
Remembering Thind

ABSTRACT As *United States v. Bhagat Singh Thind* becomes an important site of collective memory and identity formation, the hundred-year anniversary of the decision presents itself as an occasion for critical reflection about how we make sense of this particular past, our identification within it, and its relevance to our contemporary moment. *Thind* has been read primarily as a case about the racial identification of Indians in the United States and their racialized exclusion from citizenship. This essay explores some of the limits of that framing, arguing that it tends to reify legal constructions of racial difference while obscuring the imperial dimensions of the case, namely Thind's involvement with the transnational anticolonial *Ghadar* movement. Moreover, to remember the case as primarily one about racial injury consigns us to liberal frameworks of rights and recognition and to recapitulating nationalist narratives of racialized exclusion and earned inclusion, leaving unexamined the role that neoliberal immigration policies have played in conditioning Asian migration since the 1960s. Rather than continuously retrace the racial wounds inflicted by *Thind*, the memorialization of the case might focus on the continuing relevance of the anticolonial and anticapitalism movements that so excited the political imagination of Thind and his contemporaries. Such radical remembering might enable us to disrupt imposed forms of racial identity, as well as the liberal frameworks within which they are embedded, to rehearse the kinds of collaboration needed to confront ongoing crisis of colonial capitalism. **KEYWORDS** *Thind*, South Asian American, Asian American, Memory, *Ghadar*, Law, Race

I first discovered Bhagat Singh Thind, as perhaps many of us do, in search of a past, a prehistory in the United States, one that predated my parents' late arrival in the 1970s. What was I looking for? Perhaps I had been looking for some historical event that would bring into focus and condense the little injuries and affronts, the isolation I had experienced as the child of Indian immigrants growing up in the white suburbs of Florida in the 1980s. It was true, the Supreme Court explained in *United States v. Bhagat Singh Thind*, that Indian immigrants had proven themselves capable of assimilation, but they would never be recognized as American. Unlike European immigrants, who "quickly merge into the mass of our population," the "racial difference" of Indians is such that "the great body of our people instinctively recognize it and reject the thought of assimilation."¹

Perhaps I had been searching for a way to locate myself within the shifting currents of racial capitalism. Indians are not white, the Supreme Court made clear in *Thind*, but as a group, Indian Americans now earn roughly 50 percent more than average white

1. *United States v. Bhagat Singh Thind*, 261 U.S. 204, 215 (1923).

Americans, more than twice what black and Latinx Americans earn.² Asians were once categorically excluded from the United States, but immigrants from India and China now claim the overwhelming majority of H-1B visas issued to prospective migrants from across the globe.³ Asian Americans are not the architects of this white settler nation—a hundred years ago, we were categorically excluded from it—but many of us now seem to be thriving in it.

Many, but not all, of course. Asian Americans are apparently the richest group in the United States but also the most unequal. As a group, Asian Americans include a few senators and CEOs, but many more vulnerable refugees and undocumented workers. For this reason, many Asian Americanists argue, it is critically important to continue to disrupt the image of the Asian American model minority associated with the category of “Asian American”—by shoring up the inequality, divisions, and heterogeneity routinely obscured by the categorization—and by resisting the ideological work performed by dominant narratives of Asian American success.⁴ In this essay, however, my interest is indeed focused on a particular class of Asian Americans, what Viet Thanh Nguyen has described as the “Asian American intellectual class,” the upwardly mobile, college-educated, and white-adjacent who have learned to wield an anti-racist and multiculturalist discourse to advance their own interests, interests that do not necessarily align with their vulnerable co-nationals.⁵ How do the affective, ideological, and material investments of an educated elite shape our interest in and memorialization of the past?

Perhaps my discovery of *Thind* relieved me of some of the embarrassment of what I perceived to be the undeniable trajectory of South Asians in the United States—one of steady social, economic, and political uplift. We are not white, *Thind* announces, but many of us find ourselves surrounded by nice white people, working and living alongside them, marrying them, reproducing with them. For many Asian Americans, especially those who have discovered our “Asian Americanness” in college, as Jay Caspian Kang observes, our identities have been shaped less by our relation to our working class

2. Adeel Hassan and Audrey Carlsen, “How ‘Crazy Rich’ Asians Have Led to the Largest Income Gap in the U.S.,” *New York Times* (Aug. 17, 2018), available at <https://www.nytimes.com/interactive/2018/08/17/us/asian-income-inequality.html>; “Indians in US Wealthier With Average Household Earning \$123,700: Report,” *Business Standard* (Aug. 25, 2021), available at https://www.business-standard.com/article/international/indians-in-us-wealthier-with-average-household-earning-of-123-700-report-121082501016_1.html.

3. H-1B Petitions by Gender and Country of Birth Fiscal Year 2019, U.S. Citizenship and Immigration Services, available at <https://www.uscis.gov/sites/default/files/document/data/h-1b-petitions-by-gender-country-of-birth-fy2019.pdf>.

4. Kandice Chuh, “Asians Are the New . . . What?” in *Flashpoints for Asian American Studies*, ed. Cathy J. Schulund-Vials (New York: Fordham University Press, 2018), 220–237; Iyko Day, *Alien Capital: Asian Racialization and the Logic of Settler Colonial Capitalism* (Durham, NC: 2016); Grace Kyungwon Hong, “Speculative Surplus: Asian American racialization and the Neoliberal Shift,” in *Social Text* 135 (2018), 107–122; Claire Jean Kim, “The Racial Triangulation of Asian Americans,” *Politics & Society* 27, 1999: 105–138; Glen Omatsu, “The ‘Four Prisons’ and the Movements of Liberation: Asian American Activism from the 1960s to the 1990s,” *Contemporary Asian America: A Multidisciplinary Reader*, eds. Min Zhou and Anthony Christian Ocampo (New York: New York University Press, 2016), 56–88.

5. Viet Than Nguyen, *Race and Resistance: Literature and Politics in Asian America* (New York: Oxford University Press, 2002), 5.

co-nationals—taxi drivers and store clerks, for instance—than our proximity to white liberals, for whom we have carefully composed our differences, as for instance, in a college application essay, in which we demonstrate how overcoming racial hardship has prepared us for and rendered us deserving of the opportunity to enter the ranks of privilege. What do we learn about ourselves, Kang asks, when we discover “our history” in college classrooms?⁶ What do we gain by reminding others of those histories?

Looking back, perhaps my own search for another past betrays something of the felt insufficiency of my parents’ migration story. They came, like most settlers and immigrants before them, to advance themselves. They were not exiles or refugees. They were not rich, but they were not poor, either. They came with good English and respectable degrees. It is a simple but unsatisfying story, in part, as Cathy Park Hong suggests, because it is impossible to square the “minor feelings” or routine racial affront and estrangement, on the one hand, with the embarrassment of one’s own upward mobility. *Thind* in that sense perhaps appears as a sort of historical anchor, lending weight and gravity to what can feel like the unbearable lightness of being Asian American. It reads the primal scene of racial humiliation, one that explains and excuses the arc of restless ascendance.

As *Thind* begins to make its way into the canon of ethnic and legal studies, as it becomes a part of the landscape of collective memory and a site of Asian and South Asian American identity formation, the hundred-year anniversary of the Supreme Court case presents itself as an occasion for critical reflection about how we make sense of this particular past, our own identification with or interest in *Thind*, and its relevance to our contemporary moment.⁷ In this essay, I argue that we ought to be wary of versions of *Thind* that reinscribe a familiar arc of racial exclusion and earned citizenship, not only because they reinforce nationalist narratives of racial progress and neoliberal discipline, but because they obscure the still urgent political dimensions of his case. It was not simply that Thind’s racial identity rendered him unassimilable, in the eyes of the law, but his radical dissidence, namely his involvement in the anticolonial and anticapitalist Ghadar movement. The memory of Thind is particularly relevant to our moment not because it recalls a racial injury but an earlier disenchantment with American liberalism and longing for an alternative to colonial capitalism.

6. Jay Caspian Kang, *The Loneliest Americans* (2021), 14.

7. *Ozawa* and *Thind* are often taught in new courses on “Asian Americans and the Law” now offered at several law schools, including Columbia, Georgetown, Fordham, Harvard, Michigan, and the University of Virginia. *Ozawa* and *Thind* are also part of the curriculum on Asian American history adopted by a growing number of public schools. See, for instance, Michelle Cho and Jo Ling Kent, “Inside a N.J. school leading the charge for teaching Asian American history,” *NBCnews.com* (June 3, 2022), available at <https://www.nbcnews.com/news/asian-america/nj-school-leading-charge-teaching-asian-american-history-rcna31330>. Growing awareness and interest in the racial naturalization cases culminating in *Thind* is suggested, for instance, by recent publications in mainstream media, including Vandana Pawa, “Bhagat Singh Thind’s Case Shows the Link Between Whiteness and Citizenship,” *TeenVogue.com* (Aug 9, 2019), available at <https://www.teenvogue.com/story/bhagat-singh-thind-supreme-court-whiteness-citizenship>, and “Citizen Thind,” *Scene on Radio* (podcast), Season 2, episode 10 (June 14, 2017), available at <https://www.sceneonradio.org/episode-40-citizen-thind-seeing-white-part-10/>.

THIND AND THIND

In 1923, the Supreme Court announced in *United States v. Thind* that “Hindus” were “racially ineligible” for citizenship under the terms of the Naturalization Act. The Naturalization Act of 1790, one of the first laws enacted by the founding Congress, restricted citizenship to “free white persons.” It was amended after the Civil War to extend the right of naturalization to “persons of African nativity and descent.” Rather than simply strike the racially restrictive language from the Naturalization Act, Congress chose to amend it, with the express purpose of excluding “Asiatics” from citizenship.⁸ The Act had posed few hurdles to naturalization until the turn of the twentieth century, when immigration rates reached a historic peak, bringing to the United States diversity of peoples—including, for the first time, a growing number of immigrants from Asia and “Arabia.” American courts then found themselves under pressure, mainly from labor organizations and anti-immigrant groups, to administer a more restrictive interpretation of “white.”⁹

In 1922, the Supreme Court considered whether a Japanese immigrant, Takao Ozawa, was a “white person” eligible for naturalization. Beyond pledging allegiance to the United States and demonstrating that had done almost everything to shed his Japanese identity, Ozawa argued that he was white because his skin was white, whiter than most Asians, whiter than most southern Europeans.¹⁰ The Supreme Court declined to adopt the skin test proposed by Ozawa, finding it to be an unreliable indicator of race, and instead ruled that the words “white person” were meant to refer to people of the “Caucasian race.” Confronted with the variability of visual identification, the Court appealed to the supposed certainty of race science.

Only a few months later, the Court was asked to consider whether Bhagat Singh Thind, who the Court identified as a “high-caste Hindu, of full Indian blood, born in Amrit Sar, Punjab” was a white person within the meaning of the Naturalization Act.¹¹ Thind argued that because ethnologists and linguists recognized Indians to be Caucasian, descended from the same ancestors as European Americans, he was, according to the reasoning offered in *Ozawa v. United States*, Caucasian. The Court did not disagree, but instead revised its interpretation of the Naturalization Act:

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 [Thind] belongs.¹²

Though the word “Caucasian” had come to embrace peoples as diverse as Europeans and Indians, the Court continued, “the average well-informed white American would learn

8. *Thind v. United States*, 251 U.S. 204, 214 (1923).

9. Ian Haney López, *White By Law: The Legal Construction of Race* (1996), 27–55; Roland Takaki, *Strangers from a Different Shore: A History of Asian Americans* (Boston: Little Brown and Company, 1998), 295–300.

10. *Ozawa v. United States*, 260 U.S. 178 (1922).

11. *Thind*, 206.

12. *Thind*, 214–215.

with some degree of astonishment that the race to which he belongs is made up of such heterogeneous elements.”¹³ The case is remarkable not only for its racial categorization of Indian immigrants but for its reconstruction of whiteness. Over the course of the opinion, whiteness itself is transformed from a biological or phenotypic property to a form of political sovereignty, invested with the power, among other things, to determine who can and cannot become a citizen.

This, at least, is an abbreviated version of Thind’s story that perhaps most Asian Americans encounter. *Ozawa* and *Thind* are not as widely known as *Dred Scott*, *Plessy v. Ferguson*, or *Korematsu v. United States*, but they have begun to enter the canon of notorious race cases decided by the Supreme Court. Often read together, *Ozawa* and *Thind* have come to represent the racialization of Asian Americans and their originary exclusion from citizenship and national identity. Growing interest in *Ozawa* and *Thind* owes much to Ian Haney López’s seminal reading of the two cases in his *White By Law: The Legal Construction of Race*, first published in 1996.¹⁴ Through a close reading of the two cases, Haney López demonstrates that the Court’s vacillation between various forms of racial knowledge—race science, phenotypic difference, common sense—reveals the essential constructedness of race as a legal category.

As we now approach the hundred-year anniversary of *Thind*, we might consider the limitations of this primary frame. As Haney López himself noted in his 2006 preface to a revised edition of *White By Law*, his original analysis perhaps focused too narrowly on “what might be termed the formal legal construction of race—that is, the way in which law as a *formal* matter, either through legislation or adjudication, directly engages racial definitions.”¹⁵ Law, as he acknowledged, is also implicated in the *informal* reproduction of race and racial arrangements, without directly invoking racial categories or constructions. This is particularly true in the postcolonial and post-civil-rights era, during which the repudiation of an earlier hierarchical and exclusionary form of racism largely gave way to a new racial formation, one that has been variously described as “racism without racists,” “colorblind racism,” and “racial neoliberalism.”¹⁶

The intervention that I want to offer here is slightly different. It is to suggest that the revelation of the constructedness of racial categories perhaps does not reveal much at all. Instead, it tends to reproduce the apparent givenness of racial difference while obscuring the historical process and social contexts that render these differences meaningful. When

13. *Thind*, 214–215.

14. Ian Haney López, *White By Law: The Legal Construction of Race* (New York: NYU Press, 2006); see also, Devon W. Carbado, “Yellow By Law,” 97 *California Law Review* 97 (2009); Vinay Harpalani, “To Be White, Black, or Brown? South Asian Americans and the Construction of Asian Identities,” *Washington University Global Studies Law Review* 14 (2015); Vinay Harpalani, “Desi Crit: Theorizing the Racial Ambiguity of South Asian Americans,” *NYU Annual Survey of American Law* 69 (2013); Deenesh Sohoni, “Unsuitable Suitors: Anti-Miscegenation Laws, Naturalization Laws and the Construction of Asian Identities,” *Law and Society Review* 41 (2006).

15. Haney López, *White By Law*, xv.

16. Eduardo Bonilla-Silva, *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in America* (Lanham: Rowman & Littlefield, 2014); Gargi Bhattacharyya, “Racial Neoliberalism and the Fragmentation of One Neoliberal Order,” in *Neoliberalism in Context: Governance, Subjectivity, and Knowledge*, eds. Simon Dawes and Marc Lenormand (New York: Palgrave Macmillan, 2020).

formal racism becomes the primary frame through which we make sense of *Thind*, we often end up following the court down its cramped rabbit hole of racial reasoning, endlessly reproducing the inscription of racial difference, allowing that racial reasoning to direct our attention away from analysis of the historical conditions, the political economic forces, and the contradictions of liberal empire that give urgency to the continuous production and rearrangement of racial categories.

Particularly within a contemporary framework of liberal anti-racism, which legal discourse has played an outsized role in shaping, categories of identity—race and nationality—are often made to appear as fixed, unchanging over time or space.¹⁷ The complex and dynamic histories of European imperialism, settler colonialism, and white nationalism that animate the production of Asian difference in the United States in the early twentieth century are often obscured, abstracted, or congealed into the form of racialized difference or national identity. Contemporary forms of anti-racism remain trapped within a liberal logic of identity in that they rely on the stability and recognition of certain categories—race, ethnicity, nationality—in their assertion of rights and formal equality. Moreover, they tend to reinscribe a form of liberalism within which the horizon of antiracism has been reduced to principles of nondiscrimination or civil rights rather than, for instance, a radical reimagining of the conditions of settler colonialism, white nationalism, and racial capitalism that continuously produce identities and difference.¹⁸

To read *Thind* primarily as a case about the racialization of Indian immigrants, in other words, is to risk obscuring the imperial dimensions of his case—the overlapping empires across which Thind himself moved, the continuities between an older imperial regime of managed mobility and emerging nation-state borders, and the threat that the unfettered circulation of foreign radicals posed to an emerging world order.¹⁹ Thind's migration itself charts a trajectory of empire. A Punjabi Sikh, Thind left behind a region destabilized by disastrous colonial land use policy and a community mobilized as a “martial race” to service British imperial interests across the globe. His father had been recruited to join the imperial army, but gradually became disenchanted with British rule in India.²⁰ Thind and his brother, Jagat Singh Thind, did not join the military or merchant marines, but like others who made their way from British India to North America in the early twentieth century, traveled maritime routes established by the expansion of Anglo imperial interests in the Pacific and by the demand for cheap labor in North America after Chinese exclusion. In 1912, Bhagat Singh Thind landed in the Philippines, a newly acquired territory of the United States—gaining entry through its colonial backdoor, where Indian immigrants faced less scrutiny than they did in places

17. See Jasbir K. Puar, “I would rather be a cyborg than a goddess: Becoming Intersectional in Assemblage Theory,” *PhiloSOPHIA* 2, no. 1 (2012), 49–66, 50.

18. Jodi Byrd, *Transit of Empire: Indigenous Critiques of Colonialism* (Minneapolis: University of Minnesota Press, 2011), 55.

19. Seema Sohi, *Echoes of Mutiny: Race, Surveillance & Indian Anticolonialism in North America* (New York: Oxford University Press, 2014).

20. Amanda De La Garza, *Doctorji: A Biography of the Life, Teachings and Legacy of Dr. Bhagat Singh Thind* (Malibu: David Bhagat Thind, 2016), 4–5.

such as Seattle and San Francisco.²¹ After establishing residency in the American Philippines, Thind eventually moved to the Pacific Northwest, settling in Astoria, Oregon, where he, like many other Punjabi migrants, found work in the lumber industry.

Thind's brother never completed his journey. Jagat Singh Thind was among the nearly four hundred passengers aboard the *Komagata Maru*, a steamship infamously turned away from the port of Vancouver in the summer of 1914, after the Dominion of Canada adopted an ordinance cunningly designed to prevent only Indians from landing.²² The Indians aboard the ship were testing an imperial proclamation, which guaranteed Indians the same rights as other subjects of the British empire, including the right to travel across its dominions. Canadian officials were asserting that Canada's right to self-determination, promised by the imperial government, included the authority to exclude unwelcome migrants. After two months of political brokering, exhausting legal challenges, and violent outbursts, the ship was forced to return to India. On the return journey, the passengers, realizing that Indians would never enjoy the same rights as other British subjects, committed themselves to ending imperial rule in India, sounding calls of revolution at various ports along the way.²³

Lala Lajpat Rai, a leader of the Indian independence movement exiled in the United States at the time, followed news of the *Komagata Maru* and wrote of the affair, "A shipload of Indians is not, superficially, a matter of much importance, and yet, it is not impossible that if we could see the events of our time through the eyes of the historian," we would recognize the significance of the passenger's protest: "it is a challenge thrown down not only to the British Empire, but to the claim of the white man to possess the earth."²⁴ Echoing the words of W.E.B. Du Bois, Rai framed the episode not only in terms of racialized exclusion or white nationalism but the reconfiguration of racial capitalism in the anticipated aftermath of empire. As Rai anticipated, the journey undertaken by the passengers of the *Komagata Maru* would play a critical if still underappreciated role in the defining developments of the twentieth century—the end of European imperialism and the emergence of immigration control. Until the early twentieth century, there had been relatively few restrictions on global migration. European imperialism had set the world in motion, ultimately orchestrating the mass transfer of an unprecedented number of peoples, the voluntary migration of European settlers, the involuntary migration of racialized and enslaved subjects, and the elimination and removal of indigenous peoples. But as Adam McKeown and Radhika Mongia demonstrate, it was the voluntary migration of

21. Sharmadip Basu, "The Case of Twenty-Two Hindus (Part 1)," *Tides: Magazine of the South Asian American Digital Archive* (June 9, 2014), available at <https://www.saada.org/tides/article/20140609-3589>.

22. De La Garza, *Doctorji*, 6; Mongia, 540.

23. See Tim Harper, Joan Jensen, *Passage From India* (New Haven, Yale University Press, 1988), 130–138; Renisa Mawani, *Across Oceans of Law: The Komagata Maru and Jurisdiction in the Time of Empire* (Durham: Duke University Press, 2018), 1–9; Maia Ramnath, *Haj to Utopia: How the Ghadar Movement Chartered Global Radicalism and Attempted to Overthrow the British Empire* (Berkeley: University of California Press, 2011), 3–4; Sohi, *Echoes of Mutiny*, 134–151.

24. Lala Lajpat Rai, "Indians and Canada," in *The Story of My Life*, 40–41 (1978); Sherally Munshi, "Immigration, Imperialism, and the Legacies of Indian Exclusion," *Yale Journal of Law & The Humanities* 28.1 (2016).

Asian migrants to the white settler new world that would give rise to contemporary immigration control.²⁵

In the United States, Bhagat Singh Thind enrolled in the University of California at Berkeley, where he encountered other Indian students, many of them political exiles active in the already transnational movement for Indian independence.²⁶ Thind soon became an active member of the Ghadar Party, a political organization led by a coalition of Indian students and workers in the United States committed to hastening the end of British imperial rule in India. *Ghadar*, also the name of the organization's publication, means mutiny or revolt.

Many of these students had come to the United States with a sense of identification, drawing comparisons between the American Revolution and their own independence movement. But as these Indian immigrants endured insult and exploitation, surveillance and repression, that identification quickly gave way to disenchantment. For these individuals, an original faith in American liberalism gave way to a more expansive vision of postcolonial equality, as they linked their experience of racialized subordination in the United States to the colonized status of India, and to the conditions of racial capitalism promulgated by empire generally.²⁷

An astonishingly energetic movement, as Maia Ramnath demonstrates, Ghadar drew inspiration from and established connections with anti-colonial and worker movements in the United States and around the world, including international socialists, Russian anarchists, Irish Fenians, Mexican revolutionaries, and Pan-Islamists.²⁸ The circulation of radicalized Indians and their ideas posed such a threat to Anglo imperialism—*Ghadar* circulated in several Indian languages around the globe—that the movement almost immediately came under the surveillance of a rapidly globalizing British intelligence service, as Seema Sohi shows.²⁹ Exclusionists in the United States eagerly collaborated with British intelligence in Canada, allowing spies to monitor the activities of Indian students and dissidents on both sides of the border and to identify individuals to target for denaturalization and deportation.³⁰ Thind himself had been targeted for surveillance. British intelligence files, dated June 1916, suggest Thind was “sent to Oregon to preach sedition,” and he was identified as “the soul of the revolutionary movement in Astoria.”³¹ He had indeed been delivering lectures to Indian workers in cities across the Pacific Northwest and played a critical role in the circulation of *Ghadar*, in defiance of British attempts at censorship.

25. Adam McKeown, *Melancholy Order: Asian Migration and the Globalization of Borders* (New York: Columbia University Press, 2011); Radhika Vyas Mongia, “Race, Nationality, Mobility: A History of the Passport,” *Public Culture* 11, No. 3 (2011), 527–556.

26. De La Garza, 8–13.

27. Ramnath, *Haj to Utopia*, 19–22, 34–45; Sohi, 6, 14–44; Manan Desai, *The United States of India: Anti-colonial Literature and Transnational Refraction* (Philadelphia: Temple University Press, 2020), 6–20.

28. Ramnath, 39, 44, 66–67.

29. Sohi, *Echoes of Mutiny*, 45–81.

30. Sohi, *Echoes of Mutiny*, 40–1, 84–91.

31. de la Garza, *Doctorji*, 12.

By the time Thind applied for citizenship, in 1918, his involvement with the Ghadar movement had been well known to both British and American officials. Thind had been granted citizenship by judges in Washington and Oregon, but those decisions were challenged by at least one official who colluded with British officials to argue that Thind's political activism rendered him unfit for American citizenship.³² Though the question before the Supreme Court in 1923 was one of Thind's racial qualification for naturalization, the government's primary motivation for opposing Thind's petition, Doug Coulson argues, was his political involvement in the Ghadar movement.³³ The Supreme Court would have been aware of the government's concerns about Thind's involvement with the Ghadar movement, made clear in earlier stages of the controversy, but the Court made no mention of Thind's political activity, focusing instead exclusively on the question of race. To read the case primarily as a story of racial inscription, then, is to leave unexamined the ways in which racial discourse neutralizes and converts a form of political dissent into an abstract, ahistorical, and decontextualized form of racial difference. Moreover, to read the wrong in the case as one of racialized exclusion is to conscript us to a liberal framework of colorblind inclusion, formal equality, rights and recognition—a framework that remains incapable of containing the political aspirations of anti-imperial Indians in the United States.

RACIAL NATURALIZATION

In the past decade, *Ozawa* and *Thind* have been embraced by Asian Americans as critical sites of memorialization, consciousness raising, and identity formation. The cases have been the subject of dramatic reenactments by community organizations and theater groups.³⁴ They have become part of a small repertoire of historic cases staged by Asian American lawyers and law students.³⁵ In 2019, for instance, the South Asian American Bar Association of New York and the Asian American Bar Association of New York cosponsored a reenactment of *Ozawa* and *Thind*. The event, held in the Ceremonial Courtroom of New York, was billed as a way to celebrate Asian American History Month—and to fulfill the New York Bar Association's new requirement that practicing lawyers receive training in “diversity, inclusion, and the elimination of bias.”³⁶

32. Hardeep Dhillon, “The Making of the Modern Alien & Citizen: Asian Immigration, Racial Capitalism, and US Law,” *American Historical Review* (forthcoming).

33. Doug Coulson, *Race, Nation, and Refuge: The Rhetoric of Race in Asian American Citizenship Cases* (SUNY Press, 2017), 55–59.

34. Coulson, 48.

35. Elizabeth Yuan, “22 Lewd Chinese Women’ and Other Courtroom Dramas,” *The Atlantic* (Sept. 4, 2013), available at <https://www.theatlantic.com/national/archive/2013/09/22-lewd-chinese-women-and-other-courtroom-dramas/279288/>; Marissa Marandola, “Reenacting the Vincent Chin Trial,” *Harvard Law Today* (Mar. 21, 2017), available at <https://today.law.harvard.edu/apalsa-conference-judge-chin-brings-civil-rights-trial-life/>.

36. “SABANY Trial Reenactment of *Ozawa* & *Thind*,” Event Announcement, SABANY.org, <https://sabany.app.neoncrm.com/np/clients/sabany/event.jsp?event=17>; “Race, Color, and Citizenship: *Ozawa* and *Thind* in the 1920s,” AABNY Trial Reenactments, AABNY.org, <https://reenactments.aabany.org/race-color-and-citizenship-ozawa-and-thind-in-the-1920s/>; Katy Kim, “In the News: AABNY Co-Sponsors Reenactment of Supreme Court Cases *Ozawa* & *Thind*,” blog.aabny.org (June 10, 2019), <https://blog.aabny.org/2019/06/10/in-the-news-aabny-co-sponsors-reenactment-of-supreme-court-cases-ozawa-thind/>.

In theory at least, as counter-monuments, these reenactments represent an important corrective to national memory, disrupting the nation's self-image, confronting it with its constitutive exclusions and erasures. There is something particularly poignant about staging reenactments of *Ozawa* and *Thind* in New York's Ceremonial Courtroom, the same courtroom in which naturalization ceremonies are now performed several times a week, gathering hundreds of people from around the world, as the website exclaims, "to join in the greatest experiment in human history, the continuous creation of the United States of America."³⁷ If, as Bonnie Honig has argued, naturalization ceremonies serve to reanimate a set of national myths—that the United States is a polity founded on principles of consent rather than descent, that the universality of its ideals renders it choice-worthy to all newcomers, that anyone can make it here—then the intrusion of *Ozawa* and *Thind* into the Ceremonial Courtroom may be something of a rude disenchantment.³⁸

In practice, however, I suspect that, like other counter-monuments and DEI initiatives, the ritualized performance of *Ozawa* and *Thind* offers fleeting acknowledgment of past wrong, a ceremonial purging of national guilt and responsibility, ultimately affirming rather than disturbing national narratives of racial progress. The eventual arrival of *Ozawa* and *Thind*, their ceremonial entry into the courtroom, becomes a measure of just how far the nation has come, memorializing national triumph rather than failure, and affirming the goodness and perfectibility of our legal institutions.

But what do these reenactments mean to the Asian American students and lawyers who participate in them? For many of us, the children of immigrants, these reenactments, I imagine, are experienced as another kind of naturalization ceremony, a sort of reverse naturalization, through which one suspends the supposed identity conferred by American citizenship to reclaim her unassimilable difference. In that sense, the encounter with *Thind* resembles the sort of double initiation that Devon Carbado has described as "racial naturalization." It is not the formal ceremony that turns racialized immigrants into Americans, he explains, but a first encounter with racial violence or insult. Carbado, born in England to the son of West Indian Immigrants, described a series of terrifying police encounters as his "real" naturalization ceremony. It is through this ritual encounter Carbado knows himself to be a black American. It is that slap of misrecognition that confirms his interpellation into a distinctly American racial imaginary. "Racial naturalization," in his account, is "simultaneously a process of exclusion and inclusion," incorporation through differentiation.³⁹

The reenactment of *Ozawa* and *Thind* has become a powerful strategy for political awakening and identity formation among Asian Americans, I imagine, because it offers a shock of recognition, condensing into a single imagine, the inchoate injuries and

37. "Naturalization," United States District Court, Eastern District of New York, [Uscourts.gov, https://www.nyed.uscourts.gov/naturalization](https://www.nyed.uscourts.gov/naturalization).

38. Bonnie Honig, "Democracy and foreignness: democracy cosmopolitanism and the myth of an immigrant America," in *Multiculturalism and Political Theory*, eds. Simon Laden and David Owen (Cambridge: Cambridge University Press, 2007), 373–407.

39. Devon W. Carbado, "Racial Naturalization," *American Quarterly* 57, no. 3 (2005), 633–658, 653.

affronts accumulated over a lifetime. For South Asian American students, having found little of themselves reflected in history, often struggling to make sense of their contradictory experience as valorized and reviled, *Thind* offers a clear statement about the status of Asians in the United States. Moreover, by participating in the reenactment of *Thind*, by bearing collective witness to his humiliation, individuals, isolated in their difference, are transformed into the subjects of a shared history. Those of us who encounter *Thind*, even if only on the page, are often transformed by it. It shifts the way we narrate ourselves, how we relate to others, how we relate to our own appearance. It might confer a sense of grievance and purpose.

But insofar as memory is a means by which we compose a sense of self and establish relations between ourselves and others, we have to remain alert to the continuities as well as the *discontinuities* between past and present, *Thind* and ourselves. More specifically for Asian Americans, we have to remain vigilant to the transformations that intermedialize the exclusionary past and our *presence*.⁴⁰ *Thind* certainly remains relevant to and revealing of the way in which South Asians have been racialized in the United States—as unruly, insubordinate, a threat to national security.⁴¹ But the legal framework and racial logics that govern the selection of new immigrants have changed in the hundred years since *Thind* was decided. These changes, in turn, have played a dramatic role in repositioning Asian Americans, particularly in the shifting racial terrain of the postcolonial and post-civil rights era.

Most of us who encounter *Thind* in college classrooms or professional settings are not exactly the social inheritors of *Thind*. Instead, it makes sense to think of ourselves as, to borrow a phrase from Min Hyoung Song, “the children of 1965.”⁴² A year after *Thind* was decided, Congress enacted a law barring entry of any “ineligible to citizenship,” effectively turning the bar against Asian naturalization into a bar against Asian immigration.⁴³ This racial bar, along with national quotas introduced in the same legislation, would remain in place for nearly forty years until it was finally abolished with the Immigration and Nationality Act of 1965. Because it abolished the racial bar and national quotas, the 1965 Act is often championed as one of the great achievements of the civil rights era. But like other grand gestures of the civil rights era, the 1965 Act is perhaps better understood as part of the broader reconfiguration of racial capitalism in the wake of global anti-racist movements. After the collapse of European imperialism, as the United States repositioned itself as leader of the free world, it embraced an official rhetoric of anti-racism, denouncing the formal racism of an earlier phase of European imperialism and white settler colonialism, while aggressively promoting a form of market liberalism that would exploit and intensify the imperial asymmetries. This emergent form of neoliberalism, Jodi Melamed argues, produced new racialized subjects, splintering old

40. Marianne Hirsch and Valerie Smith, “Feminism and Cultural Memory: An Introduction,” *Signs* 28, no. 1 (2002), 1–19.

41. Jasbir K. Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham: Duke University Press, 2007), 107.

42. Min Hyoung Song, *The Children of 1965: On Writing, and Not Writing, as an Asian American* (2013).

43. Immigration Act of 1924 (Johnson-Reed Act), Pub. L. 68–139, 43 Stat. 153 (1924).

racial categories as it differentiates between “newly privileged and stigmatized collectivities,” those entitled to the rewards of global capital and those consigned to exploitation and deprivation.⁴⁴

The 1965 Act, an exemplary bit of neoliberal reform, abolished crudely racist mechanisms for sorting among the deserving and undeserving—the racial bar and national quotas—but replaced these with a more refined set of mechanisms designed to repair the United States’ racist image while advancing its economic interests.⁴⁵ The Act introduced to the immigration framework a set of “preference” categories, favoring individuals with existing family ties and desirable skills. The Act also replaced an earlier national origins quota with a uniform “per-country” limit, marking a general shift toward an immigration policy based on a principle of formal equality among nation-states.⁴⁶ This new regime, however, would affect migration from different parts of the world differently. While it opened the door to new migration from Asia, the Act imposed limits on migration from Latin America for the first time, suddenly transforming long established patterns of cyclical migration, especially from Mexico, into the contemporary crisis of “illegal” immigration. As Madeline Hsu observes, the Act has played an enormous role in shaping the demographics of the United States immigrant population as well as “a recoding of racial stigma” within the national imaginary.⁴⁷ Asian immigrants, preferred and prescreened, often selected for their education and training, have been turned into a model minority, while immigrants from Latin America, have been rendered savage criminals, an economic drain, a civilizational drag. While the one is seen to advance the interests of settler nationalism, the other perhaps represents its essential instability.

In the past forty years, the number of Asian Americans has multiplied from fewer than 1 million in 1960 to over 22 million in 2020.⁴⁸ Min Hyoung Song observes that while scholars of Asian American studies have tended to focus on the margins and marginality of Asian Americans in the United States, they have shied away from addressing the ways in which Asian Americans have entered the mainstream.⁴⁹ In the aggregate, Asian Americans earn more than their white, Black, and Latin American counterparts. Asian Americans are well represented in higher education and elite professions—a fact that Song and Hsu attribute to the selection priorities of the 1965 Immigration Act.⁵⁰ Asian Americans earn more than their white, Black, and Latin American counterparts. When we disaggregate these claims, again, we recognize how unevenly educational and economic

44. Jodi Melamed, “The Spirit of Neoliberalism: From Racial Liberalism to Neoliberal Multiculturalism,” *Social Text* 24, No.4 (2006), 1–24, 1.

45. Mae Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America*, 227–264 (2004).

46. Ngai, 260–1.

47. Madeline Hsu, *The Good Immigrants: How the Yellow Peril Became the Model Minority* (Princeton: Princeton University Press, 2015), 237.

48. Abby Budiman & Neil G. Ruiz, “Key facts about Asian Americans, a diverse and growing population,” Pew Research Center (April 29, 2021), available at <https://www.pewresearch.org/fact-tank/2021/04/29/key-facts-about-asian-americans/>.

49. Song, 35 (referring to Gary Y. Okihiro’s foundational *Margins and Mainstreams: Asians in American History and Culture*, published in 1994.)

50. Song, 35. Hsu, 240.

privileges have been distributed among Asian Americans, but also the staggering position of Indians in the United States. Among Asian Americans, Indians earn more than any other group—roughly \$119,000 per household, compared with \$85,000 for the average Asian American and household and \$59,500 for the average Burmese Bangladeshi American household.⁵¹ In 2019, 85 percent of Indians aged twenty-five and older have completed a college degree; half of those, advanced degrees. In 2021, roughly three-quarters of all US visas allocated to high-skilled workers were awarded to Indians, mostly men.⁵² As Hsu observes, “the Indian community is perhaps the most completely framed by the economic preferences built into immigration law.”⁵³

All of this is to suggest that remembering *Thind* in the present requires that we attend to the particular way in which the composition of a particular class of Asian Americans, and Indian Americans in particular, has been shaped not by racial exclusion but neoliberal immigration policy, settler multiculturalism, and global capitalism. My parents’ story is not one of exclusion but selection. Like earlier settlers, they came to improve their economic lot. Like most migrants, they were not among the neediest or most desperate to leave home when they did. To the contrary, with their education and good English, they have enjoyed more mobility than most of their counterparts. Nor can my parents’ migration be characterized as a flight from empire. Rather, their migration retraces a twentieth-century transit of empire, the reorganization of global power after the collapse of European imperialism and consolidation of American imperial hegemony.

Like many other economic migrants mobilized by the Immigration Act of 1965, my parents’ migration represents a bid for inclusion within an imperial formation rather than its abolition or transcendence. To characterize such migration as either a form of decolonization or reparation, as some have lately, is to limit our political imagination to the inevitability of contemporary global arrangements. It is to champion what Gayatri Spivak has derided as “justice under capitalism.”⁵⁴ In a similar vein, Rey Chow reminds her colleagues to recognize that certain forms of identification (or appropriation) may be motivated by and mobilized to advance one’s own self-interest, shaped as it is within settings of privilege governed by a liberal politics of recognition and representation. As she writes, “What academic intellectuals must confront is not their ‘victimization’ by society at large (or their victimization-in-solidarity-with-the oppressed), but the power, wealth, and privilege that ironically accumulate from their ‘oppositional’ viewpoint, and the

51. Abby Budiman and Neil G. Ruiz, “Key facts about Asian Americans, a diverse and growing population,” Pew Research Center (April 29, 2021), available at <https://www.pewresearch.org/fact-tank/2021/04/29/key-facts-about-asian-americans/>; Budiman, “Bangladeshi in the U.S. Fact Sheet,” Pew Research Center (April 29, 2021), available at <https://www.pewresearch.org/social-trends/fact-sheet/asian-americans-bangladeshi-in-the-u-s/>.

52. H-1B Petitions by Gender and Country of Birth Fiscal Year 2019, U.S. Citizenship and Immigration Services, available at <https://www.uscis.gov/sites/default/files/document/data/h-1b-petitions-by-gender-country-of-birth-fy2019.pdf>.

53. Hsu, 243.

54. Gayatri Chakravorty Spivak, “Teaching for the Times,” *MMLA: Journal for the Midwest Modern Language Association* 25, no. 1 (1992), 3–22.

widening gap between the professed content of their words and the upward mobility they gain from their words.”⁵⁵

As *Thind* is mobilized as a critical site of identity formation, we should remain alert to the construction of identities such as Asian, South Asian, or Indian. Familiar concerns about the contingencies, contestations, and instability constitutive of such identities remain relevant. As a category, “Asian American” is an invention, a zone of restricted migration, a census term, more reflective of American geopolitical anxieties than the self-identification or aspirations of those it lumps together. It includes an impossible diversity of peoples, nationalities, languages, though it is not always clear whether “South Asians” are included among them. And it effaces painful divisions among peoples, not limited to those of gender, sexuality, and class.

Those of us crowded under its umbrella recognize the artifice of “South Asian” as a category. As a diasporic construction, it heralds to the potential to forge new commonalities across national borders, but activists have long challenged us to acknowledge the tenacity with which nationalism, casteism, communalism, and patriarchy have followed South Asians of the diaspora. These patterns are reproduced in the United States, where they are also allowed to flourish, particularly when they are aligned with the interests of national security and multicultural neoliberalism. After the attacks on September 11, for instance, when South Asians, not only Muslims, faced harassment, violence, surveillance, and deportation, Hindu nationalist organizations in the United States were quick to exploit the rise of islamophobia and to partner with the Bush administration to rid the world of the “Islamist threat.”⁵⁶

The supposed diversity represented by Indians in the tech industry is often touted as a reason to pursue further neoliberal reform, to attract “the best and the brightest.”⁵⁷ But the supposed diversity in the tech industry obscures brutal hierarchies within which a rarefied few enjoy mobility. Ajanatha Subramanian demonstrates, for instance, that the educational path to H-1B visas has been closed to all Indians except Hindus from the upper castes who, under the blind beneficence of liberal multiculturalism in the United States, are able to recast status privilege as achievement.⁵⁸ A recent lawsuit, brought by California against Cisco on behalf of a Dalit employee, demonstrates that caste divisions are enforced and exploited within the transnational tech industry.⁵⁹ In 2022, responding

55. Kandice Chuh, *Imagine Otherwise: On Asian Americanist Critique* (Durham: Duke University Press, 2003), 1 (citing Rey Chow); Marianne Hirsch, “The Generation of Postmemory,” *Poetics Today* 29:1 (2008): 109–128, 111.

56. Shambuka, “Neoliberalizing Racial Justice: Caste, Race, and Diaspora Hindutva Democrats,” *Peace and Change: A Journal of Peace Research* (2021), 1–19, 6.

57. Todd Park, “The Urgency of Immigration Reform: Attracting the World’s Best and Brightest,” *The White House, President Barack Obama* (June 16, 2014), available at <https://obamawhitehouse.archives.gov/blog/2014/06/16/urgency-immigration-reform-attracting-world-s-best-and-brightest>; “Foreign-born STEM Workers in the United States,” American Immigration Council (June 13, 2022), available at <https://www.americanimmigrationcouncil.org/research/foreign-born-stem-workers-united-states>.

58. Ajantha Subramanian, *The Caste of Merit: Engineering Education in India* (Cambridge, Harvard University Press, 2019).

59. Brian Osgood, “Calls to Tackle Caste Based Discrimination in the US Gather Steam,” *Al Jazeera* (May 14, 2021), available at <https://www.aljazeera.com/economy/2021/5/14/calls-to-tackle-caste-based-discrimination-in-us-gather-steam>.

to charges of rampant caste discrimination in the tech industry, Google invited Thenmozhi Soundararajan, the founder and director of Equality Labs, a nonprofit devoted to ending caste discrimination in the American diaspora, to speak on the issue, but cancelled the event after a group of Hindu employees characterized the initiative as “anti-Hindu” and “Hindu-phobic,” effectively appropriating the language of anti-racism and islamophobia to suppress criticism of caste hierarchy.⁶⁰

Beyond these differences and divisions among Indians and South Asians, we have to remain alert to the ways in which claims for immigrant inclusion or citizenship-worthiness reproduce divisions among Americans, often by exploiting the racial logics of colonial capitalism that assign more or less value to differentiated peoples. For instance, after Donald Trump announced that he would build a wall and make Mexico pay for it, a coalition of Hindu Republicans came forward to suggest that *they* had a plan to pay for the wall. How? They recommended expanding the number of visas allocated to high-skilled migrants, who in turn would be able and willing to pay higher fees, which in turn would pay for the wall. Appealing to the racism of Trump and his supporters they also proposed reducing the number of visas allocated to family-based migration—or “chain migration,” lately associated with Latinx migration—and “the unfair lottery system.” Yet the lottery system remains the only path available to individuals without professional skills, family ties, or an asylum claim, especially for those from “shithole” countries.⁶¹ Asserting their own qualifications for citizenship in terms of productivity and value, these organizations rearticulate rather than disarticulate the terms of settler nationalism and colonial capitalism, distinguishing their own deservingness from less deserving others—Latin American, black, and indigenous. As the proposed wall itself would bisect indigenous communities and lands, the coalitions’ articulation of immigrant rights participates in the erasure of indigenous presence and priority, failing to draw connections between ongoing and overlapping forms of imperialism.⁶²

There is no natural affinity, no essential identity among Indians of the diaspora now living in the United States. It would be a mistake to conjure one of racialized identity or even a shared history of racism, represented by *Thind*. There is no straight line that connects us, especially the children of 1965, to the experience of *Thind*. Nor does *Thind* index an ongoing form of racism. Racism is itself a practice that changes over time; it does different things in different contexts. For those of us invested in memory work, consciousness raising, and coalition building, the task is to work through the relationship between the past and the present, the continuities and discontinuities between the regime of racialized exclusion that took shape a century ago and the contemporary regime of

60. Nitasha Tiku, “Google’s plan to talk about caste bias led to ‘division and rancor,’” *Washington Post* (June 2, 2022), available at <https://www.washingtonpost.com/technology/2022/06/02/google-caste-equality-labs-tanujagupta/>; “Caste in the United States: A Survey of Caste Among South Asian Americans,” Equity Labs (2018), available at <https://www.equalitylabs.org/castesurvey>.

61. Thenmozhi Soundararajan, “Why Are Some South Asian Immigrants Offering to Pay for Trump’s Wall?” *Rewire.News* (Feb. 14, 2018).

62. Sherally Munshi, “Unsettling the Border,” *UCLA Law Review* 67, 1720–1767 (2021), 1725–1730.

selective inclusion. So should we remain alert to the ways in which memory work, like anti-racist discourse generally, might be used to reinscribe triumphant narratives of national progress or advance neoliberal agendas.

RADICAL REMEMBERING

In 1989, Pierre Nora attributed a sudden explosion of interest in memorialization and memory work to the felt ruptures of western modernity, the “acceleration of time” and history, and the loss of actual memory or the everyday presence of the past. “There are *lieux de mémoire*, sites of memory, because there are no longer *milieux de mémoire*, real environments of memory.”⁶³ Memory work indexes loss, the sense that the lived connection between the past and the present has been broken. Among immigrants and their children, the continuities between the past and present, oneself and surroundings, one generation and the next have been strained not only by the passage of time but migration itself. Insofar as nations and their native born remain the subjects of history, perhaps every generation of immigrants finds itself without a history, forced to tell it anew.

Among Asian Americans, a thread of continuity has been cut by immigration policy itself. In the four decades between *Thind* and the Immigration and Nationality Act of 1965, the flow of immigrants from Asia was almost entirely stopped. When it was resumed, it was resumed under new rules. For the children of 1965, our presence has been conditioned on the suppression of a radical past. The 1965 Act announced that new immigrants from Asia were welcome—as long as they worked hard, pledged loyalty, denounced communism, and made America look good. Even as it receded from memory, *Thind* itself cast a long shadow over the self-identification of Indians living in the United States through the midcentury.

Thind himself, like many others of his generation, quickly distanced himself from his early radicalism and refashioned himself a spiritualist. He is more often presented as an American patriot and civil rights hero than he is a labor activist or anti-imperialist.

As a primal scene, dramatizing the formation of a new subject and identity, *Thind* is painful to witness not only because the Supreme Court rejects his bid for citizenship, but because of the pandering with which Thind and his lawyers were compelled to assert his worthiness. Thind made proud display of his patriotic militarism, his high-caste status, his marriage to a white woman. Rather than challenge the white supremacy embedded in the Naturalization law, Thind claimed his place within its fold. My own search for a past led to me to a contemporary of Thind, Dinshah Ghadiali. Ghadiali was among the few dozen Indian immigrants targeted for denaturalization in the wake of *Thind*. In Ghadiali, I found much that was familiar, not only because we share a religious and ethnic identification, but because in his ambivalent self-presentation, I recognize myself and others.

At his denaturalization trial in 1927, Ghadiali defended his citizenship through pained displays of self-discipline, boot-strapping entrepreneurialism, and normative family

63. Pierre Nora, “Between Memory and History: *Les Lieux de Mémoire*,” *Representations*, 26 (1989), 7–24.

formation.⁶⁴ At his trial, he entered into evidence a series of photographs, insisting, with admirable petulance, “you will see my family became so American.”⁶⁵ In his photographs, he is dressed in a police uniform, handling scientific instruments, bent over his children in tutelage. He appears loyal and respectable, upwardly mobile but not threatening. His fate, he argued, was bound to the white woman he had married and whom he had had white children. He listed his properties and denounced communism. But most appallingly, Ghadiali continuously defended his whiteness by invoking the color line, describing his as a “black and white case,” insinuating that he was qualified to become a citizen not only because he was not black but because he understood that black represented the boundary of liberal inclusion.⁶⁶ Part of the embarrassment stirred by my own search for a past is the recognition of Asian American complicity with various facets of settler imperialism, anti-black racism, and a liberal politics of inclusion that does little to disrupt the forms of colonial capitalism that reproduce racialized inequality. This, too, is part of the inheritance of *Thind*.

But memory is never fixed. It is made and remade as we sort through pieces of the past, combining and recombining them, using the materials of the present to assemble new collectivities and project alternative futures. “To remember,” Gayle Greene writes, “is ‘to bring to mind’ or ‘think of again,’ ‘to be mindful of,’ ‘to recollect.’ Both ‘re-membering’ and ‘re-collecting’ suggest a connecting, assembling, bringing together of things in relation to one another.”⁶⁷ Ritualized reenactments of *Thind* consign us to a form of repetition, continuously retracing the original injury of racialized inscription and exclusion. But a more expansive practice of re-membering, or what might be called *radical remembering*, might enable us to disrupt and dislodge imposed forms of racialized identity, as well the liberal frameworks within which they are embedded, to rehearse the kinds of collaboration needed to confront the ongoing crisis of colonial capitalism. This sort of remembering is radical in that it looks beyond the governing frameworks of liberalism to apprehend, as David Theo Goldberg has written, “how the colonial shaped the contemporary, planted racism’s roots in place, designed its social conditions and cemented its structural arrangements.” “Radical,” as Angela Davis reminds us, “simply means ‘grasping things at the root.’”⁶⁸

Rather than continuously reinscribe liberal forms of racial identification, radical remembering may stimulate disidentification—for instance, with racial constructions of identity or models of Asian Americans as victims or model minorities.⁶⁹ As scholars of Asian American studies have argued, categories such as Asian or Asian American are not

64. Many others facing denaturalization did, too. See, for instance, *US v. Mozumdar*, 296 F. 173 (S.D. Cal. 1923); *US v. Pandit*, 15 F.2d 286 (9th Cir. 1926); *US v. Ghadiali*, 165 F.2d 957 (9th Cir. 1927).

65. Sherally Munshi, “You Will See My Family Became So American’: Toward a Minor Comparativism,” *American Journal of Comparative Law* 63 (2015), 654–718.

66. *Id.* at 662. Recognizing the role that anti-blackness has played in assimilating new immigrants, Jamaica Kincaid writes “Everyone in every place needs a boundary; in America, the boundary is the phrase, ‘I am not black.’” Jamaica Kincaid, “Little Revenge from the Periphery,” 74 *Transition* (1997), 68–72.

67. Gayle Greene, “Feminist Fiction and the Uses of Memory,” *Signs* 16, no. 2 (1991), 290–320, 297–8.

68. Angela Davis, *Women, Culture, & Politics*, New York City: Vintage Books (1989), 14.

69. Kandice Chuh, “Asians Are the New . . . What?” in *Flashpoints for Asian American Studies*, ed. Cathy J. Schulund-Vials (New York: Fordham University Press, 2018), 220–237, 232.

or should not be objects of identification. Kandice Chuh has powerfully argued that we might think of “Asian American” as itself a “subjectless” category, an identity never quite identical to itself, and as such, an incitement to critique, self-examination, and interrogation of the ways “Asian American” is continuously repositioned and repurposed to address the contradictions of settler colonialism and racial capitalism.⁷⁰ Insofar as settler imperialism continues to proliferate various forms of difference, giving rise to multiplicities of competing injuries, as Jodi Byrd has argued, radical remembering may enable us to recognize commonality among minoritized groups.⁷¹ Radical remembering reveals the colonial roots of contemporary racial formations, it also reminds us of earlier generation’s aspirations for a genuinely postcolonial future, allowing us to reanimate overlooked sources of agency and exchange, cultivating the sort of political imagination required for change.

What sort of pasts do we need to remember, particularly in this moment marked by extreme global inequality, the resurgence of exclusionary nationalism, and a looming climate catastrophe? What we do not need are histories that recapitulate familiar narratives of racialized exclusion and earned inclusion. These narratives, according to which Asian Americans are the latest in a parade of racialized minorities to enter an ever-widening sphere of American citizenship, fail us because they end up reinscribing liberal inclusion as the horizon of political ambition, leaving unchallenged an unchanged backdrop of colonial capitalism, against which nationalist narratives of racial progress unfold. Moreover, these narratives fail to examine or resist the ways in which Asian Americans have been positioned, as dutiful workers and model minorities, to devalue and discipline other racialized groups.

What we need, instead, is to recover, recollect, and remember histories of thought and collaboration among racialized peoples, across divisions of nationality and class, in their shared confrontation with and resistance to colonial capitalism. Rather than continuously retrace the racial wound inflicted by *Thind*, we might focus our memory work on the anticolonial movement that had so excited the political imagination of Thind and his generation. As Maia Ramnath demonstrates, the Indian immigrants in the United States who became involved in the Ghadar movement were united not by a sense of national identity or even racialized injury, but a shared utopian vision, one nourished by the study of other liberatory movements—anticolonial movements in Egypt and Ireland as well as worker movements and other forms of resistance to autocratic rule.⁷² As their identification with the United States gave way to disillusionment, they began drawing connections between their experience and those of black and indigenous Americans, the colonized subjects of Cuba and the Philippines, recognizing a shared grievance in the continuous expansion of Anglo imperialism.⁷³

70. Kandice Chuh, *Imagine Otherwise: On Asian Americanist Critique* (Durham: Duke University Press, 2003), 9; see also Lisa Lowe, *Immigrant Acts: On Asian American Cultural Politics*, 8–10, 22–24.

71. Jodi Byrd, *Transit of Empire: Indigenous Critiques of Colonialism*, Minneapolis: University of Minnesota Press (2011).

72. Ramnath, *Haj to Utopia*, 39.

73. See Dohra Ahmad, *Landscapes of Hope: Anti-Colonial Utopianism in America* (Oxford: Oxford University Press, 2009), 130–193; Chuh, “Asian Americans Are the New . . . What?,” 231–233; Desai, 1–62; Ramnath, *Haj to Utopia*; Sohi, *Echoes of Mutiny*, 19, 44–81.

I want to conclude by offering an illustration of how radical remembering might be mobilized to bring minoritized groups together to resist the ongoing violence of the settler nation. In July of 2019, when the Trump administration announced plans to detain 1,400 immigrant children at Fort Sill, a military base in Oklahoma, indigenous activists and Japanese survivors of incarceration were joined by Black, Jewish, and immigrant activist groups to stage a protest, temporarily blocking access to the site.⁷⁴ Recalling their own experience of family separation and detention, one indigenous activist explained, “We, as Indigenous peoples, know the pain and generational trauma that comes from Fort Sill and camps just like it.”⁷⁵ Fort Sill was opened as a military base in 1869 during a period of aggressive westward expansion and Indian Removal. In 1894, the fort was used to incarcerate hundreds of Apache men, women, and children resisting removal, including the Apache leader, Geronimo, who died there in 1909. During the Second World War, the base was used to incarcerate 700 Japanese Americans.⁷⁶ Survivors of Japanese incarceration drew parallels with their own experience. Satsuki Ina, a scholar, filmmaker, and codirector of *Tsuru for Solidarity* stood in front of Ft. Sill holding an image of herself as a child in detention. As she explained, “We understand that Fort Sill has been a place where multiple groups of color have been incarcerated. As Japanese Americans who have been incarcerated, we feel we have the moral authority to speak up and say that we’re not going to allow this repetition of our own history.”⁷⁷

Actions like these confront the settler nation with its repressed histories of exclusionary violence while shoring up common grievances among those historically subject to exclusion. By recalling histories of Indian removal and Japanese incarceration, these activists resituate what appeared to many white Americans as an exceptional outburst of cruelty within a continuous history of dispossession, confinement, and family separation. By identifying such violence as continuous and constitutive of the settler state, these activists eschew a liberal politics within which racialized minorities appeal to the settler state for redress. The settler state, prone to periodic fits of racial panic and purge, is itself the common source of various grievances. Without overstating equivalence across lines of difference, these activists reclaim a relationality often obscured by a discourse of liberal anti-racism, and rehearse a form of collective agency necessary to reimagining the terms of coexistence, beyond those given by the liberal state. They are the sorts of radical remembering we need to recover a shared sense of possibility for the future. ■

74. “Indigenous Peoples Led Shutdown at Ft. Sill Immigration Detention Center, *Indigenous Environmental Network*, <https://www.icenearth.org/indigenous-peoples-led-shutdown-at-ft-sill-immigration-detention-center/>.

75. “Indigenous Peoples Led Shutdown at Ft. Sill Immigration Detention Center.”

76. Ben Fenwick, “‘Stop Repeating History’: Plan to Keep Migrant Children at Former Internment Camp Draws Outrage,” *New York Times* (June 22, 2019), <https://www.nytimes.com/2019/06/22/us/fort-sill-protests-japanese-internment.html>.

77. Ludwig Hurtado, “History repeats? Born in former internment camp, woman fights migrant kids’ detention,” *nbcnews.com* (July 30, 2019), <https://www.nbcnews.com/news/latino/history-repeats-migrant-children-be-dealtained-former-japanese-internment-camp-n1030531>.