on racial issues to criticize the *jus soli*. For instance, California’s most authoritative newspaper, the *San Francisco Chronicle*, contended that the principle according to which individuals born “within the territory of the United States of all other persons, of whatever race of color,” were US nationals set a dangerous precedent because it could lead to endowing not only the Chinese but also the Japanese, and even “native Indians,” with citizenship and the ensuing franchise in the case of adult males (“Questions of Citizenship” 6). As this daily’s subsequent campaign against an alleged “yellow peril” reached a climax in 1905, an Asian Exclusion League was established in order to lobby for a number of nativistic measures that included the repeal of birthright citizenship for the progeny of the Oriental immigrants who had already settled in the United States (see Ichihashi 284 and Shimazu 75). According to this organization, racial groups such as Asians had physical and mental

features that turned their members into “separate and distinct people with us but not of us,” as well as a source of concern for the homogeneity of the US population (Asian Exclusion League 278-79).

Looking for Loopholes in the Citizenship Legislation

The proposal of the Asian Exclusion League led nowhere. But race remained a hindrance to the naturalization of Asian newcomers. The Ark verdict recognizing the *jus soli* did not affect the status of the Chinese who had settled in the United States before 1882. As immigrants from regions other than Europe and Africa, they continued to be considered ineligible for US citizenship. So did the Japanese, who were similarly affected by a restrictive reading of the qualification for naturalization, as Takao Ozawa found out for himself.

An immigrant from Japan who had moved to California in 1894 before settling in the territory of Hawaii in 1914, the following year Ozawa deluded himself into exploiting an apparent loophole in the legislation, namely the eligibility of “free white persons” without any further qualification, in the effort to become a US citizen. The Naturalization Act of 1906 had reiterated the color requirement. Still, the concept of whiteness was so vague for immigrants with light skin that the 1910 Census of the US population listed 1,368 naturalized Chinese and 400 naturalized Japanese (Ueda, “Naturalization and Citizenship” 741). Upon these precedents neither Ozawa nor his counselors challenged the discriminatory provision, but he played on his own fair complexion and contended that, since “my skin is white,” he was “a white person” (qtd. in Spickard 171).

After being denied naturalization, Ozawa took his case all the way to the Supreme Court in 1922. Yet, unlike the decision in the case of Wong Kim Ark, this time the judges were less open-minded toward the plaintiff and unanimously upheld the lower courts’ previous rulings, barring Ozawa from US citizenship. The US Solicitor General played on the issue of color in opposing Ozawa’s appeal, as he stated that “the classification of the Japanese as members of the yellow race is practically the unanimous view” (qtd. in Kim 189). However, the verdict shifted the crux of the

controversy from color to race. On 13 November 1922 Associate Justice George Sutherland argued that the “color test” was impractical because it would cause “a confused overlapping of races and a gradual merging of one into the other, without any practical line of separation,” and conversely the “determination that the words ‘white person’ are synonymous with the words ‘a person of the Caucasian race’ simplifies the problem”; against this backdrop, Ozawa was ineligible for citizenship because, as a Japanese, he was “clearly of a race which is not Caucasian” (*Ozawa v. United States* 197-98).

Yet, it took quite a short time for the Supreme Court not to live up to its new race-oriented criterion for naturalization in the *Ozawa* decision. A couple of months later, on 19 February 1923, Sutherland himself delivered the opinion of the Court in the case of *Bhagat Singh Thind*. A Sikh immigrant who had served in the US army during World War I, Thind was at first granted American citizenship, but his naturalization was soon revoked because he was neither white nor of African descent. He followed in *Ozawa*’s footsteps as regards court litigation and argued that he was Caucasian and, thereby, white. His hypothesis seemed to be based on better reasons than *Ozawa*’s thesis and eventually more suitable to cope with the Supreme Court’s previous stand. Since the mid-nineteenth century, US anthropology had classified Asian Indians as Caucasians. It had also introduced a distinction between a fair-complexion “Aryan” group, which was connected to white Europeans, and a dark-skinned “Dravidian” counterpart, which was associated with black “Negroes” (Slate 86-87). Nonetheless, Thind’s case seemed to be airtight. His brief pointed out that “[b]eing a high caste Indian and having no intermixture of Dravidian, or other alien blood, and coming from the Punjab, one of the most northwestern provinces of India, the original home of Aryan conquerors, [...] it must be held that Bhagat Singh Thind belongs to the Caucasian or white race” (qtd. in Snow 264).

A court in Oregon agreed and naturalized him again, but the Immigration and Naturalization Service appealed the decision before the Supreme Court. Sutherland eventually concluded that the applicant was properly denied citizenship the first time on the grounds that being “Caucasian” did not equal being “a white person.” These expressions had

the same meaning in “common speech” and “white” was “synonymous with the word ‘Caucasian’ only as that word is popularly understood,” but the analogy was “not of scientific origin”; in particular, “Caucasian” was “at best a conventional term [...] which [...] has come to include [...] not only the Hindu but some of the Polynesians (that is the Maori, Tahitians, Samoans, Hawaiians, and others), the Hamites of Africa, [...] though in color they range from brown to black” (*United States v. Bhagat Singh* Thind 211, 214-15, 211). In other words, the notion of a Caucasian race, which was at the core of *Ozawa v. United States*, was no longer the litmus test to qualify for naturalization, and color was again the criterion for eligibility in *United States v. Bhagat Singh Thind*.

Blood, Color, and Phenotypes

The anthropological foundation of the Supreme Court’s reversal from the *Ozawa* case to the *Thind* verdict was not unprecedented in US jurisprudence. The one-drop rule had been the legal principle of racial classification in the United States at least since the notorious 1896 case of *Plessy v. Ferguson*, a verdict based on hypo-descent, namely the notion that one African ancestor made a person black even if the latter looked phenotypically white and had more Caucasian than black forebears (see *Davis* 8-9). This principle shaped naturalization cases, too. In 1912, for instance, the son of a German man and a Japanese woman, who was “a subject of the Emperor of Germany,” had his petition for naturalization rejected because he was not considered white on his maternal side; specifically, in elaborating on the verdict, the judge pointed out that “the right to become a naturalized citizen of the United States depends upon parentage and blood, and not upon nationality” (“*In Re Young*” 378). In the same year, partial European ancestry was not enough for the naturalization of Eugenio Alverto, a former sailor in the US navy with one Spanish and three Filipino grandparents. His petition for naturalization was rejected on the grounds that he did not have pure white blood because “ethnologically speaking” he was “one-fourth of the white or Caucasian race and three-fourth of the brown or Malay race” (qtd. in *Baldoz* 77). Such a doctrine long survived in

cases about aliens' racial identity in courts. As late as 1934, discussing the Japanese's complexion in a controversy concerning property rights, Justice Benjamin Cardozo still argued that "men are not white if the strain of colored blood in them is a half or a quarter, or, not improbably, even less" (*Morrison v. California* 86).

However, the one-drop rule was not always applied in deciding about eligibility for naturalization when it affected people of alleged Asian roots outside this region. In 1908 John Svan, an immigrant from Finland who had settled in Minnesota, was denied naturalization on the grounds that Finns had Mongolic blood because, at the time of their maximum expansion, the Mongols had allegedly occupied Finland and crossbred with the local population. Svan appealed the decision and the federal district court for Minnesota granted him US citizenship. The judge, William A. Cant, agreed that Finns were of Mongolian extraction. But he also added that the region's frigid temperatures and the subsequent settlement of Teutons had whitened the Finns to the effect that, by the early twentieth century, they had placed themselves "among the whitest people in Europe" (qtd. in Kivisto and Leinonen 12), which entitled them to naturalization. To Cant, color, rather than race, was the paramount issue to be considered: "Finns with a yellow or brown or yellow-brown skin or with black eyes or black hair would be an unusual sight. They are almost universal of light skin, blue or gray eyes, and light hair"; Finns could have been "yellow" a few centuries earlier, but the matter was no longer relevant in 1908: "The question is not whether a person had or had not such an ancestry, but whether he is now a 'white person' within the meaning of that term as generally understood" (qtd. in Cameron 19).

Reverting to a phenotypic classification of applicants for US citizenship in *United States v. Bhagat Singh Thind*, Justice Sutherland reiterated an established principle of jurisprudence that he had only temporarily waived in *Ozawa v. United States*. A few years later, the Supreme Court further restated the primacy of color over race to define the identity of the people from Asian background in a controversy concerning school segregation. In 1924 the Board of Education in Bolivar County, Mississippi, barred Martha Lum from the Rosedale Consolidated High School on account of her Chinese extraction. Her father, Jeu Gong Lum, took legal action.

Contrary to what Adrienne Berard has maintained in a recent but rather sensationalistic study overrating the implications of the case, he did not dispute racial segregation in Southern public education. He confined himself to contending that the school authorities had failed to realize his daughter's Chinese ancestry and had, therefore, incorrectly classified her as a "colored" student. In 1927 Chief Justice William Howard Taft argued in favor of state rights, holding that Martha Lum could not be admitted to a school for white students and, *obiter dictum*, that the Chinese were "yellow" (Gong Lum v. Rice 81-82).

The Color of Religion

The *Ozawa v. United States* verdict was not the only exception to the identification of color as the main feature to determine the eligibility of Asian people to naturalization. These deviations regarded primarily immigrants from the Near East, a region at the crossroad of southern Europe, Asia, and Africa that made it even more complex to ascertain the newcomers' qualification for the bestowal of US citizenship.

In 1942, a US district court in Michigan rejected the petition for naturalization by Muslim Yemenite immigrant Ahmed Hassan. The applicant contended that "the Arabs are remote descendants of and therefore members of the Caucasian or white race," but the judge disagreed, and remarked that the "petitioner's skin is of somewhat darker complexion than that of many Arabs" and stated that, in any case, "Arabs as a class are not white." He also made a point of adding a further criterion that disqualified Hassan: religion. In his view, the immigrant's Islamic faith prevented the petitioner from complying with the efforts to offer an extensive interpretation for the meaning of "white." Assuming that the adjective was an equivalent of "European," the latter adjective's semantic and geographical fields could not be broadened to such an extent as to include the inhabitants of the Arabic peninsula, too. As the judge put it, apart "from the dark skin of the Arabs, it is well known that they are a part of the Mohammedan world and that a wide gulf separates their culture from that of the predominately Christian peoples of Europe" (In Re Ahmed

Hassan 845). Since the late nineteenth century, US jurisprudence had construed Islam as antagonistic and aggressive toward Christianity. For example, in 1891 the Supreme Court stressed that the “intense hostility of the people of Moslem faith to all other sects, and particularly to Christians, affected all their intercourse” (*Ross v. McIntyre* 465). In the view of the combination of the immigrants’ required characteristics for naturalization as an implicit filter by which the assimilable foreign born could be set apart from unwelcome foreigners, such a perception of Islam was clearly a disincentive for the federal courts to acknowledge Muslim newcomers’ eligibility for US citizenship.

Religion, therefore, was not unrelated to defining the color of Near Eastern immigrants in naturalization procedures. Such a criterion turned out to be an advantage for some of these newcomers. Unlike Muslim Arabs, Christian Syrians faced fewer difficulties in gaining US citizenship. Their main asset, as Sarah M.A. Gualtieri has pointed out, was not “any special phenotype,” but “an emphasis on the Syrian connection to the Holy Land and Christianity” (Gualtieri 57).

George Shishim’s experience demonstrated that religion had become a relevant argument when it came to Near Easterners’ eligibility for US citizenship. A native of the Mount Lebanon region of the Ottoman empire, Shishim was both an Arab and a Christian Maronite. Addressing Judge George H. Hutton of the Los Angeles Superior Court in his own plea for naturalization in 1906, he cried out that “if I am Mongolian, so was Jesus, because we came from the same land” (qtd. in Kayyali 49). The remark, which drew on his Christian faith, won him the day. As the *Los Angeles Time* commented that the verdict had “made every feature of his dark, swarthy countenance radiate with pleasure and hope” by emphasizing that Shishim was not and did not look white, the newspaper implicitly acknowledged that religion had bleached Near Easterners. For them, therefore, Christianity offered a shortcut to whiteness (“Syrians Admitted” 18).

In an effort to demonstrate the existence of an Orientalist bias conflating Arab and Muslim characteristics in the eyes of the Federal courts in naturalization proceedings, Khaled A. Beydoun has contended that the association of Christianity with whiteness was not without challenge after the case of Shishim. He refers to the rejection of George Dow’s quest for

citizenship in 1914 on the alleged grounds that, although the applicant was a Christian Maronite like Shishim, the judge concluded that “the petitioner’s Arabic fluency was prima facie evidence of Muslim identity” (Beydoun 57). This interpretation is, however, misleading. The judge, Henry A.M. Smith, never “wanted to know whether George Dow [...] was a ‘real’ Christian,” contrary to Beydoun’s statement (57). Indeed, the verdict read that “the language spoken [...] is not by any means conclusive,” and Dow was not naturalized because he looked “darker than the usual person of white European descent” (Ex Parte Dow 488, 486-87, 488). In any case, in 1915, the Fourth Court of Appeal reversed the decision and ruled that Syrians were “so closely related to their neighbors on the European side of the Mediterranean that they should be classed as white” (Dow v. United States 147). Religion, though, resurfaced as an issue in Dow’s appeal, too. In order to confute Smith’s assessment that Dow had “a sallow appearance” (Ex Parte Dow 487), the Syrian American Association proclaimed that “if Syrians were Chinese then Jesus who was born in Syria was Chinese” (qtd. in Blum and Harvey 149).

The concept of Christianity as a route to whiteness and, consequently, to naturalization that made it possible for Shishim to become a US national worked for Armenians, too. When Judges Charles E. Wolverton of the Oregon federal district court concluded in 1925 that Tatos O. Cartozian was eligible for citizenship, he listed among the applicant’s qualifications the fact that Armenians “very early, about the fourth century, espoused the Christian religion” and, thereby, “have always held themselves aloof from the Turks, the Kurds, and allied peoples, principally, it might be said, on account of their religion, though color may have had something to do with it” (United States v. Cartozian 920). The closing passage of the verdict clearly reveals that in this case religion also prevailed over complexion to determine the immigrant’s eligibility. The outcome was hardly surprising. If qualifications for naturalization were the equivalent of the required characteristics for acceptable newcomers in US society, Christianity well deserved a waiver against the backdrop of Armenians’ vague racial status. Indeed, a few years earlier, in 1909, when another federal judge – Francis C. Lowell of Boston’s Circuit Court – had bestowed citizenship on four of them, he had also remarked that his decision could not be regarded as definitive because

Western Asiatics have become so mixed with Europeans during the past twenty-five centuries that it is impossible to tell whether they are white or should come under the statues excluding the inhabitants of that part of the world and applied usually to the yellow race. (“Citizenship for Armenians” 3)

With its reference to Armenians’ hybridity, the verdict also made a further departure from the one-drop rule, following in the footsteps of the Svan case ruling of the previous year.

Yet, besides taking faith into account, the categorization of Near Eastern immigrants also resided in the contingency of politics. Examining Dow’s plight in courts, Beydoun has suggested that the 1915 reversal of the previous denial of his petition for naturalization was in part related to the dynamics of World War I. In his opinion,

Dow v. United States can be understood as a judicial declaration that called for the rescue of Christian minorities in the Arab World at a time when the Ottoman Empire – the primary political manifestation of Islam in 1915 – was at war with the European allied powers in World War I. (Beydoun 58)

However, in view of both US neutrality in that year and the fact that Washington never declared war on the Ottoman Empire even after joining the military conflict against Germany and Austria-Hungary in 1917, Beydoun’s case seems to be built on flimsy and circumstantial evidence.

Conversely, US foreign policy was more influential in reshaping the preconditions for naturalization during World War II. The informal prerequisite of religion, which had barred Hassan from citizenship in 1942, was dropped two years later. In 1944 the Massachusetts district court naturalized another Muslim immigrant from Saudi Arabia, Mohamed Mohriez. In granting his petition, Judge Charles E. Wyzanski stated that “we as a country have learned that policies of rigid exclusion are not only false to our professions of democratic liberalism but repugnant to our vital interests as a world power” (Ex Parte Mohirez 943). It can be assumed that the consolidation of the US-Saudi relationships during World War

II and President Franklin D. Roosevelt's efforts to court King Bin Saud to gain access to Saudi oilfields discouraged further discrimination of Arab immigrants (see Hinds). After all, as Chinese President Chiang Kai Shek was another statesperson Washington intended to cultivate in wartime, at the end of the previous year the Magnusson Act repealed the Chinese Exclusion Act, although it granted China only a symbolic number of immigration visas per year, and let only the Chinese who had settled in the United States before the 1882 apply for American citizenship (Lowe 19-20). As Roosevelt remarked in a message to Congress, such a piece of legislation was "important in the cause of winning the war [...]. China is our ally" (Roosevelt 427).

The international context contributed to redefining the image of the Chinese people in the eyes of US public opinion. A China "mystique," namely a romanticized and progressive perception of this country, emerged in response to Japan's mounting expansionism in the interwar years and came to a climax after Japan attacked Pearl Harbor (Leong 164-66). The ensuing emphasis on the similarities between the United States and its Asian ally in the war against Japan scaled down the notion that Chinese individuals were inassimilable. It, therefore, allowed for some openings in the legislation concerning their immigration and naturalization. If such people belonged to "a proud nation with a five-thousand-year civilization" (qtd. in Oyen 33), as the Citizens' Committee to Repeal Chinese Exclusion was quick to argue, excluding them from the bestowal of American citizenship was no longer feasible.

Conclusion

The pattern of discriminatory naturalization on color grounds came to a definitive end with the enforcement of the 1952 McCarran-Walter Act. The measure swept away the privileges that both white and black immigrants had enjoyed in their trajectory toward the achievement of US citizenship since 1790 (the former) and 1870 (the latter). Harry Takagi, a World War II veteran and the past president of the Seattle chapter of the JACL, commented that the measure "gave the Japanese equality with all

other immigrants” (qtd. in Takaki 400). However, as the main nationality groups that the naturalization legislation had theretofore continued to disqualify were the Japanese and the Koreans, it can be easily suggested that Washington’s alliance with Tokyo and Seoul within the framework of its Cold War strategy was not alien to the repeal of the “aliens ineligible for citizenship” provision. With Japan and South Korea as the pillars of US foreign policy in Asia, the inclusion of their nationals within American society by means of naturalization was no longer inconvenient (Sang-Hee Lee 176). In any case, this achievement did not proceed from court litigation, but it resulted from the legislative pressures of the JACL (Takahashi 126-27). Such an outcome, however, offered evidence for the extent by which legislation about the bestowal of American citizenship was “dictated by the titanic showdown between the United States and the Soviet Union” (Spickard 328). The Cold War impacted more admission rules than naturalization policies (Daniels 335-37). Still, in those decades, Washington endeavored to ingratiate itself with foreign governments by making the latter’s expatriates feel welcome in terms of the conferral of US citizenship, too. In addition, the dismantling of restrictions to newcomers’ naturalization was instrumental in strengthening Washington’s claim to the leadership of the so-called free world in the struggle against communism on the grounds of the inclusiveness of the American model of society (Ueda, “An Immigration Country” 46-47).

This article has emphasized the relevance of American jurisprudence in the cultural construction of races in the United States, resorting to the experience of the Orientals’ quest for naturalization as a case study. In particular, it has highlighted the courts’ continuous reshaping of the notion of “Asian” in the face of the calls for US citizenship on the part of immigrants from that part of the world. Legislative lobbying drawing upon the international situation also played a role in redefining the criteria for granting naturalization and, therefore, establishing the conditions for the immigrants’ fully-fledged accommodation within the adoptive US society.

The Asians’ plight was not the only instance of shifting racial categorization for newcomers in the United States. Frey Matthew Jacobson has pointed to the fluidity of European immigrants’ racial classification. In

his view, their whiteness had different shades that had changed over time since the beginning of the mass arrival of the single ethnic groups. Such hues implied diverse standings in US society, albeit subject to transformations, and could even mean discrimination for darker complexions. But, as Thomas A. Guglielmo has pointed out for Italian immigrants, their color itself was never legally challenged and, therefore, other-than-Anglo-Saxon European newcomers never faced restrictions in terms of property rights and, primarily, access to US citizenship. Italian expatriates' inclusion within the Caucasian group was particularly smooth in California, where the white/Asian polarity shaped the racial divide and the immigrants from Italy could easily distance themselves from the Chinese and the Japanese (see Cinotto 14-16, 134-45, 193; and Caiazza), as opposed to what happened in other parts of the country, where the white/black divide sometimes blurred the Italian newcomers' standing on the grounds of the olive complexion of many people from their motherland's southern regions (see Guglielmo and Salerno). Actually, it was the very implicit equation between entitlement to naturalization and whiteness which eventually enabled ethnic whites who had initially held an intermediate position between the Caucasian and the other-than-Caucasian peoples to become "white" (Roediger 182). This was definitely not the case for Asians. Their gradations of color legally mattered in terms of access to both naturalization and the ensuing rights. For instance, California's 1913 Alien Land Act, notoriously replete with anti-Japanese sentiments, prohibited foreigners ineligible for citizenship from owning agricultural estates. As John Tehranian has remarked about Asian immigrants, "[j]udicial declarations of whiteness affected economic and social freedoms" (Tehranian 61). To the plight of Asian immigrants, therefore, one can aptly apply the words James Baldwin used to describe the lot of African Americans as opposed to that of ethnic Europeans: "The Irish middle passage [...] was as foul as my own, and as dishonorable on the part of those responsible for it. But the Irish became white when they got here and began rising in the world, whereas I became black and began sinking" (Baldwin xx).

Notes

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² A prominent exception was Canadian-born Samuel Ichiye Hayakawa, then a lecturer at the University of Chicago and a future US Senator from California. He argued that “to secure the rights to naturalization of Issei at the cost of all the questionable and illiberal features of the McCarran-Walter Bill appears to be an act of unpardonable shortsightedness or cynical opportunism” (qtd. in Robinson 2012, 97-98).

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