



TITLE

LANDMARK ASIAN AMERICAN SUPREME COURT CASES: WHO ARE WONG KIM ARK, BHAGAT SINGH THIND, AND GONG LUM?

GRADE LEVEL: MIDDLE SCHOOL TO HIGH SCHOOL

SUBJECT: History

THEME: Activism, Bias and Stereotype, Civil Rights, Identity and Culture, Immigration, and International Affairs

STANDARDS: United States Era 7 | Public History Initiative Era 7: The Emergence of Modern America (1890-1930): Standards 1, 2, 3. The Roadmap - Educating for American Democracy Theme 3: We the People; Design Challenge 2: America's Plural Yet Shared Story

OBJECTIVES:

Students will be able to:

- Teachers will be encouraged to use these cases to provide a wider context to the history of the civil rights movement and constitutional issues such as citizenship and equal protection under the law.
- Students will be able to explain how Asian Americans came to play significant roles in civil rights history and in the application of the 14th Amendment.
- Students will be able to use unfamiliar stories of the individuals involved as examples of strength and determination to try to affirm their rights, some successfully, others unsuccessfully.
- Students will recognize that history is not static and that information and knowledge needs to be reassessed over time and from different perspectives.

ESSENTIAL QUESTIONS:

- What rights were being denied to Chinese and Asian Americans that they felt compelled to challenge?
- How did the laws that treated Chinese and other Asians differently come about?
- What were the consequences of each of these decisions in the long term?
- How does each of these cases symbolize an aspect or aspects of being American?
- What is the relevance of these cases today?

CLASSROOM TIME:

2 Periods

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INTRODUCTION:

In the discussion of Civil Rights in America, and especially concerning the 14th amendment, little attention is given to the significant role that Asian Americans have played in affirming basic civil rights. This lesson aims to show the role played by Asian Americans in shaping American law.

Note: The sequenced activities below can be modified to allow for flexibility in presenting the lesson. For example, one way to introduce the lesson is to use the photo of Bhagat Singh Thind as a document analysis activity and see how students might see him.

1. Read the background essay

(<https://docs.google.com/document/d/1BaZ8Rnjf3jPJ7ZcGaceD9SAI7JBM-fp6/edit>) and answer the questions to gain a basic understanding of the history, the people and the cases involved. After going through the answers, discuss with students the last paragraph of the essay to prepare them for the next step of looking at documents.

2. Document Analysis (see above link):

- A. Wong Kim Ark's Pre-Departure Affidavit
- B. Photo of Bhagat Singh Thind, 1918
- C. Photo of School children in Bolivar County, Mississippi, c. 1938

Use a document analysis protocol

(<https://www.docsteach.org/tools/analyzing-documents/>):

Meet the document

Observe its parts.

Try to make sense of it.

Use it as historical evidence

ACTIVITIES:

In the case of "A": the following observations should come out: Wong Kim Ark made a point in advance of his leaving the U.S. to avoid the problem he encountered when he returned. He took care to get witnesses to sign his affidavit (note: not stated, but witnesses had to be White. Also, only Chinese had to do this because of the Chinese Exclusion Acts; no other nationality faced this requirement for leaving the country.)

"B": Bhagat Singh Thind is wearing the uniform of the U.S. Army. He is wearing a turban as is the custom of Sikhs. (He was identified by the terminology of the time as a "Hindoo" which reflected that he was from India but clearly did not identify his religion.) His service to the U.S. was used as an argument to become an American citizen. Use other materials available in the Resources section to elaborate and give context to the case; i.e. that Thind's lawyers argued that he should be considered White because many anthropologists agreed that being of a high caste put Mr. Thind into the Caucasian race.



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“C”: The school children are all Chinese Americans and the school they attend is a school for Chinese American children as they were not allowed to attend the White schools. They were considered “Colored,” and as a result of *Gong Lum v. Rice* could thus attend, by law, the school for Black students. But that was problematic in its own way so the Chinese community established its own school.

3. Explore what the courts have defined as citizenship (14th Amendment) by referencing the decisions made in the cases of *Wong Kim Ark* and *Bhagat Singh Thind*. Similarly, have students discuss and write about *Gong Lum v. Rice* in terms of its relationship to *Brown v. Board of Education, Topeka, Kansas 1954*. *Use the documents available in the Resources section of this lesson plan.*

4. Drawing Connections to the Past and Present:

A. Have students research in more detail the background to the 1882 Chinese Exclusion Act and legislation passed by Congress afterwards: See the list following Document C.

B. Encourage students (use compare/contrast) to see connections to immigration issues today. **Note:** these are sensitive times and topics. Immigration and visa status, DACA, and other conditions may make many students uncomfortable to discuss certain topics. *Respect that.*

C. Introduce topics that relate to other historical themes such as women’s rights, labor history, international relations (i.e. treaty obligations) and explore how they are related to being able to fully participate in American life.

ACTIVITIES:

Assessment Possibilities:

1. Essay writing:

A. Using these cases as a starting point, how would you characterize the historical struggles over what it means to be an American citizen? Support your position by identifying the elements of being an American that allow you to fully participate in the social and political life of the country?

B. Opinion/Editorial piece: Put yourself in the time of one of these three cases and imagine being a columnist or editorial writer taking a stand on the case. Explain your position fully using historical examples and constitutional principles.

2. Political cartoon:

Many examples related to Chinese Exclusion were published around the time of the passage of the Chinese Exclusion Act in 1882 and have continued over the years. (See *HarpWeek: The Chinese American Experience*: <https://immigrants.harpweek.com>) Take an idea inspired from one of these cases to take a point-of-view and turn it into something of your own.

3. Project on Finding One’s Own Identity: Either individually or as part of a small group (up to 4) explore ways to express your sense of who you are within the wider American community. Think of the arts: from poetry, to photo and film, and other visual media as ways to capture the American in you.



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